

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE WAYTEMORE ROOM, THE
COUNCIL OFFICES, BISHOP'S STORTFORD
ON WEDNESDAY 26 JULY 2006 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors M R Alexander, W Ashley, S A Bull,
R N Copping, A F Dearman, J Demonti,
Mrs M H Goldspink, D A A Peek, P A Ruffles,
S Rutland-Barsby, J J Taylor, M Tindale, M Wood.

ALSO IN ATTENDANCE:

Councillors M P A McMullen and J O Ranger.

OFFICERS IN ATTENDANCE:

Tilly Andrews	- Tourism Development Officer
Amanda Brodie	- Solicitor
Neal Hodgson	- Director of Regulatory Services
Liz Humby	- Principal Planning Officer
Steve Knights	- Market Manager
Peter Mannings	- Democratic Services Assistant
Paul Pullin	- Economic Development Manager
Kevin Steptoe	- Head of Development Control

145 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors K A Barnes and L O Haysey.

Councillor M P A McMullen advised that he was
substituting for Councillor L O Haysey.

146 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the item relating to application 3/06/0879/FP Single storey rear extension at 30 Grange Road, Bishop's Stortford had been withdrawn.

The Chairman advised that Councillor M P A McMullen wished to remind Members of the Licensing Committee training taking place on Wednesday 2 August 2006 at 10.00 am and on Wednesday 9 August 2006 at 2.00 pm, at the Council Offices, Wallfields, Hertford. The Committee was reminded that should Members be interested in attending, they should contact Jan Spong.

147 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal interest in respect of application 3/06/0914/FP, as he was the portfolio holder for town centre enhancement issues.

Councillor S A Bull declared a personal and prejudicial interest in respect of application 3/06/0553/FP, as he was an acquaintance of the applicant. Councillor Bull left the room prior to consideration of this application.

Councillor D A A Peek declared a personal and prejudicial interest in respect of application 3/06/0953/FP, although the nature of this interest was not stated. Councillor Peek left the room prior to consideration of this application.

Councillor J J Taylor declared a personal interest in respect of application 3/06/0914/FP, as she was a Ware Town Councillor and had been involved in talks in relation to Ware Market.

RESOLVED ITEMSACTION148 MINUTES

RESOLVED - that the Minutes of the meeting held on 28 June 2006 be confirmed as a correct record and signed by the Chairman.

149 3/06/0972/FP ERECTION OF 20 NO. FLATS AND 3 NO. HOUSES WITH CAR PARKING AT 123-127 SOUTH STREET, BISHOP'S STORTFORD FOR CROFT HOMES LTD

Mr Michael Sierens spoke in support of application 3/06/0972/FP, on the grounds that this application was for 9 less flats than a previous application approved in 2003. Mr Sierens also stated that application 3/06/0972/FP proposed less overall units than the 2003 application and advised the Committee that the proposed development was lower in height and less bulky than nearby developments of a similar nature.

The Director of Regulatory Services reported to Members that additional representation had been received from Bishop's Stortford Town Council, objecting on the grounds that the proposed development was overbearing for Station Road, was of poor and unimaginative design and was out of keeping with the existing street scene. Members were also advised that Bishop's Stortford Civic Society had objected to the overbearing appearance of the proposed development.

The Director of Regulatory Services further reminded Members that the Development Control Committee had granted previous approval on the site in July 2005 for 32 units, comprising 29 flats and 3 houses.

In response to a Member's concern over parking provision, the Director of Regulatory Services advised Members to be cautious over refusing the application on the grounds of inadequate parking, as the Government inspector had advised that the amount of proposed parking was sufficient

and had indicated to Officers that inadequate parking was not sufficient grounds for refusal, in relation to an earlier scheme of similar size.

A Member expressed concerns over the detrimental impact the application could have to properties on Stort Road and to the owners of No. 9 Wharf Road.

The Chairman reminded Members that the parking provision on the site was in line with advice under both PPG3 – Housing and PPG13 – Transport.

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 3/06/0972/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink requested that her vote against the officer's recommendation be recorded in respect of application 3/06/0972/FP.

RESOLVED – that in respect of application 3/06/0972/FP, planning permission be **GRANTED** subject to the following conditions: -

DRS

1. Three year time limit (1T11).
2. Details of the means of enclosure to all balconies, to include dimensions, materials of construction and external paint finish, 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 the appearance of the development in accordance with Appendix 1(D) of the East Herts Local Plan.

3. Details of the doors and fenestration marked green on plan no.03.207.04B, to include materials of construction and external paint finish, 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 the appearance of the development in accordance with Appendix 1 (D) of the East Herts Local Plan.

4. Levels (2E05).
5. Boundary walls and fences (2E07).
6. Samples of materials (2E12).
7. Materials arising from demolition (2E32).
8. New windows and doors - unlisted buildings (2E34).
9. No dwelling shall be occupied until visibility splays have been provided across the frontage of the site to improve visibility at the junctions with South Street of Stort Road and Wharf Road. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of both Stort Road and Wharf Road from their junction with the channel of South Street and 60m measured along the line of the channel of South Street in a southerly direction from the centre line of Stort Road and in a northerly direction from Wharf Road. The vision splays required shall be provided and be kept free of any obstruction thereafter.

Reason: To ensure that the development does not impact upon visibility provision at the junctions in the interests of highway safety.

10. No dwelling shall be occupied until the improvements to the highway frontage footways and radii kerbs at the junctions of Stort Road and Wharf Road with South Street have been constructed in accordance with details on the approved drawings.

Any Statutory Undertakers equipment or street furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement in accordance with Appendix 1 (C) of the East Herts Local Plan.

11. Before the new vehicle access is first brought into use, any existing access within the highway frontage of the land to be developed, not incorporated in the access hereby approved shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

12. Before the access onto Wharf Road is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 2.0m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: So that a vehicle may enter and leave the site with minimum interference to the free flow and safety of traffic on the highway, in accordance with Appendix 1 (C) of the East Herts Local Plan.

13. Unless provided with roller shutter doors, when the minimum driveway length may be 5.0m, the driveway length in front of the garages to the new dwellings fronting Stort Road, shall be at least 6.0m as measured from the garage doors to the highway boundary.

Reason: To ensure that parked vehicles do not adversely affect the safety and convenience of road users by overhanging the adjoining public highway in accordance with Appendix 1 (C) of the East Herts Local Plan.

14. Completion of Roads (3V13) insert 'accesses'
15. Gates/ Footway (3V15).
16. Hardsurfacing (3V21).
17. Construction Parking and Storage (3V22).
18. Provision and Retention of Parking Spaces (3V23).
19. Wheel washing facilities (3V25).
20. Landscape Design Proposals (4P12).
(e), (f), (i), (j), (k), (l).
21. Landscape Works Implementation (4P13).
22. Vehicular Use of Garage (5U10).
23. Construction Hours of Working – Plant and Machinery (6N07).
24. Surface water source control measures 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.

25. Prior to the commencement of the development hereby permitted, in light of possible

contamination on the site, a specific risk assessment shall be carried out and be submitted to and approved in writing by the Local Planning Authority. If the risk assessment identifies any unacceptable risks, then a detailed remediation scheme shall be devised and submitted to and approved in writing by the Local Planning Authority.

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

26. Withdrawal of P.D. (unspecified) Schedule 2, Part 1 Classes A and B.

Directives:

- 1 Other Legislation (01OL).
- 2 You are advised to contact Hertfordshire Highways, The Rotunda, Old London Road, Hertford, Herts, Tel: 01992 412300, with regard to any works to be carried out to the public highway.
- 3 Street Numbering (19SN).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE1, BE2, BE8, BE9, BE26, M8 and DP1; and policies TR6, ENV1a, ENV3, ENV5, ENV6 and ENV26 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies, the recent appeal decisions on the site and LPA Ref: 3/02/2596/FP is that planning permission should be granted.

- 150 3/06/1167/SV – MODIFICATION OF PLANNING OBLIGATION DATED 24 FEBRUARY 2005 TO INCREASE THE NUMBER OF AFFORDABLE DWELLINGS FROM 13 (AS APPROVED UNDER APPLICATION REF: 3/03/1446/FP) TO 14, AT 90-96 SOUTH STREET, BISHOP'S STORTFORD FOR HAMPDEN HOMES LTD
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The Director of Regulatory Services updated Members on the background to this application and advised the Committee that Officers felt the proposed increase in the number of affordable dwellings to 14 was reasonable and justified.

A Member sought and was given clarification as to why a subsequent application (LPA ref: 3/06/1155/FP) for 3 dwellings and revision for parking for application 3/0/1446/FP was due to be decided under delegated powers, as opposed to being considered in conjunction with the proposed amendment before the Committee.

In response to a Member's query in relation to Officers consulting the Housing Manager, The Director of Regulatory Services advised the Committee that the Housing Manager is able to provide expert advice, that would be of use to Members in reaching their decisions.

The Committee supported the recommendation of the Director of Regulatory Services that subject to no further representations being received raising new material or substantial issues by 28 July 2006, the variation of the Section 106 agreement dated 24 February 2005 pursuant to application 3/03/1446/FP be granted.

RESOLVED – that subject to no further representations being received raising new material or substantial issues by 28 July 2006, the variation of the Section 106 agreement dated 24 February 2005 pursuant to application 3/03/1446/FP be granted as follows: -

DRS

To increase from 13 to 14 the number of affordable dwellings [Para 2, Annex A, First Schedule]

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, East Herts Local Plan and East Herts Local Plan, Second Review, Re-Deposit Version (including pre inquiry changes), and in particular policy H5 and Re-Deposit policies HSG7 and HSG8. The balance of considerations having regards to those policies, the advice contained in PPG3 'Housing', Circulars 06/1998 'Planning & Affordable Housing', 05/2005 'Planning Obligations' and the granting of application 3/03/1446/FP is that the S106 agreement be varied.

- 151 3/06/0314/FP– ERECTION OF 8 NO ELDERLY PERSONS (DEFINED AS BEING OVER 50 YEARS OF AGE) DWELLINGS WITH ASSOCIATED CAR PARKING, GARAGES AND LANDSCAPE AT LAND AT STOCKING HILL LANE, COTTERED FOR DARLING HOMES LLP

Councillor J O Ranger, as the local ward Member, spoke in support of application 3/06/0314/FP and outlined the reasons why the Committee should support the Officer's recommendation, subject to the conditions of the S106 agreement of the Town and Country Planning Act 1990, as detailed on page 30 of the Officer's report.

The Director of Regulatory Services reported that should Members be minded to approve the application, a condition would be in place requiring the applicant to submit details in relation to the widening of Stocking Mill Lane.

In response to a Member's concern in relation to the width of Stocking Mill Lane, the Chairman referred to paragraph 6.2 on page 34 of the Officer's report, which advised that neither Hertfordshire Highways nor Rights of Way had requested that the track be widened in relation to earlier

proposals.

In response to a Member's concern in relation to access for fire appliances, the Director of Regulatory Services reported that Hertfordshire Fire Authority had advised Officers that a width of 2.7 metres was acceptable for fire appliances. Members were further advised that a mid way passing point was to be provided for emergencies and that Building Control had raised no objections.

The Chairman requested that the Director of Regulatory Services, in consultation with the Chairman of Development Control Committee, seek written representation from the Fire Authority, to confirm they were satisfied with a 2.7 metre wide access road.

The Committee delegated authority to the Director of Regulatory Services, in consultation with the Chairman of the Development Control Committee, that application 3/06/0314/FP be granted planning permission subject to the receipt of confirmation from the Fire Authority that the 2.7m width access arrangements are acceptable and subject to the conditions detailed in the report now submitted.

RESOLVED – that subject to the applicants entering into an Agreement pursuant to S106 of the Town and Country Planning Act 1990 in respect of the following matters: -

DRS

1. All dwellings be occupied solely by persons over the age of 50 years.
2. Undertaking the necessary works to Stocking Hill Lane (RUPP6) in respect of its resurfacing and repair.
3. The formation of a management company to oversee the maintenance of common areas and the 'meadow' shown on the approved plan and the removal of refuse from the site.

4. The creation of a passing bay/drop off point.

authority be delegated to the Director of Regulatory Services in consultation with the Chairman of Development Control Committee to grant planning permission, subject to the following confirmation that the Fire Authority have no objection to the application and the following conditions: -

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Complete accordance (2E10) insert 'unless other wise agreed in writing by the Local Planning Authority'
4. Materials of construction (2E11)
5. No further windows (2E17)
6. Withdrawal of Permitted Development (Part 1 Classes A, B and E, Part 2 Class A) (2E22)
7. Hard surfacing (3V21)
8. Parking Space (3V19)
9. Retention of parking space (3V20)
10. Vehicular use of garages (5U10)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Landscape works implementation (4P12)
14. Retention of landscaping (4P21)
15. None of the development hereby permitted

shall be occupied until the access road (Stocking Hill) from the application site to the junction with the A507, has properly been consolidated and surfaced in accordance with a detailed specification to be previously agreed in writing by the Local Planning Authority.

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

16. Prior to the first occupation of the development details of the means of removing refuse from the site and its disposal shall be submitted to and approved in writing by the Local Planning Authority.

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

17. Details of the surfacing treatment to be provided to the access lane to the site shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of works. Once agreed they shall be implemented as such unless otherwise varied and agreed in writing with the Local Planning Authority.

Reason: To ensure the development has minimum impact on the visual appearance of the area.

Directives:

1. Other legislation (01OL)
2. Ownership (02OW)
3. Planning Obligation (08PO)
4. Public rights of way (18FD)
5. Attention is drawn to the status of the access road, which is a RUPP (Road Used as a Public

Path). This route must be kept free of obstruction at all times, and measures should be taken to ensure the safety of pedestrians and horse riders during the course of works.

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, RA11, BE2, M8 and M11 and Re-Deposit policies GBC5, GBC6, GBC16b and TR21. The development proposed does not comply with the above Structure or Local Plan policies. However it is of material consideration that there is an extant planning permission on the site for residential development (LPA Ref 3/02//0696). The proposed development will not result in an unacceptable incursion into the countryside nor will it be harmful to the rural character of the area. Therefore on the balance of consideration permission should be granted.

- 152 3/06/0953/FP – ERECTION OF DETACHED COTTAGE AND GARAGE TO REPLACE THAT APPROVED UNDER REF. 3/04/0956/FP. LAND TO THE NORTH OF 62 HAVERS LANE, BISHOP'S STORTFORD, CM23 3PD FOR MR C A SMITH

Mrs Barbara Arkell spoke against application 3/06/0953/FP, reiterating the principal concern of objectors that the proposal differed little to an application refused in 2004. The Committee was advised that the site had been the subject of numerous applications, most recently in early 2004.

Mrs Arkell expressed concern that the proposed dwelling was designated a cottage and in relation to the dwelling being described as north of 62 Havers Lane. Members

were also advised of residents' concerns that the proposed dwelling would overlook neighbouring gardens and over the narrow pathway leading to the site.

Mr Adam Smith spoke in support of application 3/06/0953/FP, stating that he wished to comment on the reasons for refusal given in the Officer's report. Mr Smith advised the Committee that the proposed development would be less cramped than the existing dwelling, with the proposed garage being 17 metres away from the nearest dwelling and the house 27 metres away.

Mr Smith advised Members that the Local Planning Authority had previously approved the existing dwelling and, when asked, Officers had not advised that the design needed to be amended. Mr Smith concluded by stating that the proposal was not out of character with the area and should not be overbearing over the existing street scene.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0953/FP be refused planning permission for the reasons detailed in the report now submitted.

The Head of Development Control reported that Councillor Barnes, as the local ward Member, had requested that his support for the Officer's recommendation be recorded.

RESOLVED – that in respect of application 3/06/0953/FP, planning permission be refused for the following reasons: -

DRS

1. The proposal would result in a cramped form of development out of character with the form and density of existing development in the area, and would thereby be contrary to the aims and objectives of policy BE1 of the East Hertfordshire Local Plan.

2. The proposal would result in an

unsatisfactory layout of the site by virtue of its unsatisfactory plot sizes, the cramped and congested form of development, and the poor relationship with adjoining development. It would therefore be contrary to Policy BE2 of the East Hertfordshire Local Plan.

3. The formation of the vehicular access and turning head within close proximity to the eastern site boundary would adversely affect the trees with implied root damage and would result in the loss of a number of attractive trees which are subject to a Tree Preservation Order, to the detriment of the character and appearance of the area, and contrary to policies RA9 and BE8 of the East Hertfordshire Local Plan.

153 3/06/0452/FP – SITE FOR UP TO 10 TOURING CARAVANS AND RELOCATION OF PREVIOUSLY APPROVED CAR PARK AT KECKSYS FARM, CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR MRS BRUNT

The Director of Regulatory Services advised the Committee of an outstanding section 215 enforcement notice that had been issued to ensure the land was tidied. Members were advised that the enforcement matter should not obstruct Members in deciding this application, the approval of which would expedite the tidying up of the site.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0452/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0452/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)

3. Refuse disposal facilities (2E24)
4. No external lighting (2E26)
5. Hard surfacing (3V21)
6. Landscape Design Proposals (4P13)
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7. Landscape Works Implementation (4P13)
8. The car park permitted under permission LPA Ref: 3/01/0169/FP shall not be constructed following the implementation of the permission hereby granted. The development hereby permitted shall not be carried out if the car park granted under permission LPA Ref: 3/01/0169/FP is implemented.

Reason: In the interests of the character of the Rural Area, in accordance with Policies RA2 of the East Herts Local Plan.

9. The site hereby approved shall be occupied by no more than 10 touring caravans at any one time.

Reason: To ensure the Local Planning Authority retains control over the use of the site.

10. The use hereby permitted shall be solely for holiday accommodation and not for temporary or permanent residential use.

Reason: In accordance with policy RA2 of the East Herts Local Plan.

11. Prior to the first use of the site hereby approved, all caravans and vehicles sited on the existing site as shown on plan ref. D 3193 003 E shall be removed from the site and the land restored to soft landscaping to the satisfaction of the Local

Planning Authority.

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies RA2, RA12, BE8 and L6 and policies GBC3, GBC16a, ENV5 and LRC12 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

- 154 3/06/1161/FP – ERECTION OF A DETACHED DWELLING, LAND ADJACENT TO 5/6 HALL COTTAGES, HALL LANE, GREAT HORMEAD, FOR MRS AND MRS QUINNEY

The Director of Regulatory Services reported that representations had been received from Hormead Parish Council and the Environment Agency, raising no objections to the application. Members were further advised that Hertfordshire Highways had raised no objection to this development but were sufficiently concerned over increases in traffic flow and access to the site that any further development would be likely to attract objection.

Members were advised that there was local concern over the potential damage to trees, the outlook of the area and the increase in traffic to Hall Cottages via the B1038 access road.

There was concern amongst some Members relating to this application differing from the previous outline permission granted under reference 3/02/1692/OP, in relation to the footprint and ridge height of the proposed dwelling. Some Members were also concerned over the building lines

being out of keeping with existing dwellings.

The Director of Regulatory Services reported that Officers were satisfied the proposal was in keeping with the surrounding area. Members were also advised that planning applications did not have to accurately reflect outline planning permission. This had occurred in the area in that two semi-detached dwellings were approved at the eastern end of the terrace in September 2003, which were not in accordance with the outline permission given there.

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 3/06/1161/FP, planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/06/1161/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Samples of materials (2E12)
4. No further windows (2E17)
5. Provision and Retention of Parking Spaces (3V23)
6. Tree retention and protection (4P05)
7. Hedge retention and protection (4P06)
8. Tree protection: restrictions on burning (4P08)
9. Landscape design proposals (4P12) (b) (e)

10. Landscape works implementation (4P13)

11. Hours of working - plant and machinery (6N05)

Directives:

1. Other Legislation (01OL)

2. Street Numbering (19SN)

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, Local Plan Review Re-Deposit Version November 2004 including Pre-Inquiry changes), and in particular adopted policies) RA3, BE1, BE2 and BE18; and Re-Deposit policies GBC1, GBC5, GBC6, ENV1a, ENV3, BH8. The balance of the considerations having regard to these policies and to the permissions previously granted under lpa refs: 3/02/1692/OP, 3/02/1691/OP, and 3/05/0036/FP is that planning permission should be granted.

155 3/06/0553/FP – OCCUPATION OF MAGPIE FARM WITHOUT COMPLIANCE WITH CONDITION 03 OF PLANNING PERMISSION REF. 3/96/0520 GRANTED ON 05.06.1996 RELATION TO AGRICULTURAL OCCUPATION OF DWELLING AT MAGPIE FARM, COTTERED FOR MR & MRS BYE

The Director of Regulatory Services advised Members of a letter received by the Chairman from the owners, which was noted by the Committee.

The Director of Regulatory Services referred the Committee to paragraph 5.6 on page 70 of his report, which advised that insufficient evidence had been provided

as to whether there was sufficient justification for the removal of the agricultural occupancy condition.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0553/FP be refused planning permission for the reasons detailed in the report now submitted.

RESOLVED – that (A) in respect of application 3/06/0553/FP, planning permission be refused for the following reasons: -

DRS

1. The Local Planning Authority is not satisfied that sufficient evidence has been presented to show that the unsuccessful attempts to sell the property have been correctly targeted or are financially realistic. It is therefore considered that there is insufficient justification for the removal of the agricultural occupancy condition. The development is therefore contrary to Policy RA3 of the Eats Hertfordshire Local Plan.

2. The Local Planning Authority is not satisfied that the long term needs for agricultural workers dwellings in the area has diminished to such an extent that there is sufficient justification provided for the removal of the agricultural occupancy condition.

(B) the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take Enforcement Action under S172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure compliance with the agriculture occupancy condition.

DRS

Period for compliance: 12months

Reason why it is expedient to issue an enforcement notice: -

The site lies within the Rural Area as defined in the

East Herts Local Plan wherein planning permission for new buildings or for change of use would not be granted for purposes other than agriculture or forestry. The use of the building not purely for an agricultural worker is not one of the specified uses and the development is therefore contrary to Policy RA3 of the East Herts Local Plan.

156 3/06/0890/FP – TWO STOREY SIDE EXTENSION AND PITCHED ROOF TO EXISTING FRONT CANOPY AT 7 ASTON ROAD, STANDON FOR MRS R. ANSELL

In response to a Member's query, the Director of Regulatory Services advised the Committee that no representation had been received from Standon Parish Council.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0890/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0890/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three year time limit (1T12)
2. Matching materials (2E13)
3. Vehicular use of garage (5U10)

Directives:

1. Other legislation (010L)

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE2 and BE5 and policies ENV1 (a), ENV9 and ENV10 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies is that planning permission should be granted.

157 3/06/0914/FP – CHANGE OF USE OF LAND TO EXTEND EXISTING MARKET (7 SITES) AT HIGH STREET, WARE FOR EAST HERTS COUNCIL

The Director of Regulatory Services advised the Committee that one further letter of objection had been received, expressing concern over the extra dangers this application would pose to pedestrians, as the area was a blind spot for motorists.

Members expressed support for the application on the grounds the market extension was ideal for Ware and would benefit businesses in the town.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0914/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0914/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three year time period (1T12)
2. Prior to the first use of the site, plans at a scale of 1:100 or 1:200 shall be submitted to indicate the precise location of market stalls and areas safeguarded for pedestrian movement.

Reason: To enable the market areas to operate without detriment to the free flow of shoppers, users and other High Street businesses

3. Prior to the commencement of use hereby permitted, detailed drawings showing the market stall designs to be erected within the High Street shall be provided for the approval in writing of the local planning authority.

Reason: In the interests of the appearance of the market within the Ware Conservation Area.

4. Setting up of market stalls shall not commence before 06.00 hrs on any market day, nor before 07.30 hrs any other day. Stalls shall be taken down and removed from the site by 19.30 hrs on any day.

Reason: In the interests of the amenities of the residents of the surrounding area.

Directives:

1. Other Legislation (O10L)
2. Ownership (O20W)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies DP1, SH1, SH2, SH12 and BE18; and policies STC3, STC4, BH8 and BH10 of the East Herts Local Plan Second Review Re-Deposit Version Pre Inquiry Changes June 2005. 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.

158 E/06/0006/B – UNAUTHORISED SITING OF MOBILE HOME ON LAND OPPOSITE RIVERDALE HOUSE, WARE PARK, WARE

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 unauthorised mobile home from the land.

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 unauthorised mobile home from the land.

DRS

Period of Compliance: 28 days

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

The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein there is a presumption against developments except in certain specified circumstances. No such special circumstances are apparent in this case. The siting of the unauthorised mobile home represents an inappropriate development in the Green Belt, is unduly prominent and visually intrusive to the detriment of the character and appearance of the area and thereby contrary to Green Belt policy as expressed in PPG2 and policy RA2 of the East Herts Local Plan.

159 E/06/0094/B – UNAUTHORISED DEVELOPMENT AT 11A ASHENDENE ROAD, BAYFORD HERTS, SG13 8PX

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate

Governance, to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such other steps as may be required to secure the removal of the unauthorised structure.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such other steps as may be required to secure the removal of the unauthorised structure.

DRS

Period for compliance: 42 days

Reason(s) why it is expedient to issue an enforcement notice:

1. The scale and design of the lean to structure is over dominant in relation to the intrinsic architectural features and character of both the listed building and its setting and is detrimental to the preservation of the architectural character and historic elements of the listed building. It is thereby contrary to Policy BE16 of the East Herts Local Plan.

2. The use of corrugated plastic sheeting, plastic rainwater goods and untreated softwood timbers for the lean to structure attached into the building is detrimental to the historic character and appearance of this Grade II listed building. It is thereby contrary to Policy BE16 of the East Herts local Plan.

160 E/06/0166/A – UNAUTHORISED DEVELOPMENT THROUGH AN ENGINEERING OR OTHER OPERATION TO UNDERPIN THE BUILDING AND ENLARGE AND CONVERT THE BASEMENT INTO ACCOMMODATION AT ASH VIEW NURSING HOME, WARE ROAD, WIDFORD, HERTS

The Director of Regulatory Services advised that Officers had already issued a stop notice but this was due to expire shortly after the meeting and Officers were seeking the Committee's endorsement of the actions of the Director of Regulatory Services by approving enforcement action and the issuing of a further stop notice.

The Committee endorsed the action of the Director of Regulatory Services and authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to:

- a) take enforcement action under S.172 of the Town and Country Planning Act 1990 and/or S.38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps that may be required to secure the reinstatement of the basement of the building to its former size and condition and using materials to match the remainder of the existing basement; and
- b) issue a stop notice under S183 of the Town and Country Planning Act 1990 to prevent further engineering or other operations in or under land in or adjacent to the basement of the above site unless or until works are agreed in writing by the local planning authority.

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

DRS

(A) take enforcement action under S.172 of the Town and Country Planning Act 1990 and/or S.38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps that may be required to secure the reinstatement of the basement of the building to its former size and condition and using materials to match the remainder of the existing basement; and

(B) issue a stop notice under S183 of the Town and Country Planning Act 1990 to prevent further engineering or other operations in or under land in

or adjacent to the basement of the above site unless or until works are agreed in writing by the local planning authority.

- Period for compliance:
- a) 28 days
 - b) Immediately

Reason(s) why it is expedient to issue an enforcement notice:

The site is within the Rural Area as defined in the East Hertfordshire Local Plan and, therefore, is subject to policies RA3 and BE6 of that plan. The enlargement of the basement of this listed building would be contrary to those policies, and also detrimental to the historic character and appearance of the listed building.

161 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 8.57 pm.

Chairman
Date