

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 28 JUNE 2006 AT
7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors W Ashley, K A Barnes, R N Copping,
A F Dearman, J Demonti, 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
Wood.

ALSO IN ATTENDANCE:

Councillors H G S Banks and D Richards.

OFFICERS IN ATTENDANCE:

Paul Cavill	- Senior Planning Officer
Simon Drinkwater	- Director of Corporate Governance
Andrea Gilmour	- Development Control Manager
Tim Hagyard	- Principle Planning Officer
Francesca Hill	- Principal Planning Officer
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Development Control
Alison Young	- Development Control Manager.

77 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M R Alexander, S A Bull and M J Tindale.

78 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman invited Kevin Steptoe (Head of Development Control, East Herts Council) to provide Members with guidance on the procedure for public speaking and to clarify for Members the new procedure for referral and call in of planning applications.

Kevin Steptoe provided guidance on the procedure for Public Speaking at Development Control Committee, which would operate for a 6-month trial period. The public speakers present were requested to complete and return the feedback forms provided at the meeting.

Following advice that had been received from the auditor, Kevin Steptoe provided an update for Members on the procedures for referral and call in of Planning Applications before the Development Control Committee.

79 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/06/0604/FP, as he was a partner in the company that was the applicant. Councillor Ashley left the room prior to consideration of this application.

Councillor A F Dearman declared a personal interest in respect of application 3/06/0926/FP, as he was a personal acquaintance of two of the objectors.

Councillor J Demonti declared a personal interest in respect of application 3/06/0604/FP, as she was an acquaintance of the applicant.

Councillor Mrs M H Goldspink declared a personal interest in respect of application 3/06/0836/FP, as she goes to the

same church as one of the objectors.

Councillor P A Ruffles declared a personal and prejudicial interest in respect of application E/06/0264/B as he had a close involvement with the Hertfordshire Building Preservation Trust. Councillor Ruffles left the room prior to consideration of this application.

Councillor P A Ruffles declared a personal interest in respect of application 3/06/1014/FL, as he was an acquaintance of the applicant.

Councillor G D Scrivener declared a personal interest in respect of application 3/06/0798/FP, as he was an acquaintance of the applicant.

RESOLVED ITEMS

ACTION

80 MINUTES

RESOLVED - that the Minutes of the meeting held on 31 May 2006 be confirmed as a correct record and signed by the Chairman.

81 3/06/0801/FP – DEMOLITION OF 180, 182, 184 & 186 STANSTED ROAD AND ERECTION OF 19 DWELLINGS IN 6 TERRACES AT NOS. 180, 182, 184 & 186 STANSTED ROAD, BISHOP'S STORTFORD FOR MICHAEL SHANLEY HOMES LTD

Andy Cattermole, Michael Shanley Homes, spoke in support of application 3/06/0801/FP, on the grounds that the application was within Government Guidelines on density and there was ample space for planting.

The Director of Regulatory Services reported that representation had been received from Bishop's Stortford Town Council, objecting to the application on the grounds that the proposal was out of keeping with the local area, would result in an unacceptable degree of overlooking, would compromise road safety and would harm a haven for

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wildlife.

A Member expressed concern over the loss of mature trees that would result from this application and spoke in support of the Officer's recommendation for all the reasons stated in the report as now submitted.

A Member supported the Officer's recommendation on the grounds that the application constituted over development and was out of keeping with the local area.

Councillor M Wood supported the Officer's recommendation and moved an amendment to point 3 of the reasons for refusal on page 6 of the report, to reflect the concerns about loss of amenity raised in representations he had received from residents of Heath Road and Stansted Road.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0801/FP be refused planning permission for the reasons detailed in the report and as now amended.

RESOLVED – that, in respect of application 3/06/0801/FP, planning permission be **REFUSED** for the following reasons: -

DRS

1. The proposal would result in over development of the site by virtue of the cramped and congested layout, which would result in inadequate space for the provision of landscaping within the site. It would therefore be contrary to policies BE1, BE2 and Appendix I of the East Herts Local Plan.

2. The proposal by reason of its cramped and congested layout, would be out of keeping and detrimental to the form and density of existing development in the area, the street scene in general and is of poor relationship with existing, and adjoining development. It would therefore be contrary to policies BE1, BE2 and Appendix I of the

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East Herts Local Plan.

3. The proposal would be detrimental to the amenities of neighbouring residential properties in Orchard Road by reason of increased noise and disturbance from the proposed parking and turning area. The proposal would also be detrimental to the amenities of neighbouring residential properties in Heath Row and Stansted Road. It would therefore be contrary to Policy BE2 and Appendix I of the East Herts Local Plan.

4. Insufficient information regarding existing landscaping within the site has been submitted to enable the Local Planning Authority to properly form a judgement.

82 3/06/0798/FP ERECTION OF 2 NO. FLATS, 5 NO. MAISONNETTES AND 2 NO. SHOP UNITS AT 1-6 HAVERS PARADE, BISHOP'S STORTFORD FOR MR T DEAN

The Director of Regulatory Services confirmed that Bishop's Stortford Town Council had raised no objections.

A Member expressed concern that whilst the application would allow access for residents vehicles, no provision had been made for delivery vehicles in the form of a turning area.

The Director of Regulatory Services advised that although there was no dedicated delivery area, a yard will remain that would admit vehicles up to the size of a van. It was reported to Members that Hertfordshire Highways had advised that the delivery area was poor but vehicles could still park at the site.

Councillor Goldspink moved and Councillor Wood seconded, a motion that application 3/06/0798/FP be refused as the application made inadequate provision for

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delivery space.

After being put to the meeting and a vote taken, this motion was declared LOST.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services, that in respect of application 3/06/0798/FP planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/06/0798/FP, planning permission be **GRANTED** subject to the following conditions: -

DRS

1. Five year time limit (1T01)
2. Boundary walls and fences (2E07)
3. Samples of materials (2E12)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Materials arising from demolition (2E32)
7. Hard surfacing (3V21)
8. Construction Parking and Storage (3V22)
9. Provision and Retention of Parking Spaces (3V23)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. No external storage (5U07)

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13. Hours of Working – Plant and Machinery (6N05) (during all demolition and construction works)

14. The width of the rear access road shall be a minimum of 4.1 metres wide at the junction with Norfolk Way.

Reason: In the interests of highway safety.

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

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

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure and East Herts Local Plan) and in particular policies BE1, BE2, BE8, M8 and SH5. The balance of the considerations having regard to those policies and the considerations of the East Herts Local Plan, Second Review, Re-Deposit Version and advice contained in PPG 3 'Housing' and PPG13 'Transport' is that permission should be granted.

ACTION

- 83 3/06/0706/FP – CHANGE OF USE OF TWO UTILITARIAN AGRICULTURAL BUILDINGS TO B1 USE IN JOINT OR SEPARATE OCCUPATION AT THORLEY HALL FARM, THORLEY, BISHOPS STORTFORD FOR JOHN TINNEY & CO. LTD

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0706/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0706/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three year time limit (1T12)
2. Details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development.

Reason: In the interests of visual amenity.

3. Refuse disposal facilities (2E24)
4. Cycle parking facilities (2E29)
5. Hard surfacing (3V21)
6. Provision and retention of parking spaces (3V23)
7. Landscape design proposals (4P12) – (i) (j) (k) (l)
8. Landscape works implementation (4P13)

ACTION

9. No external storage (5U07)
10. Access to the site along Moor Hall Lane shall not be permitted.

Reason: In the interests of highway safety and efficiency.

Directive(s):

1. Other legislation (01OL)
2. Public Rights of Way (18FD)
3. In the event that any species are found on site that are protected under the Wildlife and Countryside Act 1981 or the Habitat Regulations 1994 you are advised to stop work immediately and then contact English Nature at Harbour House, Hythe Quay, Colchester, Essex, CO2 8JF, Tel: 01206 796666 for further advice.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies RA2, RA6, RA13, BE8, EMP5 and M8 and review policies GBC2, GBC3, GBC10, GBC11, ENV5, ENV23, and TR6. The balance of the considerations having regard to those policies, together with national guidance provided under PPG2 and PPS7 is that permission should be granted.

ACTION

84 3/06/0836/FP – DEMOLITION OF WHAREATEA AND
ERECTION OF 13NO. 2 BED FLATS IN 1 BLOCK AND
GARAGE WITH FLAT OVER AT WHAREATEA,
DUNMOW ROAD, BISHOP'S STORTFORD FOR
MICHAEL SHANLEY HOMES

The Director of Regulatory Services advised that 7 further letters of representation objecting to the application had been received, in response to the Traffic Generation Study from Hertfordshire Highways. Members were further advised that Thames Water had raised no objections.

Derek Crowther, resident of 32 Manor Links, Bishop's Stortford, spoke against application 3/06/0836/FP, to put forward the concerns of residents of No's 28 and 30 Manor Links, Linkside and Little Hollies in Dunmow Road.

Derek Crowther reported that whilst residents acknowledged this was an amended application, there was concern over the traffic implications of the scheme. The application contained no additional proposals on managing the extra traffic from an application previously refused by the Development Control Committee in June 2004, and traffic was now much worse.

Members were advised that residents felt that Members objections to the 2004 application, still applied to this amended application and the Traffic Study produced by the applicant in response to residents concerns was flawed, in that it stated that the 40 extra residents would result in less traffic and made no mention of pedestrian safety.

Derek Crowther concluded by advising the Committee that residents felt that this application would spoil the neighbourhood, was out of keeping with the area and over 40 letters have been received, indicating that this application was of great general concern.

A Member expressed concerns over the results of the Traffic Study, particular in light of the speed of traffic at the

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Traffic Study, particular in light of the speed of traffic at the site and the residents concerns over pedestrian safety.

The Head of Development Control reminded the Committee that Hertfordshire Highways had clear rules and procedures for producing Traffic Studies.

A Member highlighted the dangers of vehicle speed in that motorists were not realising the speed risks of the road and expressed concern that the development was out of keeping with the whole area.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0836/FP be refused planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0836/FP, planning permission be **REFUSED** for the following reasons: -

DRS

1. The proposal would result in an increase in pedestrian movement in and out of the site. There is no pavement along the site side of Dunmow Road and no provision has been made within the application to assist the movement of pedestrians crossing Dunmow Road. The proposal would therefore be prejudicial to the pedestrian safety of the new residents and contrary to policy BE2 of the East Herts Local Plan.
2. The proposal by virtue of its siting and height in close proximity to protected trees would adversely affect the trees by reason of root damage and pruning, prejudicing their future viability, to the detriment of the character and appearance of the site and the locality in general. The proposal is thereby contrary to policies RA9 and BE8 of the Local Plan.

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- 85 3/06/1014/FL – LIMITED PERIOD PERMISSION FOR PROPOSED MAIZE MAZE AND ASSOCIATED STRUCTURES, ACCESS & PARKING ON LAND ADJACENT TO APPLETON AVENUE, WARESIDE FOR MR. M. BURRIDGE

The Director of Regulatory Services advised that, in reference to condition 6, although the applicant had made provision for 25 parking spaces, if properly laid out, the site could accommodate up to 100 spaces.

In response to a Members query, The Director of Regulatory Services advised that no representation had been received from the Parish Council. Members praised a beautiful and creative idea and welcomed the application.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0706/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/1014/FL, planning permission be **GRANTED** for the following reasons: -

DRS

1. This permission shall be for a limited period only, expiring on 30th September 2006, and the use hereby permitted shall cease on or before that date, and any buildings, works and structures erected or carried out under this permission shall be removed and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is temporary expedient only having regard to the amenities of the area.

2. Boundary walls and fences (2E07)
3. Temporary screen fencing of a height, type,

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materials and design to be agreed in writing by the Local Planning Authority, shall be erected along the site boundary with 12 Appleton Avenue, and thereafter retained in its entirety, until the expiration of this temporary permission on 30th September 2006. After this date, the fencing erected under this condition shall be removed from the site and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of the privacy of the occupiers of number 12 Appleton Avenue, in accordance with appendix 1(D) of the East Herts Local Plan.

4. No external loudspeakers (2E25)
5. No external lighting (2E26)
6. Prior to the development commencing, details of the areas proposed for parking within the site shall be submitted to and agreed in writing with the Local Planning Authority.

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

7. Retention of parking (3V20)

Amend “shown” to “approved under Condition 6” and add “...until the expiration of this temporary permission on 30th September 2006. After this date, this use shall cease and the land reinstated to the satisfaction of the Local Planning Authority.”

8. Personal permission (5U01)

Add “Mr. Martyn Burrige”

9. Hours of use (5U08)

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Add “10am – 6pm Monday to Sunday (including Bank Holidays)”

10. Before the development is open to the public the 4.1m wide vehicle access from the end of Appleton Avenue shall be surfaced to the satisfaction of the Local Planning Authority for a distance of 5m measured from the carriageway edge, and thereafter retained in its entirety, until the expiration of this temporary permission on 30th September 2006. After this date, all construction materials laid under this condition shall be removed from the site and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity and to prevent the deposit of mud or other extraneous material on to the highway in the interests of highway safety.

Directives:

1. Other Legislation (01OL)
2. The granting of this permission does not convey or imply any consent to build upon or change the use of land not within the ownership of the applicant, without the approval of the landowner.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies RA3 and M8 and review policies GBC5, GBC6, and TR6. The balance of the considerations having regard to those policies, together with the personal circumstances of the applicant, are that temporary permission should be granted.

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- 86 3/06/0927/FP – ERECTION OF TWO BLOCKS OF TERRACED HOUSING COMPRISING BLOCK A- 2 X 3 BED HOUSES AND 2 X 2 BED HOUSES, BLOCK B – 3 X 3 BED HOUSES AND BLOCK C – 12 X 2 BED APARTMENTS (TOTAL OF 19 UNITS) AT ESSENBY YARD, AMWELL LANE, STANSTEAD ABBOTTS FOR HIGHWOOD DEVELOPMENTS LIMITED

The Director of Regulatory Services advised Members that 3 additional letters of representation had been received, which mirrored the issues already raised in 4 letters received by Officers. The letters collectively raised concerns over loss of light, the lack of a pedestrian footpath, over development, contamination of the site and concerns over the height of the development.

Members were further advised that the applicant had reported to Officers 1 instance of groundwater flooding, advising that this had not resulted in property damage and the issue of flooding had been addressed.

In response to a Members query, Officers advised that no representation had been received from Great Amwell Parish Council. The Member sought clarification as to whether the £12,000 contribution was for sustainable transport measures within the East Hertfordshire Area Plan, Officers advised that the funding was not specifically for Great Amwell but was for the East Hertfordshire area via Hertfordshire County Council.

A Member expressed concern over the density of the proposed application, stating that 61 units per hectare constituted over development. The Head of Development Control advised Members to be cautious over refusing the application on units per hectare as this application met Government Guidelines, which stipulated no upper limit in units per hectare.

Councillor Goldspink moved and Councillor McMullen seconded a motion that application 3/06/0927/FP be

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seconded, a motion that application 3/06/0927/FP be refused as the application would lead to over development resulting in inadequate provision of amenity space and a development out of keeping with the local street scene.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee rejected the recommendation of the Director of Regulatory Services that application 3/06/0927/FP be granted planning permission and agreed that permission be refused on the grounds now detailed.

Councillor W Ashley requested that his vote in support of the officer's recommendation be recorded in respect of application 3/06/0927/FP.

RESOLVED – that in respect of application 3/06/0927/FP, planning permission be **REFUSED** for the following reasons: -

DRS

1. The proposal would result in over development of the site, would be out of character with the local street scene and area, and would result in the provision of inadequate amenity space. The proposal would therefore be contrary to Policy BE2 of the East Herts Local Plan.

87 3/06/0926/FP – REDEVELOPMENT TO PROVIDE A NEW PUBLIC GREEN, 11 NEW DWELLINGS, 2 DWELLINGS IN CONVERTED STABLES WITH ASSOCIATED PARKING AND LANDSCAPING AND REDEVELOPMENT AT THE GROVE TO PROVIDE 5 NEW AFFORDABLE DWELLINGS WITH ASSOCIATED PARKING AND THE REORGANISATION OF EXISTING SPACES AND LANDSCAPING AT BURY GREEN FARM AND THE GROVE, MILLFIELD LANE, BURY GREEN FOR ROMEHOLD LTD

Tony Skidmore, Chair of Little Hadham Parish Council, spoke against application 3/06/0926/FP, stating that whilst

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the Parish Council did not object to the proposed Housing Development, a number of points needed to be raised.

The Parish Council felt that access to the site should only be from Millfield lane and this should apply to the 13 new build and converted houses. Members were advised that the Parish Council felt that all vehicular traffic should be routed away from Bury Green for safety reasons.

Members were advised that The Parish Council felt that no further development should take place on the Old Bury Green Farm site, as the proposed development represents a 50% increase in Bury Green Dwellings.

Tony Skidmore advised of a serious rat-running problem affecting Bury Green and Cradle End, due to A120 congestion at the Little Hadham lights. Members were advised that The Parish Council felt that no development should go ahead until some alleviation of the rat-running problem is in place for Bury Green and Cradle End.

Tony Skidmore concluded by reporting to the Committee that, in reference to Section 106 Monies, Little Hadham Primary School needed funding, as did Little Hadham Parish Council, for refurbishing playground equipment in 2 play areas.

Sarah West, on behalf of Romehold Ltd, spoke in support of application 3/06/0926/FP, advising Members that the site had been vacant for a number of years. It was reported to Members that whilst Romehold Ltd acknowledged the concerns of local residents, the application was for a low-density development and the site was to be tastefully converted.

Sarah West advised that Committee that the proposals for the site were well spaced out and that Romehold Ltd wished to cause the least amount of inconvenience to local residents, and with this in mind a Section 106 agreement had been drawn up.

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Members expressed concerns that this application constituted over development and offered no improvement on what was already a major development site. A Member reported to the Committee that the traffic issue was largely due to the long-term roadworks on the M25.

A Member advised the Committee of the generous level affordable housing proposed by this application, at a time when the lack of such housing in villages was a major problem.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0926/FP be granted planning permission subject to the conditions detailed in the report now submitted.

Councillor K A Barnes requested that his vote against the officer's recommendation be recorded in respect of application 3/06/0926/FP.

RESOLVED – that subject to:

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- a) No objections being raised by the Secretary of State following referral to him as an application involving a departure from the Development Plan; and
- b) The applicants entering into legal obligations pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the following matters:
 - 1. The provision of 5 dwelling units as affordable housing through a registered social landlord;
 - 2. The provision of a sum of £6,534 as a contribution towards Youth and Childcare;
 - 3. The provision of a sum of £3,258 as a contribution

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towards Library facilities;

4. The provision of a sum of £17,500 as a contribution towards sustainable transport measures: -

The Director of Regulatory Services be authorised to **GRANT** planning permission, subject to the following conditions:

1. Three year time limit (1T12)
2. No demolition shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological building recording in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains, in accordance with Government advice set out in PPG16 'Archaeology and Planning' and in accordance with Policy BE15 of the East Herts Local Plan.

3. No development shall take place within the proposed development site until the applicant, their agents, or their successors in title, has secured the implementation of a programme of archaeological monitoring and recording in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. This condition will only be considered to be discharged when the Local Planning Authority have received and approved archaeological reports of all the required archaeological works.

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Reason: To secure the protection of and proper provision for any archaeological remains, in accordance with Government advice set out in PPG16 'Archaeology and Planning' and in accordance with Policy BE15 of the East Herts Local Plan.

4. Levels (2E05)
5. Boundary walls and fences (2E07)
6. Prior to any building works being commenced samples of the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of both the appearance of the development and the character of the Bury Green Conservation Area, and in accordance with Policies BE2 and BE18 of the East Herts Local Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no further windows, doors or openings of any kind shall be inserted in the south-east facing elevation of the dwelling at Plot 1, without the written permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining residential property, in accordance with Policy BE2 and Appendix 1(D) of the East Herts Local Plan.

8. The development hereby permitted shall be carried out in complete accordance with all of the recommendations detailed in the Ecological Report of the application site carried out by Jones & Sons

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Environmental Sciences. In addition, in order to minimise the risk of killing or injury to any Great Crested Newts, works should be carried out between the end of February and the beginning of June, when they are most likely to be confined to breeding ponds. Outside of this time, development works should not commence until strategically placed amphibian exclusion fencing has been erected on site in accordance with details previously agreed in writing with the Local Planning Authority.

Reason: To protect the habitats of both bats, great crested newts and wild birds, which are protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy RA13E of the East Herts Local Plan.

9. Withdrawal of P.D. - Part 2, Class A (2E21)
10. Withdrawal of P.D. – unspecified (2E23)
Add “Part 1, Classes A, B, C, E and F”
11. Refuse disposal facilities (2E24)
12. Materials arising from demolition (2E32)
13. Demolition of buildings (2E38)
14. Before occupation of any dwellings hereby permitted on either the Bury Green Farm site and The Grove development the existing vehicular accesses shall have been improved and the on-site vehicle carriageway and associated parking and turning areas shall be constructed in accordance with details to be submitted to the local planning authority before any development above ground level commences.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an

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adequate standard.

15. Before occupation of any dwellings hereby permitted on the Bury Green Farm site, signage as required by the Highway Authority shall be provided and in place at the means of ingress and egress in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason: In the interest of road safety and traffic movement.

16. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

17. On site parking shall be provided for the use of all contractors, sub contractors, visitors and delivery vehicles engaged on or having business on site in accordance with details to be agreed in writing with the local planning authority, in consultation with the Highway authority, before the commencement of on site works.

Reason: In the interest of highway safety and efficiency.

18. Prior to the commencement of development, detailed information on the provision of cycle facilities must be submitted to and approved in writing by the Local Planning Authority, in

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consultation with the Highway Authority.

Reason: To ensure compliance with the requirements of the Hertfordshire Structure Plan Policy 25 and to facilitate the use of sustainable transport.

19. Before occupation of any dwellings hereby permitted the vehicle access to the commercial premises to the north and west of the Bury Green Farm site shall be permanently closed in accordance with details to be submitted to and approved by the local planning authority.

Reason: In the interests of highway safety.

20. Other than vehicles associated with the within highway construction of the improvements to the existing accesses all construction vehicle movements and construction access arrangements shall be from the existing accesses taken directly from Millfield Lane.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

21. No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

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22. Tree retention and protection (4P05)
23. Hedge retention and protection (4P06)
24. Tree/natural feature protection: fencing (4P07)
25. Landscape design proposals (4P12) – all except (a) & (b)
26. Landscape works implementation (4P13)
27. No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 or after 13.00 hours.

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

28. Airborne particulates from operations on the site shall be minimised by spraying with water or by carrying out of other such works that may be necessary to suppress dust. Visual monitoring for dust is to be carried out continuously.

Reason: To protect the health and amenity of people in the vicinity.

29. No waste materials generated as a result of the proposed demolition and/or construction operations shall be burnt on the site. All such refuse shall be disposed of by suitable alternative methods.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties.

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30. Prior to the commencement of the use hereby permitted, a survey shall be carried out to identify the presence of any asbestos on the site. If asbestos is found on site a report should be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted. If unbonded cement is found the Health and Safety Executive at 14 Cardiff Road, Luton, LU1 1PP shall be contacted and the asbestos shall be removed by a licensed contractor.

Reason: To protect the health and amenity of people in the vicinity, including those working on the development.

31. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained.

32. Prior to the commencement of the construction works hereby permitted, a detailed characterisation of the site shall be carried out in accordance with document reference (a) CG/1479 entitled (b) Site at Bury Green Farm, Hertfordshire. The results of the intrusive investigation and any proposed remediation shall be relevant to the risks associated with the contamination and shall be submitted to the Planning Authority for prior approval in writing. Reference shall be made to BS: 10175: 2001 – Code of Practice for the Investigation of Potentially Contaminated Sites. On completion of the works, the developer shall provide a validation report to the Council's Planning Department, which confirms that the works have been completed in accordance with the approved documents and

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plans.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained.

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

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

34. Vehicular use of garage (5U10)

Directives:

1. Other legislation (01OL)
2. Planning Obligation (08PO)
3. Street Numbering (19SN)
4. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and accordance with Hertfordshire County Council publication "Roads in Hertfordshire – A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
5. The applicant is advised that Hertfordshire County Council as highways authority will not consider the proposed on-site vehicular areas for adoption as highway maintainable at public expense.

ACTION

6. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

7. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, East Herts Local Plan and the East Herts Local Plan Second Review Re-Deposit version), and in particular policies RA3, RA6, RA11, RA13, BE2, BE8, BE15, BE16, BE18, H5, H6, M8, M11 and review policies GBC5, GBC6, GBC7, GBC11, GBC16a, GBC16b, ENV1a, ENV5, ENV23, TR6, TR14, TR21, HSG7, HSG8, BH1, BH2, BH3, BH6, BH8, BH15, OSV3. The development proposed does not comply with the above Structure or adopted Local Plan policies. However, other material considerations exist in this case relating to the designation of the site as a Major Developed Site under the East Herts Local Plan Second Review Re-Deposit Version the development brief for the site, the existing intrusive appearance of the site and its impact on both the character of the Bury Green Conservation Area and the setting of nearby listed buildings. 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 balance planning permission should be granted.

ACTION

88 3/06/0491/FP – CONSTRUCTION OF THREE STOREY BUILDING COMPRISING GROUND FLOOR WITH A1/A3 USAGE AND 16 NO .ONE AND TWO BEDROOM FLATS ON FIRST AND SECOND FLOORS 12 HIGH STREET, WARE FOR M & D DEVELOPMENTS

The Head of Development Control advised that an additional letter of representation had been received, in reference to the site being a former Quaker burial ground. Members were advised that between 1728 and 1873, 150 burials had taken place. The representation stated that development work at the site should take into account the presence of the 150 Graves, so they are not disturbed.

A Member sought and was given clarification over whether pedestrian access was to be provided through to Kibes Lane to the rear of the site. A Member expressed concern over the unsustainable lack of parking in the area. The Head of Development Control advised Members that a financial contribution was to be made towards a scheme of enhanced parking at Kibes Lane.

In response to further concern expressed by a Member over the Burial Site, The Director of Corporate Governance advised the Committee that the applicant would receive directions from The Council, as the local planning authority, to take care when undertaking works at the site. The Chairman reminded the Committee that no condition could be attached, as the burial ground was not within the site.

The Head of Development Control advised the Committee that Members should weigh up the issues relating to this application, Members were advised this was to be a well-designed building that would be of benefit to the townscape and would be close to a public transport area.

Councillor Taylor moved and Councillor Goldspink seconded, a motion that application 3/06/0491/FP be refused as the application made inadequate provision for

ACTION

parking, the height and bulk of the building was of detriment to the setting of the listed building and the application was inappropriate for the conservation area.

After being put to the meeting and a vote taken, this motion was declared LOST.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services, that in respect of application 3/06/0491/FP planning permission be granted subject to the conditions now detailed.

RESOLVED – that subject to the provisions of the Unilateral Undertaking submitted with the application in respect of the following: -

DRS

1. That upon commencement of the implementation of the planning consent under planning application 3/06/0491/FP, the applicants shall provide a financial contribution of £30,000 (Thirty Thousand Pounds) towards the implementation of a scheme of enhanced parking provision and management at Kibes Lane car park, Ware.

Planning permission be **GRANTED** subject to the following Conditions: -

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Complete accordance (2E10)
4. Samples of materials (2E12)
5. Refuse disposal facilities (2E24)
6. Lighting details (2E27)

ACTION

7. Communal TV facilities (2E28)
8. New Doors and windows- unlisted buildings (2E34)
9. Sample brickwork panel (2E35)

10. The bricks of the historic section of the rear boundary wall to the north west of the proposed development shall be retained and used for the reinstated wall abutting the Listed Building at the rear boundary as shown on Drg 233/P2.

Reason: In the interests of the preservation of historic fabric and the setting of the Listed Building.

11. External details of extraction equipment (2E37)

Insert 'AC units or plant'

12. Hard surfacing (3V21)

Insert 'detailed design and all materials'

13. Wheel washing facilities (3V25)

14. The development hereby permitted shall not take place other than in association with the development of the adjacent site at 12 High Street, Ware for the approved scheme for conversion of existing basement, ground floor and part first floor to retail shop unit with installation of new shopfront (Ref: 3/06/0194/FP, 3/06/0195/LB) in accordance with details to be submitted and agreed.. Prior to the first occupation of any of the units within the development hereby permitted the courtyard works shall have been completed in accordance with the Landscape Plan Drg 233/Ls1 unless otherwise agreed in writing by the Local Planning Authority.

ACTION

Reason: To secure the implementation of the courtyard development and to preserve the setting of the Listed Building

15. Landscape design proposals (4P12)

(a), (e), (f), (g), (i), (k), (l).

16. Landscape works implementation (4P13)

17. Restriction of use of building (5U02)

Insert 'the ground floor of the building shall be used for Class A1/A3 and for no other purposes including any other purpose in Class A'

Reason: To ensure that no other use is made of the ground floor of the development which would be likely to affect the vitality and viability of the site within the secondary retail frontage of Ware Town Centre.

18. No external storage (5U07)

19. Hours of opening – Food premises

The use hereby permitted shall not be open to customers outside the following times; 08:00 hours and 23:00 on Monday to Saturdays inclusive and 09:00 hours and 22:30 hours on Sundays and Public Holidays. Any customers remaining on the premises after those hours shall leave the premises not later than 23:30 hours on Mondays to Saturdays inclusive and not later than 23:00 on Sundays.

Reason: To safeguard the amenity of the locality and residential occupiers.

20. Noise Attenuation (6N01)

ACTION

21. Construction hours of working – plant & machinery (6N07)

22. The courtyard area as proposed between the development and the Listed Building as shown on Drg 233/P2 shall not be gated or enclosed and shall be maintained as an open area to allow public access at all times. Prior to the commencement of development signage shall be provided indicating the location of a foot route to the car park in accordance with details to be submitted and approved by the Local Planning Authority.

Reason: In the interests of public amenity and the setting of the Listed Building.

Directives:

1. Other Legislation (01OL)
2. This planning permission should be read in conjunction with the Associated deed of planning obligation (Unilateral Undertaking) prepared under Section 106 of the Town and County Planning Act 1990 (as amended).

Summary for Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan and the Local Plan Review Re-Deposit Versions November 2004), and in particular policies BE1, BE2, BE8, BE15, DP1, SH12, SH13 and M8 and Re-Deposit policies ENV1a, ENV3, ENV5, BH1, BH2, BH3, BH8, HSG7, STC4, STC5, SD16 and TR6. The balance of the considerations having regard to those policies and the other material considerations relevant in the case is that permission should be granted.

ACTION

89 E/06/0280/B –LISTED BUILDING IN IMMEDIATE RISK OF RAPID DETERIORATION AND LOSS OF HISTORIC FABRIC AT 12 HIGH STREET, WARE FOR M& D DEVELOPMENTS

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to serve an Urgent Works Notice under Section 54 (1), (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any other such steps as may be required to secure the works to preserve the Listed Building.

RESOLVED – that (A) the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to serve an Urgent Works Notice under Section 54 (1), (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any other such steps as may be required to secure the works to preserve the Listed Building.

DRS

Period for compliance: 28 days

An Urgent Works Notice is sought under Section 54 (1), (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for works to 12 High Street, Ware as outlined in the following schedule.

1. Excluding water and Dampness:

The covering of holes in the peg tile roofs, valleys and parapet gutters and some damaged walls, with suitable robust, stout temporary covering (e.g. tarpaulins or bituminous roofing felt sheets), firmly and securely fixed against wind lift. Provision is to be made for effective rainwater disposal- including allowing for damaged and blocked gutters, rainwater heads and down pipes.

ACTION

2. Pigeons

Occupy the building. Windows and door openings (which are to be left open to allow for proper ventilation and drying out of the building) many of which are open and damaged and other small apertures, are to be covered with plastic mesh netting mounted on battens, carefully affixed to the inside of the walls.

3. Dry and Wet Rot

Specialist expert advice should be sought to prevent further infection and spread of existing wood rotting fungi and wood boring insects. The removal of ivy growth obscuring windows from the rear elevation, north of Kibes Lane to increase ventilation and unblock gutters.

In the event of non compliance of the works on the abovementioned schedule: -

B) The Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to serve a Repairs Notice under Section 48 (2) of the Planning (Listed Building and Conservation Areas) Act 1990 and any other such steps as may be required to repair the fabric of the Listed Building.

Period of Compliance: 2 months.

A Repairs Notice is sought under Section 48 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 for repairs to 12 High Street Ware as outlined in the following schedule: -

1. Careful removal of old tiles and setting aside for re-use.

ACTION

2. Re-roofing and provision of all lead weatherings.
3. Repair and replacement where necessary of rainwater goods in cast iron or lead.
4. Repair and re-instatement of external brickwork and internal plasterwork.
5. Repair and re-instatement of staircases, paneling, windows, shutters, doors, door frames and all other internal and external features of interest.
6. All the works to be sympathetic to the character and appearance of the Listed Building and in accordance with best practice.

Should reasonable steps not be taken to comply with the Repairs Notice for the proper preservation of the building after the period of compliance has elapsed, further authorisation may be sought subsequently for compulsory purchase proceedings to be commenced. This would be the subject of a further report to committee.

90 3/06/0808/FP –THREE STOREY EXTENSION TO BUILDING U2, INSTALLATION OF PLANT ONTO ROOF OF S1 BUILDING AT LAND TO SOUTH OF BUILDING U2, PRIORY STREET, WARE FOR GLAXOSMITHKLINE

The Director of Regulatory Services reported to the Committee that works had commenced on the U2 building. Members were advised that as there was concern over the archaeology of the structure, the County Archaeologist was liaising with the Council as the Local Planning Authority, to ascertain if there had been any damage.

A Member expressed strong concerns over the closure of Harris' Lane, Ware, assurance was sought from Officers that Harris' Lane would not be affected by the application.

ACTION

The Head of Development Control advised that although Hertfordshire Highways had reported that a temporary closure of up to 5 weeks maybe necessary, this was a worse case scenario. The Committee were advised that, as the local planning authority, the Council could not apply a condition limiting the length of closure, but a form of words as a directive could be put together advising of the Councils position, namely that to avoid inconvenience to local residents during construction, any closure to Harris's Lane shall be for the minimum possible period.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0808/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0808/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three Year Time Limit (1T01)
2. Programme of Archaeological Work (2E02)
3. Matching Materials (2E11)
4. Construction parking and storage (3V22)
5. Tree Planting (4P15)
6. Landscape Maintenance (4P17)

Directive:

1. The Local Planning Authority is of the view that, to avoid inconvenience to local residents during construction, any closure to Harris's Lane shall be for the minimum possible period. Subject to the consideration of the Highway Authority this should ideally be for no more than any half-day

ACTION

period.

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 adopted plan policies DP1, EMP2, WARE3 and BE8 and Re-deposit plan policies EDE1 and ENV5. 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.

- 91 3/06/0433/FP – PROPOSED THREE STOREY EXTENSION WITH A MEZZANINE FLOOR AT FIRST FLOOR AND RELOCATION OF SPRINKLER TANK AT LAND SOUTH OF M BUILDING PRIORY STREET, WARE FOR GLAXOSMITHKLINE

A Member expressed similar strong concerns over the closure of Harris' Lane, Ware, The Head of Development Control again advised that as the local planning authority, the Council could not apply a condition limiting the length of closure, but a form of words as a directive would be put together advising of the Councils position, namely that to avoid inconvenience to local residents during construction, any closure to Harris's Lane shall be for the minimum possible period.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0433/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0433/FP, planning permission be **GRANTED** for the following reasons: -

DRS

ACTION

1. Three Year Time Limit (1T01)
2. Programme of Archaeological Work (2E02)
3. Matching Materials (2E11)
4. Provisions for contractor's vehicles (3V22)

Directive:

The Local Planning Authority is of the view that, to avoid inconvenience to local residents during construction, any closure to Harris's Lane shall be for the minimum possible period. Subject to the consideration of the Highway Authority this should ideally be for no more than any half-day period.

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 adopted policies DP1, EMP2, WARE3 and BE8 and Re-deposit policies EDE1 and ENV5 .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.

92 3/06/0699/FP – RELOCATION OF OPERATIONAL BUILDINGS AT GLAXO SMITH KLINE RESEARCH AND DEVELOPMENT, PARK ROAD, WARE FOR GLAXOSMITHKLINE

In response to a Members query over the where the operational buildings were to be relocated, The Director of Regulatory Services advised the Committee that the Ordinance Survey plan detailed where the new buildings were to be situated.

ACTION

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0699/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0699/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three Year Time Limit (1T10)
2. Materials of construction (2E11)
3. Tree survey (4P01)
4. Tree retention and protection (4P05)
5. Tree Planting (4P15)

Directives:

1. Other Legislation (010L)
2. The applicant is referred to the comments of the Environment Agency in their letter dated 19th May 2006.
3. The Local Planning Authority is of the view that, to avoid inconvenience to local residents during construction, any closure to Harris's Lane shall be for the minimum possible period. Subject to the consideration of the Highway Authority this should ideally be for no more than any half-day period.

Summary of Reasons for Decision.

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

ACTION

County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular adopted local plan policies DP1, RA2, EMP2 and BE8 and Re-deposit plan policies GBC3, EDE1 and ENV5. 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.

- 93 a) 3/03/1209/FP – DEVELOPMENT OF APARTMENT BLOCK WITH OFFICES AT GROUND FLOOR, TOGETHER WITH ANCILLARY PARKING AND HARDSURFACING
- b) 3/01/2067/LC – DEMOLITION OF EXISTING BUILDINGS ADAMS YARD AND MAIDENHEAD YARD, HERTFORD FOR YELLOW CIRCLE LTD

The Director of Regulatory Services advised that Hertfordshire Highways had raised no objection to the proposed amendment. Members were reminded that the Committee had previously granted planning permission on the site for this application, Members were requested to agree to amend Condition 2 of planning application reference 3/03/1209/FP to read:

The use of the building hereby permitted shall cease if at any time, the 12 parking spaces, shown on the plan 1034-06J approved hereby, cease to be available for use in connection with the use of the building.

The Committee supported the recommendation of the Director of Regulatory Services that Members amend condition 2 of planning application reference 3/03/1209/FP to read:

The use of the building hereby permitted shall cease if at any time, the 12 parking spaces, shown on the plan 1034-06J approved hereby, cease to be available for use in connection with the use of the building.

ACTION

RESOLVED – that Members amend condition 2 of planning application reference 3/03/1209/FP to read:

DRS

The use of the building hereby permitted shall cease if at any time, the 12 parking spaces, shown on the plan 1034-06J approved hereby, cease to be available for use in connection with the use of the building.

Reason: To ensure adequate off-street parking provision at all times in connection with the use of the building, in accordance with Policy M8 of the East Herts Local Plan.

- 94 3/06/0627/FP – ERECTION OF TWO DETACHED DWELLINGS, ASSOCIATED PARKING TURNING AND GARAGES, INCLUDING REPLACEMENT GARAGE AT NO. 41 FORDWICH HILL, HERTFORD FOR MRS ELSTON

Mr Kevin O'Brien spoke against application 3/06/0627/FP, putting forward the strong residents concerns, which were accurately portrayed in the Officers report and recommendation. The Committee were advised of neighbours concern that, due to the slope of the land, the new property would be overlooked by neighbouring properties.

Mr O'Brian reported that neighbours were concerned that the application was excessive over development, was out of keeping with the area, would result in a loss of amenity and there was concern over the dangers posed by vehicles entering and leaving the site.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0627/FP be refused planning permission subject to the conditions detailed in the report now submitted.

ACTION

RESOLVED – that in respect of application 3/06/0627/FP, planning permission be **REFUSED** for the following reasons: -

DRS

1. The proposed dwellings would appear unduly prominent and inappropriately sited to the rear of the existing dwelling when viewed from adjoining properties along Fordwich Hill and from the public footpath, which abuts the rear boundary of the site. The effect of this undesirable form of backland development would appear out of character with the layout and density of existing development in the area and harmful to the visual amenities of the locality. The proposal would thereby be contrary to policy BE1 and BE2 of the East Herts Local Plan.

2. The proposal would constitute an undesirable form of backland development, detrimental to neighbouring residential properties by reason of increased noise and disturbance from vehicular and pedestrian movements. It would thereby be contrary to policy BE2 and Appendix 1 of the East Herts Local Plan.

3. The proposal would result in the existing dwelling, 41 Fordwich Hill, having inadequate amenity space in comparison with existing development, out of character and appearance with the locality, and thereby contrary to Policy BE2 of the East Herts Local Plan.

95 3/06/0715/FP – TO ERECT TWO 6 KW WIND TURBINES ON 15 METRE MASTS, FOR THE LEVENTHORPE SCHOOL, CAMBRIDGE ROAD, SAWBRIDGEWORTH, FOR MRS CAROLINE NANKIVELL

The Director of Regulatory Services reported to Members of a representation that had been received from Sawbridgeworth Town Council, supporting the application

ACTION

as a clean method of creating energy.

Councillor D Richards, as the local ward Member, spoke in support of the application. Councillor Richards advised the Committee that, although the turbines were in close proximity to school buildings, school comfort would not be impinged. Members were further advised that the noise from the turbines would be no louder than general ambient noise.

Councillor Richards reported that the turbines could collect more energy than the school required and the surplus could be put back into the community and it was important the Committee convey that message and support this application.

A Member raised the issue of the risk to aircraft instruments posed by the electromagnetic field created by wind turbines and expressed concern over the risk to epilepsy sufferers posed by the strobe effect of sunlight reflecting off the turbine blades.

A Member reminded the Committee that the British Airports Authority had stated that Stansted Airport had raised no objections and as the turbines were small so there should be no danger to aircraft.

The local ward Member reminded Members that the Committee did approve an application for a wind turbine at St Elizabeth's Hospice, where there are sufferers of epilepsy that had been unaffected to date.

A Member requested that, as the Committee was likely to consider many similar applications in the future, more information is provided to Members on the above issues.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0715/FP be granted planning permission subject to the conditions detailed in the report now submitted.

ACTION

RESOLVED – that in respect of application 3/06/0715/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three year time limit (1T01)
2. Samples of materials (2E12)
3. Detailed plans, showing the proposed finished level of the concrete base plate relative to the levels of the adjoining land, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: To ensure the height of the proposed turbine does not exceed that shown on the approved plans, in the interests of amenity.

Directive:

1. This permission does not convey any consent, which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants, which may affect the land.

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 RA2 of the Adopted East Hertfordshire Local Plan and Re-Deposit policy

ACTION

SD2a. The balance of the considerations having regard to those policies, and the material considerations of PPS22 'Planning for Renewable Energy', the education facility status of the site, and the contribution to sustainable development objectives outlined in PPS1 'Sustainable Development', is that permission should be granted.

96 3/06/0600/FP – CHANGE OF USE OF AGRICULTURAL BUILDING WITH PLANNING PERMISSION FOR A B1 OFFICE USE TO D1 (NON-RESIDENTIAL INSTITUTIONS) AT MUNNS FARM, STATION ROAD, COLE GREEN FOR MRS LINDA SHAYLOR

The Director of Regulatory Services advised that an additional representation had been received from the residents of Cole Green, objecting to the application on the grounds the application would increase local traffic flow, pose a danger to children and cause disturbance due to car headlights.

A Member expressed strong concerns over the extra number of car journeys a day that could result from this application being approved, the Member felt that the extra journeys could be as high as 140 per day, as opposed to the figure of 70 per day submitted by Hertfordshire Highways.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0600/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0600/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three year time limit (1T12)
2. Boundary walls & fences (2E07)
3. Cycle parking facilities (2E29)

ACTION

4. Cyclists washing facilities (2E30)
5. Provision and retention of parking spaces (3V23)
6. Withdrawal of permitted development rights (Part 2 Class A) (boundary walls & fences) (2E21)
7. Landscape Design proposals (4P12)
8. Landscape Works implementation (4P13)

c, d, 3, l, j, k, l

9. Detailed plans showing the design of the proposed play area are to be submitted to and approved in writing by the local planning authority prior to the commencement of the development.

Reason: In the interests of the appearance of the site in accordance with Policy BE2 of the East Herts Local Plan.

10. The building shall be used solely as a day-nursery school and for no other purpose in Class D1 of the Schedule of the Town and Country Planning Uses Classes (Amendment) Order 2005.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to the occupants of nearby premises.

Directive:

01OL Other Legislation.

Summary of Reasons for Decision

The proposal has been considered with regard to

ACTION

the policies of the Development Plan (Hertfordshire County Structure Plan and East Herts Local Plan and the Local Plan Review Re-Deposit Version November 2004), and in particular policies RA2, RA6A and BE2 and Re-Deposit policies GBC2, GBC10 and ENV1a. The balance of the considerations having regard to those policies is that permission should be granted.

- 97 3/06/0604/FP – Combined garage/carport/lock-up storage for garden equipment including lawn mowers at Longcroft, Monks Green, Near Hertford for William Ashley & Partners

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0604/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0604/FP, planning permission be **GRANTED** for the following reasons: -

DRS

1. Three Year Time Limited (1T12)
2. Samples of materials (2E12)
3. Restriction of Use

The building hereby permitted shall only be used for the housing of private vehicles and for purposes incidental to the enjoyment of the dwelling house and not for any living accommodation or commercial activity without the prior written consent of the Local Planning Authority.

4. Construction of the building hereby permitted shall take place during the months of March to July unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the protection of Great

ACTION

Crested Newts in accordance with the Policy RA13 of the East Herts Local Plan.

Directive:

1. 01OL Other Legislation.

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 the Local Plan Review Re-Deposit Version November 2004), and in particular policies RA2, RA11, RA13, BE6 and BE2 and Re-Deposit policies GBC3, GBC16b, ENV1a and ENV23. The balance of the considerations having regard to those policies is that permission should be granted.

- 98 E/05/0064/B UNAUTHORISED SITING OF A MOBILE HOME AND CONTAINERS AT LAND AT HOME FARM INDUSTRIAL ESTATE, HUNSDON ROAD, STANSTEAD ABBOTS, HERTS

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, 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 removal of the mobile home and containers at land at Home Farm Industrial Estate, Hunsdon Road, Stanstead Abbots.

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 removal of the mobile home and containers at land at Home Farm Industrial Estate, Hunsdon Road, Stanstead

DRS

ACTION

Abbots.

Period of Compliance: 1 month

Reasons why it is expedient to issue an Enforcement Notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein there is a presumption against development and changes of use, except in certain specified circumstances. The siting and potential use of this mobile home for permanent residential accommodation is contrary to Policy RA2 of the adopted East Hertfordshire Local Plan.

99 E/05/0537/B – UNAUTHORISED USE OF A CONVERTED GARAGE BLOCK ANNEXE FOR RESIDENTIAL PURPOSES AND THE ERECTION OF A FURTHER GARAGE BLOCK WITHOUT PLANNING PERMISSION AT ROBINS NEST FARM, LITTLE BERKHAMSTED

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised residential use and the demolition of the additional unauthorised detached garage block.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised residential use and the demolition of the additional unauthorised detached garage block.

DRS

ACTION

Period for compliance: Annex – 6 months

Garage block - 1 month

Reasons why it is expedient to issue enforcement notice:

- a) The site lies within the Metropolitan Green Belt, as defined in the East Hertfordshire Local Plan, wherein planning 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; small scale facilities for outdoor sports or outdoor recreation; essential facilities of cemeteries of other uses of land which preserve the openness of the green belt; limited extension to existing dwellings; replacement dwellings; small scale affordable housing for local needs within rural settlements etc. There is a presumption against changes of use except in very special circumstances. No such special circumstances are apparent in this case and the creation of a separate residential dwelling is thereby contrary to policy RA2 of the East Hertfordshire Local Plan.
- b) The introduction of a residential use in this location results in additional noise and general disturbance to adjoining residential properties and is out of keeping with the rural character of the surrounding area.
- c) The creation of the new garage block development represents inappropriate development in the Metropolitan Green Belt and does not preserve the openness of the Metropolitan Green Belt and is contrary to policy RA2 of the local plan.

ACTION

100 E/05/0181/A – ERECTION OF UNAUTHORISED PLAY EQUIPMENT AT 13 SANDLE ROAD, BISHOPS STORTFORD

The Director of Regulatory Services reported to the Committee that the unauthorised play equipment had not been removed but had been moved to a side garden. A Member confirmed this was the case.

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, 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 removal of the play equipment from the site.

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 removal of the play equipment from the site.

DRS

Period of Compliance: 1 month

Reasons why it is expedient to issue an Enforcement Notice:

The playhouse by reason of its siting, height, design and materials of construction appears unduly prominent within the street scene and is detrimental to the character and appearance of the locality contrary to policy BE18 of the Adopted East Herts local Plan.

ACTION

101 E/06/0062/B – UNAUTHORISED CHANGE OF USE OF LAND AND BUILDINGS FROM AGRICULTURE TO A MIXED USE OF AGRICULTURE, PLANT STORAGE (B8) AND ANCILLARY COMMERCIAL OFFICE (B1) AT POUND FARM, HOLLYBUSH LANE, DATCHWORTH

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to take enforcement action under Section 172 the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised mixed agriculture and commercial use.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 172 the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised mixed agriculture and commercial use.

DRS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

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

2. The use of the land and farm buildings for a

ACTION

mixed use of agriculture, plant storage and ancillary commercial office purposes has resulted in a storage compound for plant and machinery, with traffic generation, including articulated vehicles, accessing the site by very narrow country lanes. It is considered that this mixed use is contrary to Policy RA6A of the Local Plan.

3. The mixed use to include plant storage and commercial office is not considered to be part of a diversification scheme for the farm business. It is therefore considered to be contrary to Policy RA6B (I) of the Local Plan.

102 E/06/0264/B – UNAUTHORISED WORKS TO A LISTED BUILDING AT 58 ST ANDREW STREET, HERTFORD, HERTS

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to instigate legal proceedings.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, authorise the instigation of legal proceedings.

DRS

Offence:

That on or before Monday 13th February 2006 at 58 St Andrew Street, Hertford, SG14 1JA you without lawful authority caused works (i.e. sandblasting) to be executed for the alteration of a listed building in a manner which affected its character as a building of special architectural or historic interest.

Contrary to: - Section 9 Planning (Listed Buildings and Conservation Areas) Act 1990.

Period for compliance: Not applicable.

ACTION

Reason why it is expedient to instigate legal proceedings:

1. The use of sandblasting, causing damage to this listed building, is contrary to Section 9 Planning (Listed Buildings and Conservation Areas) Act 1990 and policy BE16 (X) of the East Hertfordshire Local Plan.

103 E/03/0118/A – UNAUTHORISED USE OF A DWELLING WITHOUT COMPLIANCE WITH AN AGRICULTURAL OCCUPANCY CONDITION AND CHANGE OF USE OF AGRICULTURAL LAND TO RESIDENTIAL USE AT THE CONIFERS, OLD HALL GREEN, WARE

Councillor H G S Banks, as the local ward Member, spoke against the instigation of legal proceedings, on the grounds that a more sensible resolution could be agreed upon. Councillor Banks reported to the Committee whilst the land was subject to an agricultural occupancy condition, the land had no agricultural value.

Members were referred to point 1.9 of the Officers report, which stated that there was very little prospect of a successful horticultural enterprise being re-established at this site.

Councillor Banks proposed that the Committee not authorise the instigation of legal proceedings, but issue a directive for the property to be marketed, if no buyer was forthcoming then the Committee authorise the removal of the condition for agricultural use.

The Head of Development Control reported that the Committee could resolve to take no enforcement action, but advised Members to be cautious over the precedent this may set. Members were advised that advice should be sought from an independent valuation expert.

Members were further advised that perhaps the property should be marketed at a price one third less than the

ACTION

should be marketed at a price one third less than the valuation price for a period of 4 or 5 months and any potential buyer should be notified of the agricultural occupancy condition. If no buyer was forthcoming then the agricultural occupancy condition could be removed via a planning application.

A Member proposed that an independent valuation be carried out and the property marketed at one third less than the price the property was valued at for a period of 4 Months and if no buyer was forthcoming then the agricultural occupancy condition be removed via a planning application.

RESOLVED – that Enforcement action be not authorised.

DRS

104 IDENTIFICATION OF PROJECT FOR THE BENEFIT OF THE RESIDENTS OF ST MICHAEL'S MEAD TO BE FUNDED FROM APPEAL DECISION (3/04/0083/SV)

The Chairman proposed that Members agree to defer this item to next months meeting, to enable the report to be examined in greater detail.

RESOLVED – that Agenda Item 6 be deferred until the next meeting of the Committee.

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

The Director of Corporate Governance submitted a report recommending 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 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.

ACTION

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 planning applications, and if an obligation is completed, the Director of Regulatory Services be authorised to grant permission in respect of the following applications:

DRS

<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 flats; 10 x 2 bed maisonettes and public library.
2. 04.06.668	The Rick, Rickside, Nether Street, Much Hadham.

(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

ACTION

106 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.

The meeting closed at 10:23 pm.

Chairman
Date