

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS ON
WEDNESDAY 20 JUNE 2007 AT 7.30 PM

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

ALSO IN ATTENDANCE:

Councillors M G Carver, A D Dodd and P A Ruffles.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Assistant
Caroline Robins	- Solicitor
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

70 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the item relating to application 3/07/0767/FP – Change of use and alteration of redundant farm buildings at New Barns Farm, New Barns Lane, Anstey for Stagestruck Ltd had been withdrawn.

ACTION

The Chairman also advised that the item relating to application 3/07/0753/FP – Change of use of Building B to B2 purposes and use of Buildings C and D for B8 purposes, at Little Samuels Farm, Widford Road, Hunsdon, for A. T. Bone and Sons had been withdrawn.

The Chairman reminded Members of the Sainsburys' public exhibition on 21 to 23 June in relation to the new store planned for the former McMullen's Brewery site. He also advised that Sainsburys would be giving a presentation at Hertford Community Voice on 21 June 2007.

71 DECLARATIONS OF INTEREST

Councillor R Gilbert declared a personal interest in respect of application 3/07/0704/FP, as he was an acquaintance of the residents concerned.

Councillor Mrs M H Goldspink declared a personal interest in respect of application 3/07/0704/FP, as she was an acquaintance of the residents concerned.

Councillor W Ashley declared personal interests in respect of applications 3/06/1522/FP and E/04/0014/B, as he was an acquaintance of the applicant for application 3/06/1522/FP and was an acquaintance of the Smith family for application E/04/0014/B.

RESOLVED ITEMSACTION72 MINUTES

RESOLVED – that (A) the Minutes of the meetings held on 23 May 2007 at 6.00 pm and 7.30 pm be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Minute 26 – Exclusion of Press and Public

ACTION

Delete in middle of 1st sentence 1st paragraph –
‘.....Minute xxx.’

Replace with – ‘Minute 27’;

Minute 24 – Apology

Delete in 1st sentence 1st paragraph – ‘.....as he
was attending a charity match in memory of his son.’

Replace with – ‘in case a member of the public felt
he had an interest in the matter referred to at
agenda item 5.’

- 73 3/07/0668/FP – CHANGE OF USE OF LAND FROM
GARDEN CENTRE TO NURSERY/DAY CARE CENTRE
AND DEMOLITION OF EXISTING BUILDING AND
ERECTION OF PREVIOUSLY APPROVED BUILDING; AT
COLE GREEN PET AND GARDEN CENTRE, BIRCHALL
LANE, COLE GREEN, FOR MR J. RICHARDSON

Mr Richardson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/0668/FP, planning permission be refused for the reasons now detailed.

Councillor Mrs M H Goldspink sought and was given clarification that the application as now submitted, was different to that previously determined by the Committee. The Director confirmed that a previous application for a children’s nursery had been refused and another application had been approved 5 years ago but this application had not been implemented and planning permission had lapsed.

Councillor R N Copping expressed sympathy for the applicant but commented on the importance of Green Belt policy. Councillor M R Alexander sought and was given

ACTION

clarification on when land was designated a brownfield site.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0668/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/0668/FP, planning permission be refused for the following reason:

DNS

1. RO21 - Standard Green Belt Refusal.
The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

74 3/07/0592/FP – ERECTION OF FIVE DWELLINGS AT DOVEDALE, HIGH WYCH LANE, HIGH WYCH, FOR MRS H. SMITH

Mrs Clark addressed the Committee in opposition to the application. Mr Allan spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/0592/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that High Wych Parish Council had raised further objections to those referred to at paragraph

ACTION

4.1 of the Officer's report now submitted.

The Committee was advised that the Parish Council was concerned that the application made no contribution to the village and did not meet guidance under policy PPS3. The Director also reported that the Parish Council was concerned that the height and scale of the proposed development was out of keeping with the existing street scene.

Councillor M G Carver, as the local ward Member, spoke on behalf of local residents in respect of application 3/07/0592/FP, on the grounds that he had been advised of residents' concerns that had not been reflected in the report. Councillor Carver stated that it was incumbent on East Herts Council to consider the views of all residents of the District.

Councillor Carver commented that residents had been concerned that land covered by this application was not in the conservation area. Councillor Carver stated that residents had been concerned that conditions and issues in respect of wildlife habitats had not been addressed in the Officer's report.

Councillor Carver stated that concerns had been raised that the style and design of the proposed development was out of keeping with buildings already in place in High Wych and that the application constituted over development and would adversely affect the character of the village.

The Director of Neighbourhood Services reported that the Council's Housing Officer had advised that the application was in line with the policies of the new Local Plan. The Director advised that the housing association would control issues of shared ownership and staircasing.

The Director reported that the site was not in the conservation area and the updated plans reflected this. Following a query from the Chairman in respect of wildlife, the Director advised that wildlife bodies had not raised any

ACTION

concerns and Officers had not been aware of tangible wildlife reasons for recommending refusal.

In response to a query from Councillor R N Copping, the Director advised that the site was within the village boundary so was not classed as Green Belt. Members were also advised that a degree of infilling was acceptable in the Green Belt.

The Director cautioned against refusing the application and reminded Members that the application was for a form of infill development that Officers viewed as acceptable. He reported that the proposed development met many of the Council's policy requirements.

The Director advised that if Members were minded to refuse the application, highways reasons should be avoided as Highways had been supportive of the application. The Committee was advised that wildlife concerns were a weak reason for refusal, as Officers had not identified this as a tangible reason for recommending for refusal. The Director cited the impact on the character of the area as a viable reason for refusal.

Councillor K A Barnes proposed and Councillor M R Alexander seconded, a motion that application 3/07/0592/FP be refused planning permission on the grounds that the application was against the design and bulk of existing properties and that the application was out of keeping with the surrounding area.

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 3/07/0592/FP be granted planning permission, subject to the conditions now detailed.

Councillor W Ashley requested that his dissent from this

ACTION

decision be recorded.

RESOLVED – that in respect of application 3/07/0592/FP, planning permission be refused for the following reason:

DNS

1. The scale and bulk of the proposed dwellings are considered to be visually dominant and out of keeping with the character of the area contrary to policies ENV1 and HSG7 of the East Herts Local Second Review April 2007.

75 3/07/0837/FP – CHANGING FACILITIES AND CLUBROOM (AMENDED SCHEME) AT PRESDALES RECREATION GROUND, WALNUT TREE WALK FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that in respect of application 3/07/0837/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that Ware Town Council had raised no objections to the application.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0837/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0837/FP, planning permission be authorised subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Sample of materials (2E12)
3. Details of any external lighting of the facilities hereby approved shall be submitted and as approved in writing by the local planning

ACTION

authority

Reason: To protect the rural character of the site and surroundings and the visual amenity of the Metropolitan Green Belt.

4. Prior to the first use of the building hereby permitted, the existing car park shall be resurfaced, and measures taken to protect the surface of the overspill car park, in accordance with details to be submitted and as agreed in writing with the local planning authority.

Reason: To protect the rural character of the site and surroundings and the visual amenity of the Metropolitan Green Belt.

5. Tree retention and protection (4P05)
6. Landscape Design Proposals (4P12). Add “ The overflow parking area shall be enclosed by a new hedge with protective rail ”
7. Landscape Works Implementation (4P13)
8. Hours of use – The use of the building shall be restricted to between the hours of 8am and 8pm.

Reason: In the interests of the amenity of residents of nearby dwellings and in accordance with policy BE10 of the East Herts Local Plan.

Directive:

1. Other legislation – 010L visual amenity of the Metropolitan Green Belt.

Summary of Reasons for Decision

ACTION

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 GBC1, ENV1, ENV23, ENV24 and LRC1 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies and the considerations of the extant planning permission, 3/06/1968/FP, in this case is that planning permission should be granted.

76 3/07/0885/RP – PROPOSED DEMOLITION OF EXISTING DETACHED DWELLING AND ERECTION OF 2 DETACHED DWELLINGS AND 1 GARAGE AT 12 BROOK LANE, SAWBRIDGEWORTH

Mrs Clark addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/07/0885/RP, planning permission be granted subject to the conditions now detailed.

The Director advised that Sawbridgeworth Town Council had objected to the application on the grounds that the development would result in over intensification of the site. Members were also advised that the Town Council was concerned the increase in traffic to the site was unsustainable.

The Director reported that an e-mail objecting to the proposed scheme had been received from Councillor N Clark.

Councillor A D Dodd, as the local ward Member, spoke against application 3/07/0885/RP. Councillor Dodd supported the concerns raised by the public speaker and expressed concerns in relation to the narrow 12 foot width

ACTION

of Brook Lane. Councillor Dodd stated that the site was unacceptable for a major development and the application constituted back land development.

The Director reported that outline planning permission for 2 properties had previously been approved on this site.

After being put to the meeting and a vote taken the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0885/RP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/0885/RP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Samples of Materials (2E12)
3. Levels (2E05)
4. Construction hours of working (6N07)
5. Boundary Walls and Fences (2E07)
6. Materials arising from demolition (2E32)
7. Landscape Design Proposals (4P12)
8. Landscape works implementation (4P13)
9. Obscure glazing (within the flank of the 1st floor ensuite) (2E18)
10. No further windows (2E17)
11. Withdrawal of PD (Part 1 Class A) (2E20)
12. Withdrawal of PD (Part 1 Class B) (2E20)

ACTION

13. Construction Parking and Storage (3V22)
14. No development above ground level shall take place until such time as full engineering details of the modified vehicle access has been submitted to and approved in writing by the local planning authority and no occupation shall take place until the access has been constructed in accordance with the approved detail.

Reason: In order to provide a satisfactory means of vehicle access in the interests of highway safety.

15. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

16. Prior to the commencement of the development the culverting for the access road over Sawbridgeworth Brook shall be carried out in accordance with details, which are to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to allow continuation of the riparian corridor for wildlife.

Directive:

ACTION

1. The highway authority require the construction of the vehicle cross-over 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 arrange this.

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 ENV1, ENV2, HSG7 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

77 3/06/1522/FP – CONSTRUCTION OF BARN FOR HAY STORAGE AT ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH FOR EAST HERTS EQUESTRIAN CENTRE

Mr Newson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/06/1522/FP, planning permission be refused for the reasons now detailed.

The Director reported that the current use of the site was established via an approved change of use in 2002 to an equestrian facility. The Committee was advised that Officers and Members had been concerned that the flexibility of the site be maintained when approving the manager's dwelling in 2002.

The Director advised of a number of applications approved for the site, to increase floor space and the size of the

ACTION

manager's dwelling and to build a modest tearoom. Members were advised that the application in 2002 had allowed an increase in floor space up to 2450 square feet and this application was for an increase to 3177 square feet.

Members were advised that a modest scale development of this nature was acceptable in the Green Belt and Officers felt this application exceeded the acceptable limit of what was permissible on the site.

Following a query from Councillor W Ashley, the Director advised that planning policy stated that small scale equestrian use was permissible in the Green Belt. The Committee was advised that Officers viewed this application as large scale.

Councillor Ashley expressed concern that the recommendation for refusal was not fair and reasonable. Councillor R N Copping stated that Green Belt policy did not permit non-agricultural developments, except for applications for small scale stable buildings.

Councillor S A Bull expressed concerns about restricting the growth of a business in a rural area.

The Director cautioned against approving the application due to the precedent this could set. The Director reminded Members of the importance of Green Belt Policy on such applications. He highlighted the increases in size and footprint that would result if planning permission was approved.

Councillor W Ashley proposed and Councillor J Demonti seconded, a motion that application 3/06/1522/FP be granted planning permission on the grounds that the application was for a local facility that provided jobs for local people and granting permission would facilitate operation of a sporting facility that met a local need.

ACTION

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

The Director advised that a standard range of conditions be applied to the application. Councillor Ashley requested that a condition be attached to the planning permission stating that the building shall be used solely for the storage of hay and straw.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/06/1522/FP be refused planning permission for the reasons now detailed and approved the application.

RESOLVED – that in respect of 3/06/1522/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. The building hereby permitted shall be used solely for the storage of hay and straw and for no other purpose whatsoever without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that no alternative use is made of the building which would be contrary to the Council's policies in relation to development within the Metropolitan Green Belt.

3. Vehicular access to the site shall be obtained via the existing road accessing Lord Street to the south of the site.

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

4. The access gate onto Elbow Lane adjacent to the existing house shall be kept locked at all times other than for use by the residential occupants of the site or for emergency purposes.

ACTION

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

5. Materials of construction (2E11)
6. Lighting details (2E27)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV23 and GBC1. The balance of the considerations having regard to those policies is that permission should be granted.

- 78 3/07/0704/FP– PROPOSED DEMOLITION OF 184 STANSTED ROAD AND GARAGE TO 182 STANSTED ROAD. ERECTION OF 8NO. DWELLINGS WITH THE CREATION OF NEW ACCESS AND ASSOCIATED LANDSCAPING AT 182/184 AND LAND TO THE REAR OF 180 STANSTED ROAD, BISHOP’S STORTFORD FOR MICHAEL SHANLY HOMES

Charlotte Baker addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0707/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.

In response to a query from Councillor J Demonti on condition 15, the Director confirmed that obscure glazing would be in place in bathrooms and rooms with en suite

ACTION

facilities on the flank elevation.

Councillor Mrs M H Goldspink acknowledged the improvements to density and parking in the application. Councillor Goldspink stated her concern that the application altered the particular character of Stansted Road and commented that residents still had concerns about the application.

After being put to the meeting and a vote taken the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0704/FP be granted planning permission, subject to the conditions now detailed.

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

a financial contribution of £14,500 towards improvements to provide DDA compliant bus stops on Stansted Road and/or sustainable transport initiatives

in respect of application 3/07/0704/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. Construction hours of working (6N07)
5. Boundary Walls and Fences (2E07)
6. Materials arising from demolition (2E32)

ACTION

7. Landscape Design Proposals (4P12)
8. Landscape works implementation (4P13)
9. Tree retention and protection (4P05)
10. Tree Surgery (4P11)
11. Tree Protection: From Foundation
12. Tree Protection: No Burning (4P08)
13. Tree Protection: Excavations (4P09)
14. Tree Protection: Earthworks (4P10)
15. Obscure glazing (within the 1st floor flank elevations) (2E18)
16. No further windows (2E17)
17. Withdrawal of PD (Part 1 Class A) (2E20)
18. Withdrawal of PD (Part 1 Class E) (2E22)
19. Withdrawal of PD (Part 2 Class A) (2E21)
20. Noise – Prior to the commencement of works a scheme for the protection of dwellings against external and internal noise shall be submitted to and approved in writing by the local planning authority. All works, which form part of the scheme, shall be completed prior to the occupation of the permitted dwellings.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.
21. Programme of Archaeological work (2E02)

ACTION

22. Provision and retention of parking spaces (3V23)
23. Visibility splays – No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 90m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access and to make the access safe and convenient for the traffic which is likely to use it.

24. Details of Road –Development above ground level shall not take place 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 road works are constructed to an adequate standard.

25. Footway – No dwelling shall be occupied until a 1.8m wide footway has been constructed along the Stansted Road frontage of the site in accordance with details to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street

ACTION

furniture shall be re-sited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement

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

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

27. Construction Parking and Storage (3V22)

28. Wheel Washing Facilities (3V25)

Directives:

1. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.
2. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

ACTIONSummary 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 ENV1, ENV2, HSG7 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

79 E/04/0014/B – UNAUTHORISED CHANGE OF USE OF LAND FROM SCAFFOLD STORAGE COMPOUND TO COACH PARK; THE UNAUTHORISED CHANGE OF USE OF FORMER BARN TO COACH MAINTENANCE DEPOT AT FOXHOLES FARM, LONDON ROAD, HERTFORD

The Chairman advised that Officers had sought authority to serve an enforcement notice for the relocation for the unauthorised use. Councillor W Ashley suggested that Members agree to defer enforcement action until a meeting had taken place between East Herts Council, Hertfordshire County Council and Hertfordshire Highways to resolve the issue of the storage of coaches in Hertford.

Councillor M R Alexander suggested that the period for compliance could be increased to 9 months, to allow the applicant more time to comply with the enforcement notice. Councillor Alexander stated that the enforcement notice was to be served on the landowner not the coach company.

The Director of Neighbourhood Services advised that setting up a meeting between East Herts Council, Hertfordshire County Council and Hertfordshire Highways was not within the remit of Planning and Building Control at East Herts, as the task of the section was to implement and enforce planning policy.

ACTION

The Director reported that the landowner had not approached East Herts Council with a view to setting up such a meeting. Councillors Alexander and Ashley agreed to assist with setting up a meeting between Hertfordshire Highways, Hertfordshire County Council and East Herts Council.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/04/0014/B with a 9-month period for compliance, with no action to be taken until two weeks after this meeting.

RESOLVED – that (A) in respect of E/04/0014/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the cessation of the use of the land for a the parking/storage of coaches and public service vehicles; and

DNS/DIS

(B) in respect of E/04/0014/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the cessation of use of a former barn as a coach maintenance depot not associated with agriculture.

DNS/DIS

Period of Compliance: 9 months

Reasons why it is expedient to issue an Enforcement Notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire local Plan wherein permission will not be given except in very special circumstances for development for

ACTION

purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case and the use is contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.

2. The use results in an intensification of vehicle traffic onto the rural road system, and using a substandard access onto the B1197 contrary to policy 29 of the Hertfordshire County Structure Plan, and policy TR20 of the East Herts Local Plan Second Review April 2007. The use is detrimental to the safety and convenience of users of the access and to the rural environment of the locality.
3. The use results in the use of RUPP43, a defined public footpath, by an increased number of large vehicles to the detriment of the safety and enjoyment of persons using the footpath, contrary to the provisions of policy TR20 of the East Herts Local Plan Second Review April 2007.

80 E/06/0166/A – UNAUTHORISED OUTBUILDING WITHIN THE CURTILAGE OF THE LISTED BUILDING AT ASH VIEW NURSING HOME, WARE ROAD, WIDFORD, HERTS

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0166/A on the basis now detailed.

RESOLVED – that in respect of E/06/0166/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

DNS/DIS

ACTION

steps as may be required to secure the removal of the unauthorised building.

Period for compliance: 3 months

Reasons why it is expedient to issue an enforcement notice:

1. The building, by reason of its size, siting and detailed design is out of keeping with and detrimental to the historic character, appearance and setting of both the adjacent listed buildings (Ash View Nursing Home and Walnut Tree Lodge) contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
2. The building, by reason of its height, siting and design is unduly prominent and visually intrusive when viewed from the adjacent residential property and is thereby detrimental to the amenities of the occupiers of that property and contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

81 PLANNING APPEAL PERFORMANCE AND TRENDS
OCT 2006 – MARCH 2007

The Head of Planning and Building Control submitted a report detailing the Council's planning appeal performance and trends for October 2006 to March 2007. The Committee noted the report.

RESOLVED – that the performance of the Council in relation to planning appeal decisions and any trends that can be established from those decisions be noted.

ACTION82 UPDATE ON AUTHORISED ENFORCEMENT ACTION

The Head of Planning and Building Control submitted a report that updated Members on the progress of authorised enforcement action. It was noted that there had been 345 enforcement cases to date in 2007. It was also noted that the projected figure for 2007 was between 735 and 740, a big increase on the 3 previous years.

RESOLVED – that the quarterly report be noted.

83 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 is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the planning applications submitted in the report.

In response to a query from Councillor M G Carver, the Head of Legal Services advised that a report would be put to the next meeting of Development Control Committee for the refusal in respect of planning obligation reference 04.06.668.

The Director of Neighbourhood Services reported that the planning obligation went with the land and commented that the section 106 agreement was unsigned. Councillor Carver expressed concern over any delay to the agreement being signed should a change of ownership occur.

The Committee supported the recommendation of the Head of Legal Services that an extension of six months be

ACTION

granted for the conclusion of planning obligations detailed in the report now submitted.

The Committee noted the planning obligations at Appendix D 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:

DNS

<u>Planning Reference</u>	<u>Site and Proposals</u>
04.06.592	Dolphin Yard, Bull Plain, Hertford. New build of 6 x 2 bed flats; 10 x 2 bed maisonettes and public library.

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

DIS

84 ITEMS FOR REPORT AND NOTING

The Director of Neighbourhood Services advised that the data on page 163 of the agenda papers was incorrect and should have read 71% for major applications, 90% for minor applications and 92 % for all other applications.

RESOLVED – that the following reports be noted:

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

ACTION

The meeting closed at 9.15 pm.

Chairman

Date