

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 30 AUGUST 2006 AT
7.30 PM

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

ALSO IN ATTENDANCE:

Councillor P R Ballam.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Officer (Enforcement)
Simon Drinkwater	- Director of Corporate Governance
Andrea Gilmour	- Development Control Manager
Tim Hagyard	- Principal Planning Officer
Neal Hodgson	- Director of Regulatory Services
Liz Humby	- Principal Planning Officer
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Development Control

184 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised Members of two Parish and Town Council Information Sessions, which were open to East Herts Councillors. These were due to take place on 7 September 2006 at Wallfields and on 21 September 2006 at Bishop's Stortford.

The Chairman reminded the Committee of the Members' tour of the District, which was due to take place on 2 October 2006.

The Chairman advised that the item relating to application 3/06/1292/FP Erection of 12 no. one bed 'iPad' flats at Hertfordshire & Essex General Hospital, Haymeads Lane, Bishop's Stortford had been withdrawn.

185 DECLARATIONS OF INTEREST

Councillor L O Haysey declared a personal interest in respect of application 3/06/1124/FP, as she was involved in a previously refused application.

Councillor S Rutland–Barsby declared a personal and prejudicial interest in respect of application 3/06/1088/FP as she was a close personal friend of the landowner. Councillor Rutland–Barsby left the room prior to consideration of this application.

Councillor W Ashley declared a personal interest in respect of application 3/06/1088/FP, as he was an acquaintance of the applicant.

RESOLVED ITEMSACTION186 MINUTES

RESOLVED - that the Minutes of the meeting held on 26 July 2006 be confirmed as a correct record and signed by the Chairman.

187 3/06/1236/RP – ERECTION OF 27 RESIDENTIAL UNITS AND ASSOCIATED WORKS (REVISED SCHEME) AT HAVERS INFANT SCHOOL, ELIZABETH ROAD, BISHOP'S STORTFORD FOR CROUDACE HOMES LTD

The Director of Regulatory Services reported that his recommendation had been amended to cover the two additional affordable housing units and that Bishop's Stortford Town Council had raised no objections.

Members were reminded of the site history, namely that two separate reserved matters applications had been recently refused on the site, and the appeal referred to in paragraph 2.2 of the report had been dismissed. Members were advised that this application was a revised version of the reserved matters application that had been refused by the Development Control Committee on 31 May 2006.

A Member acknowledged that the application proposed a number of units within government guidelines but continued to express concern in relation to the proposed number of units.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Regulatory Services in respect of application 3/06/1236/RP.

RESOLVED – that in respect of application 3/06/1236/RP, subject to the applicants, within six months of the date of this resolution, entering into an Agreement under Section 106 of the Town and

DRS

ACTION

Country Planning Act 1990, in respect of the provision of 2 additional dwelling units as affordable housing, the Director of Regulatory Services be authorised to grant planning permission subject to the following conditions:

1. Boundary walls and fences (2E07)
2. Complete accordance (2E10)
3. Samples of materials (2E12)
4. Withdrawal of permitted development rights (Part 1 Class A – extensions) (2E20)
5. Withdrawal of permitted development rights (roof alterations and dormer windows) (2E23)
6. No external lighting (2E26)
7. Hard surfacing (3V21)
8. Completion of roads (3V13)
9. Tree survey (4P01)
10. Retention of existing trees (4P05)
11. Retention of existing hedgerows (4P06)
12. Tree/natural feature protection: fencing (4P07)
13. Tree protection: earthworks (4P10)
14. Tree surgery (4P011)
15. Landscape design proposals (4P12) e f l j k l
16. Landscape works: Implementation (4P13)

ACTION

17. Landscape maintenance (4P17)
18. Tree protection: access road (4P19)
19. Tree protection from foundations (4P20)
20. Retention of landscaping (4P021)
21. Vehicular use of garages (5U10)

Directives:

1. Other legislation (01OL)
2. The developer is reminded of the need to comply with all of the requirements of the conditions attached to the grant of outline planning permission 3/04/1055/OP granted 2 June 2005, and its accompanying Section 106 Agreement, of the same date.
3. Street naming and numbering (19SN)
4. You are advised to inform the Environmental Health Unit should any significant unsuspected contamination become evident during the survey of the footprint of the existing buildings/hard standings or during the development 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 BE1, BE2 and DP1; and ENV1a of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies and the other material considerations in this case, including outline

ACTION

permissions 3/04/1055/OP, is that planning permission should be granted.

- 188 3/06/1175/FP REDEVELOPMENT COMPRISING THE DEMOLITION OF 11 BUILDINGS AND THE CONSTRUCTION OF 3 NEW LINKED BUILDINGS (10009SQM) TOGETHER WITH ASSOCIATED CAR AND CYCLE PARKING, FOOTPATHS AND LANDSCAPING AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE FOR HERTFORD REGIONAL COLLEGE

The Director of Regulatory Services advised that as this was not a listed building application, his recommendation had been amended to the effect that planning permission be granted subject to the conditions detailed in the report now submitted. Members were further advised that the application would not be referred to the Secretary of State, as following consultation; English Heritage had raised no objections.

The Director of Regulatory Services reported that representation had been received from the residents of Scotts Road, raising concern over the loss of trees.

Councillor P R Ballam, as the local ward Member, spoke in support of the application but raised concerns over the loss of trees and drew attention to the College Principal's anxiety to retain as many trees as possible. Councillor Ballam requested that the trees be reassessed by the Arboricultural Officer prior to the commencement of works at the site.

The Director of Regulatory Services advised Members that Condition 18 could be amended in such a way to protect the trees but allow flexibility for works to them or their removal if there were sound arboricultural reasons.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/1175/FP be granted planning permission subject to

ACTION

the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/1175/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three year time limit (1T12)
2. Phasing of development (1T11) insert 'to include all works to the highway'
3. Levels (2E05)
4. Boundary walls and fences (2E07)
5. Samples of materials (2E12)
6. Refuse disposal facilities (2E24)
7. Lighting details (2E27)
8. Cycle parking facilities (2E29)
9. Cycle washing facilities (2E30)
10. Materials arising from demolition (2E32)
11. New windows and doors- unlisted buildings (2E34)
12. Sample Brickwork Panel- unlisted buildings (2E35)
13. External details of extraction equipment (2E37)
14. Piling works (2E39)
15. Hard surfacing (3V21)

ACTION

16. Construction parking and storage (3V22)
17. Wheel washing facilities (3V25) insert 'mechanical'
18. Tree retention and protection (4P05)

Including the four trees located on the junction of Scotts Road and Hertford Road as indicated in red on plan 06-018(07)700PL2.

19. Tree/ natural feature protection: fencing (4P07)
20. Tree protection: restriction on burning (4P08)
21. Tree protection: excavations (4P09)
22. Tree protection: earthworks (4P10)
23. Tree surgery (4P11)
24. Landscape design proposals (4P12)
25. Landscape works implementation (4P13)
26. Landscape maintenance (4P17)
27. Construction hours of working- plant and machinery (6N07)
28. No soakaways shall be constructed in contaminated land.

Reason: To prevent pollution of the groundwater in accordance with Policy BE9 of the East Herts Local Plan.

ACTION

29. The construction of the site foundations shall be carried out in accordance with details submitted to and approved in writing by the Local planning Authority.

Reason: To prevent pollution of the groundwater in accordance with Policy BE9 of the East Herts Local Plan.

30. Surface water drainage works and surface water source control measures shall be carried out in accordance with details which shall be first submitted 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 in accordance with Policy BE9 of the East Herts Local Plan.

31. All the measures set out in the conclusions and recommendations as in the approved Ecological Assessment received on 16 June 2006 and Bat Appendix received on 27 July 2006 shall be undertaken unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proper protection of any protected species on the site in accordance with Policy RA13 of the East Herts Local Plan.

32. Prior to the commencement of works details of measures to mitigate noise and dust during demolition and construction works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents in accordance with Policy BE10 of the East Herts Local Plan.

ACTIONDirectives:

- 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 Groundwater protection zone (28GP) Musley Hill.

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, BE8, BE9, BE16, BE18, BE26, M8, RA13, and DP1; and policies TR6, TR13, ENV1a, ENV3, ENV5, ENV6, ENV23, ENV26 and ENV27 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.

- 189 3/06/0338/FP – CHANGE OF USE OF PART OF STABLES/STORE TO GROOMS ACCOMMODATION, TWO STOREY SIDE EXTENSION TO EXISTING DWELLING, NEW ENTRANCE GATES AND MODIFICATION TO EXISTING PARKING ARRANGEMENTS AT ARCHES HALL STUD FARM, LATCHFORD FOR MR AND MRS NEWLAND

In response to Members queries, the Director of Regulatory Services advised that the site gates were off the road and were on the old access drive leading up to the building. Members were further advised that the gates were of the same style and size as the current gates, as referred to in paragraph 7.9 of the report now submitted.

ACTION

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0338/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0338/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. Carried out in accordance (2E92)
3. Samples of Materials (2E12)
4. Contaminated Land survey and remediation (2E33)
5. Bats (2E41)
6. Hard surfacing (3V21)
7. Tree Retention and Protection (4P05)
8. Hedge Retention and Protection (4P06)
9. Landscape design proposals (4P12)
10. Landscape works implementation (4P13)
11. The residential occupation of the stables/store hereby permitted shall be limited to a person solely or mainly working on the site known as Arches Hall Stud Farm.

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

ACTIONDirectives:

1. Other Legislation (01OL)
2. Date of Plans Received (10DP)
Insert '21 February 2006 and 19 June 2006'

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 RA3, RA6, RA8, RA13, BE6, BE8 and M11 and policies GBC5, GBC6, GBC8, GBC10, GBC12, TR21, ENV5, ENV10, ENV11, ENV18, ENV21 and ENV23 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.

- 190 3/06/1005/FP – ALTERATIONS TO DESIGN OF MANAGERS HOUSE, AND ADDITION OF BASEMENT APPROVED UNDER CONSENT REFS. 3/02/2645/FP AND 3/05/2352/FP AT ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH FOR MR J C BOURKE

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/1005/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/1005/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. The occupation of the dwelling shall be limited to a person responsible for or employed in

ACTION

the equestrian activity on the site, or the widow or widowers of such a person and any dependent residents.

Reason: The dwelling is situated in the Metropolitan Green Belt, wherein the Local Planning Authority would not be prepared to grant planning permission for a dwelling, other than in connection with looking after the animals on the land.

3. Boundary wall and fences (2E07)
4. Complete accordance (2E10)
5. Materials of construction (2E11)
6. Withdrawal of permitted development (Part 1 Class A, Class B and Class E) (2E13)
7. Vehicle access to the site shall be obtained via the existing block paved access road accessing Lord Street to the south of the site.

Reason: In the interests of the amenity of the residents of The Roundings.

8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)
10. Landscape design proposals (4P12)
11. Landscape works implementation (4P13)
12. The planning permission hereby granted shall not be exercised in the event that the dwelling or any part of it permitted under reference 3/02/2645/FP is constructed, and no part of the dwelling permitted under reference 3/02/2645/FP shall be constructed following the implementation of

ACTION

the permission hereby granted.

Reason: To prevent the establishment of an excessive number of dwellings within the Metropolitan Green Belt, contrary to Policies RA2 and RA5 of the East Herts Local Plan.

13. The excavated spoil from the formation of the basement hereby permitted shall be removed from the application site and deposited in a location which shall have been previously approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance do the site and in accordance with Policy RA3 of the East Herts Local Plan.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan, and East Herts Local Plan), and in particular policies RA2, RA11 and BE2 of the Adopted Local Plan, and GBC2, GBC3, GBC16 and ENV1a of the Review Local Plan. The balance of the considerations having regard to those policies and all other material considerations relevant in this case, is that permission should be granted.

ACTION

- 191 3/06/1088/FP –TWENTY-FIVE METRE HIGH LATTICE TOWER WITH THREE ANTENNAE AND TWO DISHES; TWO GROUND BASED CABINETS AND ANCILLARY DEVELOPMENT THERETO. TO BE LOCATED 300M SOUTH EAST OF DUNKIRKS BURY FARM AND 60M FROM MORGAN’S WALK NEXT TO POND

Mr C Pratt thanked Members for the opportunity to speak to the Committee. Mr Pratt spoke against application 3/06/1088/FP, basing his concerns on the objections raised by Hertford Town Council and the other representations as detailed in paragraphs 4 and 5 of the Officer’s report.

Mr Pratt referred to the strong objections from the three local schools and expressed strong concerns over the current and future levels of radiation from such masts. Mr Pratt suggested that more research was needed into phone mast radiation, as the dangers they posed were not widely known.

Members expressed concern in relation to the residents’ strength of feeling in relation to health fears over radiation. Members debated the possible reasons that could be used to refuse the application.

In response to a Member’s query, the Director of Regulatory Services advised the Committee that Government guidance to planning authorities in PPG8 on phone masts was centred on the 1999 Stewart Report.

The Director of Regulatory Services advised the Committee that the perceived health concerns were weak grounds for refusal and it was considered they could be successfully challenged at appeal.

Councillor Mrs M H Goldspink moved and Councillor Ruffles seconded, a motion that application 3/06/1088/FP be refused on the grounds that the application was of detriment to the environment in a Conservation Area and in recognition of parents’ and residents anxiety.

ACTION

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 application 3/06/1088/FP be granted planning permission, subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/1088/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three year time limit (1T12)
2. All equipment hereby permitted shall be removed and the site reinstated in accordance with details to be first agreed in writing by the Local Planning Authority, in the event of the equipment becoming obsolete.

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

Directives:

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

Summary of 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, RA11 and BE14; and Policies GBC2, GBC3, GBC16b and ENV34(a) of the East Herts Local Plan Second Review Re-Deposit Version. The

ACTION

balance of the considerations having regard to these policies is that planning permission should be granted.

192 3/06/0995/FP – CHANGE OF USE FROM RESTAURANT TO VETERINARY SURGERY AT THE FORMER LITTLE CHEF, BUNTINGFORD BYPASS, BUNTINGFORD FOR ROSEMARY E HOBSON & ASSOCIATES

The Director of Regulatory Services advised the Committee of an amendment to paragraph 5.1 of his report, in that the application site remains within the rural area. Further, the Committee was advised that paragraph 6.8 of the report had been deleted.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/0995/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/0995/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three year time limit (1T121)
2. Restriction of use to (buildings) (5U02)
insert “veterinary surgery”
insert “D1”

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 policy RA3; and policy GBC6 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.

ACTION

193 3/06/1124/FP – DEMOLITION OF EXISTING BUNGALOW AND GARAGE, ERECTION OF REPLACEMENT DWELLING WITH GARAGE AND FULL BASEMENT WITH SINGLE LIGHT WELL AT 42 LETTY GREEN HERTFORD FOR MR AND MRS D FULLER

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/1124/FP be granted planning permission subject to the conditions detailed in the report now submitted.

RESOLVED – that in respect of application 3/06/1124/FP, planning permission be granted subject to the following conditions: -

DRS

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Boundary walls and fences (2E07)
4. Complete Accordance (2E10)
5. Samples of materials (2E12)
6. No further windows (2E17)
7. Details shall be submitted of a management plan for the protection of bats and newts for a period of no less than five years identifying methods to encourage the wetland vegetation habitats to be increased in the adjacent ponds to sustain newt presence. The plan should identify methods by which the site boundaries habitats and important bat flight corridors are retained and managed to sustain bat presence in the locality, to be submitted to and approved in writing by the Local planning Authority prior to the commencement of development.

ACTION

Reason: To protect the habitats of bats and newts 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.

8. Withdrawal of P.D Rights (Part 1 Class A) (2E20)
9. Withdrawal of P.D Rights (Part 2 Class A) (2E21)
10. Withdrawal of P.D Rights (Part 1 Class E) (2E22)
11. Lighting details (2E27)
12. Materials arising from demolition (2E32)
13. New doors and windows – unlisted buildings (2E34)
14. Hard surfacing (3V21)
15. Tree retention and protection (4P05)
16. Hedge retention and protection (4P06)
17. Landscape Design Proposals (4P12)
Omit d,e,f. Insert ' 6 months'
18. Landscape works implementation (4P13)
19. Vehicular use of garage (5U10)
20. The building as approved including integral garage(s), shall remain single storey in character, set at a finished ridge height no more than 0.5m above the ridge height of the existing bungalow

ACTION

which is 4.6m.

Reason: To minimise the impact of the proposal sited within an area designated as Metropolitan Green Belt, in accordance with East Herts Local Plan

21. Within one month of the first occupation of the replacement dwelling hereby permitted, the existing bungalow, garage and all other existing outbuildings on the site shall be demolished.

Reason: To prevent the establishment of more than one dwelling on the site, in accordance with policy RA2 of the East Herts Local Plan.

22. Provision shall be made within the application site on appropriately sited trees, for the attachment 3 bat boxes for the use of identified Pipistrelle bats in the locality, in accordance with details to be submitted and approved in writing by the local planning Authority.

Reason: In the interests of the sustainability of suitable bat/wildlife protection and habitats, in accordance with policy RA13 of the East Herts Local Plan.

Directives:

1. Other legislation (01OL)
2. Public rights of way (18FD)
3. For the avoidance of doubt, the residential curtilage falls within the area outlined in red on the Block Plan. The land to the west outlined in blue although within the ownership of the applicants does not form part of the residential cartilage.

ACTION

4. Your attention is drawn to the contents of a letter response from Thames Water Company of the 13 July 2006 and the need to protect the integrity of the public sewers on the application site during the development. Attention is also drawn to the requirement to contact Three Valleys Water Company prior to the commencement of the development: - Three Valleys Water Company P.O Box 48, Bishops Rise, Hatfield, Herts, AL10 9AL. 01707 268111.

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 policies RA2 RA8 and RA13E and Re-Deposit policies (GBC2, GBC3, ENV18 AND ENV23). The balance of the considerations having regard to those policies is that permission should be granted.

194 E/06/0180/B – BREACH OF CONDITION 8 OF PLANNING PERMISSION 3/03/1069/FP AT BIRCH FARM, WHITE STUBBS LANE, BROXBOURNE, HERTS

The Director of Regulatory Services advised Members that representations had been received from the landowner seeking a dialogue outside of enforcement action. Notwithstanding this, the Committee was requested to grant enforcement action whilst Officers would continue to advise the landowner.

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure compliance with the

ACTION

requirements of condition 8 of planning permission reference 3/03/1069/FB.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure compliance with the requirements of condition 8 of planning permission reference 3/03/1069/FB.

DRS

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. Condition 8 of planning permission reference 3/03/1069/FB states that the residential use of the dwelling is limited to persons employed in the management or running of the equestrian centre of which the site forms part, or dependants of such persons. The equestrian centre is not longer operating and therefore the above-mentioned condition is being breached.
2. Planning permission was granted for this dwelling under reference 3/03/1069/B, as the local planning authority was satisfied that it was genuinely required to provide for the supervision of the horses within the equestrian centre on the site. Its occupation in breach of that condition is contrary to policy RA2 of the Local Plan and results in an inappropriate form of development within the Green Belt.

ACTION

- 195 E/06/0173/A – UNAUTHORISED ENGINEERING OPERATION TO ALTER LAND LEVELS AT LAND ADJACENT TO FARLEA, SPELLBROOK LANE WEST, SPELLBROOK, HERTS, CM23 4AY

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to take enforcement action under S.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the reinstatement of the land to its former levels and condition.

RESOLVED – that the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under S.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure the reinstatement of the land to its former levels and condition.

DRS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

The site lies within the Metropolitan Green Belt wherein permission will not be given except in very special circumstances for development other than that required for mineral extraction, agriculture, essential small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case. The raising of the land is visually intrusive to the detriment of the character and appearance of the area and the operations are therefore contrary to Policy RA2 of the East Herts Local Plan.

ACTION

196 E/06/0085/A– UNAUTHORISED DEVELOPMENT OF
TIMBER BUILDING ON AND UNAUTHORISED USE OF
LAND ADJACENT TO RIBFORD COTTAGE, HANGING
WOOD, STANDON

The Director of Regulatory Services advised that Officers had received representation from the applicant's agent, which had stated that the unauthorised use of the land had been occurring for a sufficient amount of time to make the site exempt from enforcement action.

The Committee was asked to authorise enforcement action in any event. Subsequently Officers would fully establish what extent, if any, enforcement action was appropriate at the site.

The Committee authorised the Director of Regulatory Services, in consultation with the Director of Corporate Governance, to take enforcement action under S.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure cessation of the unauthorised use of the land and 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 S.172 of the Town and Country Planning Act 1990 and any such further steps that may be required to secure cessation of the unauthorised use of the land and the removal of the unauthorised structure.

DRS

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is

ACTION

a presumption against development other than in certain specific circumstances. The erection of the building and change of use of the land is contrary to the aims and objectives of policy RA3 of the East Hertfordshire Local Plan.

197 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 Director of Regulatory Services reminded the Committee that this matter had been previously deferred to enable further consultation with the St Michael's Mead Residents' Association.

The consultation had raised two further options for consideration along with the possible provision of a play area. These related to the provision of security measures at the Community Centre car park and a landscaping and infrastructure top up fund. These options were detailed along with the original four options in section 3 of the report now submitted.

In response to Members concern over the low levels of tennis provision in the area and in relation to the consultation process, Officers advised that residents had been consulted on that matter in July 2005. It was considered that the site was inappropriate for this form of provision due to the management and supervision difficulties that it presented. Members requested that the provision of tennis courts be investigated and a report be brought back to the Committee.

RESOLVED – that the provision of tennis courts be investigated by Officers and a report be brought back before the Committee.

DRS

198 ITEMS FOR REPORT AND NOTING

RESOLVED - that the following reports be noted: -

ACTION

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

The meeting closed at 9:10 pm.

Chairman
Date

Nps\Devcon\30 Aug 2006\Minutes 30 August 2006