

MINUTES OF A MEETING OF  
THE DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON WEDNESDAY 17 OCTOBER 2007 AT  
7.30 PM

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

ALSO IN ATTENDANCE:

Councillors D Clark and N Clark.

OFFICERS IN ATTENDANCE:

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

ACTION302 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Demonti, Mrs M H Goldspink and B M Wrangles. It was noted that Councillors A L Burlton, P A Ruffles and Councillor M Wood were in attendance as substitutes for Councillor B M Wrangles, Councillor J Demonti and Mrs M H Goldspink respectively.

303 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman reminded Members of the Kettering Wind farm visit on 22 October 2007.

The Chairman advised that mobile phone operators had approached the Council in respect of delivering a presentation to Members detailing potential sites for phone masts over the coming year. It was noted that Members should contact Kevin Steptoe for more information.

The Chairman advised that the following items had been withdrawn:

Application 3/07/1525/FP – Rear extension to existing main shop building; external covered walkways at Van Hages Garden Centre, Amwell Hill, Great Amwell for Van Hages & Co (Holdings); and

Application 3/07/1759/FP – Retrospective application for change of use of Buildings B and C to storage (B8) ancillary to workshop (B1) use of Building D, together with improvements to access at Little Samuels Farm, Widford Road, Hunsdon, for A. T. Bone and Sons.

The Chairman advised that all Members of Development Control Committee had been invited to an Urban Design

ACTION

Workshop on 15 November 2007 at the Rhodes Arts Complex from 9.30 am till 4.00 pm. It was noted that Members should inform Kevin Steptoe should they wish to attend.

The Chairman reported that extra papers had been circulated to Members in respect of amendments to the reports relating to applications 3/07/1546/FO, 3/07/0822/FP, 3/07/1699/OP and 3/07/1569/OP. It was noted that the Director of Neighbourhood Services would refer to these changes prior to the debate on these applications.

Finally, the Chairman explained his reasons for returning to the previous layout for Development Control Committee meetings when using the Council Chamber.

304 DECLARATIONS OF INTEREST

Councillor K A Barnes declared a personal and prejudicial interest in respect of application 3/07/1348/FP, as he was a personal acquaintance of the applicant and was a season ticket holder at the football club. Councillor Barnes left the room prior to consideration of this matter.

RESOLVED ITEMSACTION305 MINUTES

RESOLVED – that the Minutes of the meeting held on 19 September 2007 be confirmed as a correct record and signed by the Chairman.

ACTION

306 3/07/1348/FP – CHANGE OF USE OF LAND TO STORAGE OF NEW CARS AT BISHOP'S STORTFORD FOOTBALL CLUB, WOODSIDE, DUNMOW ROAD, BISHOP'S STORTFORD FOR BISHOP'S STORTFORD FOOTBALL CLUB LTD

Mrs Del Basso addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1348/FP, planning permission be refused for the reasons now detailed.

The Director reported that Uttlesford District Council had objected to the application on the grounds that the site was located in the Metropolitan Green Belt. Members were also advised that residents of Cannons Close had objected in respect of green belt development and in relation to the loss of community sports facilities and the adverse traffic implications.

Councillor M Wood, as the local ward Member, supported the Officer's recommendation and expressed concern about development in the Metropolitan Green Belt.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1348/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1348/FP, planning permission be refused for the following reasons:

DNS

1. 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

ACTION

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.

2. The proposed development would contribute to the coalescence of Bishop's Stortford with surrounding development at the junction with the M11 motorway and would thereby be detrimental to the character and openness of the Metropolitan Green Belt, contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007.

307 3/07/1671/FP – FORMATION OF A RIDING ARENA AT CLINTONS, BURY GREEN, LITTLE HADHAM, FOR MR M HARVEY

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/1671/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1671/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1671/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. No external lighting (2E26).

ACTION

3. Programme of archaeological work (2E023).
4. Landscape design proposals (4P12) (i, j, k and l).
5. Landscape works implementation (4P13).

Directive:

1. Other legislation (010L).

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 GBC3, ENV1, ENV2, BH12 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

308 3/07/1647/FP – ERECTION OF 14 APARTMENTS WITH PARKING AND LANDSCAPING, AND NEW ACCESS FROM ST. JOHNS STREET AT THE FORMER DOLPHIN CAR PARK, MILL ROAD, HERTFORD (AND PART OF 85 RAILWAY STREET) FOR PARKHALL LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1647/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that Officers were awaiting the results from ongoing consultation with residents of the Riveria Development to the north of the site.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1647/FP be granted planning permission, subject to

ACTION

no further substantive issues being raised as a result of the ongoing consultation and subject to the conditions now detailed.

RESOLVED – that (A) subject to no new substantive issues being raised following further consultation with neighbouring residents to the north of the site and, subject to the provisions of a legal agreement under section 106 of the Town and Country Planning Act 1990 in respect of the following:

DNS

That upon commencement of the implementation of the planning permission under reference 3/07/0217/FP, the applicant shall provide financial contributions of £7,000 towards improvements of the local pedestrian environment and sustainable transport measures, £4,649 towards primary education, £2,856 towards libraries, £5,740 towards youth and childcare,

in respect of application 3/07/1647/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Programme of Archaeological Work (2E02) add 'applicant or their successors in title'.
3. Levels (2E05).
4. Boundary walls & fences (2E07).
5. Complete accordance (2E10).
6. Samples of materials (2E12).
7. Lighting details (2E27).
8. Communal TV facilities (2E28).

ACTION

9. Protection of archaeological regime (2E31).
10. Contaminated land survey and remediation (2E33).
11. New doors and windows (2E34).
12. Sample brickwork panel – unlisted buildings (2E35).
13. External details of extraction equipment (2E37).
14. Piling Works (2E39).
15. Prior to first occupation of the development hereby approved, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plans and constructed to the specification of the Highway Authority and satisfaction of the Local Planning Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

16. Prior to first occupation of the development hereby approved the existing footway along the Mill Road frontage of the site shall be widened to 2.0 metre in accordance with details to be first submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety and pedestrian movement.

17. Prior to the first use of the access hereby approved a triangular vision splay shall be provided on each side of the new access and



ACTION

shall measure 2.0 metres along the fence, wall, hedge or other means of definition of the front boundary of the site, and 2.0 metres measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

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

18. Retention of parking space (3V20).
19. Construction parking and storage (3V22) add "unless suitable alternative provision is first agreed in writing by the local planning authority".
20. Wheel washing facilities (3V25).
21. Landscape Design Proposals (4P12).
22. Landscape works implementation (4P13).
23. Landscape maintenance (4P17).
24. Hours of working – plant and machinery (6N05).
25. Prior to the first occupation of the development hereby permitted cycle parking space shall be provided within the confines of the development site to provide 10 covered cycle parking spaces, the details of which shall be shown on a suitably scaled block plan, and submitted for approval by the local planning authority.

ACTION

Reason: In order that suitable all weather facilities are provided to enable cycle use is available as a realistic option to the use of private motorised transport in accordance with Policy TR14 of the East Herts Local Plan.

Directives:

1. Other Legislation (01OL).
2. Ownership (02OW).
3. Archaeological Interest (04AI).
4. Highways Works (05FC).
5. Street Numbering (19SN).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies SD1, SD2, SD5, HSG3, HSG4, HSG6, TR1, TR7, TR14, ENV1, ENV2, ENV3, BH1, BH2, BH3, BH6, BH12, LRC3 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

309 3/07/1546/FO - VARY CONDITION 26 TO REMOVE LOWER BASEMENT PARKING AREA ON APPROVED SCHEME 3/05/0316/FP AND MODIFICATION TO SECTION 106 AGREEMENT AT TXU SITE, MEAD LANE, HERTFORD FOR WESTON HOMES PLC

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/1546/FO, permission be

ACTION

granted subject to the conditions now detailed.

The Director advised of a number of minor amendments on page 47 of the Officer's report as now submitted.

The Director reported that a further representation had been received from the applicant advising that the application had been submitted under the joint names of Weston Homes PLC and the Origin Housing Group as the housing association.

Mr Nestor addressed the Committee in support of the application.

Councillors R N Copping and S Rutland-Barsby requested that their concerns in respect of the parking provision be recorded.

Councillor A L Burlton commented that underground parking provision required appropriate levels of security. He expressed concern in respect of varying condition 26 relating to the legal agreement dated 28 September 2005 for application 3/05/0316/FP.

The Director advised caution in respect of referring to parking provision as a reason for refusal as this could be a difficult reason to sustain at appeal.

Councillor S Rutland-Barsby proposed and Councillor A L Burlton seconded, a motion that application 3/07/1546/FO be refused planning permission on the grounds that the proposed variation would result in inadequate parking provision for the development resulting in additional on-street parking and traffic congestion in surrounding roads.

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 3/07/1546/FO be granted subject to the conditions now

ACTION

detailed.

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

RESOLVED – that in respect of application 3/07/1546/FO, outline permission be refused for the following reason:

DNS

1. The proposed variation would result in inadequate parking provision for the development resulting in additional on street parking and traffic congestion in surrounding roads. It would thereby be contrary to policy TR7 of the East Herts Local Plan Second Review April 2007.

- 310 (a) 3/07/0822/FP – ERECTION OF 29 RETIREMENT DWELLINGS (INCLUDING 10 AFFORDABLE 2 BED UNITS) PLUS A MANAGERS FLAT, GARAGING AND MANAGEMENT FACILITIES AT PENTLOWS FARM, BRAUGHING FOR ENGLISH COURTYARD DEVELOPMENTS; and (b) 3/07/0823/LB – BARN TO BE RESTORED AND CONVERTED TO PROVIDE SITE STORAGE AND OFFICE SPACE IN CONNECTION WITH NEW RETIREMENT HOUSING, ONE NEW WINDOW TO BE FORMED, ROOF TO BE REPLACED WITH NEW PANTILES, WEATHER BOARDING AND DOORS TO BE REPLACED LIKE FOR LIKE, NEW FLOOR AND INSULATION INTERNALLY, MODERN FARM SHEDS AND SILOS DEMOLISHED, BRICK COWSHEDS PART DEMOLISHED BUT WITH FACADES RETAINED AT PENTLOWS FARM, BRAUGHING FOR ENGLISH COURTYARD DEVELOPMENTS
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The Director of Neighbourhood Services recommended that, in respect of applications 3/07/0822/FP and 3/07/0823/LB, planning permission be granted subject to the conditions now detailed and listed building consent be granted subject to the conditions now detailed.

ACTION

The Director advised of a number of minor amendments on pages 54 and 55 of the Officer's report as now submitted.

Mr Kidd addressed the Committee in support of the application. Mr Kidd thanked Officers for resolving difficulties during the course of the applications.

The Director reported that 3 additional letters of objection had been received raising concerns in respect of the number of units, the impact on wildlife, construction units and traffic implications.

The Director advised that the Conservation Officer had considered the revised designs for the affordable accommodation, block h, as acceptable.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/0822/FP be granted planning permission subject to the conditions now detailed and application 3/07/0823/LB be granted listed building consent subject to the conditions now detailed.

RESOLVED – that subject to no material issues arising prior to the expiry of the public consultation period, and subject to the applicants within six months of the date of this resolution entering into an Agreement under Section 106 of the Town and Country Planning Act 1990, in respect of the following matters:

DNS

- 1) The provision of ten 2 bed units of affordable housing to be transferred to an RSL and which shall consist of eight units for rent, two intermediate market units of sheltered accommodation all for letting to persons over 55 years of age (or let for general needs purposes in the absence of demand for sheltered accommodation for persons over 55 years), together with one key flat for occupation

ACTION

by the sheltered accommodation manager.

- 2) The provision of financial contributions of £500 per 1 or 2 bed residential unit, £1000 per three bedroom house, index linked from the date of grant of planning permission, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site.
- 3) The provision of £204 per unit for library contributions, in accordance with the current HCC Indicative Contributions Table.
- 4) The provision of fire hydrants in accordance with the current HCC Indicative Contributions Table.
- 5) The provision of £5000 towards a Traffic Regulation Order to secure changes to the speed limit on the public highway adjoining the site.
- 6) The provision of £205 per dwelling towards youth and childcare services in accordance with the current HCC Indicative Contributions Table.
- 7) That 15% of the new dwellings are to be constructed to "Lifetime Home" standards.

(A) in respect of application 3/07/0822/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (IT12).
2. Levels (2E05).
3. Boundary walls and fences (2E07).

ACTION

4. Samples of materials (2E12).
5. Refuse disposal facilities (2E24).
6. Lighting details (2E27).
7. Cycle parking facilities (2E29).
8. Materials arising from demolition (2E32).
9. Existing access closure (3V05).
10. Hard surfacing (3V21).
11. Provision and retention of parking spaces (3V23).
12. Wheel washing facilities (3V25).
13. Landscape design proposals a), b), e), d), e), f), i), j), k), l) (4P12).
14. Landscape works implementation (4P13).
15. Landscape maintenance (4P17).
16. Construction hours of working – plant and machinery (6N07).
17. Hedge retention and protection (4P06).
18. Contaminated land survey and remediation (2E33).
19. Protection of Bats (2E19).
20. Prior to first occupation of the development hereby permitted, the listed building consent shall be implemented in full in accordance with

ACTION

the details approved under LPA ref:  
3/07/0823/LB.

Reason: To ensure the listed building is renovated in tandem with the permission hereby granted.

21. The proposed development shall be carried out and completed in all respects in accordance with the on-site vehicle areas, access siting and layout illustrated on the approved plans and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

22. Before first occupation of the development hereby approved a pedestrian access shall be provided to form a continuous link between the site and the existing footway on The Street in accordance with details to be first submitted to and approved by the local planning authority.

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

Directives:

1. Other legislation (010L)
2. To ensure all work undertaken on the highway



ACTION

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" before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies OSV1, OSV4, HSG2, HSG3, HSG4, HSG 6, Policy TR1, TR 2, TR7, ENV1, ENV2, ENV11, ENV16, ENV17, ENV21, and BH1 to 3 of the East Herts Local Plan Second Review (April, 2007). The balance of the considerations having regard to these policies is that planning permission should be granted.

(B) in respect of application 3/07/0823/LB, Listed Building Consent be authorised subject to the following conditions:

1. Listed Building Three Year Time Limit (1T14).
2. Timber Structure (8L01).
3. Timber Frame (8L02).
4. New Window (8L03).
5. New Doors (8L04).

ACTION

6. New Boarding (8L07).
7. Rainwater Goods (8L09).
8. Making Good (8L10).

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 BH4, BH5, BH6, BH11 and BH12 of the East Herts Local Plan Second Review (April, 2007). The balance of the considerations having regard to these policies is that planning permission should be granted.

311 3/07/1699/OP – RESIDENTIAL AND RELATED DEVELOPMENT AT LAND EAST OF MILLFIELDS AND LAWRENCE AVENUE, SAWBRIDGEWORTH FOR SAWBRIDGEWORTH TOWN COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1699/FO, outline permission be granted subject to the conditions now detailed.

The Director advised of a number of minor amendments on pages 67 and 69 of the Officer's report as now submitted.

Mr Manion addressed the Committee in opposition to the application.

The Director advised that representation had been received from English Nature raising no objections, subject to the conditions stated in the report as now submitted.

Members were also advised that an additional objection letter had been received from a resident of Bullfields Lane,

ACTION

raising concerns over noise, additional traffic, the ability of local infrastructure to cope with more development and the tight turn required to access the site.

The Director reported that the Environment Agency had withdrawn their objections, subject to conditions in respect of drainage and a buffer zone between the site and the River Stort.

In response to concerns raised by Councillors K A Barnes and R N Copping in respect of outline applications, the Director reported that granting permission at the outline stage would establish a principle on the site and refusing a full permission at a later date would place the Council in a vulnerable position.

Councillor R N Copping enquired as to whether Officers could consider the public speaker's comments in respect of the brick wall close to his property. The Director advised that such details could not reasonably be specified as part of an outline application because the details of the proposed development would come forward through a reserved matter or further full application.

Councillor A L Burlton expressed concern in relation to the lack of detail in respect of the number of units. The Director advised that even if numbers were stipulated as part of an outline application, this would not prevent a developer applying for a larger number of units in the future through a further full application.

In response to a query from Councillor A L Warman, the Director reported that the Council could not deal with civil matters however, adjacent occupiers did have ultimate control over land if it was in their ownership.

Councillor N Clark, as the local ward Member, commented that this application was contrary to the East Herts Local Plan. He expressed concern in respect of the loss of gardens for vulnerable residents resulting from this application, as detailed in paragraph 1.6 of the report as

ACTION

now submitted.

Councillor Clark also expressed concern in respect of the loss of two garages utilised by drivers with disabilities.

Councillor D A A Peek commented that as a Development Brief had not been submitted with this application, outline permission could be refused as the East Herts Local Plan required the submission of this document.

The Director reported that whilst a Development Brief would be a useful additional tool to guide development, the Council would have to demonstrate the harm caused if it felt that permission could not be given in advance of one being formulated.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1699/OP be granted outline 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 matters:

DNS

1. The provision of financial contributions of £500 per 1 or 2 bed residential unit, £1000 per three bedroom house, and £1250 per four bedroom house, index linked by SPON from the date of grant of planning permission, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site.
2. The provision of £410 per unit above one bedroom in size, for youth and childcare infrastructure, in accordance with the current

ACTION

HCC Indicative Contributions Table.

3. The provision of £204 per dwelling for library contributions, in accordance with the current HCC Indicative Contributions Table.
4. The provision of Secondary Education contributions, in accordance with the current HCC Indicative Contributions Table.
5. The provision of fire hydrants in accordance with the current HCC Indicative Contributions Table.
6. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing.
7. The provision and maintenance of an area of open space/buffer strip adjacent to the River Stort.
8. That 15% of the new dwellings are to be constructed to "Lifetime Home" standards.

in respect of application 3/07/1699/OP, outline permission be granted subject to the following conditions:

DNS

1. Outline permission time limit (1T03).
2. Outline – submission of details (2E01).

Delete "*means of access thereto*".

3. Programme of archaeological work (2E02).

Insert "*This shall not occur until all works associated with the protection of wildlife habitats have been agreed and completed*".

ACTION

4. Notwithstanding the detail shown on the submitted plans no development shall take place until the means of vehicle access between the site and the public highway have been constructed in accordance with details to be submitted to and approved by the Local Planning Authority and no building associated with any reserved matters application shall be occupied until that junction has been constructed in accordance with the approved details.

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

5. Construction of the development hereby approved or that associated with any approval of reserved matters application shall not commence until details of construction vehicle movements and construction access arrangements are agreed with the highway authority and to the approval of the Local Planning Authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

6. All areas for parking and storage and delivery of materials associated with the construction of this development and any subsequent reserved matters application shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

7. Before any development commences details of

ACTION

mechanical wheel cleaning facilities to be provided on site during site preparation and construction shall be submitted to, and approved in writing by, the local planning authority. As approved these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.

Reason: In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interests of highway safety and visual amenity.

8. No development, including site clearance or any archaeological investigation, shall commence until a written scheme for the translocation of existing reptiles on the site; a scheme for the provision of suitable reptile habitats on the site; for a mitigation strategy for reptile migration on the site and a survey of badgers have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with those details.

Reason: To protect the habitats of protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16.

9. No site clearance or any archaeological investigation, shall take place within the bird breeding season (1 March – 31 August), unless otherwise agreed in writing by the local planning authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed.

ACTION

Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16.

10. Prior to the commencement of the development hereby approved a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority, in consultation with British Waterways. Any heritage features and materials identified by the survey shall be made available for inspection by British Waterways and where appropriate, preserved in-situ or reclaimed and re-used elsewhere on site or on a nearby waterway wall. The repair works identified shall be carried out in accordance with the method statement and repairs schedule by a date to be agreed in the repairs schedule.

Reason: In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity and in accordance with Policy ENV18 of the East Herts Local Plan Second Review, April 2007.

11. Prior to the commencement of the development, details of an area of open space/buffer strip adjacent to the River Stort and arrangements for its maintenance shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the river landscape and its biodiversity interest are protected in accordance with policy SA3 of the East Herts Local Plan Second Review April 2007.



ACTION

12. Prior to the commencement of the development hereby permitted, details of the management of surface water to include such methods as porous surfacing or sustainable drainage systems, shall be submitted and as approved in writing by the Local Planning Authority.

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and Annexe F to PPS25.

13. Prior to the commencement of development a revised Flood Risk Assessment which reflects PPS25 – Development and Flood Risk shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To fully assess the impact of the proposed development on flood risk in accordance with Policy ENV19 of the East Herts Local Plan Second Review, April 2007.

14. Surface water drainage works and source control measures shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority before any development commences.

Reason: To prevent the increased risk of flooding and to improve water quality.

Directives:

1. To ensure that 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

ACTION

to work in the public highway. 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 applicant is advised that if it is the intention to request the Hertfordshire County Council as Local Highway Authority, to adopt the proposed highways and internal estate roads subject to further planning approvals as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the East Herts Highways Area Office. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

ACTION

4. The applicant/developer is advised to contact third party works engineer, Richard Baker, (020 7985 7268) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways.
5. In the event of any balcony overhangs or other encroachments into British Waterway's airspace, land or water, the applicant must enter into an appropriate commercial agreement with British Waterways before development commences. Please contact Lucy Vermeulen/ Jonathan Young (Management 'Surveyor) on 020 7985 7283/4 for further information.
6. The applicant is advised that any discharge of surface water into the waterways requires British Waterway's written permission before development commences.
7. It should be noted that under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the brink of the Stort main river. Contact Matt Akers on 01707 632638 for further details.
8. Where the development involves the exclusion or translocation of reptiles, a licence will need to be issued by Natural England. Before a licence can be issued, the applicant will need to ensure that the LPA have the information available to satisfy the tests stated in Regulation 44 (2e) and (3a).

ACTION

9. You are advised to consider the advice of the Hertfordshire Biological Records Centre; Natural England; and the Herts & Middx Wildlife Trust (copy letters attached) in respect of conditions relating to ecological matters.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD4, HSG2, HSG3, HSG4, HSG6, GBC14, TR2, TR7, TR8, ENV1, ENV2, ENV3, ENV16, ENV18, ENV19, BH1, BH2, BH3, BH6, SA1 and SA3. The balance of the considerations having regard to those policies is that permission should be granted.

- 312 3/07/1569/OP – NEW SCHOOL SPORTS HALL, CLASSROOM BUILDING, ALL WEATHER PITCH, REPLACEMENT TENNIS COURTS, EXTENDED HARD PLAY AREA, CAR PARKING AND ACCESS WORKS, PLUS RESIDENTIAL DEVELOPMENT AND RELATED WORKS INCLUDING A NEW/AMENDED SITE ACCESS FROM CAMBRIDGE ROAD ON LAND AT THE LEVENTHORPE SCHOOL, CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR THE GOVERNORS OF LEVENTHORPE SCHOOL
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The Director of Neighbourhood Services recommended that, in respect of application 3/07/1569/FO, outline permission be granted subject to the conditions now detailed.

The Director advised of a number of minor amendments on pages 92 and 93 of the Officer's report as now submitted.

Mr Hawkins addressed the Committee in opposition to the

ACTION

application.

The Director reported that late representation had been received from a resident of Cambridge Road, raising concerns in respect of potential increases in traffic volume, free traffic movement and school safety.

Councillor S A Bull expressed concern in respect of the traffic situation in Sawbridgeworth. Councillor N Clark highlighted a specific concern in relation to very heavy traffic levels on Cambridge Road.

Councillor Clark stated that the site abutted directly onto Leventhorpe School and refusing permission could prove an issue as this was an allocated site in the East Herts Local Plan. The Director confirmed that the land was part of an allocated site, the remainder of the site being land occupied by Sawbridgeworth Town Football Club. This, and the implications of it were as stated in the Officer's report as now submitted.

In response to a query from Councillor Clark in respect of the designation of this application, the Director advised that this was an outline application. Councillor Clark commented that Part 3 of Policy SA2 of the East Herts Local Plan made reference to the need to ensure that provision was made to relocate sports pitches before any development could occur.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1569/OP be granted outline permission subject to the conditions now detailed.

RESOLVED – that subject to referral to the Secretary of State for Communities and Local Government, and subject to no material issues arising prior to the expiry of the public consultation period, and subject to the applicants, within six months of the date of this resolution entering into an

DNS

ACTION

Agreement under Section 106 of the Town & Country Planning Act 1990, in respect of the following matters:

1. The provision of financial contributions of £500 per 1 or 2 bed residential unit, £1000 per three bedroom house, and £1250 per four bedroom house, index linked by SPON from the date of grant of planning permission, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site.
2. The provision of £410 per unit above one bedroom in size, for youth and childcare infrastructure, in accordance with the HCC Indicative Contributions Table (18<sup>th</sup> September 2006).
3. The provision of £204 per dwelling for library contributions, in accordance with the HCC Indicative Contributions Table (18<sup>th</sup> September 2006).
4. The provision of Secondary Education contributions, in accordance with the HCC Indicative Contributions Table (18<sup>th</sup> September 2006).
5. The provision of fire hydrants in accordance with the HCC Indicative Contributions Table (18<sup>th</sup> September 2006).
6. The timescale for the construction of the Sports Hall to be tied to the construction phasing of the enabling residential development, in a manner to be agreed with the Local Planning Authority.
7. The provision of 40% affordable housing comprising 75% rented and 25% intermediate

ACTION

market housing.

8. Access be made available if and when required to the land to the South forming the remainder of the SA3 designation.
9. That 15% of the new dwellings are to be constructed to “Lifetime Home” standards.

and subject to the applicants within six months of the date of this resolution entering into an Agreement for Community Use which is endorsed by the Council, in consultation with Sport England and the Herts Sport Partnership, in respect of:

1. The All Weather Pitch.
2. The Sports Hall and other proposed indoor sports facilities.
3. The proposed replacement Tennis Courts.
4. The remaining playing fields.

application 3/07/1569/OP, outline permission be granted subject to the following conditions:

1. Outline permission time limit (1T03).
2. Outline permission submission of details (2E01) delete ‘means of access thereto’.
3. Phasing of development (1T11).
4. The new Sports Hall and classroom building as shown on the approved plans will not exceed 35 metres by 55 metres in area, and shall not exceed 10 metres in overall height from ground level.

ACTION

Reason: To ensure the parameters of the development do not exceed those assessed in this application.

5. The proposed all-weather pitch floodlights shall not exceed 15 metres in height from ground level.

Reason: To ensure the parameters of the development do not exceed those assessed in this application.

6. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority. Any such scheme shall be subsequently implemented and no discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: To ensure that sufficient capacity is made available to cope with the new development.'

7. Programme of archaeological work (2E02).
8. Prior to commencement of the development, detailed drawings of all highway works, access roads and parking areas shall be submitted to and approved in writing by the Highway Authority. Thereafter, the approved works shall be implemented to the satisfaction of the highway authority.

Reason: To ensure that the highway is constructed to the Highway Authority's specification.



ACTION

9. Before first occupation or use of the development, all junction arrangements serving the development as shown on the approved plan E1935/5/C shall be completed and constructed to the satisfaction of the highway authority.

Reason: To ensure that the highway is constructed to the Highway Authority's specification.

10. Concurrent with the construction of the access, visibility splays of 4.5m X 90m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

Directives:

1. Other legislation (010L).
2. To ensure all 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" before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.

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 SA2, SA4, HSG 2, HSG 3, HSG 6 GBC 1, GBC 4, TR 1, TR 2, TR 3, TR 7, ENV1, ENV2, ENV3, ENV 11, ENV16, ENV I7, ENV 21, BH1, BH2, BH3, LRC 1, LRC 3 and LRC 11 of the East Herts Local Plan Second Review (April 2007). The balance of the considerations having regard to these policies, and the other material considerations in this case pertaining to the community use of the sports facilities and the improvement of existing school facilities, is that planning permission should be granted.

313 3/07/1358/FP – DEMOLITION OF REDUNDANT PIG REARING BUILDINGS AND CONSTRUCTION OF FOUR SHORT TERM LETTING UNITS, AT THE GROVE, ANSTEY FOR MR MARCHANT

The Director of Neighbourhood Services submitted a report in respect of application 3/07/1358/FP. The Committee recalled that this matter had been deferred at the previous meeting (Minute 273 refers). In the original report, Officers had proposed that the application be refused. The Director now advised that, if the Committee was minded to grant the application, the conditions detailed in the report now submitted, should be attached to that approval.

Councillor Mrs R F Cheswright proposed and Councillor S A Bull seconded, a motion that application 3/07/1358/FP be granted planning permission on the grounds that unsightly buildings would be replaced and there was a need for short term letting accommodation in the area.

Councillor K A Barnes indicated his view that an approval was appropriate despite the Officer's recommendation that the proposals be refused in the resubmitted report.

ACTION

After being put to the meeting and a vote taken, Councillor Mrs R F Cheswright's motion was declared CARRIED.

The Committee agreed that planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1358/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121).
2. The use of the barn hereby permitted shall be for holiday and short term letting accommodation only and for no other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005.

Reason: To prevent the introduction of an inappropriate use in the Rural Area which would be contrary to policies GBC2, GBC3 and GBC8 of the East Herts Local Plan.

3. None of the units hereby permitted shall be occupied by any person or persons for more than 3 months in any 12 month period, and neither shall any person or persons occupy more than one unit on the application site for more than 3 months within a 12 month period.

Reason: To prevent the introduction of an inappropriate use in the Rural Area which would be contrary to policies GBC2, GBC3 and GBC8 of the East Herts Local Plan.

4. Materials of construction (2E113).
5. Landscape design proposals (4P124) a) c) i) j) k) and l).

ACTION

## 6. Landscape works implementation (4P133).

Directive:

1. A survey of the buildings to be demolished should be undertaken to identify the presence of any asbestos on the site. If, during dismantling works, asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbounded cement is found, the Health and Safety Executive should be contacted.

314 3/07/1662/FP – REMOVAL OF EXISTING DOUBLE GARAGE AND CONSTRUCTION OF NEW TWO STOREY DWELLING ON LAND ADJACENT TO 8 WISEMANS GARDENS, HIGH WYCH, SAWBRIDGEWORTH FOR MR SMITH

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Mr Lanham addressed the Committee in opposition to the application. Mr Purkiss spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1662/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that one additional letter of objection had been received, raising concerns similar to those reflected on page 135 of the Officer's report as now submitted.

Members were also advised that the dwelling was classified as linked detached, with the structure being linked at first floor level, thereby creating a covered alleyway.

In response to concerns raised by Councillor Mrs R F Cheswright, the Director advised that the impact on neighbouring properties and the proximity of the proposed

ACTION

dwelling to the site boundary was acceptable. Members were reminded that the role of the Council was to protect public amenity and not to protect the view of an individual resident.

Councillor N Clark stated that over 100 letters of objection had been received from neighbouring residents. Councillor Clark supported the concerns of residents in respect of the adverse impact of the application in changing the character of the area.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1662/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1662/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Samples of materials (2E12).
3. Materials arising from demolition (2E32).
4. Hours of working (6N05).
5. Wheel washing facilities (3V25).
6. Withdrawal of PD Part 1 Class A (extensions or alterations) (2E20).
7. Withdrawal of PD Part 1 Class E (outbuildings) (2E223).
8. No further windows (2E17).
9. Vehicular sight lines (3V08) (insert '2.4m x

ACTION

7.0m').

10. Landscape design proposals (4P12) for a), b), c), d), e), i), j), k) and l).
11. Landscape works implementation (4P13).
12. Provision and Retention of parking space (3V234).

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 HSG7, ENV1, ENV2 and TR7 of the East Herts Local Plan Second Review (April 2007). The balance of the considerations having regard to these policies is that planning permission should be granted.

315 E/07/0095/A – UNAUTHORISED USE OF OUTBUILDING AS 2 SEPARATE RESIDENTIAL UNITS AT SILKMEAD FARMHOUSE, HARE STREET, BUNTINGFORD

Councillor S A Bull expressed his support for the Officer's recommendation.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0095/A on the basis now detailed.

RESOLVED – that in respect of E/06/0095/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 as may be required to secure the cessation of the unauthorised residential use.

DNS/DIS

ACTION

Period for compliance: 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 use of the building for residential purposes is contrary to policies, GBC3 and GBC9 of the East Hertfordshire Local Plan April 2007.

316 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 9.10 pm.

Chairman	.....
Date	.....