

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 13 FEBRUARY 2008
AT 7.30 PM

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

ALSO IN ATTENDANCE:

Councillors L O Haysey and G D Scrivener.

OFFICERS IN ATTENDANCE:

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

528 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Mrs R F Cheswright, Mrs M H Goldspink, G E Lawrence and S Rutland-Barsby. It was noted that Councillor M Wood was in attendance as substitute for Councillor Mrs M H Goldspink.

529 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the

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meeting.

The Chairman advised that the following items had been withdrawn:

3/07/2505/FP – Erection of 5no. B1 Office/workshop units at Watermill Aspenden Road, Buntingford for Mr. Bernard Greenwold.

3/07/2506/FP – Erection of 2no. B1 Office/workshop units at Watermill Aspenden Road, Buntingford for Mr. Bernard Greenwold.

The Chairman advised that, in respect of application 3/07/2856/FP, he had permitted additional papers to be circulated to Members in respect of an appeal decision that had been referred to as being attached to the Officer's report but had not been included in the Agenda papers.

The Chairman also advised that, in respect of Minute 541 below, he had permitted additional papers to be circulated to Members in respect of the Validation of Planning Applications Local List Consultation.

530 DECLARATION OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in respect of application 3/07/2464/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.

Councillor P A Ruffles declared a personal interest in respect of application 3/07/2718/FP, as he was a Member of Hertingfordbury Conservation Society.

ACTIONRESOLVED ITEMSACTION531 MINUTES

RESOLVED – that the Minutes of the meeting held on 16 January 2008 be confirmed as a correct record and signed by the Chairman.

532 3/07/2464/FP – ERECTION OF GRAIN STORE AT CLEMENTS FARM, BRICKENDON FOR A T BONE AND SONS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2464/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2464/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2464/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Samples of materials (2E13)
3. No external lighting (2E26)
4. Landscape works implementation (4P13)
5. Details of earthworks/mounding (4P16)
6. Landscaping maintenance (4P17)
7. All works, including vehicle movements,

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materials and waste shall be kept within the development site and shall not impact upon the adjacent County Wildlife Site.

Reason: To ensure the protection of the Wildlife Site in accordance with Policy ENV14 of the East Hertfordshire Local Plan Second Review April 2007.

8. All on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside the highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

9. All areas for parking, delivery and storage of materials associated with the construction of this 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 and free and safe flow of traffic.

Directives:

1. Other legislation.

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 GBC1, GBC7, ENV1, ENV2, ENV10 and TR20. 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.

533 3/07/2560/FP – CHANGE OF USE OF 2 BUILDINGS FROM AGRICULTURAL TO B1 AND B8, AT CHURCH END FARM, CHURCH END, LITTLE HADHAM FOR MR D COLLINS

Councillor Fairchild, Little Hadham Parish Council, addressed the Committee in opposition to the application. Mr Collins spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2560/FP, planning permission be granted, subject to the conditions now detailed.

The Director stated that a planning brief was a valuable tool as a method for providing a way forward when guiding development. Councillor D A A Peek commented that Officers had presented a sustainable argument in the report, which contained information that would likely be in any planning brief.

Councillor K A Barnes stated his appreciation in seeing the parish council presenting its views to the Committee and being involved in the decision making process. Councillor R N Copping expressed sympathy with the argument put forward by Little Hadham Parish Council.

The Chairman commented that the water bottling plant on site had ceased to operate.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2560/FP be granted planning permission, subject to

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the conditions now detailed.

RESOLVED – that in respect of application 3/07/2560/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. No external lighting (2E26)
3. Refuse disposal facilities (2E24)
4. The total area of B1 office use associated with the approved development shall not exceed 500m² at any one time throughout the lifetime of the development.

Reason: In the interest of highway safety and capacity.

5. There shall be no outside working or storage of goods, articles or materials in connection with the approved development.

Reason: In the interests of visual amenity of the area and neighbour amenity.

6. No vehicle movements in connection with the change of use shall take place except between the hours of Monday to Friday 7:00AM to 8:00PM, Saturday 7AM to 7PM and at no time on Sunday or Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby residential properties.

Directive:

1. Other legislation (010L)

ACTIONSummary 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, GBC9, GBC10, BH1, BH2, BH3, EDE3, EDE4 and TR20. The balance of the considerations having regard to those policies and the central government advice contained in PPS7, is that permission should be granted.

- 534 (A) 3/07/2178/FP – 3 AGRICULTURAL BUILDINGS TO ESTABLISH CATTLE BREEDING UNIT AND (B) 3/07/2177/FP – TEMPORARY MOBILE HOME TO SUPPORT NEW CATTLE BREEDING UNIT, AT LAND ACCESSED FROM BROWNS CORNER, WYDDIAL FOR MR EDWARD NOY
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Mr Jolly addressed the Committee in support of the application.

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

The Director commented that an additional letter of representation had been received from a local resident stating that the proposed buildings were an acceptable form of development and there were other similar buildings in the area.

Councillor S A Bull, as the local ward Member, addressed the Committee in support of the application, on the grounds that neighbouring residents would not see the proposed buildings and the application conformed to policy GBC3.

Councillor K A Barnes stated his support for the proposed

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development and commented that the application would not have a detrimental effect on the countryside. Councillor R N Copping expressed his support for the Officer's recommendation for refusal.

In response to queries from Members relating to the Environment Agency's objections, the Director reported that concerns raised had been site specific and related to contamination on the site being carried by run off into water courses. It was considered that these issues could be dealt with by condition.

Councillor J J Taylor expressed concern relating to the significant proportions of the proposed temporary mobile home. Councillor Taylor also stated her concern that an application could follow for a house on the site.

The Director advised that the residential use should be of a temporary nature to allow the business to prove its viability. He reported that if viability was proven, it would be reasonable to advance an application for a more permanent dwelling.

Councillor J Demonti commented that, if the Committee was minded to approve the application, a condition could be attached requiring the mobile to be removed if the business proved to be unviable.

Councillor Ashley sought and was given clarification in respect of Officers' views as to whether the application was justified at such an isolated location.

Councillor S A Bull proposed and Councillor K A Barnes seconded, a motion that applications 3/07/2178/FP and 3/07/2177/FP be approved on the grounds that the applications conformed to policy GBC3 and as such were appropriate in the rural area.

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

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After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, in respect of applications 3/07/2178/FP and 3/07/2177/FP, planning permission be refused for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/07/2178/FP, planning permission be refused for the following reason:

DNS

1. The location of the proposed development is isolated and is not within or adjacent to other existing buildings. Whilst alternative sites have been considered by the applicant, the Council is not persuaded that the isolated location is essential to meet the needs of the agricultural holding. It is therefore considered that the proposed development would have a harmful impact on the character and appearance of the countryside, contrary to policy GBC7 of the East Hertfordshire Local Plan Second Review (April 2007).

(B) in respect of application 3/07/2177/FP, planning permission be refused for the following reasons:

DNS

1. The local planning authority is not satisfied of the overriding agricultural necessity for the proposed dwelling or that it meets the tests applied in PPS7 "The Countryside and the Rural Economy". The development would thereby be contrary to the provisions of policy GBC5 of the East Hertfordshire Local Plan Second Review (April 2007).
2. The proposed building would appear unduly prominent to the detriment of the openness of the Rural Area beyond the Green Belt and therefore contrary to Policy GBC5 of the East

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Herts Local Plan Second Review April 2007.

- 535 3/07/2531/FP – ERECTION OF 18 NO. DWELLINGS INCLUDING 7 NO. AFFORDABLE UNITS, ASSOCIATED PARKING AND CYCLE STORAGE FACILITIES, THE FORMATION OF NEW ROAD JUNCTIONS AND INTERNAL ROADS, LANDSCAPING AND ASSOCIATED WORKS AT SEVEN ACRES, 49 UPPER GREEN ROAD, AND 54 AND 56 UPPER GREEN, TEWIN, HERTS FOR BRENTSTYLE PROPERTIES LTD
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Mr Gittings addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2531/FP, planning permission be granted subject to the conditions now detailed.

The Director reported that additional letters had been received in objection to the application on the grounds of increased traffic, insufficient parking provision, the impact on local roads, the need for affordable housing for local residents and the inappropriate nature of infill development.

The Director requested that Members consider an additional financial contribution towards the maintenance of open space and/or landscaping in the vicinity of the site, with the sum to be agreed. The Committee was also advised that 15% of the affordable housing would be lifetime homes.

Councillor L O Haysey, as the local ward Member, believed that the village, in general, was not in objection to the application. Councillor Haysey commented that the section 106 contributions should be utilised for the benefit of the village.

Councillor Haysey commented that residents of the village should be given priority when the affordable housing was allocated, to ensure families could stay together. The

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Director reported that Officers could not guarantee the Section 106 contributions would be allocated locally, as the funds would go to Hertfordshire County Council for sustainable transport schemes, youth, childcare and libraries.

The Director stated that concerns had been raised in respect of the interrelationships of buildings on the site. He advised Members that a registered landlord would have to be involved to ensure the provision of sufficient affordable housing. He stated that eligibility would be determined by the housing points system.

Councillor D A A Peek requested that Officers take note of the Committee's wish that local residents were looked after. He requested that this point be passed onto relevant Housing Authorities. The Director undertook to ensure this occurred.

Councillor L O Haysey referred to a housing association scheme in Little Berkhamstead, which gave priority to local residents.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2531/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 agreement pursuant to Section 106 of the Town and County Planning Act 1990 in respect of the following matters:

DNS

- (a) £16,250 Sustainable Transport Schemes
- (b) Youth and Childcare £6,560
- (c) Libraries £3,672

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- (d) fire hydrant provision within the site
- (e) provision of 7 no. affordable dwellings to meet the following requirements:
 - (i) 75% rented accommodation
 - (ii) 25% shared ownership (split equally between shared ownership (staircased) and fixed equity at 60%)
 - (iii) timing of provision to be agreed
 - (iv) 15% of the affordable accommodation to be lifetime homes.
- (f) a financial contribution towards the maintenance of open space and/or landscaping in the vicinity of the site (sum to be agreed);

in respect of application 3/07/2531/FP, conservation area consent 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. No further windows - 2E17
6. Withdrawal of P.D. (Part 1 Class A) - 2E20
7. Withdrawal of P.D. (Part 1 Class B) - 2E23

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8. Refuse disposal facilities - 2E24
9. Lighting details - 2E27
10. Hard surfacing - 3V21
11. Construction parking and storage - 3V22
12. Provision & retention of parking spaces - 3V23
13. Tree retention and protection - 4P05
14. Hedge retention and protection - 4P06
15. Landscape design proposals - 4P12
16. Landscape works implementation - 4P13
17. Landscape maintenance - 4P17
18. Vehicular use of garage - 5U103 - Unit 18 only
19. Construction hours of working- plant & machinery - 6N07
20. Prior to the commencement of development further details showing proposals for adequate surface water drainage shall be submitted to and approved in writing by the local planning authority. Once agreed they shall be implemented as such and be available for use prior to the first occupation of any dwellings on the site.

Reason: To avoid the risk of surface water flooding and in accordance with Policy ENV21 of the East Herts Local Plan.
21. Prior to commencement of the development,

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detailed drawings of all highway works shall be submitted to and approved in writing by the Highway Authority.

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

22. Prior to the first occupation or use of the development, all access/egress works serving the development as shown in principle drawings referenced 301 and 302 (November 2007) shall be constructed, completed and thereafter maintained to the satisfaction of the highway authority

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

23. Concurrent with the construction of the accesses, visibility splays of 2.4m x 90m shall be provided and thereafter maintained in perpetuity in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety

24. Prior to the first occupation or use of the development hereby permitted the access roads, and parking areas as shown on the approved plan(s) shall be provided and maintained thereafter for such use.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be

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associated with its use.

25. Prior to the first occupation or use of the development hereby permitted the new footpath adjacent to Upper Green Road shown on the approved plan(s) shall be provided as a public right of way and maintained thereafter.

Reason: To maintain the accessibility for all.

26. All existing accesses to site not shown on the approved plans shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

27. Prior to the commencement of development hereby approved details of on-site mechanical wheel cleaning facilities shall be submitted to, and approved in writing by, the local planning authority. The approved facilities shall be provided prior to the commencement of the development and shall be maintained in working order and available for use throughout the duration of works in connection with site preparation and construction. The mechanical wheel washing facilities shall be used on all vehicles leaving the site.

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

28. All areas for parking and storage and delivery of materials associated with the construction of this 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

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use of the public highway.

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

Directives:

1. Other Legislation - 01OL
2. Ownership - 02OW
3. You are advised that separate consent will be required in respect of the works to the village green and the proper approvals will need to be gained from the relevant authorities prior to the commencement of 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, HSG1, HSG3, HSG4, HSG7, TR1, TR2, TR3, TR7, TR14, TR20, ENV1, ENV2, ENV3, ENV4, ENV11, ENV16, ENV21, LRC3, OSV1, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

536 3/07/2516/FP - DEVELOPMENT OF 18 HOUSES INCLUDING 5 AFFORDABLE HOMES AT LAND ADJACENT TO THE YEW TREE PUBLIC HOUSE, HIGH STREET, WALKERN, SG2 7NX FOR CRESTHAVEN DEVELOPMENTS LTD

Councillor Bennett, Walkern Parish Council, addressed the Committee in opposition to the application. Mrs Wells spoke for the application.

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/2516/FP, planning permission be granted, subject to the conditions now detailed.

The Director reported that an amended plan had been received that indicated that the door to the lifetime home unit on the site frontage had been relocated to the site of the property.

The Director reported that two additional letters of objection had been received, raising concerns in relation to a lack of evidence of need, an insufficient number of units and an inadequate consideration of alternative sites for the development.

The Director also stated that the letters had raised objections in relation to a covenant on the site that restricted development and had referred to residents' views that the site would be better utilised for single storey dwellings.

The Director referred to a factual error at paragraph 7.4 of his report in relation to the proposed density per hectare on site. It was noted that the density equated to 33 dwellings per hectare.

Councillor K A Barnes sympathised with the views of residents and Walkern Parish Council and commented that traffic implications had not been raised as a concern by Hertfordshire Highways.

Councillor G D Scrivener, as the local ward Member, expressed concern relating to the Committee being faced with a conflict of guidance and the needs of the community. He stated his concern in respect of the position of the highways authority and commented on whether there was a need for more social housing in Walkern.

In response to a query from Councillor M R Alexander in

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respect of affordable housing provision, the Director referred Members to paragraph 7.5 of the Officer's report and advised that only 5 units were being sought as a mistake in the Local Plan Inquiry Inspectors report had not been identified earlier by the Council. As a result, Officers considered unreasonable to push for more affordable housing units.

Councillor Scrivener commented that residents had indicated a preference for housing set back from the High Street, which already had a decent mix of housing. The Director commented that Officers felt the application was in keeping with the character of Walkern. The Director also stated that the housing officer had not indicated a need for more affordable housing.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2516/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

DNS

- (a) A financial contribution of £19000 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.
- (b) A financial contribution of £53,289 for Secondary Schools, £3,672 towards libraries and £7,380 towards youth and childcare.
- (c) 5 Affordable dwellings.

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(d) 15% lifetime homes.

in respect of application 3/07/2516/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Construction hours of working (6N07)
4. Boundary Walls and Fences (2E07)
5. Retention of parking space (3V204)
6. Hard surfacing (3V213)
7. Landscape Design Proposals (4P12)
8. Landscape works implementation (4P13)
9. New Doors and Windows- unlisted buildings (2E342)
10. All new or replacement rain water goods shall be in black painted metal.

Reason: To ensure the character and appearance of the surrounding Conservation Area is properly maintained, in accordance with policy BH6 of the East Herts Local Plan Second Review April 2007.

11. Before development commences, additional layout plans, drawn to an appropriate scale, must be submitted and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which clearly demonstrate how refuse is to be collected from

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the site.

Reason: The above condition is required to ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway and to ensure that compliance with standard 5.47 (Section 1, Part 5, Chapter 5) of Roads in Hertfordshire - A Guide for New Developments is achievable at all times.

12. No part of the development shall begin until visibility splays have been provided on both sides of the access between a point 2.4 metres along the centre line of the access measured from the edge of carriageway and a point 45 metres along the edge of carriageway measured from the intersection of the centre line of the access. The area contained within the splays shall be kept free of any obstruction exceeding 0.6 metres in height above the nearside channel level of the carriageway.
Reason: To provide adequate intervisibility between the access and the existing public highway for the safety and convenience of users of the highway and of the access.
13. No dwelling shall be occupied until a footway of 1.8 metres wide minimum has been provided along the frontage of the site as shown on drawing number 330/09. In addition, before occupation, a dropped kerb/pram crossing shall have been installed at a point along this footway, and at the corresponding point on the existing footway on the opposite side of the carriageway. The locations of these crossing points shall have been approved in writing by the Local Planning Authority, in consultation with Highway Authority, before implementation.
Reason: In the interests of road safety and pedestrian movement.

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14. Before first occupation of the approved development, all access and junction/parking arrangements serving the development shall be completed in accordance with the approved in principle plan, drawing number 330/08 and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction. Reason: In order to secure the provision of a suitable access and parking arrangement in the interests of highway safety and convenience.
15. Wheel washing facilities (3V251)
16. Construction parking and storage (3V221)
17. Programme of archaeological work (2E023)
18. No further windows (2E175)
19. Obscured glazing (2E183):The proposed window openings at 1st floor within the flank elevations of the dwellings shall be fitted with obscured glass, and shall be permanently retained in that condition

Reason:To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. The applicant is advised that at work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to

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

2. The applicant is advised that if Hertfordshire County Council as Local Highway Authority are to adopt any part of the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the East Herts Highways Area Office, The Rotunda, Hertford. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. Street Naming and Numbering (19SN4).

537 3/07/2586/FP – ERECTION OF BUNGALOW AND DOUBLE GARAGE, AT TWYFORD ORCHARD, PIG LANE, BISHOP'S STORTFORD FOR MR N. PIGOTT

Mr Pigott addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2856/FP, planning permission be refused for the reasons now detailed.

In response to a query from Councillor R N Copping, the Director reported this was a brownfield site. The Committee was advised that the site remained part of the green belt and that all relevant planning policies had to be

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considered when coming to a decision on the matter.

Councillor M R Alexander referred to paragraph 2.1 of the Officer's report. In response to a question the Director confirmed that, since the most recent application on the site, there had been no change in policy.

The Director advised that greenbelt policy was not an automatic prohibition of development, but special circumstances must exist for a departure from policy. Members were advised that the report had referred to an appeal decision attached as an appendix. He referred Members to additional papers that had been circulated just prior to the meeting as the appendix had not been attached to the report.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2586/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/07/2586/FP, planning permission be refused for the following reasons:

DNS

1. Within Metropolitan Green Belt (RO21)
2. The proposed new dwelling would result in a residential encroachment into the countryside to the detriment of the openness of the Green Belt, and the rural character and appearance of the locality. If permitted the proposal would be contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007 and Central Government Guidance in PPG2.

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538 3/07/2718/FP – ERECTION OF AGRICULTURAL STORAGE BARN (RETROSPECTIVE) AT WOOLMER'S PARK, LETTY GREEN FOR MR J GODBOLD

Mr Jack addressed the Committee in opposition to the application. Mrs Orsborn spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2718/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that 4 additional letters of objection had been received, including a representation from Hertingfordbury Conservation Society raising concerns relating to the antisocial parking of horseboxes and intrusive noise from a PA system.

The Director reported that concerns had been raised by local residents in relation to noise disturbance resulting from late night parties and corporate events, including the provision of helicopter rides.

Councillor J J Taylor expressed concerns in relation to retrospective applications coming before the Committee. The Director reminded Members that the determination of this application must be based on relevant planning issues despite its retrospective nature.

Councillor L O Haysey expressed concern relating to the theme park nature of the site. She commented that the application should be deferred to enable Officers to consider the whole site to address residents' concerns.

Councillor W Ashley stated that this retrospective application should be considered on merit, particularly in relation to the fact that the application complied with planning policies.

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Councillor K A Barnes expressed concern that a retrospective application had come before the Committee. Councillor Barnes stated that the Committee should consider the merits of the application and expressed his hope that action could be taken to clamp down on the rest of the site.

The Director reported that an enforcement letter had been sent in November 2007, to allow the club a reasonable length of time to regularise the activities on the site, so that any enforcement action would be a last resort situation. The Director advised that a risk of deferring the application would be that the applicant may submit an appeal on the basis of non determination.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/07/2718/FP be granted planning permission, subject to the conditions now detailed.

The Chairman requested that Officers progress addressing all the outstanding issues on the site.

RESOLVED – that in respect of application 3/07/2718/FP, planning permission be granted subject to the following conditions:

DNS

1. The building hereby permitted shall only be used for agricultural storage purposes and for no other purpose without the prior consent in writing of the Local Planning Authority.

Reason: To restrict the use of the building to one compatible with the surrounding rural area in accordance with Policy GBC1 of the East Herts Local Plan Second Review April 2007

2. No external lighting shall be provided without the prior written permission of the Local Planning Authority.

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Reason: In the interests of the visual amenities of the area, and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

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, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular Policies GBC1, GBC7 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.

539 E/07/0263/A – UNAUTHORISED INSTALLATION OF HOME HEATING OIL TANKS, AIR CONDITIONING UNIT AND AN ELECTRICAL GENERATOR AT GARDEN LODGE, COLES PARK, WESTMILL, SG9 9LT

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/05/0263/A, enforcement action to 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/07/0263/A on the basis now detailed.

RESOLVED – that in respect of E/07/0263/A, 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 that may be required to secure the

DNS/DIS

ACTION

removal of the home heating oil tanks, air conditioning unit and electrical generator and the reinstatement of the land.

Period for compliance: 3 months

Reasons why it is expedient to issue an enforcement notice:

1. The development, by reason of its scale, siting and the essentially functional appearance of the units, is detrimental to the setting of the Listed Building (Garden Lodge), and contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
2. The development, by reason of its prominent location at the entrance to historic Coles Park, represents an intrusive feature in the landscape to the detriment of the character of the surrounding rural area in conflict with policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. Officers are neither satisfied that this is the only possible location for the siting of such installations nor that the need for the facility would justify its retention. The development therefore fails to achieve a high quality of design and layout as required by policy ENV1 of the East Herts Local Plan Second Review April 2007.

540 E/07/0141/B – THE ERECTION OF UNAUTHORISED FENCING AND GATE, IN BREACH OF A PLANNING CONDITION, AT 2 BRIDGEFOOT FARM BARNES, WALKERN, SG2 7PB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/05/0141/B, enforcement action to be authorised on the basis now

ACTION

detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0141/B on the basis now detailed.

RESOLVED – that in respect of E/07/0141/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: 1 month

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised development, which is not in accordance with the details approved under applications 3/01/1764/FP and 3/01/1765/LB, is detrimental to the setting of the adjacent listed buildings and to the appearance of the Walkern Conservation Area wherein the site is located, contrary to Policies BH6 and BH12 of the East Hertfordshire Local Plan Second Review April 2007.

541 VALIDATION OF PLANNING APPLICATIONS – 'LOCAL LIST' CONSULTATION

The Director of Neighbourhood Services submitted a report providing information and details that were required to be submitted in order to validate planning applications.

The Director reported that, once endorsed by the Committee, consultation would be undertaken with all Parish Councils in addition to the usual round of

ACTION

consultees.

The Director highlighted a number of alterations to the lengthy local list consultation that had been circulated to Members in the report now submitted.

Councillor M R Alexander stated that the information contained in the report and appendix would lend itself to a training course for Members of Development Control Committee.

The Director advised that once Officers had a full understanding of the local list consultation, this information would be passed on to Members via appropriate training.

RESOLVED – that consultation with relevant stakeholders on the proposed ‘local list’ of validation requirements for planning applications, be approved.

542 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 9.23 pm.

Chairman
Date