

MINUTES OF A MEETING OF  
THE DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE WAYTEMORE  
ROOM, BISHOP'S STORTFORD ON  
WEDNESDAY 12 MARCH 2008 AT  
7.30 PM

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

ALSO IN ATTENDANCE:

Councillor D Clark.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Manager
Elizabeth Humby	- Development Control Team Manager
Peter Mannings	- Democratic Services Assistant
Alison Young	- Development Control Manager

568 APOLOGIES

An apology for absence was submitted on behalf of Councillor A L Warman. It was noted that Councillor A L Burlton was in attendance as substitute for Councillor A L Warman.

569 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that he had agreed to accept onto the agenda as an urgent matter, a report entitled E/07/0548/B – Unauthorised change of use of No1. Class A1 (retail) unit and 1 No. Class A3 (Restaurants and cafes) unit to a mixed class A1/A3 Coffee shop at Units 6 and 8 Bircherley Green, Hertford, as an application to regularise the change of use had been refused and an appeal submitted. The Chairman advised that, if authorised, any enforcement action could also be the subject of an appeal and Officers wished to address both appeals concurrently.

570 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal and prejudicial interest in respect of the site relating to E/07/0548/B, as he had commented on the case previously in the press. Councillor Alexander left the room prior to consideration of this matter.

Councillor P A Ruffles declared a personal interest in respect of application 3/07/2710/FP, as he lived close to the site and had a previous connection with the property in his capacity as a church warden.

Councillor B M Wrangles declared a personal interest in respect of application 3/07/2718/FP, in her capacity as a Member of St Andrews Church.

ACTION

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/07/2674/FP, as he was related to the director of the farming company by marriage. Councillor Ashley left the room prior to consideration of this matter.

RESOLVED ITEMS571 MINUTES

RESOLVED – that the Minutes of the meeting held on 13 February 2008 be confirmed as a correct record and signed by the Chairman.

572 3/07/2425/FP- CHANGE OF USE OF EXISTING AGRICULTURAL LAKES TO FISHING LAKES, ERECTION OF FISHING LODGE/OFFICE BUILDING, AND CONSTRUCTION OF A NEW CAR PARK BETWEEN THORLEY AND TRIMS GREEN, SAWBRIDGEWORTH, HERTS FOR MR S COLLINS

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Mr Collins addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2425/FP, planning permission be refused for the reasons now detailed.

The Director corrected an error in paragraph 1.2 of the report now submitted, in respect of the number of existing lakes.

Councillor D A A Peek expressed his support for the application on the grounds that the application was a positive step in providing facilities for young people. He stated that, subject to appropriate conditions, the application represented a sound basis for going against policy.

ACTION

Councillor A L Burlton sought and was given clarification as to whether representation had been received from Thorley Parish Council.

Councillor R N Copping stated his support for the Officer's recommendation, on the grounds that the proposed office building did not comply with policy GBC1.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/07/2425/FP be approved on the grounds that the site would provide an excellent leisure facility that was supported by the local plan and would be of benefit to people of all ages.

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

The Chairman requested that Officers apply appropriate conditions to the planning permission. Councillor W Ashley requested that such conditions be approved in consultation with the Chairman of the Committee.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/2425/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/2425/FP, planning permission be granted subject to appropriate conditions, to be agreed by the Director of Neighbourhood Services in consultation with the Chairman of the Development Control Committee.

DNS

573 (a) 3/07/2607/FP – CONVERSION AND EXTENSION OF EMERY HOUSE TO PROVIDE 13 APARTMENTS AND THE CONVERSION OF THE COACH HOUSE TO FORM 1 DWELLING AND (b) 3/07/2608/LC – DEMOLITION OF EXTENSIONS AS SHOWN ON PLAN REFERENCE 07/35/05 (RECEIVED ON 10.01.08) AT EMERY HOUSE, 3 CHANTRY ROAD, BISHOP'S STORTFORD, CM23 2SB FOR THE DOOR LTD

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Mr Scilly addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/07/2607/FP and 3/07/2608/LC, planning permission and conservation area consent be granted subject to the conditions now detailed.

In response to a query from Councillor D A A Peek, the Director reported that Emery House had not been designated part of the Hadham Road zone in the Local Plan Second Review.

Councillor A L Burlton expressed concern in respect of the section 106 contribution being allocated to the County Council rather than for the benefit of Bishop's Stortford. He requested that the financial contribution of £7,208 be amended to include the words 'in Bishop's Stortford'.

Councillor Mrs M H Goldspink expressed concern in respect of 13 units on the site when an application for 11 units had previously been refused. Councillor Goldspink also expressed concern relating to the proposed parking provision on the site. She stated that, in her view, the proposed location of the building was satisfactory.

The Committee supported the recommendations of the Director of Neighbourhood Services that application 3/07/2607/FP be granted planning permission and application 3/07/2608/LC be granted conservation area

ACTION

consent, subject to the conditions now detailed.

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

DNS

1. A financial contribution of £7,208 towards secondary education, £2,652 towards libraries, £5,330 towards youth and childcare in Bishop's Stortford.
2. A financial contribution of £7,000 to promote sustainable transport measures/schemes or to implement schemes identified in the local transport plan.
3. 15% of the dwellings to be constructed to 'Lifetime Homes' standard.
4. The provision of fire hydrants.

(A) in respect of application 3/07/2607/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Boundary walls & fences (2E07)
4. Samples of materials (2E12)
5. Obscure glazing (2E18)  
insert 'as shown on plan reference 07/35/10'
6. Withdrawal of PD (Part 1 Class A) (2E20)

ACTION

Delete 'any dwelling house' insert 'the Coach House'

7. Lighting details (2E27)
8. Communal TV facilities (2E28)
9. New doors and windows (2E34)
10. Sample brickwork panel – unlisted buildings (2E35)
11. Piling Works (2E39)
12. Sight lines (3V08) insert '2 metres x 2 metres'
13. Provision and retention of parking spaces (3V23)
14. Construction parking and storage (3V22)
15. Wheel washing facilities (3V25)
16. Landscape Design Proposals (4P12)
17. Landscape works implementation (4P13)
18. Landscape maintenance (4P17)
19. Tree retention protection (4P05)
20. Hedge retention protection (4P06)
21. Tree protection: No burning (4P08)
22. Tree protection: Excavations (4P09)
23. Tree protection: Earthworks (4P10)

ACTION

24. Hours of working – plant and machinery (6N05)
25. Prior to the commencement of the development hereby permitted, a scheme of sound insulation between the flats shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with those approved details.

Reason: In the interests of amenity of future occupiers of the units in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

26. Prior to the commencement of any works on site a methodology for the screening or enclosure of plant and machinery used during the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with those approved details.

Reason: In the interests of amenity of neighbouring properties.

27. Prior to the commencement of the development hereby permitted, details of dust suppression techniques shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with those approved details.

Reason: In the interests of amenity of neighbouring properties.

Directives:



ACTION

1. Other Legislation (01OL)
2. Highways Works (05FC)
3. Street Numbering (19SN)
4. Groundwater Protection Zone (28GP1) insert 'Causeway'
5. If bats or any other protected species are found during construction works, works should stop until such time that Hertfordshire Biological Records Centre have been consulted and the continuation of the development agreed, and any necessary Habitats Regulations licence has been obtained.

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, HSG1, HSG6, TR1, TR7, ENV1, ENV2, ENV3, ENV9, ENV10, ENV11, ENV20, ENV21, IMP1, BH4 and BH5. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/07/2608/LC, conservation area consent be granted subject to the following conditions:

1. Listed Building Three Year Time Limit (1T14)

Directives:

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

574 3/07/2674/FP – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF BUILDINGS B AND C TO STORAGE (B8) ANCILLARY TO WORKSHOP (B1) AND STORAGE USE OF BUILDING D, AND WITH IMPROVED ACCESS AT LITTLE SAMUELS FARM, WIDFORD ROAD, HUNSDON, SG12 8NN, FOR A.T. BONE AND SONS

Mr Newman addressed the Committee in opposition to the application. Mr Gear spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2674/FP, planning permission be refused for the reasons now detailed.

Councillor D Clark, as the local ward Member, addressed the Committee in opposition to the application. Councillor Clark welcomed the Officer's recommendation and expressed concerns relating to the likely increase in HGV traffic in the rural location.

Councillor M R Alexander referred to conflicting sources of information relating to vehicle movements at the site. He referred to the figure of 18 vehicle movements a day that had been submitted by the applicant. Councillor Alexander commented that, should that figure increase 100%, the increase in vehicle movements would still be less than had been predicted.

ACTION

The Director stated that Hertfordshire Highways had submitted data based on the expected levels for a B8 usage. He also advised that a survey had been submitted by residents. Members were advised that a third survey had been submitted by the applicant. The Director reported that he believed that the applicant's survey was accurate.

Councillor M R Alexander stated that the proposed usage in redundant farm buildings was supported by the Council's planning policies. Councillor Mrs M H Goldspink commented that the Committee should defer the application to facilitate clarification on specific numbers for vehicle movements.

Councillor B M Wrangles commented on the provision of shielding to prevent noise disturbance from the site. The Director reported that conditions could be attached to mitigate noise pollution.

Councillor D Clark commented that the Hertfordshire Highways study relating to the general B8 usage had not taken into account the specific site usage at Little Samuels. She stated that the residents survey should be considered as valid as the data submitted by the applicant.

The Director expressed concern that a deferral would lead to separate surveys being submitted resulting in the submission of further conflicting information. Councillor M R Alexander commented that Hertfordshire Highways could conduct a traffic study.

Councillor M R Alexander proposed and A L Burlton seconded, a motion that application 3/07/2674/FP be deferred to enable Officers to further assess traffic movements into and out 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 3/07/2674/FP be refused planning permission for the reasons now detailed.

RESOLVED – that application 3/07/2674/FP be deferred to enable Officers to further assess traffic movements into and out of the site.

DNS

575 3/07/2710/FP – EXTENSION AND CONVERSION OF EXISTING BUILDING TO PROVIDE 6.NO FLATS AND ERECTION OF DETACHED BUILDING TO PROVIDE 5 NO. FLATS, WITH ASSOCIATED LANDSCAPING AND CAR PARKING AT ST ANDREWS RECTORY, 43 NORTH ROAD, HERTFORD SG14 1LZ FOR PHASE 4 DEVELOPMENTS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2710/FP, planning permission be refused for the reasons now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2710/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/2710/FP, planning permission be refused for the following reasons:

DNS

1. The proposed extension and alterations to St Andrews Rectory, by reasons of its size and scale, would be out of keeping with the character and appearance of the original property and that of the Conservation Area. The proposal is thereby contrary to policies ENV1 and BH5 of the East Herts Local Plan Second Review April 2007.
2. The proposed new building, by reason of its

ACTION

size, siting and design is out of scale and proportion with the immediate locality, and would appear incongruous and detrimental to the character and appearance of the locality and the Conservation Area. The proposal is thereby contrary to policies ENV1, HSG7 and BH6 of the East Herts Local Plan Second Review April 2007.

3. The proposal would result in overdevelopment of the site by virtue of its cramped and congested layout and poor relationship with adjoining development. It would thereby be contrary to policies ENV1, HSG7 and BH6 of the East Herts Local Plan Second Review April 2007.
4. The application fails to demonstrate that a safe and satisfactory means of vehicle access to the site can be provided in close proximity to the roundabout junction without adverse impact on the safe and free flow of traffic on the principal highway network.

576 3/07/2515/ON – RENEWAL OF OUTLINE PLANNING PERMISSION 3/04/2244/OP - FOR 5 DETACHED HOUSES AT ALCHEMIST WORKS SITE, WHEMPSTEAD ROAD, BENINGTON, SG2 7BX FOR ALCHEMY METALS LTD

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/2515/ON, planning permission be granted subject to the conditions now detailed.

The Director advised that an additional letter of representation had been received from the applicant's agent, stating that it would be advantageous in environmental terms to relocate the business.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2515/ON be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2515/ON, planning permission be granted subject to the following conditions:

DNS

1. Outline permission time limit (1T032)
2. Outline — Submission of details (2E012) Delete “the means of access thereto”
3. Contaminated land survey and remediation (2E332)
4. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate kerb line alterations and white line road markings at the junction of the site access with Goodey Meade and Whempstead Road, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. Implementation of the agreed scheme shall take place prior to occupation of any new dwelling.

Reason: To ensure the provision of an appropriate access in the interests of highway safety

5. The detailed layout plans to be submitted for approval of reserved matters in connection with this development shall illustrate a vehicular turning area of sufficient size to accommodate a refuse collection vehicle within site to be constructed before occupation of any new dwelling.

ACTION

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

6. Construction parking and storage (3V221)
7. Hard surfacing (3V213)

Directive:

1. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire - A Guide for New Developments". Before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, EDE2, TR2, HSG3.

577 3/08/0052/FP – PROPOSED 2NO. 5 BED DETACHED RESIDENTIAL DWELLINGS AT STORTFORD PARK COTTAGES, BISHOP'S STORTFORD, CM23 4BS, FOR KX HOWARD LIMITED

Mr Edwards addressed the Committee in opposition to the application.

ACTION

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0052/FP, planning permission be refused for the reasons now detailed. He confirmed that no comments had been received from the Town Council.

A number of Members addressed the Committee in support of the Officer's recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0052/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0052/FP, planning permission be refused for the following reasons:

DNS

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The proposal would be likely to result in an increase in vehicular traffic accessing the site to the detriment of the safety and amenity of users of Bishop's Stortford Bridleway 012, 014 and 69. The proposal would thereby be contrary to Policy LRC9 of the East Herts Local Plan Second Review April 2007.



ACTION

578 3/08/0047/FP – 12 UNIT BOARDING KENNEL AND CHANGE OF USE OF EXISTING BARN TO BE USED FOR ADMIN, SALES, RECEPTION AND GROOMING AREA AND THE FORMATION OF TWO PASSING BAYS AT CRABBS GREEN FARM, CRABBS LANE, STOCKING PELHAM FOR MS S RUSSELL

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0047/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that the County Archaeologist had stated that an Archaeological scheme of investigation had taken place.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0047/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0047/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Lighting details (2E27)
3. Materials as on plan (2E42)
4. Carried Out in Accordance (2E92)
5. The number of dogs kept or boarding in the kennels hereby permitted shall not exceed 12 at any one time.

Reason: To ensure that the Local Planning Authority retains control over the development.

ACTION

6. The kennel building hereby approved shall be used for the occupation of boarding dogs and for no other purpose.

Reason: To ensure that the Local Planning Authority retains control over the development.

7. The barn shall be used only for sales, grooming and any other purposes ancillary to the operation of the boarding kennel, and for not other purposes.

Reason: To ensure that the Local Planning Authority retains control over the development.

8. Prior to the commencement of the development, a scheme of noise mitigation measures to be incorporated in the construction of the kennel buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

9. No development shall take place until the passing bays hereby approved have been constructed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety, and in accordance with policy TR20 of the East Herts Local Plan Second Review April 2007.

10. Prior to the commencement of any works on the

ACTION

site and at an appropriate time of year a survey of great crested newt activity, including details for their protection and any necessary mitigation measures, shall be undertaken by a suitable specialist. This shall be submitted to and approved in writing by the Local Planning Authority and any subsequent mitigation shall be undertaken in accordance with the findings of the survey.

Reason: To protect the habitats of great crested newts which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

11. Protection of bats (2E19)
12. Program of Archaeological work (2E02)

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Public Rights of Way (18FD)
4. Consent will be required from the Environment Agency for the proposed package treatment plant. For further information you are advised to contact the Environment Agency on 08708 506506.
5. No materials, debris, vehicles or machinery associated with the development shall be stored or used on the areas within the adjacent wildlife sites, Stocking Pelham Field Centre and Crabbs Green Common, and they should be protected from the impacts of any pollutants or

ACTION

run off.

6. Works shall not commence until the necessary protected species Habitats Regulations Licences have been applied for and obtained from Natural England.
7. No works shall commence on the conversion of the listed barn prior to the submission and approval of an application for Listed Building Consent.

### 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, TR7, TR20, ENV1, ENV14, ENV16, ENV24, BH6 and BH12 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies is that planning permission should be granted.

579 3/07/2617/FP – 2 STOREY SIDE EXTENSION AND SINGLE AND 2 STOREY REAR EXTENSION AT 21 WHITEBARNES, FURNEUX PELHAM FOR MRS B LEVERTON

Mr Morris addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2617/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2617/FP be granted planning permission, subject to

ACTION

the conditions now detailed.

Councillor K A Barnes requested that his dissent from this decision taken be recorded.

RESOLVED – that in respect of application 3/07/2617/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Matching materials (2E13)
3. No further windows (2E17)
4. Vehicular use of garage (5U10)

Directives:

1. Other legislation (010L)
2. Party Wall Act (24PW)

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 OSV2, ENV1, ENV5, ENV6, ENV9 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

580 3/07/2461/FP CONSTRUCTION OF A POND AND CHANGES TO LAND LEVELS AT LOWER FARM, EAST END, FURNEUX PELHAM, SG9 0JT, FOR MR J RUSHMAN

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The Director of Neighbourhood Services recommended

ACTION

that, in respect of application 3/07/2461/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2461/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2461/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Tree retention (4P05)
4. Hedge retention (4P06)
5. Landscape design proposals (4P12) (delete b, c, d, e, f, g, h)
6. Landscape works implementation (4P13)
7. No excavated material created by the formation of this pond shall be removed from this site unless previously agreed in writing by the Local Planning Authority

Reason: To ensure that the Local Planning Authority retains control over the Development.

8. The pond, woodland, and wild flower habitat hereby approved shall not be used as an extension to the residential curtilage of the house; for private fishing nor for any commercial purposes

ACTION

Reason: To restrict the use of the land to one compatible within the surrounding area, and in accordance with policy GBC3 of East Herts Local Plan Second Review April 2007.

9. Withdrawal of Permitted Development (Part 2 Class A) (2E21).

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 SD4, GBC2, GBC3, ENV1, ENV2, ENV9, ENV10, ENV11, ENV17, ENV18, BH1, BH2 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

- 581 E/07/0451/A – UNAUTHORISED MATERIAL CHANGE OF USE OF THE LAND, IN BREACH OF A PLANNING CONDITION, BY CAFFÉ NERO AT 34 POTTER STREET, BISHOP'S STORTFORD, CM23 3UL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0574/B, enforcement action be authorised on the basis now detailed.

Councillor K A Barnes expressed concern relating to the effect enforcement action could have on the viability and vitality of the Town Centre and also in relation to the effect such action could have on shops and traders.

The Committee supported the Director's recommendation for enforcement action be authorised in respect of the site relating to E/07/0451/A on the basis now detailed.

RESOLVED – that in respect of E/07/0451/A, the

DNS/DIS

ACTION

Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the land.

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. This unauthorised use has resulted in the loss of a retail unit to the detriment of the vitality and viability of the town centre. Accordingly, it is contrary to policy STC2 of the East Herts Local Plan Second Review April 2007, which seeks to retain retail uses within primary shopping frontages, wherein the site is located.

582 E/07/0574/B – THE UNAUTHORISED DISPLAY OF BANNER ADVERTISEMENT ON THE FIRST FLOOR FRONT ELEVATION AT ‘DILEMMA’, 1 ST ANDREW STREET, HERTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0574/B, enforcement action be authorised on the basis now detailed.

The Committee rejected the Director’s recommendation for enforcement action to be authorised in respect of the site relating to E/07/0574/B on the basis that the sign had been removed.

RESOLVED – that in respect of E/07/0574/B, no enforcement action be taken as the unauthorised advertisement had been removed.

DNS/DIS



ACTION

583 E/06/0274/A – THE ERECTION OF AN UNAUTHORISED SINGLE STOREY SIDE AND REAR EXTENSION AT 15 CHANNOCKS, GILSTON, CM20 2RL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/06/0274/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0274/A on the basis now detailed.

RESOLVED – that in respect of E/08/0050/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

DNS/DIS

Period for compliance: 6 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised extension, by virtue of its size, siting, form and design, is detrimental to the character and appearance of the original dwelling and detrimental to the visual amenities of the Metropolitan Green Belt wherein the site is situated. The proposal would therefore be contrary to policies ENV1, ENV5, ENV6 and GBC1 of the East Hertfordshire Local Plan Second Review April 2007.

584 E/08/0050/B – UNAUTHORISED DEMOLITION OF BUILDING WITHIN THE CONSERVATION AREA AT 87 RAILWAY STREET, HERTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0050/B, enforcement action be authorised on the basis now detailed.

The Director reported that the developer had agreed to accept a formal caution. Members were advised that a formal caution was a legal process that avoided formal criminal proceedings. The Director clarified the options available to the Committee, as detailed on page 113 of the report now submitted.

Councillor P A Ruffles believed that the site was in Hertford Castle ward and not Hertford Kingsmead as stated in the report now submitted.

Councillor P A Ruffles addressed the Committee in favour of a formal caution. Councillor M R Alexander commented that, should the Committee issue a formal caution, a press statement should be issued detailing the reasons for taking this course of action.

The Director reported that the decision to bring the case to the Committee had been taken due to the significance of the unauthorised demolition in the town centre. The Director stated that formal cautions had been issued for other cases and a cautions register was maintained by Officers.

Councillors M R Alexander, W Ashley, K A Barnes and Mrs R F Cheswright expressed concerns in respect of the issuing of a formal caution.

After being put to the meeting and a vote taken, the Committee rejected the Director's recommendation to issue

ACTION

a formal caution in respect of the site relating to E/08/0050/B.

RESOLVED – that in respect of E/08/0050/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence prosecution proceedings for the unauthorised demolition work.

DNS/DIS

1. The unauthorised demolition of this building, within the Conservation Area, is an offence under s9(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Its demolition is detrimental to the historic character and appearance of the Conservation Area and is contrary to policy BH4 of the East Herts Local Plan Second Review April 2007. Furthermore, Officers advised the site owner of the need to obtain the consent of the local planning authority prior to any demolition works and, despite adequate time being available to do so, no notification of the proposed demolition was submitted.

585 3/07/2675/FP- ERECTION OF 4 STOREY OFFICE FOR B1 OFFICE USE AT 95-97, LONDON ROAD, BISHOP'S STORTFORD, HERTS, CM23 3DU FOR HERTS AND ESSEX HOMES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2675/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that Officers wished to amend condition 10 as follows:

Delete in 1<sup>st</sup> sentence – ‘.....commencement’

Replace with – ‘occupation of the development’

ACTION

Councillor Mrs M H Goldspink expressed concern in respect of the increase in floor space. The Director confirmed that Hertfordshire Highways had not objected to the proposed development.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/07/2675/FP be refused on the grounds that the application constituted overdevelopment.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2675/FP be granted planning permission, subject to the conditions now detailed.

Councillors K A Barnes and Mrs M H Goldspink requested that their dissent from this decision be recorded.

RESOLVED – that in respect of application 3/07/2675/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Samples of materials (2E12)

Delete “prior to any building works being commenced” and substitute “prior to the commencement of the development above ground level”

3. Landscape Design Proposals (4P12) (g) (h) (i) (k) (l)

Delete “Prior to the commencement of the development above ground level full details of

ACTION

both hard and soft landscaping proposals”

4. Landscape works implementation (4P13)

Amend “timetable to be agreed” to “a timetable to be first agreed in writing”

5. Levels (2E05)

6. Retention of parking space (3V20)

Add “in connection with the development hereby approved”

7. Hard surfacing (3V21)

8. Prior to the commencement of the development above ground level a Sustainability Statement setting out how the development will encourage sustainable movement patterns through design, and achieve sustainable use of resources shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with those approved details.

Reason: To ensure that the development secures all available opportunities to contribute towards sustainable development initiatives, and in accordance with Policy SD1.

9. Prior to commencement of the development, detailed plans of the site access junction, internal roads and car parking layout shall be submitted to and approved in writing by the Highway Authority. Thereafter, the development shall be carried out in accordance with those approved details.

Reason: To ensure that the development takes

ACTION

place in a comprehensive manner having due regard for highway safety and capacity.

10. Prior to occupation of the development hereby permitted, all highway works on the site access and central reservation as shown in drawing no. 3237/03/05 Revision B of application ref. 3/04/0657/OP shall have been constructed and completed to the satisfaction of the Highway Authority.

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

11. Prior to the first occupation of the development hereby approved, detailed drawings that shall be submitted and approved in writing by the local planning authority showing a new traffic signal controlled junction with pedestrian crossing on London Road. Thereafter the junction shall be implemented in accordance with the approved details prior to the first occupation of the development.

Reason: To promote pedestrian access and minimise the impact on the local highway network.

12. Prior to first occupation and throughout the lifetime of the development, the applicant shall submit, adopt, monitor and review all necessary measures to comply with the development's Green Travel Plan.

Reason: To promote alternative modes of transport and minimise the impact on the local highway network.

13. Prior to first occupation, safe and weather proof cycle parking will be provided: 1 space per dwelling for the residential, with Sheffield

ACTION

stands located in a secure, undercover compound for the flats, and 1 space per 500 sq.m for the offices, with Sheffield stands again located in a secure, undercover location.

Reason: To encourage the use of sustainable transport.

14. The construction of the development hereby approved shall not commence until details of construction vehicle movements and traffic management measures are submitted to and approved by the highway authority. Thereafter, the development shall be carried out in accordance with those approved details.

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

15. Prior to the commencement of the development, the method of washing of vehicle wheels exiting the site shall be agreed in writing with the planning authority and the agreed method shall be operated at all times during the period of site works.

Reason: In the interest of highway safety and visual amenity.

16. All areas for parking and storage and delivery of materials associated with construction of the development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety.

Directive:

1. You are reminded of the requirement under

ACTION

Condition 9 of lpa ref: 3/04/0657/OP to submit, and receive approval for, a Green Travel Master Plan prior to the first use of the B1 office building approved under 3/04/0657/OP (and any subsequent approval for such development).

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 SD1, SD2, TR1, TR2, TR3, TR4, TR6, TR7, EDE1, EDE2, EDE3, ENV1, ENV2, ENV3, ENV4, ENV19, ENV20, ENV21, BIS14, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

586 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.



ACTION

587 E/07/0548/B – UNAUTHORISED CHANGE OF USE OF NO1. CLASS A1 (RETAIL) UNIT AND 1 NO. CLASS A3 (RESTUARANTS AND CAFES) UNIT TO A MIXED CLASS A1/A3 COFFEE SHOP AT UNITS 6 AND 8 BIRCHERLEY GREEN, HERTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0548/B, enforcement action be authorised on the basis now detailed.

The Director advised that he wished to amend the recommendation to include a period of compliance of 6 months. Councillors B M Wrangles and S Rutland-Barsby believed that the Committee should authorise enforcement action as per the Director's recommendation in the report now submitted.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0548/B on the basis now detailed.

RESOLVED – that in respect of E/07/0548/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the unit.

DNS/DIS

Period for compliance: 1 month.

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised use has resulted in the loss of a retail unit (formerly Unit 8) to the detriment

ACTION

of the vitality and viability of the town centre. It is thereby contrary to policy STC2 of the East Herts Local Plan Second Review (April 2007), which seeks to retain retail uses within Primary Shopping Frontages.

The meeting closed at 9.35 pm

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

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