

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE WAYTEMORE
ROOM, BISHOP'S STORTFORD ON
WEDNESDAY 16 JANUARY 2008 AT
7.30 PM

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

ALSO IN ATTENDANCE:

Councillors N Clark and J O Ranger.

OFFICERS IN ATTENDANCE:

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

470 APOLOGIES

Apologies for absence were submitted on behalf of
Councillor S Rutland-Barsby.

471 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the
meeting.

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The Chairman stated that, after allowing a period of time for the public speaker to attend in support of Application 3/07/2574/PT, he would move this item up the Agenda.

472 DECLARATIONS OF INTEREST

Councillor Mrs M H Goldspink declared a personal interest in respect of application 3/07/2146/FP, as she was an acquaintance of an objector.

Councillor P A Ruffles declared a personal interest in respect of application 3/01/0608/FP, in his capacity as a Member of Hertfordshire County Council.

RESOLVED ITEMSACTION473 MINUTES

RESOLVED – that the Minutes of the meeting held on 12 December 2007 be confirmed as a correct record and signed by the Chairman, subject to the amendment of Minute 415 as follows:

Delete at end of second sentence 5th paragraph –
'.....signed a petition.'

Replace with – 'submitted signed statements'

474 3/07/2119/FP – CHANGE OF USE OF LAND FROM AGRICULTURE TO USE FOR EQUESTRIAN PURPOSES INCLUDING INSTALLATION OF PERMANENT HORSE JUMPS AT LAND NEAR MANOR FARM, LUFFENHALL FOR MR. P. NATT

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2119/FP, planning permission be granted subject to the conditions now detailed.

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The Director reported that the applicant had consented to relocate jumps 10, 11 and 15 out of the meadow due to Hertfordshire Biological Records Centre's intention to designate the land a Wildlife Site.

The Director reported that the applicant had stated an intention to hold a charity gymkhana at the site. Members were advised that written consent would be required from the planning authority, as such an event would otherwise be in breach of condition 2 of the planning permission.

The Director advised Members that stabling permitted as part of an earlier application under reference 3/02/1865/FP had only been partially implemented.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2119/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2119/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Notwithstanding the provisions of Schedule 2, Part 4, Class B of the Town and Country (General Permitted Development) Order 1995 as amended, the land subject of this application shall only be used for the personal use of the site owner including informal riding and grazing of horses. The use of the application site for non-personal training events and organised equestrian events such as gymkhana and eventing is not permitted unless otherwise previously agreed in writing by the local planning authority.

Reason: The use of the land for organised

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equestrian events would be prejudicial to the character of the local landscape contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007. Moreover such events would be problematic in terms of their impact on the local highway network.

3. No external lighting (2E26)
4. Hedge retention and protection (4P06)
5. Landscape design proposals (4P12) a, b, e, l, j, k, l
6. Landscape maintenance (4P17)
7. Only untreated wood shall be used to create the jumps.

Reason: To prevent contaminants from leaching into the water environment in accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007.

8. Public Rights of Way that cross the site shall be protected and maintained at a minimum to their current width and surface condition. They should remain unobstructed and safe passage for the public shall be maintained at all times.

Reason: In order to maintain the Rights of Way network in accordance with policy LRC9 of the East Herts Local Plan Second Review April 2007.

Directives:

1. This planning permission gives no entitlement to affect the public rights of way on the application site. Any diversion, extinguishment

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or creation of a public right of way needs its own legal authority before any works affecting the right of way can be commenced.

Applications for this purpose should be made to the Rights of Way Unit, Herts County Council, Telephone number 01992 555249.

2. You are advised that badgers may be present in the southern hedgerow of the site, and a licence may be required from Natural England to carry out works within 30m of a badger sett. You are advised to contact Graham Goodall at Herts Biological Records Centre on 01992 556155 for further information.
3. 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 Beane main river. This is irrespective of any planning permission granted. Please contact the EA Development Control unit on 01707 632639.

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, GBC14, ENV2, ENV11, ENV18, LRC9. 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.

- 475 (a) 3/07/2278/LC – DEMOLITION OF EXISTING BUILDINGS IN ASSOCIATION WITH PROPOSED REDEVELOPMENT OF SITE FOR PART RETAIL AND PART RESIDENTIAL PURPOSES AND (b) 3/07/2277/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF GROUND FLOOR RETAIL UNIT, 5NO. TWO BED AND 5NO. ONE BED RESIDENTIAL UNITS WITH UNDERGROUND PARKING AT FORMER KWIK FIT PREMISES, 26 WARE ROAD, HERTFORD
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The Director of Neighbourhood Services recommended that, in respect of applications 3/07/2278/LC and 3/07/2277/FP, conservation area consent and planning permission be granted subject to the conditions now detailed.

Councillor R N Copping highlighted the importance of improvements to bus stops in the District and queried whether £5000 was sufficient to address this issue. The Director believed that the section 106 contributions were sufficient.

Councillor P A Ruffles highlighted a factual error in paragraph 1.7 of the report now submitted.

In response to a query from Councillor Mrs M H Goldspink, the Director commented that no proposals for energy efficiency measures had been submitted as part of the application.

In response to a query from Councillor M R Alexander, the Director stated that conditions could be attached to the planning consent to ensure the safety and security of cars and users of the underground car park. He undertook to ensure a condition was attached requiring details of measures to be submitted to and agreed in writing by the local planning authority.

The Committee supported the recommendations of the

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Director of Neighbourhood Services that application 3/07/2278/LC be granted conservation area consent and application 3/07/2277/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:

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1. A financial contribution of £5000 to promote sustainable transport measures/schemes or to implement schemes identified in the local transport plan, in particular the need for improvements at the bus stops nearest to the site have been identified.
 2. A financial contribution of £1660 towards primary education, £2040 towards libraries and £2050 towards youth and childcare.
- (A) in respect of application 3/07/2278/LC, conservation area consent be granted subject to the following conditions:
1. 2E382-Demolition of buildings (with reference to plan no. 8000/LP/001)
 2. 8L133-Conservation Area (clearance of site)
 3. 2E322-Materials arising from demolition
 4. N072-Construction hours of working- plant & machinery

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

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Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies BH4. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/07/2277/FP, conservation area consent be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Prior to the commencement of development a drawing to show a roof plan of the development hereby permitted shall be submitted and approved by the Local Planning Authority.
Reason: In the interest of the design of the development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and to ensure that the approved plans are consistent with the permission hereby granted.
4. Construction hours of working (6N07)
5. Boundary Walls and Fences (2E07)
6. Provision & retention of parking space (3V234)
7. Hard surfacing (3V213)
8. Landscape Design Proposals (4P12)
9. Landscape works implementation (4P13)
10. New Doors and Windows- unlisted buildings (2E342)
11. Prior to the commencement of any works, a detailed itemised schedule of repairs to the

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existing 2 storey corner building shall be submitted, and approved in writing by the Local Planning Authority. Thereafter the schedule of repairs shall be fully implemented prior to the occupation of any part of the approved development.

Reason: To ensure that the alterations and extension hereby approved remain sympathetic in relation to the building itself and the general character and appearance of the surrounding Conservation Area in accordance with Policy BH5 of the East Herts Local Plan Second Review, April 2007.

12. Prior to commencement of development full details of the construction of any retaining wall associated with construction of the underground car park shall be submitted to and approved by the Local Planning Authority. Thereafter, the retaining wall shall be constructed in accordance with those approved details prior to the first occupation of the development hereby permitted.

Reason: In the interests of public safety to ensure that construction of the development hereby permitted does not affect the stability of the public highway

13. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved 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

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convenience.

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

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

15. Wheel washing facilities (3V251)
16. Construction parking and storage (3V221)
17. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with document reference 8091 entitled Phase II Environmental Report and plans submitted as part of planning application 3/07/2277. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing. On completion of the works of reclamation, the developer shall provide a validation report, which confirms that the works have been completed in accordance with the approved documents and plans.

Reason: To protect the groundwater quality in the area in accordance with Policy ENV20 of the East Hertfordshire Local Plan Second Review, April 2007

18. Piling or any other foundation designs using penetrative methods will not be permitted other than with the express written consent of the Local Planning Authority, which may be given

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for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To protect the groundwater quality in the area in accordance with Policy ENV20 of the East Hertfordshire Local Plan Second Review, April 2007.

19. There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To protect the groundwater quality in the area in accordance with Policies ENV20 and ENV21 of the East Hertfordshire Local Plan Second Review, April 2007.

20. Prior to the commencement of development details of measures to be taken to ensure the security and safety of users of the underground parking area shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved measures to be implemented prior to the first occupation of the development.

Reason: In order to ensure the safety and security of users in accordance with Policy ENV3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. The applicant is advised that in order to comply with Condition 12 of this permission it will be necessary for the developer of the site to contact the Hertfordshire County Council Bridge Manager in connection with the requirements of Department of Environment, Transport and

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Regions Department Standard BD 2/05:
Technical Approval of Highway Structures.
Further details can be obtained from
Hertfordshire highways, Highways and
transport Asset Management Unit, Highways
House, 41 – 45 Broadwater Road, Welwyn
Garden City, Herts AL7 3AX.

2. 05FC2 Highway Works
3. The presence of any significant unsuspected contamination that becomes evident during the development of the site should be brought to the attention of the Local Planning Authority and the Environment Agency.
4. Prior to the commencement of the use hereby permitted, a survey should be carried out to identify the presence of any asbestos on the site, either bonded with cement or unbonded. If 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 at Heath & Safety Executive AW House, 6-8 Stuart Street, Luton, Beds, LU1 2SJ, Tel: 01582 444200, should be contacted and the asbestos shall be removed by a licensed contractor.

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, TR1, TR6, TR7, ENV1, ENV2, ENV6, BH5, BH6, HE9, IMP1, ENV20 and ENV21. The balance of the considerations having regard to those policies

is that permission should be granted.

476 3/07/2155/FP – DEMOLITION OF 2 BUILDINGS, CONVERSION OF STATION HOUSE TO 3 NO. DWELLINGS, CONSTRUCTION OF 2 NO PAIRS SEMI-DETACHED HOUSES AND 1 NO TERRACE OF 4 HOUSES, WITH IMPROVEMENTS TO ROAD ACCESS TO SITE AT STATION HOUSE ASPENDEN ROAD BUNTINGFORD FOR FOXBAY LLC

Mr Joynson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2155/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that an additional representation had been received from a resident of London Road in respect of overlooking from windows to the rear of the proposed dwellings and also in respect of the concerns raised by the public speaker relating to over development.

In respect of the trees close to the adjacent to the boundary of No 11 Station Road, the Director displayed updated plans detailing amendments to the previously submitted plans. Members were advised that the Arboricultural Officer had stated that the trees were not worthy of preservation order status.

The Director reported that Officers would request that details of the construction on site around the trees be submitted for approval to the local planning authority. The Director stated that Officers were satisfied that the submitted arrangements were an acceptable form of development.

Councillor S A Bull, as the local ward Member, expressed concern in respect of the trees' roots. He acknowledged the need to develop the site but expressed concerns

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relating to overdevelopment. Councillor Bull raised the issue of asbestos removal at the site and, he also enquired as to whether the financial contribution was being allocated locally or at a district or county level.

The Director stated that asbestos removal was not an issue for this Committee but was within the remit of the Health and Safety Executive or Officers from Environmental Health. He stated that the application was within government guidelines of 30 to 50 units per hectare.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2155/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of the following matters:

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1. a financial contribution of £20,000 towards Sustainable Public Transport Programs.
2. financial contributions of £10,721 for Middle Schools, £2,244 for Libraries, and £4,100 for Youth and Childcare.

in respect of application 3/07/2119/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit - 1T12
2. Levels - 2E05
3. Boundary walls & fences - 2E07

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4. Samples of materials - 2E12
5. No further windows - 2E17
6. Withdrawal of P.D. (Part 1 Class A) - 2E20
7. Withdrawal of P.D. (Part 1 Classes B & C) - 2E23
8. Materials arising from demolition - 2E32
9. Contaminated land survey and remediation - 2E33
10. Provision & retention of parking spaces - 3V23
11. Tree retention and protection - 4P05
12. Hedge retention and protection - 4P06
13. Landscape design proposals - 4P12 – **AMENDED** - (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables
14. Landscape works implementation - 4P13
15. Prior to the commencement of the development hereby approved a detailed survey of all existing trees within and adjoining the site shall be submitted for approval by the local planning authority.

Reason: In the interests of the visual amenity of the area and in accordance with Policy ENV2 of the East Herts Local Plan Second Review (April

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2007).

16. Prior to the commencement of development detailed drawings showing the proposed method of construction of foundations to minimise the impact upon existing trees on the adjoining site, no. 11 London Road, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid any unnecessary loss of trees and in accordance with Policy ENV11 of the East Herts Local Plan Second Review (April 2007).

17. Construction hours of working- plant & machinery - 6N07
18. Prior to the first occupation of the approved development, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plan no H849-31A and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

19. Prior to the first occupation of the development hereby approved a 1.8m wide footway shall be constructed along Aspenden Road across the entire public house car park to join the existing footway on London Road in accordance with details to be submitted to and approved by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall

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be re-sited to provide an unobstructed footway.

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

20. Prior to the first occupation of the development hereby approved all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limit and arrangements shall be made for surface water within 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.

21. Prior to the commencement of any works in connection with site demolition, site preparation and construction works on-site parking shall be provided for the use of all contractors, sub-contractors, visitors and delivery vehicles engaged on or having business on site and an area for the storage of construction materials shall be provided in accordance with details to be agreed in writing with the Local Planning Authority, in consultation with the Highway Authority.

Reason: To minimise the potential for obstruction on the highway and thereby safeguard the safety and convenience of highway users.

22. Prior to the commencement of development, detailed information on the provision of cycle facilities must be submitted to and approved in writing by the Local Planning Authority in

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consultation with the Highway Authority.

Reason: To ensure compliance with the requirements of the Hertfordshire Structure Plan Policy 25 and to facilitate the use of sustainable transport.

23. No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.

Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.

24. Prior to the commencement of any works in connection with the site demolition and construction the developer shall provide details of measure to be used to mitigate dust problems affecting nearby residential properties.

Reason: To ensure the amenities of nearby residential properties are not affected by dust, in accordance with Policy ENV1 of the East Herts Local Plan Second Review (April 2007).

25. Prior to the commencement of any works in connection with the site demolition the developer shall provide details of measures proposed to mitigate the impact of noise generated by demolition works and the

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associated transport to and from the site.

Reason: To ensure nearby residential occupiers are not affected by noise and disturbance and in accordance with Policy ENV24 of the East Herts Local Plan Second Review (April 2007).

26. No demolition, conversion or development works shall take place within the application site until the applicant, or their agents, or their successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that shall be submitted to the local planning authority and approved in writing. This condition will only be considered to discharged when the local planning authority have received and approved archaeological reports of the required archaeological works.

Reason: To safeguard the archaeological environment and in accordance with Policy BH2 of the East Herts Local Plan Second Review (April 2007), PPG's 15 and 16 and DoE Circular 11/95.

27. The development shall not affect the Public Right of Way passing through the site (Footpath 037) which must remain unobstructed by vehicles, machinery, materials, and other aspects of the construction for the duration of the works, and shall remain unobstructed at all times during demolition and construction works. Any damage to the footpath shall be made good and all materials related to the development removed from the footpath and its verges prior to the first occupation of the development.

Reason: In the interests of public amenity and

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in accordance with Policy LRC9 of the East Herts Local Plan Second Review (April 2007).

28. Prior to the commencement of any works in connection with the conversion of the Station House, a comprehensive bat survey shall be carried out and a Mitigation Strategy, Method Statement and Works Schedule drawn up and submitted for approval in writing by the local planning authority.

Reason: To mitigate the impact of the development on local bat populations, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review (April 2007), and Government Advice in PPS9 and Circular 06/05.

29. Prior to the commencement of development, the applicant or their successor in title shall submit a Sustainability Statement for approval by the local planning authority explaining how the development will contribute towards the sustainable development objectives set out in Policy SD1 of the East Herts Local Plan Second Review (April 2007).

Reason: In the interests of sustainable development and in accordance with Policy SD1 of the East Herts Local Plan Second Review (April 2007).

Directives:

1. Other Legislation - 01OL
2. You are advised that in order to protect the health and amenity of people in the vicinity, including workers on the development, the applicant, or successor in title, are required to submit a survey of the buildings to be

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demolished to the Local Planning Authority to identify the presence of asbestos, either bonded with cement or unbonded. The same survey shall be submitted prior to the commencement of any works in connection with the demolition. If asbestos cement is found it must dismantled carefully, using water to dampen down, and removed from the site. If unbonded asbestos is found the health and Safety Executive at 14 Cardiff Road, Luton, LU1 1PP must be contacted and the asbestos shall be removed by a licensed contractor.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular ENV1, ENV2, ENV3, ENV16, ENV24, TR1, TR7, EDE2, BUN1, IMP1. The balance of the considerations having regard to those policies and to the revisions to the proposals last submitted under 3/070303/FP is that permission should be granted.

477 3/07/2055/FP - NEW CHANGING ROOM FACILITIES, SOCIAL FACILITIES, SPECTATOR STAND AND, GROUNDSMAN STORE, AND NEW PARKING AREAS AT SAWBRIDGEWORTH TOWN FOOTBALL CLUB, CROFTERS, SAWBRIDGEWORTH FOR SAWBRIDGEWORTH SPORTS ASSOCIATION

Mr Copeland addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2055/FP, planning permission be granted subject to the conditions now detailed.

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Councillor N Clark commented that there was a general satisfaction with the contribution Sawbridgeworth Football Club had made to the town. He referred to parking and enquired as to whether condition 11 could be strengthened to ensure the adequacy of off street parking provision.

The Director stated that a form of control for off street parking could be covered by planning conditions.

Councillor M R Alexander sought and was given clarification in respect of the details of condition 13 on page 40 of the Officer's report. The Director advised that details would have to be submitted in advance to the local planning authority.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2055/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2055/FP, planning permission be granted subject to the following conditions:

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1. Three Year Time Limit - 1T12
2. Levels - 2E05
3. Boundary walls & fences - 2E07
4. Samples of materials - 2E12
5. Refuse disposal facilities - 2E24
6. Details of external lighting to be agreed
7. Hard surfacing - 3V21
8. Construction parking and storage - 3V22

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9. Tree retention and protection - 4P05
10. Hedge retention and protection - 4P06
11. Prior to the first occupation/use of the development hereby approved the parking areas as shown on the approved plans shall be provided to the satisfaction of the Local Planning Authority and thereafter maintained at all times in connection with the use of the site.

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. Prior to the commencement of development details of a scheme for the provision and operation of mechanical wheel cleaning facilities shall be submitted to, and approved in writing by, the local planning authority. The approved facilities shall be installed prior to the commencement of any works in connection with demolition, site preparation and construction works, and thereafter retained in working order throughout the period of demolition, site preparation and construction. The approved wheel washing facilities must be used to remove mud and debris from vehicles exiting the site during the period of demolition, site preparation and construction.

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 amenity.

13. Prior to the first occupation of the development hereby permitted further details setting out the proposed use of the function room shall be

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submitted and approved in writing by the Local Planning Authority, to include: proposed hours of use, proposed number of functions on non-match days per calendar year, and an undertaking that the function room shall not be used for non-football functions on match days. Thereafter the function room shall only be used in accordance with those approved details.

Reason: To safeguard the amenities of the residents of nearby properties and to ensure that adequate parking provision is maintained within the site in accordance with Policies ENV1 & TR7 of the East Herts Local Plan Second Review April 2007.

14. Green Travel Plan – 3V27

Directives:

1. Other Legislation - 01OL1
2. Ownership
3. It is the responsibility of the applicant to ensure adequate provision is made for the operation of wheel washing facilities through the period of demolition, site preparation and construction.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular SA1, SA2, SA4, SD1, TR1, TR4, TR7, TR13, ENV1, ENV2, ENV3, ENV4, ENV24, IMP1. The balance of the considerations having regard to those policies, the historical use of the site, the benefits of ongoing community use of the site, and the difficulties in

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bringing forward the land north of Leventhorpe School for alternative sports pitch provision in accordance with Policy SA4, is that permission should be granted.

478 3/01/0608/FP – 6 TWO BED FLATS, 10 TWO BED MAISONNETTES, NEW PUBLIC LIBRARY AND OPEN SPACE AT DOLPHINS YARD, HERTFORD FOR MCMULLENS AND SONS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0608/FP, planning permission be granted subject to the conditions now detailed.

The Director updated the Committee on his recommendation and conditions that had been set in the report that had been submitted to the August 2007 meeting of the Committee.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/01/0608/FP be granted planning permission, subject to the provisions of a legal agreement and all other conditions and directives as set out in the report to the August 2007 meeting of the Development Control Committee except for the omission of condition 14.

RESOLVED – that in respect of application 3/01/0608/FP, planning permission be granted subject to the provisions of a legal agreement and all other conditions and directives as set out in the report to the August 2007 meeting of the Development Control Committee except for the omission of condition 14.

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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

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Plan and East Herts Local Plan 2007) and in particular policies SD1, ENV1, ENV2, BH6, TR7, EDE2 and LRC3. The balance of the considerations having regard to these policies is that planning permission should be granted.

- 479 (a) 3/07/2293/FP AND (b) 3/07/2294/LB – CHANGE OF USE OF BUILDINGS AND ERECTION OF NEW BUILDINGS TO FORM A 54 BED COUNTRY HOTEL WITH ASSOCIATED DINING AND FUNCTION ROOM FACILITIES AT WICKHAM HALL, HADHAM ROAD, BISHOP'S STORTFORD FOR MR AND MRS D HARVEY

Mr Hudson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/07/2293/FP and 3/07/2294/LB, planning permission and listed building consent be refused for the reasons now detailed.

The Director advised that Hertfordshire Highways had withdrawn objections raised. The Director also stated that Highways sought a planning obligation, including a financial contribution of £27,000 towards sustainable transport measures.

The Director reported that, in light of extra information received, the third reason for refusal was no longer required. Councillor Mrs M H Goldspink commented that the application should be approved in light of extra information received and the fact that inferior buildings were to be removed.

Councillor J Demonti expressed concern as to whether the contribution of £27,000 for sustainable transport measures was sufficient to prevent the application adversely affecting the traffic on Hadham Road.

Councillor W Ashley stated that, in respect of the second reason for refusal, a detailed independent structural survey

ACTION

of the listed barn would assist the Committee and Officers in reaching a decision on this application.

Councillor Ashley referred to the local plan and the special circumstances that would be required for approving an application in the greenbelt location. The Director stated that Officers were not satisfied that the applicant had yet to submit sufficient information on this application.

The Director stated that Officers were unclear as to how much development was required to take place at the green belt location in order to enable the renovation of the listed buildings on site. He emphasised the importance of ensuring the scheme was acceptable prior to the application being determined.

Councillor P A Ruffles proposed and Councillor M R Alexander seconded, a motion that applications 3/07/2293/FP and 3/07/2294/LB be deferred to enable the submission of additional information in respect of the extent of development required to enable the renovation of the listed barn and a structural survey of the barn.

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, in respect of applications 3/07/2293/FP and 3/07/2294/LB, planning permission and listed building consent be refused for the reasons now detailed.

RESOLVED – that applications 3/07/2293/FP and 3/07/2294/LB be deferred to enable the submission of additional information including a structural survey of the central listed barn to confirm whether the barn is capable of repair and retention and a financial viability statement to demonstrate the requirement for enabling development as required by Policy BH17 of the East_Herts Local Plan Second

DNS

Review April 2007.

480 3/07/2574/PT – INSTALLATION OF A 13 METRE STREET FURNITURE TELECOMMUNICATION COLUMN REPLACING LAMPPOST, ALONG WITH 2 NO GROUND BASED EQUIPMENT CABINETS AT LAMP POST 610, GREAT HADHAM ROAD/ORIOLE WAY, BISHOPS STORTFORD FOR 02.

Mrs Pearson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2574/PT, planning permission be granted subject to the conditions now detailed.

The Director reported that prior approval was required and the Authority must determine the application within the 8 week deadline to avoid a situation of deemed approval.

The Director confirmed that the applicant had served notice on Hertfordshire Highways in respect the issue of site ownership. Members were advised that the Committee should not refuse the application based on the information that some objections has provided that this ownership information is incorrect.

The Director commented that the application had yet to be declared valid. He advised Members that If it was determined that the submission was invalid, it would be rejected and the applicant informed as such.

The Director advised that the report had been submitted before the deadline for the receipt of written representations. Members were advised that 96 additional letters of objection had been received since the Agenda had been printed.

The Director advised that the Highways Authority had raised no objections on the grounds of highway safety. He

ACTION

commented that the levels of exposure from the mast were very small when compared to the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines in respect of health issues. In addition, because of the very low level of emissions, the cumulative level with other masts in the area, would also be below the ICNIRP guidelines.

In response to a query from Councillor D A A Peek, the Director reported that the Council does not have access to land ownership records. They are maintained by the Land Registry. He advised that Officers would investigate if an issue of ownership is raised, otherwise details of ownership are accepted in good faith.

In respect of a query from Councillor M R Alexander, the Director confirmed the site was within 500 metres of a children's play area. He commented that no guidelines had been forthcoming from government on this issue. Members were advised that it was for the Committee to consider the impact a mast would have on an open space.

The Director advised the Committee that as mobile functionality and usage increased, the load on each individual mast was greater and actual coverage fell. He referred Members to plans detailing the coverage provided by the alternative sites the applicant had considered.

Councillor K A Barnes expressed concerns relating to the obtrusive visual impact on the street scene and whether there was a proven need for extra coverage.

Councillor Mrs M H Goldspink expressed concerns relating to the impact on the street scene, perceived public health concern and the proximity of the site to a green space utilised as a children's play area.

In respect of a question from Councillor M R Alexander, the Director reported that the Government had revised its guidance in respect of phone masts sited near to schools. He advised that the Government does not specify a

ACTION

distance with regard to what is considered to be close to schools and does not indicate that masts should be placed there. However, it does indicate that the widest possible consultation should be undertaken. He considered that these guidelines could not be applied also to play spaces.

The Director advised that public perception was a material consideration but not one to which a great deal of weight would be assigned at appeal. He believed that the impact on the character of the area was not a significant issue.

The Director advised against referring to proximity to children's play areas due to the cautious approach of the Government on this issue. He confirmed that all of the consultation responses would be forwarded to the Planning Inspectorate in the event of an appeal.

In response to a query from Councillor Mrs R F Cheswright, the Director confirmed the mast would add about 10 feet or 3 to 4 metres onto the height of a standard lamp post.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/07/2574/PT be refused planning permission as the proposed installation would be unduly prominent, visually intrusive and detrimental to the character and appearance of the street scene and had resulted in significant concern being raised by local residents in relation to the perceived health risks associated with installations of this nature.

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 3/07/2574/PT be granted planning permission, subject to the conditions now detailed.

RESOLVED – that, in respect of application 2574/PT, provided it is determined that the prior

DNS

ACTION

approval submission is deemed to be valid and subject to no further substantive issues being raised prior to 18 January 2008, planning permission be refused for the following reasons:

1. The proposed installation, including cabinets, would be unduly prominent, visually intrusive and detrimental to the character and appearance of the street scene, contrary to policy ENV28 of the East Herts Local Plan Second Review April 2007.
2. The proposal has resulted in significant concern being raised by local residents in relation to the perceived health risks associated with installations of this nature.

481 3/07/2333/FP – DEMOLITION OF EXISTING DWELLING AND ERECTION OF 10 NO. 2-BEDROOM APARTMENTS IN TWO SEPARATE BLOCKS WITH PARKING AND AMENITY IN BETWEEN, AT 19 CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR MR NIGEL KEMP

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

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2333/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.

The Director advised that two further letters of representation had been received from residents expressing concerns in respect of acoustic disturbance, loss of natural light, the impact of wildlife and insufficient parking. The Director also reported that residents had raised concerns in respect of access to the site via Crofters.

ACTION

Councillor N Clark, as the local ward Member, reiterated the concerns raised by Sawbridgeworth Town Council. In response to his concerns that the Town Council's objections had been discarded, the Chairman confirmed that all representations are considered.

Councillor Clark highlighted the concerns of some residents, namely that the proposed development was out of character with the existing street scene.

Councillor Clark requested that Officers attach an additional condition to ensure no access to the site via Crofters during construction work. In response to a query from Councillor M R Alexander, the Director confirmed that the density of the site was, on the basis of a quick calculation, in the order of 90 units per hectare.

Councillor Mrs R F Cheswright expressed concern that the application constituted back land development. The Director stated that it there was no planning policy that prohibited this as such, but that it was for Members to consider the harm that could be caused by the proposals.

Councillor D A A Peek commented on the trade off between amenity space and car parking provision. The Director confirmed that an increase in car parking would inevitably adversely impact on amenity space.

Councillor J Demonti commented that cars parked all along the street adjacent to the site, making on site parking essential.

Councillor Mrs M H Goldspink proposed and Councillor J Demonti seconded, a motion that application 3/07/2333/FP be refused planning permission on the grounds of inadequate parking provision and overdevelopment of the site.

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

ACTION

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/2333/FP be granted planning permission, subject to the conditions now detailed.

Councillor W Ashley requested that his support for the motion to refuse be recorded. Councillor S A Bull requested that his dissent from this decision be recorded.

RESOLVED – that in respect of application 3/07/2333/FP, planning permission be refused for the following reasons:

DNS

1. The proposal would result in the over development of the site by virtue of its cramped and congested layout which would be out of character with the form and layout of existing development in the area and therefore contrary to Policies ENV1 and HSG7 of the East Herts Local Plan Second Review 2007.
2. Inadequate parking (MO812)

482 3/07/2349/FO – OCCUPATION OF DWELLING WITHOUT COMPLIANCE WITH CONDITION 3 OF PLANNING PERMISSION REF: 3/96/0520/FP, GRANTED ON JUNE 5TH 1996 RELATING TO AGRICULTURAL OCCUPATION OF DWELLING AT MAGPIE FARM, COTTERED, BUNTINGFORD

Mr Easton addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2349/FO, planning permission be granted.

Councillor S A Bull commented that the property had been well advertised on the open market. He stated that adverts had referred to when the property had been built and the

ACTION

previous agricultural use. Councillor Bull praised the report and expressed his support for the Officers recommendation.

Councillor J O Ranger, as the local ward Member, commented that the Parish Council still objected to the proposed development. Councillor Ranger supported the Officers recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2349/FO be granted planning permission.

RESOLVED – that in respect of application 3/07/2349/FO, planning permission be granted.

DNS

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular Policies GBC3 and GBC6. The balance of the considerations having regard to those policies is that permission should be granted.

483 3/07/2146/FP – DETACHED DWELLING ON LAND TO THE LAND SOUTH OF LANDGUARD, STATION ROAD, SAWBRIDGEWORTH FOR MR AND MRS HART AND THOMAS

Mrs Jones addressed the Committee in opposition to the application. Mr Tonks spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2146/FP, planning permission be granted subject to the conditions now detailed.

ACTION

The Director reported that Councillor A D Dodd had expressed concerns relating to the impact on the setting of the listed building, increased traffic on Station Road and the narrow site access.

Councillor N Clark supported the concerns raised by Councillor A D Dodd and local residents. He stated that the proposed development was in breach of policy BH12 of the adopted local plan.

Councillor Mrs M H Goldspink expressed concern in relation to the location of the garage and commented that this aspect of the development could be moved further from the site boundary.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2146/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2146/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Levels (2E051)
4. Programme of archaeological works (2E023)
5. Construction workers vehicles (3V221)
6. Wheel washing facilities (3V251)
7. Withdrawal of PD Part 2 Class A (means of enclosure) (2E131)

ACTION

8. Withdrawal of PD Part 1 Class E (incidental structures) (2E223)
9. Landscape design proposals a, b, e, f, g, l, j, k, l (4P12)
10. Landscape works implementation (4P13)
11. Hedge retention and protection (4P06)
12. Tree retention and protection (4P05)
13. Tree/natural feature protection (4P07)
14. Tree protection: No burning (4P08)
15. Tree protection: Excavations (4P09)
16. Tree protection: Earthworks (4P10)
17. Tree surgery (4P11)
18. Tree protection: Access road (4P19)
19. Provision and retention of parking space (3V234)
20. Vehicular use of garage (5U10)
21. Hours of Working – plant and machinery (6N053)

Directives:

1. Other legislation (010L1)
2. Highways Works (05FC2)

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 Adopted Local Plan Second Review April 2007 and in particular policies HSG7, ENV1, ENV2, ENV9, ENV11, BH6, BH12 and TR7. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

484 3/07/2311/FP–SINGLE STOREY REAR EXTENSION AT THE CROWN PUBLIC HOUSE, 56 LONG LANE, ASTON END FOR CLOSE TRADING COMPANIES' PARTNERSHIP NO.1

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2311/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2311/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2311/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (IT12)
2. Matching Materials (2E13)

Directives:

1. Other legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to

ACTION

the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular Policies GBC1 and ENV1 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.

- 485 3/07/2157/FP– DETACHED 3 BED HOUSE TO REPLACE GARAGE, WORKSHOP AND CAR STORAGE TO SIDE OF NO. 26 AND THE ERECTION OF A TWO STOREY REAR EXTENSION TO NO. 26 MOUNT PLEASANT, HERTFORD HEATH FOR MR LEN KIFF

Mr Pierce addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2157/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley, as the local ward Member, addressed the Committee in support of the application. Councillor Ashley commented that the application had been brought to the Committee at his request. He stated that the applicant had submitted a scheme that local residents felt able to support.

Councillor Ashley referred to the reasons for refusal put forward by Officers. He stated that no trees were to be removed and commented that the proposed development was for 59 cubic metres, within the 70 cubic metres allowed under permitted development.

Councillor Ashley stated that the proposed development was for 132 square metres and did not constitute overdevelopment. This compared to 400 square metres for No 24 Mount Pleasant and 150 square metres for Nos 30 and 32 Mount Pleasant.

ACTION

Councillor Ashley commented that, although the plot was sizeable, the potential planning gain had not been acknowledged by Officers. He stated that local democracy, in the form of residents' views, had not been acknowledged.

Councillor J Demonti expressed concerns in relation to parking provision in the submitted application. Councillor Ashley stated that the applicant was willing to accept a Grampian condition in respect of parking provision.

Councillor W Ashley proposed and Councillor P A Ruffles seconded, a motion that application 3/07/2157/FP be granted planning permission on the grounds that the proposed development would result in planning gain and was acceptable under policies ENV16, BH6, BS1 and OSB1 of the development plan.

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 3/07/2157/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/2157/FP, planning permission be granted subject to the following conditions:

DNS

1. Standard three year time limit (IT121)
2. Materials of construction (2E130)
3. Obscured glazing
“flank elevations of the proposed new dwelling”
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted

ACTION

Development) Order 1995, no further windows, doors or openings of any kind shall be inserted in the flank elevations of either the new dwelling or the extension to number 26 Mount Pleasant hereby permitted without the written permission of the Local Planning Authority.

Reason: As per 2E175

5. Withdrawal of permitted development – Part 1 Class A (2E203)
6. Withdrawal of permitted development – Part 1 Class E (2E223)
7. Landscape design proposals (4P124)
8. Landscape works implementation (4P133)
9. Prior to the commencement of the development hereby permitted details of the proposed on-site parking arrangements for both the new dwelling and number 26 Mount Pleasant shall be submitted to and approved in writing by the Local Planning Authority. The approved parking layout shall be implemented in accordance with those approved details prior to the occupation of the new dwelling and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: As per 3V234

10. The existing garage / workshop buildings on the site shall be demolished prior to the first occupation of the dwelling hereby permitted.

Reason: In the interests of amenity in accordance with Policy ENV1 of the Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular policies SD2, HSG7, ENV1, ENV5, ENV6, TR7, ENV9, BH6, OSV1. The balance of the considerations having regard to those policies is that permission should be granted.

486 3/07/1397/FP – SMALL SIDE AND REAR EXTENSIONS AND RAISING OF ROOF (AMENDED SCHEME) TO PROVIDE FIRST FLOOR ACCOMMODATION AT HIGH VIEW FARM FOR MR R PARKINS

Mr Parkins addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/1397/FP, planning permission be refused for the reasons now detailed.

Councillor J O Ranger, as the local ward Member, addressed the Committee in support of the application. He commented that the applicant had gone to considerable lengths to adhere to suggestions made by Officers.

Councillor Ranger stated that the site was the location for a good business opportunity to continue successfully and develop on this site. He commented that Members should accept the proposal and approve the application in recognition of the efforts of the applicant in meeting Officers' requests.

The Director advised that the application had to be of a scale that Officers felt was acceptable and compatible with the site's location. The Director reported that the measurements were accurate and indicated a modest degree of increased floor space. Members were updated

ACTION

on the national advice in respect of agricultural occupancy conditions.

Councillor B M Wrangles proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/07/1397/FP be granted planning permission on the grounds that the applicant had satisfied the Committee's requirements and that the application was acceptable in relation to the agricultural occupancy condition.

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 3/07/1397/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/1397/FP, planning permission be granted subject to the following conditions:

DNS

1. Standard three year time limit (1T121)
2. Matching materials (2E133)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular policies GBC3; ENV1; ENV5; and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

(Note – During consideration of this matter, the Committee approved a resolution suspending paragraph 9 of the Rules of Procedure, in order that its remaining business could be

completed by 10.45 pm.)

487 UPDATE ON AUTHORISED ENFORCEMENT ACTION

The Head of Planning and Building Control submitted a report that updated Members on the progress of authorised enforcement action.

RESOLVED – that the quarterly report be noted.

488 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.

Councillor W Ashley praised Officers on maintaining the consistently high percentages in the performance figures.

Councillor Mrs R F Cheswright requested that Officers include landmarks on the site plans submitted with the Agenda papers.

The meeting closed at 10.40 pm

Chairman
Date

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