

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE WAYTEMORE
ROOM, BISHOP'S STORTFORD ON
WEDNESDAY 14 NOVEMBER 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, G E Lawrence, P A Ruffles
(substitute for Councillor A L Warman),
S Rutland-Barsby, G D Scrivener (substitute for
Councillor D A A Peek), J J Taylor,
J P Warren, M Wood (substitute for Councillor
Mrs M H Goldspink).

ALSO IN ATTENDANCE:

Councillor D Clark.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

ACTION363 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D A A Peek, Mrs M H Goldspink and A L Warman. It was noted that Councillors P A Ruffles, G D Scrivener and M Wood were in attendance as substitutes for Councillor A L Warman, D A A Peek and Mrs M H Goldspink respectively.

364 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that Application 3/07/1912/FO – removal of condition 2 of 3/89/0123FP at Foxearth, Chapel Lane, Little Hadham had been withdrawn from the agenda by agreement between the applicant and Officers.

365 DECLARATIONS OF INTEREST

Councillor M A Alexander declared a personal and prejudicial interest in respect of application 3/07/1791/FP, as an ex-employee of Glaxo SmithKline. Councillor Alexander left the room prior to consideration of this matter.

Councillor P A Ruffles declared a personal interest in respect of application 3/07/1838/FP, by virtue of his role on the Civic Society.

RESOLVED ITEMSACTION366 MINUTES

RESOLVED – that the Minutes of the meeting held on 17 October 2007 be confirmed as a correct record and signed by the Chairman.

ACTION

367 3/07/1791/FP – CONSTRUCTION OF 240 REPLACEMENT CAR PARKING SPACES, RELOCATION OF BICYCLE SHELTER AND PART OF EXISTING FENCE, NEW LIGHTING AND GATES FOR GLAXO SMITHKLINE, PARK ROAD, WARE, HERTS

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1791/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that the Council had received a letter from the County Council's archaeologists who were satisfied with the standard conditions.

The Committee supported the recommendation of the Director of Neighbourhood Services, that application 3/07/1791/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1791/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121).
2. Landscape Design Proposals (4P12).
3. Landscape works implementation (4P13).
4. No development approved by this permission shall be commenced until a site drainage scheme is submitted to and approved by the Local Planning Authority.

Reason: To prevent pollution of groundwater.

ACTION

5. Construction parking and storage (3V221).
6. Prior to the removal of the existing cycle shelter the new cycle shelter shall be provided and made available for use.

Reason: To ensure adequate provision for cyclists and to encourage travel by sustainable modes.

7. Programme of archaeological work (2E023).

Directives

1. With regards to Condition 4, you are advised that, prior to being discharged into any watercourse, surface water sewer or soak away system, all surface water drainage from parking areas and hard standings susceptible to oil contamination should be passed through an oil separator designed and constructed to have a capacity and details compatible with the site and roof water should not pass through the interceptor. All foul drainage should be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying in order to prevent pollution of groundwater.
2. The applicant is advised that any discharge of surface water into the River Lee Navigation requires British Waterways Permission before development commences.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire

ACTION

County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular ENV1, ENV2, GBC1, EDE1, TR7, TR13, BH1 and BH2. The balance of the considerations having regard to those policies is that permission should be granted.

368 3/07/1848/FP – CHANGE OF USE AND ALTERATION OF REDUNDANT FARM BUILDINGS TO OFFICE, WORKSHOP AND STUDIO SPACE AT NEW BARNS FARM, NEW BARNS LANE, ANSTEY FOR STAGESTRUCK LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1848/FP, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1848/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that (A) 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, to provide a financial contribution of £13,000 towards Sustainable Transport Programs and/or off-site highway improvements along New Barns Lane.

DNS

(B) in respect of application 3/07/1848/FP planning permission be granted planning permission subject to the following conditions:-

1. Three Year Time Limit (1T121).

ACTION

2. Boundary walls and fences (2E073).
3. Materials of construction (2E113).
4. Bats (2E412).
5. Before first occupation of the approved development, the new vehicle access arrangement onto the public highway serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority and approval of the Local Planning Authority.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety and convenience.

6. Before the new development is occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking 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, obstruction, and inconvenience to users of the highway and of the premises.

7. Provision and retention of parking spaces (3V234) – delete “spaces” and replace with “space”; after “cars” insert “and turning of vehicles”.

ACTION

8. Green Travel Plans (3V272).
9. Landscape design proposals (4P124) I, j, k and l.
10. Landscape works implementation (4P133).
11. Tree Planting (4P154).
12. Landscape maintenance (4P173).

Directives

1. Other Legislation (01OL1).
2. Highway Works (05FC2).
3. Planning Obligation (08PO1).

Summary of reasons for decisions:

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, GBC3, GBC8, GBC9, GBC10, TR1, TR4, TR20, EDE8, ENV1, ENV2 and ENV24. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

ACTION

369 3/07/1955/FP – ERECTION OF A 50M ANEMOMETER UNTIL 16 MARCH 2008 (AMENDMENT OF PREVIOUS PERMISSION 3/06/2250/FP) TO GATHER WIND SPEED AND DIRECTION DATA AT BENINGTON LORDSHIP, STEVENAGE, SG2 7BS FOR R H BOTT AND SON

Mr O'Duffy addressed the Committee in opposition to the application. Mr Bott spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1955/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that the grid reference of the anemometer was correct.

The Director confirmed that amending the previous permission by a further two months would enable the applicant to gather a full range of data covering all seasons.

After being put the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/1955/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/1955/FP, planning permission be granted subject to the following conditions:

DNS

1. Temporary Permission - Buildings (1T08)
Delete 'building' and insert 'mast'
Insert '16 March 2008'

Directive

1. Other Legislation - 01OL.

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 adopted policies GBC1 and SD3 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies, and with due regard to Government advice set out in PPS22 and to the short term nature of proposal, is that planning permission should be granted.

(Councillors M Wood and J J Taylor requested that their abstention from voting be recorded).

370 3/07/1718/FO – CHANGE OF OFFICE USE (BUSINESS B1) TO OFFICE/GYMNASIUM WITH NEW ENTRANCE DOORS AT 231 LONDON ROAD, BISHOP’S STORTFORD FOR MRS V BARLOW

Mrs Barlow addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1718/FO, planning permission be refused for the reasons now detailed.

Councillor K A Barnes commented that the site had been vacant for a number of years and fully supported the proposal. He commented that the proposed new use was appropriate to the location. He referred to the level of footfall and that the business would be employing 10-15 people.

Councillor M Wood commented that he was sad to see that Officers had recommended refusal. He commented that

ACTION

there had only been one letter of objection, the County Council supported the application and the Town Council had made no objection to the proposal.

The Director referred to the need for Members to exercise caution in agreeing the proposal because of the loss of employment land and buildings this would entail. If Members were minded to support the proposals, the need to apply appropriate conditions such as time limit, hours of use, highways issues, loss of use of employment land needed consideration.

Councillor M Wood proposed and Councillor K A Barnes seconded, a motion that application 3/07/1718/FO be granted planning permission on the grounds that the use was appropriate to the location.

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 3/07/1718/FP be refused for the reasons indicated.

RESOLVED – that in respect of application 3/07/1718/FP, planning permission be granted subject to the following conditions:

DNS

1. Temporary Permission – Use (1T09)
insert “19 November 2012”
2. Restriction of Use (buildings) (5U02)
insert “children’s activity centre”
insert “D2”
3. The use of the premises shall be restricted to the hours 08:00 – 20:00 Monday to Thursday, 08:00 – 21:00 Fridays and 08:00 --20:00 Saturday and Sunday.

Reason: In the interests of the amenities of the

ACTION

occupants of nearby properties.

4. Retention of parking space (3V20).
5. Prior to the commencement of the development, detailed drawings of the proposed pedestrian access to the site from London Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian safety.

Summary of reasons for decisions:

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Council Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular policies EDE1, BIS9, and TR7. The balance of the considerations having regard to these policies is that permission should be granted.

371 E/07/0082/A UNAUTHORISED CHANGE OF USE OF BUILDING B AND C TO STORAGE (B8) ANCILLARY TO WORKSHOP USE OF BUILDING D AT LITTLE SAMUELS FARM WIDFORD ROAD, HUNSDON

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relation to E/07/0082/A on the basis now detailed.

RESOLVED – that in respect of E/07/0082/A the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of

DNS/
DIS

ACTION

the unauthorised use of the land.

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The current uses, in addition to the uses already taking place on Little Samuels Farm and the subject of Enforcement Notices, have the impact of creating significant additional traffic movements to and from the site. These vehicle movements, utilising the access-way to the site adjoining neighbouring residential development, have a significant and detrimental impact on the residents thereof, by virtue of noise, disturbance and activity. The development is therefore contrary to policies TR20, ENV24 and ENV25.

- 372 (A) 3/07/1838/FP – ESTABLISHMENT OF AN ELITE ATHLETES TRAINING FACILITY COMPRISING THE RE-GRADING OF AN EXISTING FOOTBALL PITCH TO FIFA STANDARDS, THE ERECTION OF A TWO STOREY PLUS BASEMENT ACCOMMODATION BUILDING TO BE USED BY ATHLETES AND OFFICIALS, THE DEMOLITION OF 9 BUILDINGS INCLUDING 3 CURTILAGE LISTED BUILDINGS, NEW CAR PARKING AND LANDSCAPING; AND
(B) 3/07/1837/LB – DEMOLITION OF CURTILAGE LISTED BUILDINGS (COMPRISES TWO SINGLE STOREY OUTBUILDINGS AND A TWO STOREY COTTAGE) TO FACILITATE THE ERECTION OF AN ELITE ATHLETES TRAINING FACILITY ACCOMMODATION BUILDING AT BRICKENDONBURY, NEAR HERTFORD FOR THE NATIONAL SPORTS COUNCIL FOR MALAYSIA
-

The Director of Neighbourhood Services recommended that in respect of applications 3/07/1838/FP and 3/07/1837/LB, they be refused for the reasons now

detailed.

Mr Whittaker addressed the Committee in favour of the application.

The Chairman praised officers for the report.

The Director of Neighbourhood Services commented that a number of letters had been received. He provided the Committee with a summary of their contents. He commented on the lack of information from the applicant in terms of possible future development proposals at the site. The Director confirmed that the proposal would not be available for general community use in the longer term as the applicant wanted to restrict its use and retain security on the site. Some limited use for elite athletes appeared possible but no definite proposals were being put forward at this time.

Councillor R N Copping supported refusal of the applications as they both lacked specific and detailed information.

Councillor Mrs R F Cheswright comment on the size of the entire site and the lack of information from the applicant. She expressed concern that Highways had not objected to the application given the size of the small dangerous lanes and that the lighting would be detrimental to the area.

Members expressed concern that without specific information, the site could develop piecemeal.

The Committee supported the recommendation of the Director of Neighbourhood Services that applications 3/07/1838/FP and 3/07/1837/LB be refused for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that applications 3/07/1838/FP and 3/07/1837/LB be refused for the reasons now detailed.

ACTION

RESOLVED – that (A) in respect of application 3/07/1838/FP, planning permission be refused for the following reasons:

DNS

1. Metropolitan Green Belt (R0212).
2. The Council has had regard to the special justification made that the accommodation building is part of an integrated training and accommodation facility for elite and Olympic athletes with wider community and public use benefits. The granting of a first phase planning permission for the accommodation block only, without training facilities, would in itself be premature and can provide no guarantees of community benefits. For this and other reasons it is considered that the very special circumstances do not exist necessary to justify inappropriate development in the Green Belt. The development would therefore be contrary to national planning guidance in PPG2 Green Belts and policy GBC1 of the adopted East Herts Local Plan April 2007.
3. The proposed accommodation block would establish a new centre for major development on the site, away from and at odds with the established pattern of buildings at Brickendonbury. This will be to the detriment of the open and historic landscape setting of the Grade II listed house, Brickendonbury, and the openness of the Metropolitan Green Belt. The proposal would be contrary to national planning guidance in PPG2 Green Belts and policy GBC4, BH12 and BH16 of the adopted East Herts Local Plan April 2007.
4. The design of the accommodation block fails to adequately respond to its landscaped setting or its location on a main avenue approach to the listed house. The scale of the proposed building

ACTION

is inappropriate to the location and in its detailed design and form is considered too bulky and of a bland appearance. The design of the scheme therefore fails to achieve the high standards of design required by local and national plan policy and to be expected when exceptional circumstances are being advanced for inappropriate development in the Metropolitan Green Belt. The proposal is therefore contrary to Policies ENV1 and BH12 of the adopted East Herts Local Plan April 2007.

5. The proposed development would result in the unjustified loss of curtilage listed buildings which are in good condition and active use and buildings are complimentary to the setting of the listed house. The proposal is thereby contrary to national planning guidance in PPG15 and Policies BH9 and BH12 of the adopted East Herts Local Plan April 2007.
6. Insufficient explanation has been provided as to how the loss of existing buildings and their uses would be overcome and would not lead to further applications for essential replacement buildings contrary to Green Belt policy, the openness of the Green Belt and potentially harmful to the open parkland setting of the listed building. The proposal would thereby be contrary to national planning guidance in PPG2 Green Belts and policy GBC4, BH12 and BH16 of the adopted East Herts Local Plan April 2007.
7. The provision of a level football pitch surface will disturb the main south landscape view from the listed Mansion of inclined and more natural contours of land and be harmful to the special interest of the historic parkland at Brickendonbury. The local planning authority is

ACTION

also not persuaded of the general appropriateness of the location for an upgraded football facility; given the practical realities of the use and land topography it would seem improbable that the facility will not be subject of further demands for access paths, ancillary buildings, lighting and fencing enclosures which would be additionally and incrementally harmful to the historic landscape view and setting of the mansion. The proposal is therefore considered contrary to Policy BH16 of the adopted East Herts Local Plan April 2007.

8. Insufficient information has been received regarding the impacts of the proposal on protected species and the ecology of the existing site. The proposal is thereby contrary to national planning guidance in PPS9 “Biodiversity and Geological Conservation” and Policy ENV14 of the adopted East Herts Local Plan April 2007.
 9. Insufficient information has been received regarding the impacts of the proposal on flooding. The proposal is thereby contrary to national planning guidance in PPS25 and Policy ENV19 of the adopted East Herts Local Plan April 2007.
- (B) in respect of application 3/07/1837/LB, Listed Building Consent be refused for the following reason:
1. There is insufficient justification for the loss of the existing curtilage listed buildings which are in good condition, in active use and are buildings of a complimentary form and scale appropriate to the setting of the listed house. The proposal would be contrary to national planning guidance in PPG15 and Policy BH9 of the adopted East Herts Local Plan April 2007.

ACTION

(Councillor K A Barnes requested that his abstention from voting be recorded).

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

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

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

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

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

DNS

Planning ReferenceSite and Proposals

04.06.688

The Rick, Rickside, Nether Street, Much Hadham

(B) the Director of Neighbourhood Services report back following the grant of planning permission or on 7 May 2008 whichever is the

DNS

sooner

374 PLANNING APPEAL PERFORMANCE AND TRENDS
APRIL

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for a six month period covering April to September 2007.

The Director reported that of the 64 appeals which have been decided, 22 had been allowed in full or in part giving a performance figure of 34.4% against the Council's Best Value Performance Plan of 29%. The national figure for 2006/07 is that 34.4% of appeals were permitted.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

375 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 8.40 pm

Chairman
Date