

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

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

ALSO IN ATTENDANCE:

Councillors D Andrews, M G Carver, W Quince and
J O Ranger.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
Glyn Day	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Assistant
Caroline Robins	- Solicitor
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

151 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors M R Alexander, J P Warren and B M Wrangles.
It was noted that Councillor P A Ruffles was in attendance
as substitute for Councillor M R Alexander.

152 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the
meeting.

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The Chairman advised the Committee of a Member briefing in respect of the proposed office development for Stanley Tees at London Road, Bishop's Stortford at 7.00pm. The Chairman advised that this was to be followed by a presentation from the Bishop's Stortford Schools site team at 7.45pm, both in the Waytemore Room, Bishop's Stortford on 25 July 2007.

The Chairman advised Members of a briefing in respect of the new Government White Paper on 8 August 2007 in the Council Chamber, Wallfields, Hertford at 7.30 pm, and that formal notification would follow.

The Chairman advised of a letter received by Members inviting them to visit an existing wind farm near Kettering. Councillor J J Taylor requested that an alternative trip could be organised by the Council for its Members, on a weekday to avoid weekend commitments.

Kevin Steptoe undertook to contact Members to arrange a suitable date for this trip.

153 DECLARATIONS OF INTEREST

Councillor P A Ruffles declared personal interests in respect of applications 3/07/0840/FP and 3/07/0935/FP, as he was a Member of Hertford Civic Society.

Councillor W Ashley declared personal and prejudicial interests in respect of applications 3/07/1162/FP and 3/07/0609/FP, as he was on the board of directors for Wodson Park. Councillor Ashley left the room prior to consideration of these matters.

Councillor W Ashley declared a personal interest in respect of application 3/07/1131/FP, as he was an acquaintance of the applicant's family.

Councillor S Rutland-Barsby declared a personal interest in respect of application 3/07/0900/FP, in her capacity as an

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officer of the Institute of Motor Industry. A statement about the site in the Officer's report had specifically referred to the actions of a Fellow of the Institute.

RESOLVED ITEMSACTION154 MINUTES

RESOLVED – that the Minutes of the meeting held on 20 June 2007 be confirmed as a correct record and signed by the Chairman.

155 3/07/0047/OP– DEMOLITION OF EXISTING BUILDINGS IN EMPLOYMENT USE AND ERECTION OF 10 DWELLINGS AT BUCKLE ENGINEERING CROMER, STEVENAGE FOR BUCKLE ENGINEERING

The Director of Neighbourhood Services recommended that in respect of application 3/07/0047/OP, planning permission be refused for the reasons now detailed.

Mr Keymer addressed the Committee in support of the application.

The Director of Neighbourhood Services reported that an e-mail had been sent to all Members of the Committee stating that the business was seeking to relocate in order to ensure continued operation as an agricultural enterprise.

The Director advised that the Council's Local Plan was clear in stating that policy exemptions were not permissible, except in cases where affordable housing policy applied.

Councillor R N Copping referred to the representation from the public speaker. Councillor Copping queried the ability of the Committee to consider an application less dense than what was proposed by this application. The Chairman confirmed this was not possible.

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Councillor Mrs M H Goldspink expressed concern that by adhering to policy the Committee was holding back the development of a viable business. Councillor Goldspink enquired as to whether special circumstances could be applied to approve the application.

The Director reported that significant details in the reasons for refusal had yet to be overcome. The Committee was advised that planning policy dictated that speculative development should not be approved on a principle basis.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0047/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0047/OP, planning permission be refused for the following reasons:

DNS

1. Within the Rural Area (R021)
2. Insufficient Justification in Rural Area (R032)
3. The proposal fails to address a particular local need, which cannot be accommodated in any other way, as evidenced by the latest Housing Needs Survey. The proposal would thereby be contrary to the provisions of Policies OSV3 and HSG5 of the East Herts Local Plan Second Review (April 2007).
4. The proposed development, by reason of its density, layout and scale would be out of character with the surrounding development, and would fail to satisfactorily integrate within the settlement, contrary to the provisions of Policies OSV3, HSG5 and ENV1 of the East Herts Local Plan Second Review (April 2007)

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and the government guidance in PPS1 and PPS3.

5. The close proximity of unit 10 to The Cottage, a Grade II listed building, is insufficient to adequately preserve or enhance its setting. The proposal would thereby be contrary to the provisions of Policy BH12 and to government guidance in PPG15.
6. The close proximity of unit 2 to the northern boundary would result in overlooking of its garden from the adjoining property, Forge View. The proposal would thereby be contrary to the provisions of Policy ENV1 of the East Herts Local Plan Second Review (April 2007).
7. The slowing and turning of vehicles into the site as a consequence of the proposed off-site traffic calming measures could lead to conflict and unnecessary interference with the passage of vehicles to the detriment of highway safety, contrary to the provisions of Policy TR17 of the East Herts Local Plan Second Review (April 2007).
8. 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).

ACTION

- 156 3/07/0756/FP – DEMOLITION OF EXISTING DAY CARE CENTRE AND ASSOCIATED PORTACABINS. ERECTION OF NEW DAY CARE, COMMUNITY AND SPORTS CENTRE AT ST ELIZABETH'S SCHOOL AND HOME, SOUTH END, MUCH HADHAM, FOR ST ELIZABETH'S CENTRE/ COMMUNITY AND SPORTS CENTRE
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The Director of Neighbourhood Services recommended that, in respect of application 3/07/0756/FP, planning permission be granted subject to the conditions now detailed.

Councillor M G Carver, as the local ward Member, expressed concern as to whether the Committee would prejudice the position of the Council in approving the application, on the grounds of policy principle in terms of the breach of the curtilage of a major development site.

The Director advised that Officers felt that sufficient special circumstances and reasons for approval existed for application 3/07/0756/FP to be granted. He reported that approving the application would not set a precedent, as there was a clearly defined policy objective.

The Director advised that policy principle would only apply if an extensive redevelopment was proposed that would set out a major blueprint in the long term. He stated that this was not a major development. Following the Director's response, Councillor Carver expressed his support for the application.

Councillor D A A Peek expressed concern in respect of the significant use of glass and secondary glazing and the associated risk of noise penetrating into the interior of the building.

The Director reported that, if approved, the building would have to comply with building control regulations and

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standards for educational facilities. He confirmed that the regulations set out suitable standards for such facilities.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0756/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0756/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)
2. Samples of materials (2E12)
3. Lighting Details (2E27)
4. Landscaping a, c, d, f, l, j, k, l. (4P12)
5. Landscape works implementation (4P13)
6. Refuse disposal facilities (2E24)
7. Construction hours of working – plant and machinery (6N07)
8. Wheel washing facilities (3V25)

Directive:

1. This planning permission gives no entitlement to affect the public rights of way on the application site. Any diversion, extinguishment or creation of a public right of way needs its own legal authority before any works affecting the right of way can be commenced. Please contact Hertfordshire County Council Transportation Planning and Policy Unit on 01992 555555, for advice regarding Footpath

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44 which adjoins 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 GBC3, GBC4 and ENV1 of the East Herts Local Plan Second Review. The balance of the considerations having regard to these policies and the material consideration of the ongoing training and medical importance of the St Elizabeth's Centre is that planning permission should be granted.

- 157 3/07/0989/FO – REMOVAL OF CONDITION 6 (CONTAMINATION OF LAND ASSESSMENT) OF PERMISSION 3/06/1561/FP; BRIGGENS HOME FARM, BRIGGENS PARK ROAD, STANSTEAD ABBOTTS, FOR 414 TIMBER PRODUCTS

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0989/FO, Condition 6 of Planning Permission 3/06/1561/FP be removed.

The Director reported that Officers had received a letter from the occupier of Briggens Stables raising no objections to the recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that in respect of application 3/07/0989/FO, Condition 6 of Planning Permission 3/06/1561/FP be removed.

RESOLVED – that in respect of application 3/07/0989/FO, the Director of Neighbourhood Services be authorised to remove Condition 6 of Planning Permission 3/06/1561/FP.

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158 3/07/0840/FP – CHANGE OF USE OF EXISTING OFFICE TO USE AS A TYPE 2 POLICE STATION; INCLUDING RECONFIGURATION OF PARKING, ERECTION OF NEW SECURITY FENCING AND NEW FOOTPATH AT SOLARTRON HOUSE, HALE ROAD, HERTFORD FOR HERTFORDSHIRE CONSTABULARY

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0840/FP, planning permission be granted subject to the conditions now detailed.

Adrian Walter, Deputy Area Commander for Hertfordshire Constabulary, addressed the Committee in support of the application.

Councillor P A Ruffles believed that the general public had welcomed the application. In welcoming the application, he enquired as to whether the visual effects of the fencing could be mitigated by landscaping.

Councillor S Rutland-Barsby welcomed the prospect of a police station in Hertford town centre, but expressed concerns in respect of the loss of landscaping and the fencing.

The Director reported that Members were familiar with the prominent location for this proposal. He advised that the fencing was set back from the road with the closest point being 7 metres from the street scene.

The Director advised the area was required for operational police vehicles, as the building was located on a publicly accessible site.

In respect of the fencing the Director stated that the style of fencing was not intrusive and would blend well with the surrounding landscape. The Director reported that the colour of the fencing could be controlled by planning

ACTION

conditions and would be colour coated in dark green.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0840/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0840/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time limit (1T12)
2. Complete accordance (2E10)
3. Samples of materials (2E12)
4. Refuse disposal facilities (2E24)
5. No external loudspeakers (2E25)
6. Lighting details (2E27)
7. Cycle parking facilities (2E29)
8. Prior to the first occupation of the development hereby approved, the approved access and parking areas shown on drawing no A 005 shall be implemented, and thereafter retained at all times for use in connection with the development hereby approved.

Reason: To ensure that the development makes adequate provision for off-street parking and manoeuvring of vehicles associated with the proposed use of the building and to comply with policy TR7 of the adopted East Herts Local Plan (April 2007).

9. A Green Travel Plan detailing proposals for

ACTION

reducing staff and visitors traveling to the development by private car, including provisions for setting targets for modal split for journeys and the monitoring of the achievement of such targets, together with fallback measures to rectify any failure to achieve the said targets shall be submitted to and approved in writing with the Local Planning Authority. Such approved details shall be implemented within 6 months of the first occupation of the development hereby permitted and shall thereafter be retained and maintained to the satisfaction of the local planning authority.

Reason: To promote sustainable transport measures in accordance with national guidance in PPG13, and policies TR3, TR4, TR7, TR13, and HE9 of the adopted East Herts Local Plan Second Review (April 2007).

10. Tree retention and protection (4P05)
11. Tree protection: Excavations (4P09)
12. Tree protection: Earthworks (4P10)
13. Tree surgery (4P11)
14. Landscape Design Proposals (4P12)
15. Landscape works implementation (4P13) (b) (e) (g) (i) (j) (l)
16. Retention of Landscaping (4P21)
17. Details of all retaining walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. All such approved walls, fences or other means of enclosure shall be erected prior to the first occupation of the development

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hereby permitted, and shall thereafter be retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure that the conservation area within which the site is located within is not adversely affected and in accordance with policies ENV2 and BH4 of the adopted East Herts Local Plan Second Review (April 2007).

18. Prior to the first occupation of the development hereby approved, a scheme for incorporating sustainable initiatives within the building for lower energy and water use etc shall be submitted to and agreed in writing with the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to promote the objectives of sustainable development and in accordance with policies SD1 and ENV1 of the adopted East Herts Local Plan Second Review (April 2007).

19. Prior to the commencement of any external works in connection with the development hereby approved, a scheme for upgrading the existing underpass beneath Hale Road and the footpath (Wesley Avenue) to the west of the site, to include improved lighting; entrance gates and graffiti removal shall be submitted to and agreed in writing with the Local Planning Authority. Such approved details shall be implemented prior to the first occupation of the development hereby permitted and shall thereafter be retained and maintained unless otherwise agreed in writing with the Local

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Planning Authority.

Reason: In the interests of pedestrian safety and visual amenity and reduce the opportunity for crime, in accordance with policies ENV2 and ENV3 of the adopted East Herts Local Plan Second Review (April 2007).

Directives:

1. Other legislation (01OL)
2. Ownership (02OW)
3. To ensure any work undertaken on the highway is constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments", the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements before proceeding with the proposed development.

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 2007) and in particular policies SD1, TR3, TR4, TR7, EDE2, ENV1, ENV2, ENV4, BH6 and HE9. The balance of the considerations having regard to these policies is that planning permission should be granted.

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159 3/07/0900/FP – REDEVELOPMENT TO FORM 39
'CATEGORY II' TYPE SHELTERED APARTMENTS FOR
THE ELDERLY WITH ASSOCIATED COMMUNAL
FACILITIES TOGETHER WITH TWO COMMERCIAL
UNITS AT FORMER CHARVILL BROTHERS SITE,
BALDOCK STREET, WARE FOR MCCARTHY & STONE
LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0900/FP, planning permission be granted subject to the conditions now detailed.

Matthew Shellum addressed the Committee in support of the application.

Councillor J J Taylor expressed strong concern that this application had not satisfied the reasons for refusal from when the application for 45 units had been refused by the Committee on 17 January 2007.

Councillor Taylor stated that she had received written comments from ward Councillor P R Ballam and would be addressing the Committee on her behalf. Councillor Taylor highlighted the reduced number of units proposed by this amended application.

Councillor Taylor stated that the Council's affordable housing policy was 40% on site and expressed concern that a commuted sum was being considered. Councillor Taylor stated that 40% of the proposed units was 16 dwellings. The Committee was advised that it would be better for these units to be provided as part of this development rather than in the form of a commuted sum. Councillor Taylor queried whether £600,000 could deliver 16 units as this equated to £37,500 per unit.

Councillor Taylor highlighted that Ware Town Council had reiterated previous objections. The Committee was

ACTION

advised that Councillor Ballam's concerns centred on the vehicular access via the small roads, in particular Crib Street and Coronation Road. Councillor Taylor expressed concern that the proposed level of parking provision could lead to additional problems with parking and access in the area.

Councillor Taylor commented that the proposed provision of amenity space for the development around the Baldock Street frontage was insufficient for the proposed residents. Councillor Taylor expressed concern that the proposed amenity space facing on to Baldock Street was of a poor quality.

The Director reported that the Highways Authority had not recommended a refusal on the application. He advised that in the absence of alternative expert advice there was little justification for disagreeing with the Highways Authority. Members were advised that Council policy stated that up to 40% social housing should be provided.

Councillor W Quince, as the local ward Member, expressed strong concerns in respect of site access and parking. Councillor Quince stated that the proposal would reduce the amount of on street parking available.

Councillor Quince commented that Tesco lorries had been barred from Coronation Road as large vehicles using the road had resulted in serious congestion. He commented that allowing access from Baldock Street would be a more satisfactory proposal.

Councillor J Demonti expressed concern over the lack of amenity space and stated that it was unreasonable to expect elderly residents to walk to alternative amenity space.

In response to a query from Councillor P A Ruffles in respect of the points raised by English Heritage at paragraph 5.7 of the report now submitted, the Director advised that the Secretary of State had resolved not to

ACTION

approve the listing of the petrol station.

Councillor Taylor expressed concern that if the Committee were to approve the application, this would set a concerning precedent in the district. The Director advised that Officers had been confident that the application would not set a precedent in the light of the specialised form of development being advanced here. The Committee was advised that the Housing Officer had commented that £600,000 was reasonable and acceptable as a commuted sum.

Councillor D A A Peek proposed and Councillor J J Taylor seconded, a motion that application 3/07/0900/FP be deferred on the grounds that access from the main Baldock Street Roundabout be investigated and so that the housing officer could clarify how the £600,000 would be utilised and what could be achieved.

The Director cautioned against a deferment on the basis that the Council would be in a weak position if the applicant appealed the matter based on a non-determination situation.

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

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that application 3/07/0900/FP be refused planning permission on the grounds that the application did not provide the 40% provision of affordable housing on the site, vehicular access to the site from Coronation Road was unacceptable, there was inadequate provision for car parking and insufficient outdoor amenity space.

The Director advised caution on the grounds that the Committee's reasons may be difficult to defend at appeal.

After being put to the meeting and a vote taken, this motion

ACTION

was declared CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/0900/FP be granted planning permission, subject to the conditions now detailed, and agreed to refuse the application for the reasons now detailed.

Councillors W Ashley, S A Bull, R Gilbert and P A Ruffles requested that their dissent from this decision be recorded.

RESOLVED – that in respect of application 3/07/0900/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development does not bring forward the provision of affordable housing on the site, to the extent of 40% of the total new residential units provided. Whilst a financial contribution has been offered it is considered that the value of this, in terms of the ability to bring forward affordable housing, will be less, in terms of the number of units, than securing the provision of 40% of the units on the site as affordable. The proposals are therefore contrary to policy HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007.
2. The proposed vehicular access to the site is to be created from Coronation Road, requiring vehicles to access the site via Crib Street and other roads to the east of the site. These roads, within the town centre area of Ware are limited in terms of their width, alignment, junction geometry, and general capacity and it is therefore inappropriate for access to the site to be created via these roads because of the implications for highway safety and general disruption to the flow of traffic. The proposals are therefore contrary to policies TR2 and ENV1 of the East Herts Local Plan Second

ACTION

Review, April 2007, having due regard to paragraph 13.8.2.

3. Inadequate provision is made for car parking as a part of the proposed development. The lack of parking provision would exacerbate the congestion and difficulties of access within adjacent residential streets. The application would thereby be contrary to Policy TR7 of the East Herts Local Plan, Second Review April 2007.
4. The proposed development would result in the provision of insufficient outdoor amenity space to the detriment of the amenity of the occupiers of the development. The proposals are therefore contrary to policy ENV1 of the East Herts Local plan Second Review April 2007.

Directive:

1. In relation to reason for refusal 2 the Council is of the view that a more appropriate route for vehicular access could be created either direct from Baldock Street or via the adjacent roundabout with access re-created into Coronation Road.

160 3/07/0303/FP – DEMOLITION OF 2 BUILDINGS, CONVERSION OF STATION HOUSE TO 3NO. DWELLINGS, BUILD 2 PAIRS OF SEMI-DETACHED HOUSES AND 1NO. TERRACE OF 4 HOUSES, IMPROVEMENT OF ACCESS ROAD TO SITE AT STATION HOUSE AT FORMER STATION YARD, ASPENDEN ROAD, BUNTINGFORD FOR FOXBAY LLC

The Director of Neighbourhood Services recommended that in respect of application 3/07/0303/FP, planning permission be refused for the reasons now detailed.

ACTION

Mr Joynson addressed the Committee in opposition to the application.

Councillor S A Bull, as the local ward Member, expressed concern that the proposed development was unsympathetic to the surrounding area.

The Director reported that Officers had received a letter from the applicant's agent expressing concern in respect of the manner in which the application had progressed before being submitted to the Committee.

The Director advised that Officers had met with the agent and the applicant in an attempt to resolve Officers' concerns with the application. The Committee was advised that the applicant and the agent had requested that the application be determined at this meeting.

The Director stated that the applicants had engaged in detailed works to satisfy Officers' concerns in relation to the reason for refusal 2 on page 55 of the report as now submitted. The Committee was advised that Officers' concerns had been satisfied and Officers now wished to delete this as a reason for refusal.

The Director advised that Officers preferred conditions 1, 3 and 4 to remain. The Committee was given an update on the background to reason 1 and was advised that this was in line with Council policy.

Councillor Mrs M H Goldspink expressed her concern in respect of the third reason for refusal.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0303/FP be refused planning permission for reasons 1, 3 and 4 of the Officers' report as now submitted.

RESOLVED – that in respect of application 3/07/0303/FP, planning permission be refused for

DNS

ACTION

the following reasons:

1. The proposal would result in the loss of a former employment site, contrary to the provisions of policy EDE2 of the East Herts Local Plan Second Review (April 2007).
2. The proposed two bed terrace dwelling located adjoining the southern boundary of the site, by reason of its size and siting in relation to the adjacent property, no. 146 Fairfield, would have an overbearing effect on that property, to the detriment of the residents thereof, and would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review (April 2007).
3. The proposed layout would result in a street space of low aesthetic quality, with excessive prominence given to vehicle surfacing together with a lack of amenity space and appropriate landscaping provision. The development fails to take the opportunity available for improving the character of the area. The proposal therefore fails to meet the high standard of design and layout expected in new development contrary to Policy ENV1 of the East Hertfordshire Local Plan Second Review (April 2007) and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

161 3/07/1106/FP– PROPOSED CONVERSION, EXTENSION AND RECONSTRUCTION OF REDUNDANT AGRICULTURAL BUILDINGS TO FORM A SINGLE DWELLING AND INSTALLATION OF AN UNDERGROUND CALOR GAS TANK AT GREAT PENNYS FARM, ACTONS LANE, HIGH WYCH FOR MRS S BASRA

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1106/FP, planning permission be granted subject to the conditions now

ACTION

detailed.

The Director stated that the Environment Agency had raised no objections.

Councillor M G Carver, as the local ward Member, queried whether the application was a retrospective or new application. He enquired as to whether the Council was setting a precedent by moving outside the realms of Council policy. He also enquired as to the consequences of problems arising with the buildings should renovation take place.

The Director reported that application 3/07/1106/FP was part retrospective and part new in that 2 of the 3 Barnes had already been replaced. The Committee was advised that although the application was contrary to policy, Officers felt material reasons existed for why the application was acceptable.

The Director stated that Officers had been of the opinion that it was sensible to replace such redundant buildings. Members were advised that applicants were always encouraged to contact Officers for pre application advice for such renovations.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1106/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1106/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Boundary Walls & Fences (2E07)
3. External Timberwork (2E16)

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4. New Doors (8L04)
 5. New External Rendering (8L08)
 6. Rainwater Goods (8L09)
 7. No further windows (2E17)
 8. Withdrawal of Permitted Development (2E23)
"Part 1, Classes A and E"
 9. Sight lines (3V08)
"2.4m x 45m"
 10. Retention of Parking Space (3V20)
 11. Construction Parking and Storage (3V22)
 12. Before the occupation of the dwelling hereby permitted, the access arrangement shall be modified in accordance with details which shall have been previously agreed in writing by the Local Planning Authority. The access shall have a maximum width at the point of entry of 3metres, and be of a design so that vehicles leaving the site are perpendicular to the highway.
- Reason: In the interests of highway safety
13. Landscape Design Proposals (4P12)
b), c), e), f), h), i), J), k) & l)
 14. Landscape Works Implementation (4P13)

Directive:

ACTION

1. The highway authority require the construction of the vehicle cross-over, and closure of the existing access, to be undertaken by their own contractors such that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the East Herts Highways Area Office (Telephone 01992 526900) to obtain their permission and requirements.

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 2007), and in particular Policies GBC3, GBC9, GBC10, ENV1, ENV2, BH11 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

- 162 3/07/0864/FP – REDEVELOPMENT OF EXISTING YARD FOR COMMERCIAL HEAVY PLANT HIRE, ETC. TO PROVIDE TWO DWELLINGS AND GARAGES, AT BURYHOLME, HUNSDONBURY, HUNSDON, FOR MR P. MCGUCKIN

The Director of Neighbourhood Services recommended that in respect of application 3/07/0864/FP, planning permission be refused for the reasons now detailed.

Gill Davidson addressed the Committee in support of the application on behalf of the applicant.

The Director reported that there was an issue of policy principle in that where employment land was being reclaimed, no new residential use was permitted except in cases of affordable housing.

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Councillor R N Copping expressed his support for the points raised by the public speaker.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0864/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0864/FP, planning permission be refused for the following reasons:

DNS

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, as set out in policy GBC3 of the East Herts Local Plan Second Review (April 2007).
2. The proposal would result in the loss of an existing employment site, contrary to the provisions of policy EDE2 of the East Herts Local Plan Second Review (April 2007).
3. The proposed development fails to make provision for Rural Exceptions affordable housing in accordance with the Planning Policy Guidance Note 3 'Housing', and policies OSV3 and HSG5 of the East Herts Local Plan Second Review (April 2007).

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163 3/06/2321/FO OCCUPATION OF DWELLING WITHOUT COMPLIANCE WITH CONDITION 03 OF PLANNING PERMISSION REF: 3/96/0520/FP, GRANTED ON JUNE 5 1996 RELATING TO AGRICULTURAL OCCUPATION OF DWELLING AT MAGPIE FARM, COTTERED, BUNTINGFORD FOR MR & MRS BYE

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2321/FO, planning permission be granted subject to the conditions now detailed.

Councillor J O Ranger, as the local ward Member, addressed the Committee in opposition to the Officer's recommendation on the grounds that local residents had objected to such an application being approved on this site.

Councillor Ranger suggested that the Committee refuse the application to remove the agricultural occupancy condition, on the grounds that the application would not have been approved if this had been a new application for a similar dwelling on this site.

The Chairman enquired as to whether the occupants could continue to live in the dwelling. The Solicitor advised that the Committee was not under an obligation to approve enforcement action.

The Director reported that if the Committee was minded to refuse the application, Members should clarify whether the Committee intended to approve any enforcement action.

Councillor S A Bull referred to paragraphs 2.6 to 2.8 of the Officer's report as now submitted. Councillor Bull cited these paragraphs as evidence that the applicant had made attempts to sell the property. Councillor Bull also referred to paragraph 5.3 of the Officer's report, in particular, the reference to policy GBC6. Councillor Bull supported the Officer's recommendation.

ACTION

The Director advised caution with regard to not approving enforcement action as this could set a precedent for other properties in the district that had been subject to onerous conditions of planning applications.

Councillor J O Ranger stated that the applicant had been advised to display “for sale” signage and to place a “for sale” advertisement in the newspaper. Councillor W Ashley commented that the property had been locally advertised.

The Director advised that, if the Committee resolved to authorise enforcement action, it would be appropriate for Members to determine an appropriate timescale for such action, in the event the occupier had not complied with the onerous condition.

The Director also advised that, with regard to authorising enforcement action, the Committee had the discretion not to proceed with such action if Members felt this was not appropriate.

Councillor S A Bull expressed concern that not approving enforcement action would set a precedent on similar cases in East Herts.

The Solicitor expressed concern that the Committee could be fettering its discretion by resolving not to take enforcement action based on insufficient information.

The Director suggested a way forward in that the Committee allow the owner a reasonable opportunity to further market the property. Officers would then report back to the Committee in 6 months on the outcome.

Councillor S Rutland-Barsby proposed and Councillor R N Copping seconded, a motion that application 3/06/2321/FO be refused planning permission on the grounds that the property had not been sufficiently and appropriately advertised in the local area.

ACTION

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/06/2321/FO be granted.

Councillors W Ashley and S A Bull requested that their dissent from this decision be recorded.

RESOLVED – that (A) in respect of application 3/07/2321/FO, planning permission be refused for the following reason:

DNS

1. The local planning authority considers that the attempts to market the property for sale have not been sufficiently and appropriately advertised in the local area. It is therefore considered that there is insufficient justification for the removal of the agricultural occupancy condition. The development is therefore contrary to policy GBC6 of the East Herts Local Plan Second Review April 2007.

(B) Officers report back to the Committee after 6 months.

DNS

164 3/07/1137/FP – INCREASE FORMALISED CAR PARK AREA AND OVERSPILL AREA AT THE CATHERINE WHEEL PUBLIC HOUSE, PELHAM ROAD, ALBURY, FOR PUNCH TAVERNS LIMITED

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1137/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that three additional letters of objection had been received expressing concern that the application was not in accordance with the Development

ACTION

Plan. The Committee was also advised that the letters had highlighted concerns in respect of the loss of a greenfield site, noise from the car park and lighting pollution at night.

The Director advised that issues raised by the letters, included concerns that 2 disabled spaces was insufficient and residents would be able to see straight into the car park from their gardens. The Committee was also advised of residents' concerns in respect of light pollution from headlights in the car park after dark.

The Director reported that Councillor Tindale had requested that condition 6 be made more specific to ensure that any lighting did not adversely affect residents on Patmore Heath. The Director suggested that an additional sentence could be added to the condition to that effect.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1137/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1137/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T01)
2. Landscaping (4P12) (a, f, i, j, k, l)
3. Landscape works implementation (4P13)
4. Retention of hedgerows (4P053)
5. Retention of trees (4P063)
6. Lighting Details (2E272)

Add at end of condition – “The detailed lighting scheme shall ensure that any

ACTION

proposed lighting is of an appropriate level and is shielded to direct light away from nearby residential properties”.

7. The parking arrangements as approved in Planning Permission 3/06/1753/FP shall not be implemented if the overspill car parking area as shown on the approved plans is implemented in accordance with this permission. Similarly, this permission shall not be implemented if the parking arrangements approved under ref: 3/06/1753/FP have been provided.

Reason: In the interests of amenity and to ensure compliance with the Councils adopted parking standards as outlined in the East Herts Local Plan Second Review (Adopted April 2007).

8. The overflow car park area as shown on the submitted plans shall be left to grass and not hard surfaced in any manner, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the Rural Area.

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 GBC3 of the East Herts Local Plan Second Review. The balance of the considerations having regard to that policy and the material considerations of the acceptable impact of the car parking area on the Rural Area, and the parking requirements of the new public house, is that planning permission

ACTION

should be granted.

165 3/07/1162/FP – ERECTION OF A STEEL STORAGE CONTAINER AT WODSON PARK LEISURE CENTRE, WADESMILL ROAD, WARE FOR WARE TOY LIBRARY

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1162/FP, planning permission be granted subject to the conditions now detailed.

Councillor J J Taylor clarified that the application was located in the Ware Trinity ward.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1162/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1162/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Prior to the commencement of development, the external colour of the storage container hereby permitted shall be approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Landscaping design proposals (4P12)
 - i) j) k) and l)
4. Landscape works implementation (4P13)

ACTION

5. Retention of landscaping (4P21)

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 GBC1, ENV1 and ENV2. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

166 3/07/0609/FP – CONSTRUCTION OF NETBALL COURTS AND TENNIS COURTS WITH FLOODLIGHTING AT WODSON PARK LEISURE CENTRE, WADESMILL ROAD, WARE

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0609/FP, planning permission be granted subject to the conditions now detailed.

The Director reminded Members the application had been deferred from the 23 May 2007 meeting to allow Officers time to investigate the degree of encroachment of the development into the 'Town Paddock' area.

The Director reported that further measurements had been carried out. He advised the Committee that the town paddock would remain an accessible space and stated that the application would not have an unsatisfactory impact on the town paddock.

The Director advised that the Council's property section had investigated the town paddock bequest and there was no clearly defined boundary to the town paddock. The Director reported that the bequest required that the town paddock be available for informal access and amateur

ACTION

games. As such, It would remain so.

The Director reported that the Council must also address the issues of the bequest as a landowner and separate this from the issues to be considered in the planning process as a planning authority.

Councillor J J Taylor referred to the northern boundary bunding and expressed concern in respect of the loss of mature trees. The Director acknowledged the concerns and advised that houses to the south would screen the northern side of nearby dwellings from the proposed development.

The Director advised the Committee that the positive aspects of the proposal would outweigh any negative impact.

Councillor J J Taylor commented that a letter had been received by Councillor M R Alexander from Mr Powell, the public speaker against the application at the 23 May 2007 meeting of the Committee. She commented that the letter stated that Mr Powell had met with Martin Shrosbree and Anna Osborne from the Council's Property section. The Committee was advised that the Officers had assured Mr Powell that a formal audit would be carried out of the town paddock.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0609/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0609/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Prior to the first use of the development hereby permitted the extended landscaped bund and

ACTION

new swale indicated on the approved plans shall be remodelled and extended in accordance with details, including drawings and sections at scale of not less than 1:200, to be submitted and as approved in writing by the local planning authority.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and having regards to surface water run off, in accordance with Policies ENV2 and ENV21 of the East Herts Local Plan.

3. Landscape Design Proposals (4P12).
4. Landscape Works implementation (4P13).
5. Following the installation of the floodlights hereby permitted, and prior to their first operational use, the lighting installations shall be tested , and if they fail to meet the limitations of lighting intensity as submitted, the angles of lighting shall be altered and/or the hooding of the lighting shall be undertaken.

Reason: In the interests of neighbour amenity, in accordance with Policy ENV23 of the East Herts Local Plan.

6. The floodlighting shall not be used after 17:15 hours on any Bank Holiday, or after 2200 hours on Monday to Saturday , or at any time on Sundays.

Reason: In the interests of neighbour amenity, in accordance with ENV23 of the East Herts Local Plan.

7. Prior to the first use of the development hereby permitted, the existing and proposed car park areas indicated on plan 0681008/1A shall be

ACTION

resurfaced in accordance with detailed specifications which shall have been approved in writing by the local planning authority.

Reason : To ensure adequate provision for surface water run off by the proposed development in accordance with Policy ENV21

8. Retention of parking space (3V20)
9. The drainage systems indicated on the approved plans, including an additional french drain along the eastern side of the tennis courts shall be installed and brought into operation prior to the first use of the development hereby permitted.

Reason : To ensure adequate provision for surface water run off by the proposed development in accordance with Policy ENV21

Directives:

1. In discharging the provisions of condition 7 the Council will seek permeable surfaces to minimise surface water run off.

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 ENV1, ENV2, of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies, the previous grant of planning permission, 3/00/1835/FP, and the other material considerations in this case is that planning permission should be granted.

ACTION

167 3/07/1131/FP – STATIONING OF A TEMPORARY AGRICULTURAL WORKERS DWELLING AT CROUCHFIELDS FARM, WADESMILL ROAD, CHAPMORE END FOR MR M PETERS

The Director of Neighbourhood Services recommended that in respect of application 3/07/1131/FP, planning permission be refused for the reasons now detailed.

Mrs Walkon addressed the Committee in opposition to the application. Mr Peters spoke for the application.

The Director reported that an e-mail had been sent to all Members with a revised plan for the application. The Committee was advised that Officers had received an additional letter of objection echoing the concerns raised by Officers, as detailed in the reasons for refusal in the report now submitted.

Councillor R N Copping expressed concern in respect of the impact the application would have on the surrounding countryside.

Councillor W Ashley commented that the corral system for keeping cattle had been established in 2004 and that cattle did survive in the corral system. Councillor Ashley commented that in light of paragraphs 7.7 to 7.9 of the Officer's report, it would be essential for a full time agricultural worker to be living nearby.

Councillor Ashley reminded the Committee that farming was an acceptable land use in the Green Belt. He stated that a temporary permission for 3 years could be approved. He also stated that should the enterprise prove unsuccessful, then the planning permission would lapse.

The Director advised caution in approving the application, as although the agricultural operation had been in place for a number of years, Officers had not been satisfied that the proposal was financially viable.

ACTION

The Solicitor reminded the Committee that there was an enforcement action to be determined as part of the Director's recommendation.

Councillor S Rutland-Barsby queried whether the Committee could attach a condition requiring that the applicant tidy the surrounding area of the site. Councillor Rutland-Barsby also suggested that the Committee could approve a section 215 enforcement notice.

The Director cautioned against both suggestions on the grounds that enforcement would prove difficult.

Councillor W Ashley proposed and Councillor S A Bull seconded, a motion that application 3/07/1131/FP be granted planning permission for 3 years on the grounds that the application satisfied the criteria of policy PPS 7 and that the application was based on a sound financial basis and a functional need.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/1131/FP be refused planning permission for the reasons now detailed.

Councillor R N Copping requested that his dissent from this decision be recorded.

The Director advised Members that the normal range of standard conditions would be applied. On the advice of the Director, the Committee supported the recommendation for enforcement action to be authorised in respect of the site relating to 3/07/1131/FP on the basis now detailed.

RESOLVED – that (A) in respect of application 3/07/1131/FP, planning permission be granted subject to the following conditions:

DNS

ACTION

1. Temporary Permission (1T08) – 31 July 2010
2. Personal permission (5U01) – “Mark Peters”
3. Agricultural Occupancy (5U05)
4. Materials of Construction (2E11)
5. Withdrawal of Permitted Development (2E20)
(Part 1 Class A)
6. Withdrawal of Permitted Development (2E22)
(Part 1 Class E)
7. Boundary walls and fences (2E)7)

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, 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 removal of the existing unauthorised mobile home situated on the land to the north of the current application site (and shown hatched on the attached Ordnance Survey extract).

DNS/DIS

Period for compliance: 6 months

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

1. The existing mobile home on land to the north of site is situated in a visually prominent location. Due to its inappropriate siting and appearance it is considered to be out of keeping with the character and appearance of the surroundings and detrimental to the openness of the Metropolitan Green Belt, contrary to the provisions of Policy GBC1 and

ACTION

PPG2.

- 168 E/06/0512/A – UNAUTHORISED REMOVAL OF HEDGE IN BREACH OF PLANNING CONDITION, UNAUTHORISED ENGINEERING OPERATION TO REMOVE AN EARTH BUND, UNAUTHORISED ERECTION OF A KERB AND A BRICK WALL AND UNAUTHORISED CREATION OF AN ACCESS TO A CLASSIFIED ROAD AT 1, PELHAM ROAD, GREAT HORMEAD, HERTS SG9 0NU
-

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0512/A on the basis now detailed.

RESOLVED – that, in respect of E/06/0512/A, the Director of Neighbourhood Services, in consultation with the Director of Internal services, 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 (a) secure the removal of the unauthorised brick wall and kerbing and the reinstatement of the earth bund, (b) close the unauthorised access to the classified road; and (c) replace the hedge at the site.

DNS/DIS

Period for compliance: (a) 3 months.
(b) 28 days
(c) 7 months

Reason why it is expedient to issue an enforcement notice:

1. The site lies within the Conservation Area of Great Hormead and the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan Second Review April 2007. The development is considered as contrary to policies GBC2 (The Rural Area Beyond the Green Belt), ENV11 (Protection of Existing Hedgerows and Trees) and BH6 (New

ACTION

Developments in Conservation Areas) of the East Herts Local Plan Second Review April 2007.

2. The removal of the native boundary hedge and associated landscape works have resulted in an uncharacteristic open frontage to the site, wherein the access are unduly prominent in the street scene and result in an urbanising effect on the visual character of the Rural Area and harm to the character of Great Hornead Conservation Area, wherein the site is situated. The development is considered as contrary to policies GBC2 (The Rural Area Beyond the Green Belt), ENV11 (Protection of Existing Hedgerows and Trees) and BH6 (New Developments in Conservation Areas) of the East Herts Local Plan Second Review April 2007.

169 E/06/0401/A – UNAUTHORISED ERECTION OF A DOUBLE GARAGE; CHANGE OF USE OF WOODLAND AREA TO RESIDENTIAL GARDEN AND ERECTION OF ENTRANCE WALL AND GATES AT THE LODGE, HIGH WYCH LANE, HIGH WYCH, SAWBRIDGEWORTH, HERTS

Councillor M G Carver expressed concern in respect of the removal of trees on the site. He enquired as to whether an additional condition could be attached to the enforcement action requiring that some of the lost trees are replaced.

The Director of Neighbourhood Services reported that a woodland TPO was in place for the site. In response to a query from the Chairman, the Director confirmed that Officers could request conditions for additional replanting of trees.

The Director advised that there had been a history of tree removal on the site, although Officers could not be certain that the current owner of the site had carried out any

ACTION

removal.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0401/A on the basis now detailed.

RESOLVED – that, in respect of E/06/0401/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, 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 removal of the unauthorised developments and the cessation of the residential use of the woodland outside the curtilage of the residential property.

DNS/DIS

Period for compliance: 28 days

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

1. The siting of the garage and the change of use of the land represents an inappropriate encroachment of development beyond the built up area of High Wych and into an area of woodland, which is harmful to the character and appearance of the Metropolitan Green Belt and the Conservation Area, and thereby contrary to Policy GBC1 and Policy BH6 of the East Hertfordshire Local Plan April 2007. No very special circumstances are apparent in this case to warrant a departure from Green Belt policy.
2. The means of enclosure, by reason of its siting and height and lack of associated landscaping, is unduly dominant in the street scene and detrimental to the character and appearance of the Conservation Area. The development is thereby contrary to Policies ENV1, ENV2 and BH6 of the East Herts Local Plan April 2007.

ACTION

- 170 E/07/0269/B – UNAUTHORISED ALTERATIONS OF ELEVATIONS OF OUTBUILDING IN BREACH OF CONDITION 2 AND 9 OF PLANNING PERMISSION REFERENCE 3/03/0518/FP AND USE OF PART OF THE OUTBUILDING AS HABITABLE ACCOMMODATION IN BREACH OF CONDITION 15 OF PLANNING PERMISSION REFERENCE 3/03/0518/FP AT 3 CHERRY GREEN BARNS, WESTMILL, BUNTINGFORD, SG9 9NW

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0269/B on the basis now detailed.

RESOLVED – that, in respect of E/06/0269/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, 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 (a) the removal of the unauthorised development and (b) the cessation of the unauthorised use as habitable accommodation.

DNS/DIS

Period for compliance: (a) 6 months
(b) 6 months

Reasons 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 April 2007 wherein there is presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The development and use of the building is prejudicial to policies, GBC2 and GBC3 of the East Hertfordshire Local Plan April 2007.
2. The site also forms part of former farm

ACTION

buildings, and is within the setting of Cherry Green Farmhouse, a Grade II listed building. Officers consider that the existing development fails to preserve or enhance the setting of Cherry Green Farmhouse and, accordingly, it is contrary to Policy BH12 of the East Hertfordshire Local Plan April 2007.

171 3/07/0935/FP – DEMOLITION OF LIGHT INDUSTRIAL BUILDINGS AND CONSTRUCTION OF 182 NEW RESIDENTIAL UNITS WITH COVERED CAR PARKING AND EXTERNAL LANDSCAPING AT LAND OFF MARSHGATE DRIVE, HERTFORD FOR ZOG2 LIMITED

The Director of Neighbourhood Services recommended that in respect of application 3/07/0935/FP, planning permission be refused for the reasons now detailed.

The Director reported that this application was a resubmission of an application that had been refused by the Committee on 17 January 2007. He reported that of the 10 reasons for refusal from the previous application, 2 had not been satisfied so Officers had recommended refusal.

The Director referred to policy PPS 25 in respect of potential flood risk. He stated that the policy was of heightened relevance in the current climate of increased flood risk. The Committee was advised that a sequential test to check for sites less susceptible to flooding had been completed.

The Director reported that an exception test was also required and this had not been completed. He advised that Officers wished to add a further reason for refusal on the grounds that insufficient information had been submitted in respect of the safety of the development in relation to flood risk issues.

Councillor S Rutland-Barsby expressed concern in respect of the car parking provision on the site and supported the

ACTION

Officer's recommendation.

Councillor P A Ruffles supported the Officer's reasons for recommending refusal and expressed support for the points raised by Hertford Civic Society.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0935/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0935/FP, planning permission be refused for the following reasons: -

DNS

1. The proposed development, by reason of the scale, height and massing of Blocks A and B would be unsympathetic to the immediate context of the site and relate poorly to the height and massing of adjoining houses in Spencer Street and Marshgate Drive. The proposal is thereby contrary to Policy ENV1(1)(c) of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS 1 "Delivering Sustainable Development".
2. The proposed development, by reason of the significantly greater height, scale and massing of Blocks A and B in close relationship with the adjoining development in Spencer Street and Marshgate Drive, would result in overlooking of the gardens of those properties and would have a dominant and overbearing relationship to these dwellings. This would be detrimental to the amenities of the occupiers of those properties contrary to policy ENV1 (1)(d) of the East Herts Local Plan Second Review April 2007.
3. The proposed development is located in an

ACTION

area at risk of flooding. No flood risk assessment has been submitted to demonstrate that the development will be safe. In the absence of such an assessment, the Council has insufficient information to determine the safety of the development in relation to flood risk issues. The proposals are therefore contrary to policy ENV19 of the East Herts Local Plan Second Review April 2007.

172 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (No. 10) 2006 P/TPO 536 TITLE 'CARFIELD LODGE 121 HADHAM ROAD BISHOP'S STORTFORD HERTS'

The Head of Environmental Services submitted a report seeking confirmation for the Tree Preservation Order (TPO) (No 10) 2006.

The Committee supported the recommendation to confirm the opposed Order as now detailed.

RESOLVED – that Tree Preservation Order (No 10) 2006 be confirmed as an opposed order and that the Director of Neighbourhood Services be authorised to bring it into operation.

DNS

ACTION

173 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination,
- (B) Planning appeals lodged, and
- (C) Planning statistics.

The meeting closed at 10.40 pm.

Chairman
Date