

MINUTES OF A MEETING OF
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER. WALLFIELDS, HERTFORD
ON WEDNESDAY 14 FEBRUARY 2007
AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).
Councillors W Ashley, K A Barnes, S A Bull, R N
Copping, A F Dearman, J Demonti, D A A Peek,
P A Ruffles, S Rutland-Barsby, G D Scrivener
(substitute for Councillor L O Haysey), J J Taylor.

ALSO IN ATTENDANCE:

Councillors H G S Banks and M G Carver.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic Services
Caroline Robins	- Solicitor
Kevin Steptoe	- Head of Development Control
Alison Young	- Development Control Manager

578 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M R Alexander, L O Haysey, M Tindale and
M Wood.

579 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the
meeting.

ACTION

The Chairman advised that the applications detailed below had been withdrawn from consideration:

- (1) 3/06/2393/FP – Alternative access to scheme approved as 3/02/2271/FP at Balls Park, Mangrove Road, Hertford for City and Country Houses Ltd, and
- (2) 3/03/1209/FP – Development of an apartment block with offices at ground floor together with ancillary parking and hardsurfacing at Adams Yard and Maidenhead Yard, Hertford for yellow Circle Limited

The Chairman further advised that the report relating to a revised plan for application 3/05/1859/OP - Erection of a Garden Centre with associated access etc at London Road/Pig Land, Bishop's Stortford for the Fairfield Partnership - would be considered immediately after the report in relation to the appeal relating to this application.

580 DECLARATIONS OF INTEREST

Councillor R Gilbert declared a personal interest in respect of application 3/06/2319/FP as he lived approximately half a mile away from the application site.

Council S A Bull declared and personal and prejudicial interest in respect of application 3/01/2067/LC as he was in receipt of a pension from a company that had an interest in the development site. Councillor Bull left the room prior to consideration of the application.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in respect of enforcement matter reference E/06/0369/A as she was a client of the Veterinary Practice. Councillor Rutland-Barsby left the room prior to consideration of this enforcement matter

ACTIONRESOLVED ITEMSACTION581 MINUTES

Following comments from Councillor Ashley in respect of Minute 514 – application 3/06/2373/FP – Committee agreed to delete the phrase “praised officers for the report, but “ from the fourth paragraph of narrative.

RESOLVED – that the minutes of the meeting of the Development Control Committee held on 17 January 2007 be confirmed as a correct record and signed by the Chairman, subject to the following amendment to Minute 514 – application 3/06/2373/FP:

delete the phrase “praised officers for report, but” in the fourth paragraph of narrative.

582 3/06/1561/FP – USE OF BUILDINGS AND LAND FOR MANUFACTURE, STORAGE AND DISTRIBUTION OF TIMBER PRODUCTS AND ANCILLARY GOODS AT BRIGGENS HOME FARM, STANSTEAD ABBOTTS (RETROSPECTIVE APPLICATION) FOR 414 TIMBER PRODUCTS AND MANUFACTURERS.

The Director of Regulatory Services recommended that, in respect of application 3/06/1561/FP, planning permission be granted subject to the conditions now detailed.

Councillor R N Copping highlighted the representations received in respect of this application from Stanstead Abbots Parish Council detailed in the report. Councillor Copping proposed a motion, which was duly seconded, that the application be refused planning permission as it was contrary to the Authority’s Local Plan Policy RA2. There were no special reasons to justify the proposed development in the Green Belt. Upon being put to the meeting, the motion was declared lost.

ACTION

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/1561/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that application 3/06/1561/FP be granted planning permission subject to the following conditions:

DRS

1. The open storage areas as shown on plan 2104/21E shall be provided and all other storage areas removed within three months of the date of this planning permission.

Reason: In the interests of visual amenity in accordance with policy RA2 of the East Herts Local Plan.

2. The proposed alterations to Building D as shown on plan 2104/27B shall be carried out within four months of the date of this planning permission.

Reason: To ensure the architectural character of the building is maintained in accordance with policy RA6A of the East Herts Local Plan

3. Building C as shown on plan 2104/21E shall be removed from the site.

Reason: In the interests of visual amenity and in accordance with policy RA2 of the East Herts Local Plan.

4. Complete accordance (2E10)
5. No external lighting (2E26)
6. Contaminated land survey and remediation (2E33) (Within three months of the date of this planning permission...)

ACTION

7. Retention of existing trees (4P05)
8. Hedge retention protection
9. Tree/natural feature protection: fencing (4P07)
10. Tree surgery (4P11)
11. Landscape design proposals (4P12) i j k l
12. Landscape works: Implementation (4P13)
13. Tree planting (4P15)
Delete a and c
14. Landscape maintenance (4P17)
15. Retention of landscaping (4P21)
16. Within three months of the date of this planning permission a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely impacts from the development, from the use of wood working and other machinery and deliveries. This report should clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels, if found to be necessary. It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit and critically analyse the contents and recommendations.

Reason: In the interests of the amenities of nearby residents, in accordance with policy BE10 of the East Hertfordshire Local Plan.
17. No machinery shall be operated on the premises before 0730 hours on Monday to Saturday, or after 1800 hours on weekdays and

ACTION

1300 hours neither on Saturdays, nor at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of nearby residents, in accordance with policy BE10 of the East Hertfordshire Local Plan.

18. No soakaways shall be constructed in contaminated ground.

Reason: To prevent pollution of groundwater.

19. The construction of the surface and foul drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority within three months of the date of this planning permission.

Reason: To prevent pollution of the water environment.

Plan numbers: 2104/21E; 2104/22A; 2104/23C; 2104/24; 2104/25A; 2104/27B; Tree Planting Plan

Directives: -

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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies RA2, RA6A, BE8, BE9, BE16 and M8; and policies GBC2, GBC3, GBC10, EDE9, TR6, TR13, ENV5, BH14, and BH15 of the East Herts Local Plan Second Review Re-Deposit Version incorporating Pre-Inquiry Changes. The

ACTION

balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

583 3/06/2319/FP – REDEVELOPMENT OF FORMER WHOLESALERS DEPOT FOR A 24 UNIT RESIDENTIAL SCHEME WITH RETENTION OF BARN FOR COMMERCIAL USE, AT STORT WHOLESALERS LTD, 21 HOCKERILL STREET, BISHOPS STORTFORD, FOR CREST NICHOLSON LTD

The Director of Regulatory Services recommended that, in respect of application 3/06/2319/FP, planning permission be granted subject to the conditions now detailed and also subject to the applicant entering into a legal obligation under the provisions of the Town and Country Planning Act 1990 to cover the matters also detailed in the report now submitted.

The Head of Development Control reported on the nature of a further representation received in respect of this application relating to potential vehicle / pedestrian conflict.

The Head of Development Control also proposed that a further condition be added to those now detailed if the Committee was minded to grant the application planning permission. This further condition related to the incorporation of sustainable initiatives / construction methods relating to the development.

Councillor Mrs M H Goldspink proposed a motion, which was duly seconded, that the application be refused planning permission as it represented an over development of the site and provided insufficient parking facilities.

Upon being put to the meeting, the motion was declared lost.

The Committee supported the Director's recommendation in respect of application 3/06/2319/FP as detailed in the

ACTION

report now submitted and subject to the additional condition now outlined.

RESOLVED – that subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters: -

DRS

1. The provision of £1,421, which shall be used as a contribution towards temporary primary education.
2. The provision of £8,922, which shall be used as a contribution towards secondary education.
3. The provision of £4,896, which shall be used as a contribution towards libraries
4. The provision of £9,840, which shall be used as a contribution towards youth and childcare.
5. The provision of £12,000, which shall be, used as a contribution towards sustainable transport measures.
6. The provision of a level of 40% affordable housing, amounting to 10 units.
7. The provision of fire hydrants.
8. The formation of a management company to oversee the maintenance of common areas shown on the approved plans and the removal of refuse from the site.

the Director of Regulatory Services be authorised to grant permission subject to the following conditions:-

1. Three year time limit (1T12)
2. Levels (2E05)

ACTION

3. Boundary walls and fences (2E07)
4. Sample of materials (2E12).
5. Obscured glazing (2E18) insert 'first floor window openings to the rear eastern elevation of block 2'
6. Communal TV facilities (2E28)
7. Cycle parking facilities (2E29)
8. New doors and windows – unlisted buildings (2E34)
9. Prior to the commencement of the development hereby permitted, details of the junction between the proposed access road, which shall have a minimum width of 5.5 metres, kerb radii of 6 metres and be centrally located within the sites highway frontage with Hockerill Street, shall be submitted to an approved in writing by the Local Planning Authority. Those details shall include measures to give priority to pedestrians along Hockerill Street at the access point. Once agreed they shall be implemented as such prior to occupation.

Reason: In order to minimize danger, obstruction and inconvenience to users of the highway and of the proposed estate road.
10. Sight lines (3V08) insert '2.0 x 2.0 metres'
11. Prior to the commencement of the development hereby permitted, detailed plans and sections of the proposed road, including gradients and methods of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be constructed in accordance with the approved

ACTION

details.

Reason: To ensure that the roadwork is constructed to an adequate standard.

12. Completion of roads (3V13)
Thereafter, the approved cycleway / footpath shall be retained open for public access at all times to the satisfaction of the Local Planning Authority.
13. Hard surfacing (3V21)
14. Construction parking and storage (3V22)
15. Provision and retention of parking spaces (3V23)
16. Wheel washing (3V25)
17. Landscape design proposals (4P12)
18. Landscape works implementation (4P13)
19. Landscape maintenance (4P17)
20. Retention of landscaping (4P21)
21. Prior to the commencement of the works, a full noise assessment shall be submitted to and approved in writing by the Local Planning Authority. Any noise control measures identified in the assessment to ensure an adequate level of protection against noise is provided to future residents of the site shall be completed before any part of the development is occupied.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy BE10 of the East Herts Local Plan.

ACTION

22. Prior to the commencement of the development hereby granted, details of site drainage shall be submitted to an approved by the Local Planning Authority.

Reason: To prevent pollution of groundwater

23. Prior to the commencement of the development hereby permitted, details of staggered cycle bars (or other similar measures to prevent any vehicular use of the path/cycleway) should be submitted to and approved in writing by the Local Planning Authority. Such measures shall be installed and completed to the satisfaction of the Local Planning Authority prior to the first occupation.

Reason: To minimise danger and inconvenience to users of the path/cycleway and in the interest of amenity of nearby properties.

24. Hours of working – plant and machinery (6N05)

25. Prior to the commencement of the development hereby permitted, reclamation of the site shall be carried out in accordance with Document Reference 10283, submitted as part of the planning application. On completion of the works, the developer shall provide a validation report, which confirms that the works have been completed in accordance with the approved document and plans.

Reason: To minimise and prevent pollution of the land and the water environment.

26. Prior to the commencement of the development hereby permitted, details of the provision made to incorporate sustainable initiatives /construction methods, renewable energy

ACTION

technologies, water and energy conservation measures, or how buildings have been orientated to exploit passive solar gain within the development shall be submitted to and agreed in writing by the Local Planning Authority, and the development shall only take place in accordance with the agreed details.

Reason: In the interest of sustainable development, and in accordance with Policies SD1a and ENV3 (I) (e) of the East Herts Local Plan and Planning Policy Statement 1: Delivering Sustainable Development.

Directives: -

1. Other legislation (010L)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street numbering (19SN)
5. The construction works and operation of the development should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk.
6. You are advised that asbestos shall be removed by a licensed contractor, which is enforceable by the Health and Safety Executive (HSE) to ensure safe systems of work under the Control of Asbestos Regulations 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

ACTION

Plan, Waste Local Plan and East Herts Local Plan) and in particular policies BE1, BE2, BE8, BE9, BE10, BE18, BE26 and H5, and policies ENV1(a), ENV3, ENV5, ENV6, ENV26, ENV29, HSG7, BH8 and HGG8 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to those policies is that planning permission should be granted.

584 3/06/2362/FP – THE ERECTION OF A GRAINSTORE AT LYSANDER PARK, SAWBRIDGEWORTH FOR M J AND S C COLLINS

The Director of Regulatory Services recommended that, in respect of application 3/06/2362/FP, planning permission be granted subject to the conditions now detailed.

Mr H Richardson addressed the Committee in support of the application.

In response to comments from the local Ward Member, Councillor M G Carver, the Head of Development Control confirmed a proposed condition no. 7 addressed the issue of providing additional tree planting.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/2362/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that application 3/06/2362/FP be granted planning permission subject to the following conditions:

DRS

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Complete accordance (2E10)

ACTION

4. Samples of materials (2E12)
5. Hard surfacing (3V21)
6. Tree Survey (4P01)
7. Landscape design proposals (4P12) (a), (b), (e), (i), (j), (k), (l)
8. Landscape works implementation (4P13)
9. Tree planting (4P15) (c)
10. Prior to the commencement of the development hereby permitted a method statement setting out the planned approach to the removal, transport and levelling of topsoil, as described in the supporting information dated November 2006, shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be carried out in accordance with the approved scheme.

Reason: In the interests of safe and efficient use of the highway in accordance with Policies TR3a and TR3b of the Second Review Local Plan, in the interests of the character of the surroundings in accordance with adopted policy RA2, and to ensure the local planning authority retains control of future development.

11. Prior to the first operational use of the building details of the measures proposed for the satisfactory construction of the access road and its junction with the public highway shall be submitted to and approved in writing by the local planning authority. Thereafter the works shall be carried out in accordance with the approved details.

Reason: To ensure that the access is

ACTION

constructed to a specification to the satisfaction of the local planning authority, in the interests of highway safety and in accordance with Policies TR3a and TR3b of the Second Review Local Plan.

Directives: -

1. Other Legislation (01OL1)

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 Second Review including Pre-Inquiry changes (June 2005)), and in particular adopted policies RA2, BE8, M11 and Re-Deposit policies SD1a, GBC2, GBC3, GBC9, GBC16b, TR3A, TR3b. The balance of the considerations having regard to those policies is that permission should be granted.

- 585 3/05/1859/OP – ERECTION OF A GARDEN CENTRE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND AT LONDON ROAD/ PIG LANE, BISHOP'S STORTFORD FOR THE FAIRFIELD PARTNERSHIP.
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The Director of Regulatory Services submitted a report reminding Members that, at its meeting held on 7 December 2005, Development Control Committee had resolved to refuse outline planning permission for the erection of a Garden Centre with associated access, parking and landscaping at land at London Road/Pig Lane, Bishop's Stortford.

The Committee noted that the applicant had subsequently lodged an appeal in respect of the refusal of planning permission. The appeal was due to be considered at a

ACTION

Public Inquiry scheduled for 6 March 2007.

In advance of the Public Inquiry, the Committee further noted that the applicant had been in negotiation with a number of external bodies in respect of mitigating some of the Council's stated reasons for refusal. The relevant reasons related to flooding and biodiversity and sustainable transport.

The Committee noted that Council Officers had been further involved in discussions with the Head of Environmental Health in regard of a further reason of refusal relating to noise and disturbance.

The Head of Development Control reminded the Committee of the basis for each of these reasons for refusal. However, the Director recommended that the Council should not pursue these reasons based on the information detailed in the report now submitted.

The Committee noted the Head of Development Control's view that the Council's case for refusing planning permission would still be sustainable in the event it did not pursue the reasons now detailed. Further, by not pursuing these reasons it was felt that any risk of an award of cost to the appellant would be minimised.

Councillor M G Carver, the local Ward Member, addressed the meeting expressing continuing concerns over a number of highway issues, as now detailed, in relation to the proposed development.

The Committee supported the Director's recommendation on this matter.

RESOLVED – that in relation to the forthcoming planning appeal, reasons for refusal 5 - Flooding and Biodiversity; reason 6 – Sustainable Transport; and reason 7 – Noise and disturbance to the planning application decision notice 3/05/1859/OP dated 7 December 2005 be not pursued and that the

DRS

ACTION

Planning Inspectorate and appellant be informed of this decision.

586 3/05/1859/OP –. ERECTION OF A GARDEN CENTRE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND AT LONDON ROAD/ PIG LANE, BISHOP'S STORTFORD FOR THE FAIRFIELD PARTNERSHIP.

The Director of Regulatory Services submitted a report advising that the applicant had submitted a revised layout plan connected with application 3/05/1859/OP.

The Head of Development Control commented that the revised layout plan aimed to overcome the remaining reasons for refusing this application planning permission which was due to be considered at an appeal inquiry on 6 March 2007. It was considered that the revised layout proposed did not overcome the reasons for refusal.

The Head of Development Control reminded the Committee of its decision, taken earlier at this meeting, in respect of the appeal against refusal of planning permission for application 3/05/1859/OP (see Minute 585 above).

The Committee supported the Director's recommendation on this matter as detailed in the report now submitted.

RESOLVED – that in relation to the forthcoming appeal the Council accepts the substitution of revised drawing 2104/A100 received 29 January 2007 for that previously determined on 7 December 2005 under Local Planning Authority reference 3/05/1859/OP, and that the Planning Inspectorate and appellant be informed of the Council's decision to uphold its decision to refuse planning permission for the following reasons: -

DRS

1. Within Metropolitan Green Belt (R021)

ACTION

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

587 3/06/2506/FP – ERECTION OF 9 NO. (6 ONE BED AND 3 TWO BED) 'IPAD' FLATS, PROVISION OF OFF STREET PARKING AND ALL ASSOCIATED ANCILLARY WORKS AT FORMER HERTFORDSHIRE & ESSEX GENERAL HOSPITAL, HAYMEADS LANE, BISHOPS STORTFORD FOR BARRATTS HOMES

The Director of Regulatory Services recommended that, in respect of application 3/06/2506/FP, planning permission be refused for the reasons now detailed.

Councillor Mrs M H Goldspink proposed that a further reason for refusal be added to those detailed relating to the

ACTION

provision of inadequate parking facilities.

The Committee supported the Director's recommendation that planning permission be refused for the reasons now detailed, together with a further reason relating to inadequate parking.

RESOLVED – that application 3/06/2506/FP be refused planning permission for the following reasons:

DRS

1. The application fails to provide for the required 40% affordable housing contrary to the provisions of Policy H5 of the East Herts Local Plan, Policies HSG7 & HSG8 of the East Herts Local Plan Second Review Re-Deposit Version June 2005 including pre Inquiry Changes, Supplementary Planning Document dated February 2005 and Planning Policy Guidance Note 3 'Housing'.
2. The Local Planning Authority is not satisfied that sufficient evidence has been presented to show that the site has been successfully marketed for a crèche facility or what other alternative community uses of the land have been adequately considered. It is therefore considered that without such details there is insufficient justification for the removal of the community facility from this site. The development is therefore contrary to Policy BS2(a) (iii) of the East Herts Local Plan and Policy LRC13 of the East Herts Local Plan Second Review Re-Deposit Version June 2005 including pre Inquiry Changes.
3. The proposed development by reason of its height, scale, massing and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the

ACTION

character of the street scene, the locality in general and the character and setting of the adjacent Listed Buildings. The proposal is thereby contrary to Policies BE2 & Appendix I and BE16 of the East Herts Local Plan and Policies ENV3 and BH15 and of the East Herts Local Plan Second Review Re-Deposit Version June 2005 including pre Inquiry Changes and national planning guidance in PPS1 'Delivering Sustainable Development' para 34 and PPG15 – The Historic Environment.

4. The proposed development does not make adequate provision for infrastructure improvements to mitigate against the impact of the development. The proposal is therefore contrary to policy IMP1 of the East Herts Local Plan Second Review Re-Deposit Version June 2005 including pre Inquiry Changes.
5. The Council is not satisfied from the information submitted with the application that full consideration has been given to addressing issues relating to: - methods for the storage and collection of household waste; measures to prevent crime prevention; contaminated land measures; waste minimisation, re-use and recycling of materials in new developments; sustainable development principles and measures for the protection of future occupiers from noise and disturbance from adjoining flats, aircraft noise and the adjacent children's play area. Without such consideration the proposal is thereby contrary to Structure Plan Policies 1 and 2; Policies 3, 7 and 8 of the Herts County Council Waste Local Plan 1999; Policies DP1, BE1, BE2 and Appendix I, BE10, BE11 and BE26 of the East Herts Local Plan; Policies SD1(a), SD22, ENV3, ENV6, ENV28, and ENV29 of the East Herts Local Plan Second Review Re-Deposit Version June 2005

ACTION

including pre Inquiry Changes.

6. MO81 Inadequate Parking

Add at end ...”and policy TR6 of the East Herts Local Plan Second Review”.

588 3/06/2408/FP – CHANGE OF PART OF EXISTING PADDOCK TO DOMESTIC CURTILAGE AND CONSTRUCTION OF TENNIS COURT AT BEECH HOUSE, ALBURY LODGE ESTATE, ALBURY, FOR MRS E. SOMERVILLE

The Director of Regulatory Services recommended that, in respect of application 3/06/2408/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/2408/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that application 3/06/2408/FP be granted planning permission subject to the following conditions.

DRS

1. Three year time limit (IT12)
2. Tree retention and protection (4P05)
3. Hedge retention and protection (4P06)
4. Boundary walls and fences (2E07)
5. Hard surfacing (3V21)
6. Lighting details (2E27)
7. Withdrawal of PD Part 2 Class A (means of enclosure) (2E21)

ACTION

8. Withdrawal of PD Part 1 Class E (incidental structures) (2E22)
9. Landscape design proposals (4P12) for a), i), j), k), l).
10. Landscape works implementation (4P13)

Directives: -

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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies RA3 and BE6 of the Adopted Plan; and policies GBC5, GBC6 and ENV12 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.

589 3/01/2067/LC – DEMOLITION OF EXISTING BUILDINGS AT ADAMS YARD AND MAIDENHEAD YARD, HERTFORD FOR YELLOW CIRCLE LTD

The Director of Regulatory Services recommended that, in respect of application 3/01/2067/LC, Conservation Area consent be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/01/2067/LC be granted conservation area consent subject to the conditions now detailed.

RESOLVED – that application 3/01/2067/LC be granted conservation area consent subject to the

DRS

ACTION

following conditions:

1. Time Limit (1T05)
2. Conservation Area (demolition) (8L12)
3. Conservation Area (clearance of site) (8L13)

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 BE18 of the East Herts Local Plan, policy BH6 of the East Herts Local Plan Second Review Re-Deposit Version incorporating Pre-Inquiry Changes and the Hertford Riverside Yards Development Brief. 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.

590 3/06/2446/FP – DEMOLITION OF EXISTING DWELLING AND ERECTION OF REPLACEMENT DWELLING AND DOMESTIC OUTBUILDINGS AT CHANCEY HALL, BASSUS GREEN ROAD, WALKERN FOR MR AND MRS C LORD

The Director of Regulatory Services recommended that, in respect of application 3/06/2446/FP, planning permission be refused for the reasons now detailed.

Mr C Lord addressed the Committee in support of the application.

Councillor G Scrivener proposed a motion, which was duly seconded, that the application be granted planning permission as the proposal would improve the visual amenity of the site. Upon being put to the meeting and

ACTION

vote taken, the motion was declared carried.

The Committee agreed to grant application 3/06/2446/FP planning permission subject to the conditions now detailed.

RESOLVED – that application 3/06/2446/FP be granted planning permission subject to the following conditions:

DRS

1. Three year time limit (1T01)
2. Samples of materials (2E12)
3. Vehicular use of garage (5U10)
add at end: - “and shall only be used ancillary to the residential use of the dwelling hereby permitted.”
4. Levels (2E05)
5. Prior to the commencement of the development hereby permitted, details of provision to be made to incorporate sustainable initiatives, construction methods, renewable and efficient energy technologies, water and energy conservation measures shall be submitted to and agreed in writing by the Local Planning Authority. The development shall only take place in accordance with the agreed details.

Reason: In the interest of sustainable development, and in accordance with Policies SD1a and ENV3 (I) (e) of the East Herts Local Plan and PPSI Delivering Sustainable Development.

6. As part of the development and within 3 months of the occupation of the new dwelling hereby permitted, all existing structures, including outbuildings on the site shall be demolished and all the resulting materials and debris

ACTION

removed from the land.

Reason: In the interest of the appearance of the development, and in accordance with Policy RA3 (e) and Appendix 1(D) of the East Herts Local Plan.

7. Withdrawal of Permitted Development (Part 1 Class A) (2E20)
8. Withdrawal of Permitted Development (Part 1 Class E) (2E22)
9. Boundary walls and fences (2E07)
10. Landscape Design (4P12)
i, j, k & l
11. Landscape works implementation (4P13)

Directive:

Other Legislation (01OL)

591 3/06/2370/FP–RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND TO DOMESTIC CURTILAGE, RETENTION OF TIMBER DECKING, HOT TUB AND PERGOLA AND CONSTRUCTION OF GARDEN SHED AT 5 ELEANORS CLOSE, THUNDRIDGE FOR MR MARK SMITH

The Director Regulatory Services recommended that, in respect of application 3/06/2370/FP, planning permission be refused for the reasons now detailed.

Ms J Orsborne addressed the Committee in support of the application.

Councillor H G S Banks, the local Ward Member, addressed the meeting inviting the Committee to consider deferring consideration of the application to enable

ACTION

discussions to take place with the applicant on an acceptable tree planting scheme for the site.

The Head of Development Control confirmed that, notwithstanding any decision taken at tonight's meeting, it would be possible for officers to discuss with the applicant measures to protect the woodland area.

The Chairman suggested that, if the Committee was minded to accept the recommendation, it should also authorise action to secure the removal of unauthorised structures and the cessation of the unauthorised use of the land at 5 Eleanors Close, Thundridge.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/2370/FP be refused planning permission for the reasons now detailed. Further, it agreed to authorise enforcement action to address the matters now detailed.

RESOLVED - that (A) application 3/06/2370/FP be refused planning permission for the following reasons:

DRS

1. The proposed development results in an encroachment of the residential curtilage of the dwelling into the adjoining woodland area. This would be out of keeping with and detrimental to the character and appearance of the local landscape and contrary to Policy BE6 (II) of the adopted East Herts Local Plan and Policy ENV12 of the East Herts Local Plan Second Review.
2. The proposed development by reason of its siting, size and height appears visually intrusive and unduly prominent within the rural setting of the area. The proposal is therefore contrary to Policy BE2 of the East Hertfordshire Local Plan.
3. The site is situated within an area of woodland

ACTION

that is subject to a woodland Tree Preservation Order. The development is detrimental to the appearance of the site and surroundings and is contrary to policies BE8 and RA9 of the East Hertfordshire Local Plan.

- (B) the Director of Regulatory Services, in consultation with the Director of Corporate Governance, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such other steps that may be required to secure the removal of the unauthorised structures and the cessation of the unauthorised use of the land at 5 Eleanors Close, Thundridge

Period for compliance: 3months

Reasons why it is expedient to issue an enforcement notice:

1. The proposed development results in an encroachment of the residential curtilage of the dwelling into the adjoining woodland area. This would be out of keeping with and detrimental to the character and appearance of the local landscape and contrary to Policy BE6 (II) of the adopted East Herts Local Plan and Policy ENV12 of the East Herts Local Plan Second Review.
2. The proposed development by reason of its siting, size and height appears visually intrusive and unduly prominent within the rural setting of the area. The proposal is therefore contrary to Policy BE2 of the East Hertfordshire Local Plan.
3. The site is situated within an area of woodland that is subject to a woodland Tree Preservation Order. The development is detrimental to the appearance of the site and surroundings and is

ACTION

contrary to policies BE8 and RA9 of the East Hertfordshire Local Plan.

592 3/06/2262/FP – LOFT CONVERSION, SINGLE STOREY REAR EXTENSION (SWIMMING POOL), LOWER BRICK CLADDING AND BOARDING AT 21 PISHIOBURY DRIVE, SAWBRIDGEWORTH, FOR MR LAWLESS.

The Director of Regulatory Services recommended that, in respect of application 3/06/2262/FP, planning permission be granted subject to the conditions now detailed.

The Head of Development Control reported the detail of a further letter of objection received in respect of this application. The Committee noted the nature of the representation.

The Committee supported the recommendation of the Director of Regulatory Services that application 3/06/2262/FP be granted planning permission subject to the conditions now detailed.

RESOLVED - that application 3/06/2262/FP be granted planning permission subject to the following conditions:

DRS

1. Three Year Time Limit (1T12)
2. Complete Accordance with Approved Plans (2E10)

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 of the Adopted Plan; and policies ENV1a, ENV9 and ENV10 of the East Herts Local Plan Second Review Re-Deposit Version incorporating Pre-Inquiry changes. The balance of the considerations having regard to these policies in

ACTION

this case is that planning permission should be granted.

593 E/06/0369/A – UNAUTHORISED USE OF A UNIT ATTACHED TO A HOUSE FOR A VETERINARY SURGERY AT 69 CAMBRIDGE ROAD, SAWBRIDGEWORTH

The Director of Regulatory Services submitted a report recommending enforcement action in respect of the property now detailed and referenced E/06/0369/A.

The Committee supported the Director's recommendation in respect of this property as detailed in the report now submitted.

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 veterinary surgery use of 69 Cambridge Road, Sawbridgeworth.

DRS/DCG

Period for compliance: 2 months

Reasons why it is expedient to issue an enforcement notice:

1. The proposed use would be likely to result in an unacceptable level of noise nuisance and disturbance to residents of nearby properties, contrary to policies EMP4 of the East Herts Local Plan and EDE4 of the East Herts Local Plan Second Review Re-Deposit Version incorporating Pre-Inquiry Changes June 2005.
2. The proposal would give rise to additional traffic hazards by reason of vehicles slowing down,

ACTION

turning into and out of the site and standing on the highway, thereby impeding the free flow of traffic and causing danger and obstruction to other road users.

594 E/06/0526/A – ERECTION OF A FASCIA SIGN TO THE FRONT ELEVATION AT BRIDGE CAFÉ, 16 BRIDGE STREET, BISHOP'S STORTFORD, CM23 2JY

The Director of Regulatory Services submitted a report recommending enforcement action in respect of the site reference E/06/0526/A. The Committee noted that the signage the subject of the proposed enforcement action had been modified by the removal of the projecting sign and the disconnection of the lighting. The impact of this change was such that it now appeared that the signage would have deemed consent under the terms of the relevant provisions of the Town and Country Planning (Control of Advertisements) Regulations 1992.

The Committee noted the basis for the Director's recommendation for enforcement action. The Committee did not support the Director's recommendation. It agreed that the Director of Regulatory Services be requested to write to the shop's owners/tenants to advise them of the Council's concerns over the signage and to highlight that the Authority wouldn't want to see the return of any illuminated signage, nor the erection of further signage at this site.

RESOLVED – that (A) no action be taken to issued an Discontinuance Notice under the Town and Country Planning (Control of advertisements) Regulations 1992 requiring the removal of the fascia sign at 16 Bridge Street, Bishop's Stortford, and

DRS

(B) the Head of Development Control be requested to advise the shop owners/tenants of the Council's concerns over the signage at this site, particularly that it would not wish to see the return of any illuminated signage or the erection of any further

ACTION

signs.

595 E/06/0455/B – UNAUTHORISED USE OF LAND FOR
CAR SALES AT J CHARVILL WORKSHOP, WATTON
ROAD, WARE, SG12 0AD

The Director of Regulatory Services submitted a report recommending enforcement action in respect of the site the subject of reference E/06/0455/B.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of this site on the basis now detailed.

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 that may be required to secure the cessation of the unauthorised use of the land for car sales.

DRS/DCG

Period for compliance: 3 months.

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

The site used for car sales is incapable of accommodating the vehicles for sale together with the necessary access and parking arrangements result in an adverse impact upon the amenities of nearby residents. It is therefore contrary to Policy EMP4 of the adopted East Hertfordshire Local Plan and Policy EDE4 of the emerging Local Plan.

596 PUBLIC SPEAKING AT DEVELOPMENT CONTROL
COMMITTEE

The Head of Development Control submitted a report

ACTION

inviting the Committee to review the public speaking trial introduced at the Development Control Committee.

The Head of Development Control reminded the Committee that the aim of public speaking at its meetings was to ensure greater public involvement and accountability in the provision of the Development Control service.

The Committee noted feedback received from members of the public who had participated in the trial.

DRS

The Committee welcomed the response from the public to the trial scheme and noted the comments made by the Head of Development Control in relation to the time allocated for public speaking at meetings.

The Head of Development Control commented that, generally, the scheme appeared to have been well received and functioned well.

The Committee shared the Head of Development Control's view that no changes to the actual procedural elements of the scheme were required.

The Committee agreed that the scheme of public speaking introduced at its meetings should be continued on a permanent basis.

RESOLVED – that the scheme of public speaking introduced at the Development Control Committee meetings be continued on a permanent basis.

597 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination,

ACTION

(B) Planning appeals lodged, and

(C) Planning statistics.

The meeting closed at 9.45 pm.

Chairman
Date