

MINUTES OF A MEETING OF  
THE DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE  
WAYTEMORE ROOM, BISHOP'S  
STORTFORD ON WEDNESDAY  
23 MAY 2007 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman).  
Councillors M R Alexander, W Ashley,  
K A Barnes, S A Bull, R F Cheswright,  
R N Copping, J Demonti, Mrs M H Goldspink,  
D A A Peek, S Rutland-Barsby, J J Taylor,  
A L Warman, J P Warren, B M Wrangles.

ALSO IN ATTENDANCE:

Councillor G D Scrivener

OFFICERS IN ATTENDANCE:

|                  |   |
|------------------|---|
| Anne Freimanis   | - Chief Executive                           |
| Glyn Day         | - Principal Planning<br>Enforcement Officer |
| Simon Drinkwater | - Director of<br>Neighbourhood<br>Services  |
| Peter Mannings   | - Democratic Services<br>Assistant          |
| Kevin Steptoe    | - Head of Planning and Building<br>Control  |
| Alison Young     | - Development Control Manager               |

28 APOLOGY

An apology for absence was submitted on behalf of  
Councillor G E Lawrence.

29 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the  
meeting.

ACTION

The Chairman reminded Members to ensure that when substitutes were nominated to attend Development Control Committee, they gave sufficient time for the substitute to visit sites prior to the meeting.

30 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/07/0609/FP, as he was on the board of directors for Wodson Park. Councillor Ashley left the room prior to consideration of this matter.

Councillor Mrs M H Goldspink declared a personal interest in respect of application E/06/0575/A, as her husband brought wood from the premises.

Councillor A L Warman declared a personal and prejudicial interest in respect of application 3/07/0609/FP, as he was an acquaintance of a resident of Salmons Close. Councillor Warman left the room prior to consideration of this matter.

Councillor R N Copping declared a personal interest in respect of application 3/07/0175/FP, as he lived next door to the site.

Councillor Mrs J Demonti declared a personal interest in respect of application 3/07/0653/FP, as she was a friend of a Member of Bishop's Stortford Bowling Club.

Councillor R Gilbert declared a personal interest in respect of application 3/07/0653/FP, as he lived within half a mile of the site.

RESOLVED ITEMSACTION31 MINUTES

RESOLVED – that the Minutes of the meeting held on 25 April 2007 be confirmed as a correct record

ACTION

and signed by the Chairman.

- 32 3/07/0653/FP – DEMOLITION OF CLUBHOUSE AND ANCILLARY BUILDINGS. ERECTION OF 38NO. FLATS; CONSTRUCTION OF NEW ACCESS OFF KINGFISHER WAY; LAYOUT OF LANDSCAPED PARKING AREAS; LAYOUT OF FOOTPATH/CYCLEWAY AND ALL ANCILLARY WORKS, AT BISHOP'S STORTFORD BOWLING CLUB, 23 HOCKERILL STREET, BISHOP'S STORTFORD, FOR MR L. PENN

Karen Hendy addressed the Committee in opposition to the application. Mr Fox spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0653/FP, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director reported that condition 7 in the Officers report should be amended to read 34.2 %, as the level of provision for affordable housing. The Director advised that a letter had been received from English Heritage raising no objections and a letter of support had been received raising similar supporting arguments as those submitted by Mr Fox.

The Director further reported that no comments had been received from the Cyclist Touring Club or the County Architect Liaison Officer.

Councillor Mrs M H Goldspink expressed support for the Bowls Club's future but raised planning concerns in respect of site access, overdevelopment and parking provision being below the recognised standard.

The Director advised that if Members did not support the scheme, they could not simply repeat reasons for refusal previously used because they explicitly related to the

ACTION

previous scheme. The Director reported that the recognised standard figure for parking provision was a maximum requirement and a lesser provision did not breach planning policy.

Councillor K A Barnes sought an assurance from Officers that the proposed scheme provided the best environment that could be secured for residents and enquired as to whether anything could be done beyond this application to improve the site. The Director advised that changes had been made to the layout and that Officers had worked hard to ensure an acceptable scheme.

Councillor J Demonti expressed concern in respect of site access from Hockerill Street. Councillor W Ashley indicated that bringing highways issues into the debate at this stage was not a sound idea, given that highways issues had not been a reason used when refusing this application previously.

Councillor D A A Peek praised Officers for the report and stated that Members' concerns from the previous application had been addressed and suggested that one parking space per unit was probably sufficient for the style of development.

Councillor Mrs M H Goldspink proposed and Councillor R Gilbert seconded, a motion that application 3/07/0653/FP be refused planning permission on the grounds that the application constituted overdevelopment by nature of the bulk, height and scale and overbearing nature of the proposed development.

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 Neighbourhood Services that application 3/07/0653/FP be granted planning permission, subject to the conditions

ACTION

now detailed.

RESOLVED – that in respect of application 3/07/0653/FP, subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

DNS

1. The provision of £1,790 which shall be used as a contribution towards temporary primary education
2. The provision of £6,450 which shall be used as a contribution towards secondary education
3. The provision of £7,752 which shall be used as a contribution towards libraries
4. The provision of £9,430 which shall be used as a contribution towards youth and childcare
5. The provision of £19,000 which shall be used as a contribution towards sustainable transport measures
6. The provision of £15,000 towards safety improvements at the Hockerill/London Road traffic signal controlled junction
7. The provision of a level of 34% affordable housing, amounting to 13 units
8. The formation of a management company to oversee the maintenance of common areas shown on the approved plans.

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

ACTION

1. Three year time limit (1T12)
2. Levels (2E05)
3. Boundary walls and fences (2E07)
4. Sample of materials (2E12)
5. Communal TV facilities (2E28)
6. Cycle parking facilities (2E29)
7. New doors and windows – unlisted buildings (2E34)
8. Development shall not commence until the construction of the replacement bowling club facility at Beldams Lane, Bishops Stortford, (or other appropriate location to be agreed with the Local Planning Authority), has been completed to the satisfaction of the Local Authority.

Reason: To prevent the loss of the bowls club facility, and in accordance with Policy L1.

9. Prior to the occupation of the development hereby approved, or in accordance with a timetable to be agreed in writing by the Local Planning Authority, a 2metre wide foot/cycle way shall be provided from a continuous link between the existing footway on Kingfisher Way and the sites southern boundary in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the site is accessible to all to promote alternative modes of transport to the development.

ACTION

10. Development shall not begin until the detailed plans and sections of the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

11. Hard surfacing (3V21)
12. Construction parking and storage (3V22)
13. Wheel washing (3V25)
14. Tree retention and protection (4P05)
15. Hedge retention and protection (4P06)
16. Landscape design proposals (4P12)
17. Landscape works implementation (4P13)
18. Prior to the commencement of the development hereby granted, details of site drainage shall be submitted to and approved by the Local Planning Authority, and no soakaway shall be constructed in contaminated ground

Reason: To prevent pollution of groundwater

19. Hours of working – plant and machinery (6N05)
20. The noise and vibration control measures identified in the submitted assessment, to

ACTION

ensure an adequate level of protection against noise is provided for 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 ENV29 of the East Herts Local Plan Second Review.

21. Prior to the commencement of the development hereby permitted, details of staggered cycle bars (or other similar measures to prevent any motor vehicular use of the path/cycleway) shall 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 of the development.

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

22. Prior to the commencement of the development hereby permitted, details of the provisions made to incorporate sustainable initiatives/construction methods, renewable energy 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 interests of sustainable development and in accordance with Policies SD1 of the East Herts Local Plan Second Review and Planning Policy Statement 1:



ACTION

Delivering Sustainable Development.

Directives: -

1. Other legislation (010L)
2. Highway works (05FC)
3. Planning Obligation (08PO)
4. 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 Second Review April 2007, and in particular policies SD1, HSG1, HSG3, HSG4, HSG6, TR1, TR6, TR12, TR14, ENV1, ENV2, ENV3, ENV4, ENV21, ENV25, BH6 and LRC1. The balance of the considerations having regard to those policies and Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Guidance Note 3 entitled 'Housing', is that permission should be granted.

- 33 **3/07/0075/OP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 2 NEW OFFICE BUILDINGS (CLASS B1), AND ALTERATIONS TO ACCESS AT BUCKLE ENGINEERING, CROMER, HERTFORDSHIRE FOR BUCKLE ENGINEERING**
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Mr Keymer addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/0075/FP, planning permission be refused for the reasons now detailed.

ACTION

The Director reported that an e-mail had been received from a resident, expressing support for the proposed scheme. The Director provided the background to the application history. Members were advised that another application for the site was due before the Committee in 6 to 8 weeks, should Members wish to defer this application and determine both together.

In response to a query from Councillor R N Copping, the Director advised that his advice was to not defer the application. Councillor S A Bull supported the Officer's recommendation based on the points raised at paragraph 5.1 of the Officer's report as now submitted.

Councillor G D Scrivener, as the local ward Member, spoke in support of application 3/07/0075/FP, on the grounds that the business would not cause extra parking problems.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0075/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0075/FP, planning permission be refused for the following reasons:

DNS

1. Within the Rural Area (R031)
2. Insufficient Justification in Rural Area (R032)
3. Insufficient information has been submitted to demonstrate that the development will support sustainable development objectives, including sustainable transport initiatives and development of the rural economy, in the form of a Sustainability Statement. The proposal would thereby be contrary to Policies SD1 and TR1 of the East Herts Local Plan Second

ACTION

Review (April 2007).

4. The proposed car parking provision exceeds the maximum adopted standards. The proposal also fails to demonstrate suitable measures aimed at reducing the need to travel by car and to ensure that alternative transport options are available to users of the site in the form of a Travel Plan. The proposal would thereby be contrary to the aims and objectives set out in Policies SD1, SD2, TR1, TR4, and TR7.
5. The increase in car use at the site would be detrimental to nearby residential properties and the rural environment and will generate unnecessary traffic on local roads. The proposal would thereby be contrary to Policies ENV1 and TR20 of the East Herts Local Plan.
6. The proposed mini roundabout is unnecessary for highway purposes and will introduce unnecessary delay and hazard for users of the B1037. The proposal would thereby be contrary to the aims and objectives of Policies TR2 and TR17 of the East Herts Local Plan Second Review (April 2007).
7. The scale, bulk, form, density, and layout of the development would relate poorly to the adjoining development and to the context of the rural surroundings. If permitted the development would be contrary to the provisions of Policies ENV1 and EDE8 of the East Herts Local Plan Second Review (April 2007).
8. The proposal would have an unacceptable impact upon the residential enjoyment of neighbouring properties in terms of the noise, disturbance, overlooking, and dominating outlook. The proposal would thereby be

ACTION

contrary to the aims and objectives of Policies ENV1 of the East Herts Local Plan (April 2007).

9. The siting of the buildings in close proximity to the north and west boundaries together with the amount of hard surfacing will result in insufficient opportunity for landscaping. The proposal would thereby be contrary to the provision of Policies ENV1 and ENV2 of the East Herts Local Plan Second Review (April 2007).
10. Insufficient justification has been submitted to demonstrate the existing buildings could not be put to alternative business use of an appropriate nature in support of development of the local rural economy. The proposal would thereby be contrary to the aims and objectives of Policies GBC9 and Policy SD2 of the East Herts Local Plan (April 2007).

34 3/07/0169/FP – ERECTION OF 24 APARTMENTS FOR THE ELDERLY AT 1- 3 LONDON ROAD, WARE FOR ALCOYNE DEVELOPMENTS LTD

The Director of Neighbourhood Services recommended that in respect of application 3/07/0169/FP, planning permission be refused for the reasons now detailed.

The Director advised on new government guidance under PPS25, a policy being referred to by the Environment Agency when making representations on planning applications where flooding was an issue. The Director advised that the detail of PPS25, as at paragraph 7.16 of his report, had not been used in the reasons for refusal because the soundness of the sequential approach had yet to be tested.

The Director reported that Officers had invited the Environment Agency to comment further, but none had

ACTION

been received.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/00169/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0169/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development, by virtue of its scale, bulk, form and design, is unsympathetic to the context of its surroundings and harmful to the setting of the Grade II Listed Amwell End Pumping station and Ware Conservation Area wherein the site is situated. The proposal is therefore contrary to policies ENV1, BH6 and BH12 of the Local Plan.
2. The proposed development if permitted, would be likely to increase conflicting traffic movements on a principle highway in the vicinity of an existing road junction and thereby interfere with the free and safe flow of traffic and lead to danger and inconvenience to other users of the highway.
3. Insufficient parking provision is to be made at the site in accordance with the Council's Adopted Car Parking Standards. The proposal is therefore contrary to policy TR7 of the Local Plan.
4. The proposed development fails to make adequate provision for affordable housing in accordance with the Planning Policy Statement 3 'Housing', and policy HSG3 of the East Herts Local Plan Second Review 2007.

ACTION

- 35 (a) 3/07/0457/LC — DEMOLITION OF EXISTING BUILDINGS IN ASSOCIATION WITH PROPOSED RE-DEVELOPMENT OF SITE FOR PART RETAIL AND PART RESIDENTIAL PURPOSES (b) 3/07/0458/FP — DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF A GROUND FLOOR RETAIL UNIT 4 NO. 1 BED AND 9 NO. 2 BED RESIDENTIAL UNITS WITH UNDERGROUND PARKING AT 26 WARE ROAD, HERTFORD FOR ESTATE MANAGEMENT INVESTMENTS LTD
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The Director of Neighbourhood Services recommended that in respect of application 3/07/0457/LC, Conservation Area Consent be refused for the reasons now detailed. Also, in respect of application 3/07/0458/FP, that planning permission be refused for the reasons now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0457/LC be refused Conservation Area Consent for the reasons now detailed and application 3/07/0458/FP be refused planning permission for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/07/0457/LC, Conservation Area Consent be refused for the following reason:

DNS

1. Conservation Area — no satisfactory replacement (B182).

(B) in respect of application 3/07/0458/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would result in an overdevelopment of the site by virtue of its cramped and congested layout, out of character with the form and density of existing development in the area and of poor relationship with adjacent development, and would thereby be contrary to the aims and

ACTION

objectives of Policy ENV1 of the East Herts Local Plan Second Review (April 2007).

2. The proposed buildings by reason of their height, scale, massing, detailed appearance and lack of adequate landscaping is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the Ware Road / Baker Street streetscape, the locality in general nor does it preserve or enhance the character and setting of the Hertford Conservation Area. The proposal is thereby contrary to Policies ENV1, ENV2 and BH6 of the East Herts Local Plan Second Review (April 2007) and national planning guidance in PPS1 'Delivering Sustainable Development' para 34, and Planning Policy Guidance Note 15 — Planning and the Historic Environment para 4.19.
3. The proposed buildings by reason of their height, bulk and siting, would have an unacceptable impact upon the amount of daylight received, would further lead to unacceptable overshadowing, loss of privacy and would create an overbearing impact upon the outdoor amenity area currently enjoyed by the occupier of no. 4 Hampton House. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review (April 2007).
4. The proposed access, parking and servicing arrangements to the proposed residential and retail unit would result in conflicting traffic movements within the public highway and service road, which is considered to be of detriment to highway and pedestrian safety and convenience. The proposal is thereby contrary to Policy TR7 of the East Herts Local Plan

ACTION

Second Review (April 2007).

5. Insufficient information has been submitted to demonstrate how the proposals support the principles of sustainable development, in the form of a Sustainability Statement. Without such information, the proposal is contrary to Policies SD1 and ENV1 of the East Herts Local Plan Second Review (April 2007).
6. The proposed development does not make adequate provision for contributions towards sustainable transport matters and other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policies IMP1 and HE9 of East Herts Local Plan Second Review (April 2007).

36 3/07/0609/FP – CONSTRUCTION OF NETBALL COURTS AND TENNIS COURTS WITH FLOODLIGHTING AT WODSON PARK LEISURE CENTRE, WADESMILL ROAD, WARE

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Marilyn Botheras addressed the Committee in support of the application. Councillor M R Alexander addressed the Committee on behalf of Mr Powell, the public speaker against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/070609/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that a letter of representation had been received from Sport England, raising no objections and praising the high quality of the proposed development.

Councillor J J Taylor expressed concerns in respect of bund impinging on the area of the town paddock. Councillor M R Alexander praised the work of Officers in taking account of flooding issues and referred to the bund



ACTION

as an essential feature in flood prevention.

The Director advised that, although administered by this Council, any restrictive non-planning covenants that were related to the site should not be taken into account in determining a planning application. However, he advised that the impact of the proposals on the quality and amenity of the space were legitimate planning issues to which the committee could give weight in reaching its decisions.

Councillor J J Taylor proposed and Councillor M R Alexander seconded, a motion that application 3/07/0609/FP be deferred to allow Officers time to investigate the degree of encroachment of the development into the 'Town Paddock' area.

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

RESOLVED – that application 3/07/0609/FP be deferred to allow Officers time to investigate the degree of encroachment of the development into the 'Town Paddock' area.

DNS

37 3/07/0415/FP–PROPOSED DEMOLITION OF EXISTING BUNGALOW AND ERECTION OF 2 NO. 2 BEDROOM SEMI DETACHED HOUSES AT 4 BOUNDARY ROAD, BISHOP'S STORTFORD FOR LIFESTYLE CREATIVE DEVELOPMENTS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0415/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink expressed concerns in respect of the impact of the proposed development on neighbouring properties, in particular on the bungalow at No 2 Boundary Road.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that in respect of application 3/07/0415/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink requested that her dissent from this decision be recorded.

RESOLVED – that in respect of application 3/07/0415/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Levels (2E05)
4. Side Elevation-4b(NB1)

A plan showing the proposed side elevation to property 4b to show dimensions that accord with the approved floor plans should be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted.

Reason: To ensure that the approved plans are consistent with the permission hereby granted.

5. Construction hours of working (6N07)
6. Boundary Walls and Fences (2E07)
7. Materials arising from demolition (2E32)
8. Landscape Design Proposals (4P12)
9. Landscape works implementation (4P13)

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10. Tree planting (4P15)
11. Obscure glazing (within the 1st floor bathroom and shower rooms) (2E18)
12. Withdrawal of PD (Part 1 Class A) (2E20)
13. Withdrawal of PD (Part 1 Class E) (2E22)

Directive:

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan and East Herts Local Plan Second Review 2007), and in particular policies ENV1, ENV2, ENV5, ENV24, HSG7 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

ACTION

38 3/07/0496/FP – INSTALLATION OF A RESIDENTIAL  
SCALE MICRO-WIND TURBINE AT 5 THE SQUIRRELS,  
HERTFORD FOR MR. C. N. TROTT

Mr Graves addressed the Committee in opposition to the application. Mr Trott spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0496/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that, as the results of a noise report had now been received, Officers no longer wished to pursue condition 3. The Director emphasised that noise levels should still not exceed 40dB externally and 30 dB internally.

The Director also advised that 3 further letters of objection had been received from the residents of Nos. 8, 12 and 16 The Squirrels, raising objections similar to those detailed at paragraph 5.3 of the Officer's report now submitted.

The Director reported that in respect of paragraph 7.11, the distance from the closest point of the turbine to the closest window at No 4 was 5.6 metres, not 3 metres as detailed in the report.

Councillor B M Wrangles expressed support in principle for the proposed development and highlighted a number of points relating to the representations received by Officers, as detailed at paragraphs 4.1 and 5.5 of the report now submitted.

Councillor Wrangles also highlighted the issue of an identical turbine in Hoddesdon that was of a comparable height to a TV aerial that had not resulted in noise problems. Councillor Wrangles raised a particular concern in respect of the siting of a turbine between two houses.

ACTION

Councillor R N Copping supported the application in principle but raised concerns in respect of the siting of the turbine. Councillor M R Alexander raised concerns in respect of vibration from the turbine.

Councillor Mrs M H Goldspink expressed support for the proposed development as a pioneering application and enquired as to whether the applicant could be requested, as a condition of the application, to submit to the Energy Wide Convention and supply East Herts Council with data on the turbine's performance.

Councillor J J Taylor, in reference to the 106 signature petition in support of the application, expressed concern in respect of the application setting a precedent and over whether a significant number of turbines would be sustainable in this location.

Following a query from Councillor D A A Peek, the Director reported that local Members had referred the application to the Committee. The Director also advised that Environmental Health had been consulted and no concerns had been raised.

Following a query from Councillor B M Wrangles, the Director advised that it was possible to grant a temporary permission but advised that restricting the turbines use unduly in this manner could be seen as an unreasonable request.

Councillor Mrs M H Goldspink proposed and Councillor B M Wrangles seconded, a motion that application 3/07/0496/FP be granted a temporary permission for a 1 year period.

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 rejected the recommendation of the Director of

ACTION

Neighbourhood Services that application 3/07/0496/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0496/FP, planning permission be refused for the following reason:

DNS

1. The proposed wind turbine would have a detrimental visual impact on the street scene and whilst it has the potential to generate renewable energy does not meet the objectives of the local planning authority as set out in policy SD3 of the East Herts Local Plan 2007.

39 E/07/0015/A – UNAUTHORISED USE OF PART OF A DWELLINGHOUSE AS A SEPARATE RESIDENTIAL UNIT AT 11 PISHIOBURY DRIVE, SAWBRIDGEWORTH CM21 0AD

The Committee supported the Director's recommendation for enforcement action be authorised in respect of the site relating to E/07/0015/A on the basis now detailed.

RESOLVED – that in respect of E/07/0015/A, the Director of Neighbourhood Services, in consultation with the Head of Legal, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised residential use.

DNS

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The sub-division of the existing building results in the creation of two units of residential accommodation on the site, which would be out of keeping with and detrimental to the character

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of the area, which largely consists of low-density detached dwellings. It would thereby be contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and may set a precedent for similar development nearby.

- 40 E/06/0477/A – UNAUTHORISED USE OF AGRICULTURAL LAND FOR THE STORAGE AND DISTRIBUTION OF SCAFFOLDING; THE ERECTION OF A 2.6 METRE HIGH CORRUGATED IRON AND SCAFFOLD FENCE AND THE SITING OF UNAUTHORISED STRUCTURES ON LAND AT THE OLD BARRACKS, SILVER LEYS, HADHAM ROAD, BISHOP'S STORTFORD

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0477/A on the basis now detailed.

RESOLVED – that in respect of E/06/0477/A, the Director of Neighbourhood Services, in consultation with the Head of Legal, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of all unauthorised development and storage from the land and the cessation of the use of the land for the commercial storage and distribution of scaffolding.

DNS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The site partially lies within an area of special restraint and the Metropolitan Green Belt, wherein planning permission will not be given except for certain specified circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities of participatory sports and

ACTION

recreation or other uses appropriate to the rural area. No special circumstances are apparent in this case and the development is therefore contrary to Policy BIS8 and GBC3 of the East Herts Local Plan Second Review April 2007.

2. The activity is located within an area Tree Preservation Order. The development would prejudice the long term health and retention of the trees, to the detriment of the character and appearance of the area, contrary to Policy ENV11 of the East Herts Local Plan Second Review April 2007.
3. The use introduces heavy goods vehicle traffic onto an unclassified county road, substandard by virtue of restricted width and lack of pedestrian facilities to safely accommodate such traffic without detriment to the safety and convenience of users of the public highway including pedestrians.

41 E/06/0575/A – UNAUTHORISED ERECTION OF COVERED AND OPEN RACKING AND STORAGE UNITS ON LAND AT THE REAR OF 110 DUNMOW ROAD, BISHOP'S STORTFORD

The Director of Neighbourhood Services reported that although an application for the storage racks on the site had now been received, the request for enforcement action remained.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0575/A on the basis now detailed.

RESOLVED – that in respect of E/06/0575/A, the Director of Neighbourhood Services, in consultation with the Head of Legal, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further

DNS



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steps as may be required to secure the removal of the unauthorised development from the site.

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The site lies within a residential area with dwellings to either side and a mix of residential and office at the front. The structures, by reason of their siting, design, height, scale, bulk and materials of construction are out of keeping with and detrimental to the visual amenity and character of the area, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

42 E/05/0425/B – UNTIDY CONDITION OF LAND AND THE STATIONING OF VEHICLES USED FOR NON-ANCILLARY STORAGE PURPOSE AT 17 NEW ROAD, HERTFORD

The Director of Neighbourhood Services reported that although the site had been tidied up slightly, Officers still requested that the Committee authorise enforcement to enable an enforcement notice to be issued, should the site degenerate further.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/05/0425/B on the basis now detailed.

RESOLVED – that in respect of E/05/0425/B, the Director of Neighbourhood Services, in consultation with the Head of Legal, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

DNS

ACTION

- (a) the removal of all the stored paraphernalia from the front garden and side access of the property;
- (b) the removal of vehicles stationed on the front garden area used for storage purposes not ancillary to the residential use of the residential dwelling; and
- (c) leaving the site in a clean and tidy condition.

Period for compliance: 30 days.

Reasons why it is expedient to issue a s.215 Notice:

The condition of the land, by reason of the use of the front garden and side access for the unsightly storage of domestic paraphernalia and vehicles, is seriously detrimental to the amenity of the surrounding area. The site is thereby rendered unduly prominent and visually intrusive in the street scene to the detriment of the character and appearance of the area.

43 E/06/0143/A – UNTIDY CONDITION OF LAND AT BISHOP'S STORTFORD GOODS YARD, LONDON ROAD, BISHOP'S STORTFORD

The Director of Neighbourhood Services reported that on visiting the site, Officers had found parts of the site outside of the site plan to be in an untidy condition and therefore requested that the enforcement notice be approved for the goods yard site in its entirety.

The Director further advised that the site to which the notice was to apply was greater in extent than the plan submitted to the meeting. The Director described the full extent of the site to the meeting.

ACTION

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0143/A on the basis now detailed.

RESOLVED – that in respect of E/06/0143/A, the Director of Neighbourhood Services, in consultation with the Head of Legal, be authorised to issue a Notice under Section 215 of the Town and Country Planning Act 1990 to secure the improvement of the site by (a) the removal of all items of rubbish, drinks containers, plastic sheeting, plastic bags, full rubbish sacks from the site and disused concrete structures, (b) to clear the areas of stinging nettles and other weed cover and (c) to leave it in a clean and tidy condition.

Period of Compliance: 30 days

Reasons why it is expedient to issue a Section 215 Notice: -

1. The condition of the land at the above site, most particularly the area adjacent to the River Stort tow path, is seriously detrimental to the amenity of the surrounding area, by reason of the discarded rubbish, drinks containers, plastic sheeting, plastic bags and full rubbish sacks visible behind the perimeter wire fencing coupled with the unrestricted growth of stinging nettles and other weeds which are now encroaching on the tow path.

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

The Committee supported the Director's recommendation that no further enforcement action be taken in respect of the occupancy of the dwelling at the site relating to E/06/0180/B, in accordance with the requirements of

ACTION

condition 8 of planning permission reference 3/03/1069/FP.

RESOLVED – that no further enforcement action be taken, at the present time, in respect of the occupancy of the dwelling in accordance with the requirements of condition 8 of planning permission reference 3/03/1069/FP.

DNS

Reasons why further action is not currently considered necessary:

1. Condition 8 of planning permission reference 3/03/1069/FP 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. Although there is currently only one horse at the site (at pasture), the occupants are, nevertheless, still currently employed in the running and management of the equestrian centre as such. The use of the site for these purposes does not appear to have been abandoned in planning terms, and whilst these circumstances continue, there is no apparent breach of condition 8.

45 3/07/0175/FP — ERECTION OF 86 DWELLINGS, VILLAGE HALL, ASSOCIATED ROADS PARKING AND DRAINAGE AT SANVILLE GARDENS, HODDESDON ROAD, STANSTEAD ABBOTS FOR PERSIMMON HOMES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0175/FP, planning permission be refused for the reasons now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0175/FP be refused planning permission for the reasons now detailed.

ACTION

RESOLVED – that in respect of application 3/07/0175/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development fails to make adequate provision for affordable housing in accordance with Planning Policy Statement 3 'Housing', and policy HSG3 of the East Herts Local Plan Second Review (April 2007).
2. The proposed development does not make adequate provision for contributions towards local community facilities and infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 of East Local Plan Second Review (April 2007).
3. The proposed flats to plots 10, 27, 28 and 83 as indicated hatched yellow on drawing no. 1354/01D by virtue of their position and design results in a cramped and congested layout which would result in inadequate space for the establishment of any meaningful landscaping, would result in poor outlook to the amenities of future occupiers and does not provide for any meaningful amenity space. The proposals are therefore contrary to Policies ENV1 and ENV2 of the East Herts Local Plan Second Review (April 2007).
4. The proposed flat at plot 10 as indicated hatched yellow on drawing no. 1354/01D by virtue of its increased height, width and proximity to the existing boundaries with nos 18-22 Hoddesdon Road, would result in an overdominating building form to the detriment of the amenities of adjoining properties. The proposals are therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review

ACTION

(April 2007).

5. The proposed rear facing roof lights to plots 6, 7, 8, 9 and 10, by virtue of their location and size would result in unacceptable overlooking of adjoining properties at nos 18-30 Hoddesdon Road to the detriment of residential amenity. The proposals are therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review (April 2007).
6. The proposed community hall by reason of its siting, scale, elongated and squat appearance, detailed materials and lack of adequate landscaping is of an inappropriate standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the Hoddesdon Road streetscape, the locality in general nor does it preserve or enhance the character and setting of the Stanstead Abbots Conservation Area. The proposal is thereby contrary to Policies ENV1, ENV2 and BH6 of the East Herts Local Plan Second Review (April 2007) and national planning guidance in PPS1 'Delivering Sustainable Development' para 34, and Planning Policy Guidance Note 15 — Planning and the Historic Environment para 4.19.
7. Insufficient information in the form of an up to date flood risk assessment has been submitted to demonstrate how the proposals adequately deal with matters relating to flooding at the site. Without such information, the proposal is contrary to Policy ENV19 of the East Herts Local Plan Second Review (April 2007).
8. Insufficient information has been submitted to demonstrate how the proposals support the principles of sustainable development, in the

ACTION

form of a Sustainability Statement. Without such information, the proposal is contrary to Policies SD1 and ENV1 of the East Herts Local Plan Second Review (April 2007).

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

The Head of Legal Services submitted a report recommending that an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation was completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the planning applications submitted in the report.

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

The Committee noted the planning obligations at Appendix B of the report now submitted.

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following applications:

Planning Reference

Site and Proposals

04.06.540

Proposed footbridge over the River Lee at north end of Maidenhead Yard,

ACTION

Hertford.

04.06.603

Land at Stocking Hill Lane,  
Cottered. Erection of 8 No  
elderly persons dwellings  
with associated parking.

(B) the Head of Legal Services report back  
following the grant of planning permission, or on 20  
December 2007, whichever is the sooner.

DIS

47 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 9.20 pm.

|          |       |
|----------|-------|
| Chairman | ..... |
| Date     | ..... |