

MINUTES OF A MEETING OF
 THE DEVELOPMENT CONTROL
 COMMITTEE HELD IN THE COUNCIL
 CHAMBER, WALLFIELDS, HERTFORD
 ON WEDNESDAY 12 DECEMBER 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, G E Lawrence,
 D A A Peek, W Quince (substitute for Councillor
 J J Taylor), P A Ruffles, S Rutland-Barsby,
 A L Warman, B M Wrangles.

ALSO IN ATTENDANCE:

Councillors D Andrews, P R Ballam, R Beeching,
 D Clark and G D Scrivener.

OFFICERS IN ATTENDANCE:

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

ACTION404 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Mrs M H Goldspink and J J Taylor. It was noted that Councillor W Quince was in attendance as substitute for Councillor J J Taylor.

405 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the following item had been withdrawn:

3/07/2039/FP - Erection of 26no. dwellings, new road junction, landscaping and associated works at Land south of Gravelly Lane, Braughing for Croudace Ltd.

The Chairman advised that, in respect of applications 3/07/2178/FP and 3/07/2177/FP, he had permitted the public speaker in support to address the Committee for 6 minutes as the report dealt with two separate applications.

The Chairman also advised that, in respect of application 3/07/1934/FP, he had permitted the two speakers in opposition to address the Committee for 2 minutes each, as no joint agreement had been reached to cover the speakers separate concerns.

406 DECLARATION OF INTEREST

Councillor W Quince declared a personal and prejudicial interest in respect of application 3/07/2005/FP, as he had made comment on the application previously and in the press. After addressing the Committee as a ward Member, Councillor Quince left the room prior to consideration of this matter.

ACTIONRESOLVED ITEMSACTION407 MINUTES

RESOLVED – that the Minutes of the meeting held on 14 November 2007 be confirmed as a correct record and signed by the Chairman, subject to the inclusion of Councillor B M Wrangles in the list of those present at the meeting.

408 3/07/1827/FP – PROPOSED DEMOLITION OF A PAIR OF SEMI DETACHED DWELLINGS AND ERECTION OF 11 NO. SELF CONTAINED FLATS (7X2 BED AND 4X1 BED) WITH PARKING AND AMENITY AT 2-4 CUTFORTH ROAD, SAWBRIDGEWORTH FOR MR M J HILL

Mrs Sergeant addressed the Committee in opposition to the application. Mr Seger spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1827/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that Hertfordshire Police Authority had contacted Officers to reiterate concerns in respect of overlooking resulting in the application compromising the operational capacity of Sawbridgeworth police station and 22 Cambridge Road.

The Director believed that the application was appropriate when related to the East Herts Local Plan Second Review April 2007 and national planning policies.

In response to a query from Councillor Mrs R F Cheswright in respect of acoustic fencing, the Director defined acoustic fencing and advised that this would deflect vehicle noise back into the site. The Director also advised Members that acoustic fencing was a condition in his report.

ACTION

The Director confirmed that removing acoustic fencing would require a planning application to remove the relevant condition. Members were also advised that the proposed separation distances to neighbouring properties complied with similar developments in the District.

In response to a query from Councillor R N Copping, the Director confirmed that the Section 106 legal agreement was at an advanced stage and was nearing completion.

Councillor K A Barnes expressed concerns relating to the loss of neighbour privacy and the well being of the neighbouring residents. He supported the points raised by the Town Council in respect of policy HSG7 of the Adopted Local Plan April 2007.

In light of the objections of Hertfordshire Police Authority, Councillor M R Alexander expressed concern relating to the potential for overlooking of Sawbridgeworth police station.

Councillor M R Alexander proposed and Councillor K A Barnes seconded, a motion that application 3/07/1827/FP be refused planning permission on the grounds that the proposed development would result in unacceptable levels of overlooking, loss of privacy and amenity to the neighbouring residential uses and that the proposed development had the potential to allow overlooking of the neighbouring Police buildings.

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 3/07/1827/FP be granted subject to the conditions now detailed.

Councillor B M Wrangles requested that her abstention from the vote be recorded.

ACTION

RESOLVED – that in respect of application 3/07/1827/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would result in significant overlooking and loss of privacy and amenity to the neighbouring residential uses thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would have the potential to allow overlooking of the neighbouring Police buildings and thereby compromise the operational capacity and the need to protect the security and integrity of the land used for police purposes. This would be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

409 (a) 3/07/2178/FP – 3 AGRICULTURAL BUILDINGS TO ESTABLISH CATTLE BREEDING UNIT AND (b) 3/07/2177/FP – TEMPORARY MOBILE HOME TO SUPPORT NEW CATTLE BREEDING UNIT, AT LAND ACCESSED FROM BROWNS CORNER, WYDDIAL FOR MR EDWARD NOY

Mr Jolly addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/07/2178/FP and 3/07/2177/FP, planning permission be refused for the reasons now detailed.

The Director reported that letters in support of the application had been received from Oliver Heald MP and from the National Farmers Union. The Committee was advised that the Environment Agency had withdrawn their objections.

ACTION

The Director stated that Hertfordshire Highways had no objections to application 3/07/2177/FP for the mobile home but had concerns relating to the lack of information in respect of application 3/07/2178/FP for the cattle breeding unit.

Councillor S A Bull, as the local ward Member, addressed the Committee in support of the application on the grounds that exceptional circumstances existed for approving the application in the rural area. Councillor Bull stated that the application could be justified by Policy GBC7.

Councillor W Ashley stated that the buildings applied for under application 3/07/2178/FP were necessary for the level of farming being undertaken by the applicant.

The Director reported that the applicant had proposed 5 separate sites for this application. Members were advised that Officers felt the site at Browns Corner, Wyddial was the least harmful of the proposed sites.

The Director stated that other sites, which were better still, may be available.

The Director referred to Policy GBC7 and advised caution in respect of the relationship between agricultural and residential land uses. He stated that this policy was aimed at avoiding sporadic new builds being located in the countryside.

In response to a query from Councillor S Rutland-Barsby on a similar application, the Director cautioned the Committee that Members should always be aware of the individual circumstances of each case. The Committee was reminded that it is necessary to consider the individual merits of each application.

The Committee Chairman moved that applications 3/07/2178/FP and 3/07/2177/FP be deferred to enable Officers to further investigate the compatibility of the

ACTION

proposals with Local Plan policies. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that applications 3/07/2178/FP and 3/07/2177/FP be refused planning permission for the reasons now detailed and agreed that they be deferred.

RESOLVED – that applications 3/07/2178/FP and 3/07/2177/FP be deferred to enable Officers to further investigate the compatibility of the proposals with Local Plan policies.

DNS

410 3/07/1789/FP– DEMOLITION OF DWELLING GARAGES AND OUTBUILDINGS AND ERECTION OF REPLACEMENT DWELLING, INTEGRAL ANNEXE, AND GARAGE THE MANOR HOUSE ASPENDEN ROAD WESTMILL FOR MS E CLEMENTS AND MR J POMFRETT

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1789/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1789/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1789/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Complete Accordance (2E10)

ACTION

3. Samples of materials (2E12)
4. Withdrawal of P.D Rights (Part 1 Class A) (2E20)
5. Withdrawal of P.D Rights (Part 1 Class E) (2E22)
6. Materials arising from demolition (2E32)
7. Demolition of buildings (2E38)
 'Insert plan OV/TJC/11a'
8. Wheel washing facilities (3V25)
9. Tree retention and protection (4P05)
10. Tree/natural feature protection: fencing (4P07)
11. Tree protection: restrictions on burning (4P08)
12. Tree protections: excavations (4P09)
13. Tree protection: earthworks (4P10)
14. Prior to the commencement of the development hereby permitted details of hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: (a) Means of enclosure (b) planting plans (c) schedules of plants & trees (d) Implementation timetables.
15. Landscape works implementation (4P13)
16. Trees protection from excavations and foundations (4P20)

ACTION

17. The proposed vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 10m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or extraneous materials or surface water from the site into the highway so as to safeguard the interests of highway safety.

18. Any gates provided on the access shall open away from the highway and be set back a distance of at least 5.0m from the nearside edge of the carriageway of the adjoining highway.

Reason: To enable vehicles to draw off the highway before the gates are opened.

19. The garage building hereby permitted shall be used solely for the housing of private vehicles and for purposes incidental and ancillary to the residential use of the new dwelling on the site and not as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities in the interests of highway safety to safeguard the amenities of adjoining occupiers, and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Directives:

ACTION

1. Other legislation (01OL)
2. The highway authority require the reconstruction 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 authorized to work in the public highway. The applicant will need to apply to the East Herts Highways Area Office (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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular Policies GBC3, HSG8, ENV2, ENV10 and ENV11 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.

411 3/07/1973/FP – RECONSTRUCTION AND WIDENING OF EXISTING PEDESTRIAN FOOTBRIDGE AND ASSOCIATED WORKS, LAND ADJACENT TO CASTLE HALL, THE WASH, HERTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1973/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that the widening of the footbridge and associated works was necessary to improve disabled access to the footbridge and the area in general.

The Director advised that, in light of Environment Agency objections, the proposed dwarf wall and associated land

ACTION

raising had been deleted and the details of construction methods of the walkway had been amended. The Director recommended approval with extra conditions to cover these issues.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1973/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1789/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year time limit (1T12)
2. Materials of construction (2E13)
3. Landscape Design Proposals (4P12)
 - (a) Planting plans
 - (b) Schedules of plants
4. Landscape Implementation (4P13).
5. Prior to the commencement of the development details to be submitted to and agreed in writing by the Local Planning Authority of the method of construction of the walkway of the bridges. Thereafter the bridges to be constructed in accordance with the agreed details.

Reason: To ensure adequate drainage and prevent shadowing of the river.

6. Prior to the commencement of the development, amended plans shall be submitted to and agreed in writing by the Local Planning Authority to show the omission of the proposed dwarf retaining wall and associated

ACTION

land raising.

Reason: To avoid the raising of land in the flood zone area.

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, ENV1, ENV2, ENV4, ENV19, BH2, BH6. The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

412 3/07/1912/FO – REMOVAL OF CONDITION 2 OF 3/89/0123/FP AT FOXEARTH, CHAPEL LANE, LITTLE HADHAM, FOR MR AND MRS E STIGWOOD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1912/FO, planning permission be granted to remove condition 2 of application 3/89/0123/FP.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1912/FO be granted planning permission to remove condition 2 of application 3/89/0123/FP.

RESOLVED – that in respect of application 3/07/1912/FO, planning permission be granted to remove condition 2 of application 3/07/1912/FO.

DNS

Summary of Reasons for Decision

The proposal has been considered with regard to policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular

ACTION

policy GBC6 of the East Hertfordshire Local Plan Second Review (April 2007). The balance of considerations having regard to this policy, the planning history of the site and other material considerations, is that planning permission should be granted.

413 3/07/1934/FP – DEMOLITION OF EXISTING GARAGES AND ERECTION OF A TERRACE OF 4NO. 2 STOREY AFFORDABLE HOUSES WITH CAR PARKING AT LAND TO THE REAR OF 2 AUBRIES, WALKERN FOR SOUTH ANGLIA HOUSING

Mrs Hayes and Mr Huggett addressed the Committee in opposition to the application. Mr Amos spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1934/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that, in respect of the potential loss of light for Nos. 4 and 5 Cherry Tree Rise, a separation distance of 11.5 metres to the flank dwellings was acceptable and in line with the Council's standards.

Members were advised that the eastern flank of the proposed dwellings would be 11.5 and 14.2 metres, respectively, from Nos. 4 and 5 Cherry Tree Rise. The Director also stated that the flank of the two storey dwelling would reach a height of 8 metres.

The Director reported that Hertfordshire Highways had raised no objections. The Committee was advised that Officers considered the style of buildings appropriate for the area and in keeping with other modern buildings in this location.

Councillor G D Scrivener, as the local ward Member, acknowledged that affordable housing was required in

ACTION

Walkern. He stated a number of strong concerns relating to parking problems on Stevenage Road and the High Street and in relation to access to the High Street for emergency vehicles.

Councillor Scrivener believed that the application was in breach of planning conditions in respect of locating houses in front of bungalows. He highlighted risks in terms of asbestos in the garages and expressed concern that the wishes of Walkern's residents had not been reflected in the application.

Councillor Scrivener commented that a wall to protect neighbouring residents from overlooking could have been included. He stated that Hertfordshire Highways had made no representations and commented that the transport statement from the housing association had been flawed.

The Director advised caution in respect of refusing an application on the basis of concern it may have about the accuracy of information submitted unless it had clear information to the contrary. He also indicated that the aspirations of the applicant should not be weighed in the balance in decision making.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1934/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1789/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Construction hours of working (6N07)

ACTION

4. Boundary Walls and Fences (2E07)
5. Landscape Design Proposals (4P12)
6. Landscape works implementation (4P13)
7. Tree Planting (4P15)
8. Landscape Maintenance (4P17)
9. No further windows (2E17)
10. Provision and Retention of parking space (3V234)
 - delete “for use in connection with the development hereby permitted”.
11. Before first occupation or use of the development the access roads and parking areas as shown on the approved plan shall be provided and maintained thereafter clear of obstruction to vehicular usage.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.
12. Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to be previously submitted to and approved by the Local Planning Authority so as to ensure satisfactory parking and turning 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,

ACTION

obstruction, and inconvenience to users of the highway and of the premises.

13. Prior to the first occupation of the development details shall be submitted to and approved by the Local Planning Authority of facilities for cycle storage.

Reason: To promote alternative mode of transport.

14. Wheel washing facilities (3V251)

15. Construction Parking and Storage (3V22)

16. NB1- Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the local planning authority.

Reason: The preliminary investigation report identified potentially unacceptable risks to groundwater that require further investigation.

17. Notwithstanding any of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 the seven parking spaces proposed to serve local residents living outside of the application site shall be retained for such use.

Reason: To compensate for the loss of existing parking spaces at the site and to ensure that adequate parking provision is retained at all times, in accordance with policy TR7 and Appendix II of the East Herts Local Plan

ACTION

Second Review April 2007.

Directives:

1. Street Naming and Numbering (19SN4)
2. In regards to condition 17 you are advised that the scheme should include all of the following elements; 1. A desk study identifying all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site. 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site. 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken. 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.
3. You are advised that the site is on a major aquifer and SPZ2 site which is potentially contaminated therefore there should be no infiltration of surface water drainage into the ground consent of the Environment Agency which may be given to those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Summary of Reasons for Decision

The proposal has been considered with regard to

ACTION

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 ENV1, ENV2, OSV1, HSG6, HSG7, TR3, TR7, ENV19 and ENV21. The balance of the considerations having regard to those policies is that permission should be granted.

- 414 (a) 3/07/2027/FP – BARN (A AND B) CONVERSION OF FARM BUILDINGS TO DWELLING, DEMOLITION OF EXISTING OUTBUILDINGS AND REPLACEMENT WITH NEW DWELLING, (b) 3/07/2028/FP – CHANGE OF USE FROM REDUNDANT FARM BUILDINGS INTO 4 NO HOLIDAY LETS, (c) 3/07/2029/LB – DEMOLITION OF TWO STOREY BARN AND REBUILDING AND THE CHANGE OF USE FROM REDUNDANT FARM BUILDINGS INTO 4 NO HOLIDAY LETS, (d) 3/07/2030/FP– CONVERSION OF FARM BUILDINGS TO THREE RESIDENTIAL DWELLINGS WITH ASSOCIATED CAR PARKING AND GARAGING AND (e) 3/07/2031/LB- CONVERSION OF REDUNDANT FARM BUILDINGS TO FORM THREE RESIDENTIAL DWELLINGS (BARN 1, 2 AND 3) AND ASSOCIATED CAR PARKING AND GARAGING AT CHIPPING HALL, CHIPPING BUNTINGFORD FOR MR AND MRS NOY
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The Director of Neighbourhood Services recommended that, in respect of applications 3/07/2027/FP, 3/07/2028/FP, 3/07/2029/LB, 3/07/2030/FP and 3/07/2031/LB, planning permission be granted subject to the conditions now detailed.

The Director clarified the location of the site access. In relation to a query from Councillor M R Alexander on the definition of holiday and short term lets, the Director clarified these definitions.

The Director advised that Officers would attach a condition to limit the amount of time the holiday lets could be

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occupied.

Councillor S A Bull, as the local ward Member, requested clarification from Officers on whether vehicle activated signs could be installed to control the speed of vehicles. Councillor Bull also enquired whether the access could be returned to its original position to prevent headlights shining into neighbouring houses.

The Director advised that permission had previously been granted for the site access in the location now shown. The Director reported that a condition to secure vehicle activated signs was difficult to justify as Hertfordshire Highways had not requested them.

Following a further query from Councillor Bull relating to a bat survey, the Director confirmed that this had been completed.

The Committee supported the recommendation of the Director of Neighbourhood Services that applications 3/07/2027/FP, 3/07/2028/FP, 3/07/2029/LB, 3/07/2030/FP and 3/07/2031/LB be granted planning permission subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/07/2027/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of Archaeological work (2E02)
3. Boundary walls and fences (2E07)
4. Complete Accordance (2E10)
5. Samples of materials (2E12)
6. Protection of bats (2E19)

ACTION

7. Withdrawal of P.D Rights (Part 1 Class A) (2E20)
8. Withdrawal of P.D Rights (Part 1 Class E) (2E22)
9. Withdrawal of P.D Rights (Part 2 Class A) (2E21)
10. Refuse disposal facilities (2E24)
11. Lighting details (2E27)
12. Materials arising from demolition (2E32)
13. New doors and Windows Unlisted Buildings (2E34)
14. Drainage measures:

Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To prevent the increased risk of flooding and to improve water quality.
15. Approved accesses only (3V04)
16. Completion of roads (3V13)
17. Hard surfacing (3V21)
18. Construction Parking and storage (3V22)
19. Provision and retention of parking spaces (3V23)

ACTION

20. Wheel washing facilities (3V25)
21. The base of the soakaways shall be 5 metres above the standing water table.

Reason: To prevent the pollution of groundwater.
22. Tree retention and protection (4P05)
23. Hedge retention and protection (4P06)
24. Tree/ natural feature protection: fencing (4P07)
25. Tree Protection: restrictions on burning (4P08)
26. Tree protection: excavations (4P09)
27. Landscape design proposals a), b), c), d), e), f), i), j), k), l) (4P12)
28. Landscape works implementation (4P13)
29. Construction hours of working- plant and machinery (6N07)

Directives:

1. Other legislation (01OL)
2. Disabled Access (09DA)
3. Public Rights of way (18FD)
4. Highway Works (05FC)
5. Groundwater protection zone (28GP)

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 GBC3, GBC9, GBC10, ENV1, ENV2, ENV15, ENV19 ENV21 and LRC10 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 3/07/2028/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of Archaeological work (2E02)
3. Boundary walls and fences (2E07)
4. Complete Accordance (2E10)
5. Samples of materials (2E12)
6. Protection of bats (2E19)
7. Withdrawal of P.D Rights (Part 1 Class A) (2E20)
8. Withdrawal of P.D Rights (Part 1 Class E) (2E22)
9. Withdrawal of P.D Rights (Part 2 Class A) (2E21)
10. Refuse disposal facilities (2E24)
11. Lighting details (2E27)

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12. Materials arising from demolition (2E32)
13. New doors and Windows Unlisted Buildings (2E34)
14. Drainage measures:

Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

15. Approved accesses only (3V04)
16. Completion of roads (3V13)
17. Hard surfacing (3V21)
18. Construction Parking and storage (3V22)
19. Provision and retention of parking spaces (3V23)
20. Wheel washing facilities (3V25)
21. The base of the soakaways shall be 5 metres above the standing water table.

Reason: To prevent the pollution of groundwater.

22. Tree retention and protection (4P05)
23. Hedge retention and protection (4P06)

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24. Tree/natural feature protection: fencing (4P07)
25. Tree Protection: restrictions on burning (4P08)
26. Tree protection: excavations (4P09)
27. Landscape design proposals a), b), c), d), e), f), i), j), k), l) (4P12)
28. Landscape works implementation (4P13)
29. Construction hours of working- plant and machinery (6N07)
30. The buildings the subject of this application shall be used solely for holiday accommodation and for no other purpose whatsoever without the prior permission of the local planning authority.

Reason: To ensure that the development remains appropriate to the Rural Area and uses are not introduced that would be contrary to the policies of the East Herts Local Plan Second Review April 2007.

31. The occupation of the holiday units hereby permitted shall be limited to self catering holiday accommodation only, with no person occupying any of the units for a period in excess of 3 months in any 12 month period.

Reason: To prevent the establishment of permanent dwellings, contrary to policies GBC3, GBC9 and GBC10 of the EHLP Second Review April 2007.

Directives:

ACTION

1. Other legislation (01OL)
2. Disabled Access (09DA)
3. Public Rights of way (18FD)
4. Highway Works (05FC)
5. Groundwater protection zone (28GP)

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, GBC9, GBC10, ENV1, ENV2, ENV15, ENV19 ENV21 and LRC10 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.

(C) in respect of application 3/07/2029/LB, listed building consent be granted subject to the following conditions:

DNS

1. Listed Building Three Year Time Limit (1T14)
2. Timber Structure (8L01)
3. Timber Frame(8L02)
4. New windows(8L03)
5. New Doors (8L04)
6. New Brickwork (8L06)
7. (Application 3/07/2031 only) Prior to the

ACTION

commencement of the development hereby permitted detailed drawings and specifications of the new boundary wall shall be submitted to and approved in writing by the local planning authority. Thereafter, the new wall shall be constructed solely in accordance with those approved details.

Reason: in the interests of the appearance of the development and the historic setting in accordance with policies ENV1 and BH12 of the East Herts Local Plan Second Review April 2007.

8. New Boarding (8L07)
9. New external rendering (8L08)
10. Rainwater Goods (8L09)
11. Making Good (8L10)
12. Repair Schedule (8L11)

Directives:

1. Other Legislation (01OL)
2. Listed Building Advice (25LB)

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 BH12 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies is that Listed Building Consent should be granted.

ACTION

(D) in respect of application 3/07/2030/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of Archaeological work (2E02)
3. Boundary walls and fences (2E07)
4. Complete Accordance (2E10)
5. Samples of materials (2E12)
6. Protection of bats (2E19)
7. Withdrawal of P.D Rights (Part 1 Class A) (2E20)
8. Withdrawal of P.D Rights (Part 1 Class E) (2E22)
9. Withdrawal of P.D Rights (Part 2 Class A) (2E21)
10. Refuse disposal facilities (2E24)
11. Lighting details (2E27)
12. Materials arising from demolition (2E32)
13. New doors and Windows Unlisted Buildings (2E34)
14. Drainage measures:

Surface water source control measures shall be carried out in accordance with details which shall have been submitted to and approved in

ACTION

writing by the Local Planning Authority prior to the commencement of development.

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

15. Approved accesses only (3V04)
16. Completion of roads (3V13)
17. Hard surfacing (3V21)
18. Construction Parking and storage (3V22)
19. Provision and retention of parking spaces (3V23)
20. Wheel washing facilities (3V25)
21. The base of the soakaways shall be 5 metres above the standing water table.

Reason: To prevent the pollution of groundwater.

22. Tree retention and protection (4P05)
23. Hedge retention and protection (4P06)
24. Tree/natural feature protection: fencing (4P07)
25. Tree Protection: restrictions on burning (4P08)
26. Tree protection: excavations (4P09)
27. Landscape design proposals a), b), c), d), e), f), i), j), k), l) (4P12)
28. Landscape works implementation (4P13)

ACTION

29. Construction hours of working- plant and machinery (6N07)

Directives:

1. Other legislation (01OL)
2. Disabled Access (09DA)
3. Public Rights of way (18FD)
4. Highway Works (05FC)
5. Groundwater protection zone (28GP)

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, GBC9, GBC10, ENV1, ENV2, ENV15, ENV19 ENV21 and LRC10 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, and

(E) in respect of application 3/07/2031/LB, listed building consent be granted subject to the following conditions:

DNS

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

ACTION

5. New Doors (8L04)
6. New Brickwork (8L06)
7. (Application 3/07/2031 only) Prior to the commencement of the development hereby permitted detailed drawings and specifications of the new boundary wall shall be submitted to and approved in writing by the local planning authority. Thereafter, the new wall shall be constructed solely in accordance with those approved details.

Reason: in the interests of the appearance of the development and the historic setting in accordance with policies ENV1 and BH12 of the East Herts Local Plan Second Review April 2007.

8. New Boarding (8L07)
9. New external rendering (8L08)
10. Rainwater Goods (8L09)
11. Making Good (8L10)
12. Repair Schedule (8L11)

Directives:

1. Other Legislation (01OL)
2. Listed Building Advice (25LB)

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

ACTION

Plan and East Herts Local Plan) and in particular policies BH12 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies is that Listed Building Consent should be granted.

415 E/05/0241/A – OUTBUILDING B AT OWLETTES,
WOODLANDS ROAD, WIDFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/05/0241/A, enforcement action to be authorised on the basis now detailed.

The Director of Neighbourhood Services reported that a meeting had been held with the site owner where Officers had been advised that there was no conclusive information on the timescale of developments at the site. The Director also commented that the owner had stated that keeping exotic parrots was a personal hobby.

The Director advised the Committee that the owner had requested that Members consider what harm the outbuilding caused and whether it was expedient to take enforcement action.

The Director stated that local residents were correct in their representations when commenting that the outbuilding should have been subject to a formal planning permission prior to being built, if that was the form of development that had taken place.

Councillor D Clark stated her support for the Officer's recommendation and for the report as now submitted. Councillor Clark commented that a number of residents had signed a petition stating that the outbuilding was a new build with foundations.

Councillor M R Alexander sought clarification on whether appeals on authorised enforcement action were unusual. The Director reported that successful appeals on

ACTION

enforcement action were unusual but did occur.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0241/A on the basis now detailed.

RESOLVED – that in respect of E/07/0241/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 further steps as may be required to secure the demolition and removal of the building known as outbuilding B as shown on the plan attached to this report down to, but not including, base and foundation level.

DNS/DIS

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The reconstruction and or adaptation of the building, including all the necessary facilities for independent residential occupation, would enable a separate residential use to be established outside the curtilage of the existing dwelling at the site. This is contrary therefore to the development strategy of the Local Planning Authority as set out in the East Herts Local Plan Second Review April 2007 which seeks to concentrate and direct development to the main settlements and represents inappropriate development in terms of policy GBC2 and GBC3 of that plan.

ACTION

416 3/07/2005/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 AND
STONE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2005/FP, planning permission be granted subject to the conditions now detailed.

Councillor W Quince, as the local ward Member, addressed the Committee in opposition to the proposed development.

In acknowledging the need for social housing in the area, Councillor Quince stated that Riversmead Housing Association had set a precedent in Braughing with a similar application. He commented that the proposal for the Ware site was due to come before the planning inspectorate in January 2008. He requested the Committee defer the application until this appeal hearing had concluded.

Councillor P R Ballam, also as a local ward Member, addressed the Committee in opposition to the application. Councillor Ballam stated concerns relating to vehicular access via the small roads, in particular Church Street, Crib Street and Coronation Road.

Councillor Ballam commented that local residents had not been against development but were concerned about access via the narrow roads. Councillor Ballam stated that a way forward would be to have alternative access arrangements to avoid Crib Street and Coronation Road.

The Director updated the Committee on the historical background to the application. Members were advised that

ACTION

the appeal against the refused application from the July 2007 meeting of the Committee was due to take place on 8 January 2008.

The Director reported that the Officer's report related to a resubmitted application that was precisely as described in the July report to the Committee. The Director advised caution in respect of refusing the application or amending the conditions because of the reasons set out in the earlier reports.

The Director commented that Members could defer the application. However, he advised caution in that this would still require the applicant to go through the appeal process and maybe seen as unreasonable given that the Council had confirmed it would not pursue its reasons for refusal at appeal.

Members were advised that investigations in respect of alternative access arrangements had not been undertaken given that Hertfordshire Highways had stated the proposed access via the Bourne, Crib Street and Coronation Road was acceptable.

The Director reported that the applicant was unwilling to investigate alternative access arrangements, as Hertfordshire Highways had stated the proposed access via the Bourne, Crib Street and Coronation Road was acceptable.

Councillor D A A Peek expressed strong concerns in respect of approving an application that was identical to an application previously refused by the Committee.

The Director reported that Officers had investigated how the £600,000 for the upgrading of existing affordable housing sheltered housing schemes would be utilised.

Some Members expressed concern in relation to the consultation response of the Highways Authority. The Chairman and the Director commented that, although

ACTION

Members might disagree with the comments of Hertfordshire Highways, their representation came from professionals in this field of expertise.

The Director advised that, although the application was the same, Members should consider the change in circumstances in that more information had become available in respect of how the £600,000 was to be utilised.

The Director also commented that, since the July meeting, Members had determined that the Council was not going to contest the appeal.

The Director confirmed that, should Members approve the application at this meeting, the appeal to the July decision of the Committee might be withdrawn.

Councillor Ballam expressed concern in relation to residents losing the democratic right to express their views to a planning inspector should the applicant withdraw the appeal, if the application was approved by the Committee.

The Director stated that Members should avoid a situation of the Committee voting against the Officer's recommendation for approval when a motion for refusal had not been forthcoming.

Following a request from 5 Members for a recorded vote to be taken on the Officers' recommendation, the application was APPROVED, the voting being as follows:

FOR:

Councillors M R Alexander, W Ashley, K A Barnes, R N Copping, R Gilbert, G E Lawrence, P A Ruffles and S Rutland-Barsby.

AGAINST:

Councillors D A A Peek and A L Warman.

ACTIONABSTENTIONS:

Councillor B M Wrangles.

For: 8

Against: 2

Abstention: 1

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2005/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 matters:

DNS

1. The payment to the Council the sum of £600,000 to be used for the upgrading of existing affordable sheltered housing schemes or to assist with the provision of new affordable sheltered housing within the district. (to be utilised within a 10 year period)
2. The payment to the Council the sum of £19,000 for the preparation, consultation and implementation of a Residents Parking Zone scheme within an adjoining area including the streets of Coronation Road, Century Road and Crib Street. (3 years)
3. The payment to the County Council the sum of £85,000 for the design, implementation and maintenance of a scheme for enhancement of the pedestrian environment, and other appropriate sustainable transport measures, including new hard and soft landscaping on the

ACTION

public highway of Baldock Street and Coronation Road (10 years)

4. The payment to the Council the sum of £32,500 for the landscape enhancement of the public open space of Tudor Square within Ware Town Centre (3 years)
5. The payment to the County Council the sum of £4,000 for the provision of library services.

in respect of application 3/07/2005/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Samples of Materials (2E12) .."including rainwater goods"
3. Sample brickwork panel (2E35)
4. Cycle Parking Facilities (2E29)
5. New doors, "add ...windows, roof eaves, shopfronts" (2E34).
6. Obscured glazing (2E18) "...first and second floor windows in the north elevation".
7. Refuse disposal facilities (2E24) "including provisions for waste recycling"
8. Existing access closure (3V05)
9. Parking provision and retention (3V23)
10. Landscape Design (4P12)
 - (a) Means of enclosure,
 - (b) Hard surfacing materials

ACTION

- (c) Planting plans
- (d) Schedules of plants

11. Landscape Implementation (4P13)
12. Landscape Maintenance (4P17)
13. Retention of landscaping (4P21)
14. Withdrawal of PD (Part 2 Class A) (2E21)
15. Notwithstanding the provisions of the General Permitted Development Order 1995, the commercial units to the Baldock Street frontage shall be used for either A1 (shop), A2 (professional and financial services), B1 (office) or D2 (health) uses only.

Reason: To ensure the use respects the amenities of nearby residents and in accordance with Policy ENV1 of the East Herts Local Plan Adopted Second Review April 2007.

16. Prior to the commencement of the development hereby permitted details of a new wall boundary (3.5m high recommended) to the east site boundary shall be submitted and as approved in writing by the local planning authority. The boundary shall be erected in accordance with the approved details prior to the first occupation of the development.

Reason: To safeguard the amenities of nearby residents and in accordance with Policy ENV1 of the East Herts Local Plan Adopted Second Review April 2007.

17. Prior to the commencement of the development, details of methods for accessing the site and provisions for construction traffic access, associated parking areas and storage

ACTION

of materials shall be submitted to and as approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained at all times in accordance with Policy TR7 of the adopted East Herts Local Plan April 2007.

18. Prior to the first occupation of the development works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority.

Reason: In the interests of securing the satisfactory drainage of the site.

19. Finished internal ground floor levels for the development shall be set at a minimum 37.15m AOD although there shall be no overall increase in the building ridge and eaves heights indicated on the approved section drawings T579/1465/027A and T579/1465/029.

Reason: In the interests of securing the development against surface water run off.

20. Prior to the first occupation of the development repairs to the north boundary wall shall be carried out in accordance with a schedule of repairs submitted to and as approved in writing by the local planning authority.

Reason: In the interests of the appearance of the development within this part of the Ware Conservation Area and in accordance with Policies ENV1 and BH6 of the adopted East Herts Local Plan April 2007.

ACTION

21. Working Hours (6N05)
22. Wheel washing Facilities (3V22)
23. Prior to the first occupation of the development the applicant shall provide for the provision of Traffic Regulation Orders to secure appropriate parking controls along the Baldock Street (prohibiting loading/waiting) and Coronation Road (prohibiting waiting at any time) frontages.

Reason: In the interests of the safe and convenient uses of the public highway.

24. Prior to the commencement of above ground development, the applicant shall submit details of enhanced insulation measures and the use of Heat Recovery Ventilators for the building.

Reason: To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policy SD1 and ENV1 of the adopted East Herts Local Plan.

Directives:

1. Ownership (02OW)
2. 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

ACTION

proposed development.

- 3. The Promotion of the TRO will need to be carried out by Hertfordshire County Council as Highway Authority. The developer will need to cover the costs of this process and payment will be required in advance of the Order being advertised. The applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their 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 2007) and in particular policies SD1, HSG3, TR7, EDE2, ENV1, ENV2, BH6 and LRC3. The balance of the considerations having regard to these policies is that planning permission should be granted.

417 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 10.15 pm.

Chairman
Date