

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 27
AUGUST 2008 AT 7.30 PM

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

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Liz Humby	- Development Control Team Leader
Kevin Steptoe	- Head of Planning and Building Control

232 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Mrs R F Cheswright, Mrs M H Goldspink and B M Wrangles. It was noted that Councillors A F Dearman, A L Warman and M Wood were in attendance as substitutes for Councillors B M Wrangles, Mrs R F Cheswright and Mrs M H Goldspink respectively.

ACTION233 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

He commented that there would be a meeting of the Benington Stakeholders on 1 September 2008, at 7.00 pm, in the Council Chamber, Wallfields, Pegs Lane, Hertford.

The Chairman further commented that there would be a Planning Tour of the District on 9 September 2008. Details would follow concerning "pick up" arrangements in Bishop's Stortford.

234 DECLARATIONS OF INTEREST

Councillor A L Warman declared a personal and prejudicial interest in application 3/08/0520/FP. The nature of the interest was not stated. He also declared a personal and prejudicial interest in application 3/08/1003/FP, as his wife used the hairdressing salon. He left the room during consideration of both items.

Councillor M R Alexander declared a personal interest in application 3/8/1003/FP, on the basis that he used the local shops on a regular basis. He stated that he would speak and vote on the item.

RESOLVED ITEMS235 MINUTES

RESOLVED – that the Minutes of the meeting held on 30 July 2008 be confirmed as a correct record and signed by the Chairman.

ACTION

236 3/08/1010/FP MAJOR – REDEVELOPMENT TO FORM 49 CATEGORY 2 TYPE SHELTERED HOUSING FOR THE ELDERLY (35 1-BED AND 14 2-BED UNITS) COMMUNAL FACILITIES, LANDSCAPING AND ASSOCIATED CAR PARKING AT WAGGON AND HORSES, 135 STANSTED ROAD, BISHOP'S STORTFORD FOR McCARTHY AND STONE, DEVELOPMENTS LIMITED.

Mr Puncher addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1010FP, planning permission be refused for the reasons now detailed.

Councillor J J Taylor quoted current statistics supporting a need for both social and sheltered housing. She commented on the difficulties when mixing the elderly with younger people.

The Director advised that housing provision advice had been provided by the Council's housing team. He commented that there was a need for more housing for the elderly and general housing. The Director explained that the Housing Association would be the social landlord.

Councillor K A Barnes expressed concern at the loss of a public house which had been in existence since the 18th Century. He commented that accommodation was being provided, but that social and leisure provision was not being taken into account. Councillor K A Barnes commented that further information was needed from Hertfordshire Highways on the safety implications of the proposal.

Councillor R N Copping supported comments made by Councillor J J Taylor. He commented that housing need for the elderly had been identified.

ACTION

Councillor D A A Peek commented that social housing was needed for the elderly and that the Council should not be dealing with social housing problems from London.

The Director reminded Members of the Policy in relation to the loss of the public house and leisure provision and its restrictions. The Director commented that the three reasons for refusal in the Officer's report were the strongest which could be made. He commented that adding other reasons might undermine the Council's position.

Councillor J Demonti commented that she felt that the parking proposed was insufficient. The Director advised that the proposed parking was in line with Council policy and of the need to substantiate additional conditions or reasons for refusal.

Councillor M Wood welcomed the recommendation to refuse and support Councillor K A Barnes's comments concerning the loss of a public house. Councillor A L Burlton also supported the recommendation to refuse.

Councillor R L Gilbert commented that there was a need for housing provision for the elderly and of the lack of public transport and facilities.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1010/FP be refused planning permission, for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1010/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development by reason of its size, massing, design, form and layout would be detrimental to the character, appearance and visual interests of the surrounding area, contrary to Policies ENV1 and HSG7 of the East

ACTION

Herts Local Plan Second Review April 2007.

2. Inadequate affordable housing provision (H0512)
3. The proposed development does not make adequate provision for improvements to the pedestrian routes surrounding the site, links to the nearby shopping parade and towards other infrastructure improvements to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 and HE9 of East Herts Local Plan Second Review April 2007.
4. The proposal fails to make adequate provision for parking within the site to the detriment of the amenities of future occupants, and would thereby be contrary to policies ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

237 3/07/2346/FP – ERECTION OF STORAGE RACKS WITHIN GOODS YARD AT T BREWER AND CO LTD, 110 DUNMOW ROAD, BISHOP'S STORTFORD FOR T BREWER AND CO.

Miss McGuigan addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/07/2346/FP, planning permission be granted subject to the conditions now detailed.

Councillor M Wood commented that the application had been under consideration since late 2006 and during that time, the applicant had the benefit of using the structures. He commented that prior to 2006, the business had existed with neighbours without problems, but that there had been an intensification of the use of the site as a wholesale business which had severely affected local residents.

ACTION

Councillor M Wood commented on the number of objections received.

Councillor K A Barnes commented that the business was detrimental to the area and supported the removal of the racks. He commented on the noise and disturbance to local residents and of pollution created as a result.

Councillor A L Burlton queried whether this use would be acceptable at this location if this was a new application.

The Director commented that the application under consideration was for the retention of the storage racks on site at a reduced scale. He commented that the use of the site had been long established and that it would be wrong to refuse the application based on its current use. He commented that Officers could investigate the history of permissions.

Councillor R Gilbert commented that there had been a change of use from retail to wholesale.

Councillor M Wood commented that the use of the site had gradually changed over the past two years from a low key retail business to large scale wholesale.

The Director commented that a gradual change of use would be best dealt with as the subject of a separate enforcement action.

Councillor D A A Peek commented that if the application was allowed and the racks remained, then this would jeopardise the opportunity of investigating changes of use. He stated that the intensification of the use of the site was not acceptable and was out of character in this residential area. Councillor Peek further commented that should the application be refused, then this could be overturned at appeal.

The Director suggested deferment of the application so that

ACTION

Officers could investigate further.

Councillor M Wood proposed and Councillor K A Barnes seconded a motion that application 3/07/2346/FP be refused on the basis of the intensification of the use of the site and the impact on neighbours amenity.

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

Councillor A L Burlton proposed and Councillor J Demonti seconded, a motion that application 3/07/2346/FP be deferred to enable Officers to investigate changes of use on the site.

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 3/07/2346/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that application 3/07/2346/FP be deferred for the following reason:

DNS

1. To enable Officers to further investigate the planning history of the site and potential change and intensification of the use.

238 3/08/1128/FP - SUB-DIVISION OF EXISITING DWELLING TO CREATE 2 SEPARATE DWELLINGHOUSES WITH TWO STOREY SIDE, SINGLE STOREYSIDE AND REAR EXTENSIONS AT 17 MANGROVE DRIVE, HERTFORD FOR MR B GARDNER

Mr Gardner addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended

ACTION

that, in respect of application 3/08/1128/FP, planning permission be granted subject to the conditions now detailed.

Councillor S Rutland-Barsby commented that Members were sympathetic to the applicant's position given changes in green belt designation. She commented that this application would allow the family to continue living in the area.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1128/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1128/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Matching materials (2E13)
3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995, the enlargement, improvement or alteration of either dwellinghouse, or the construction of any ancillary building or swimming pool as described in Schedule 2, Part 1 Classes A to E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with Policy ENV9 of the East Herts Local Plan Second Review April 2007.

ACTION

4. Provision and retention of parking spaces (3V23).

Directives:

1. Other Legislation (01OL)

Summary of reasons for decisions

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC9, ENV1, ENV2, ENV9 and TR7. 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.

- 239 3/08/0918/FP – CONSTRUCTION OF A SINGLE DWELLING HOUSE TO ZERO CARBON STANDARDS. PLANTING OF ARBORETUM FEATURING NATIVE BROADLEAF TREES AT LAND SOUTH OF APPECOT, GINNS ROAD, STOCKING PELHAM FOR MR J ROBERTS
-

Mr Honey addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0918/FP, planning permission be refused for the reasons now detailed. The Director commented that further information had been received from the applicant's agent in relation to landscaping and expert advice in relation to the type of design.

Councillor R N Copping commented that he understood the concept but could not support one house of the size

ACTION

proposed at this location.

Councillor D A A Peek commented that the planning process was not political. He commented that Green Belt policies would be adversely affected if the Local Planning Authority were to allow an eco-friendly house in a Green Belt location.

Councillor A L Burlton commented that an eco-friendly house should be built in town when there would be no need to drive.

The Director clarified the position in relation to the Council's and other relevant policies and in particular, that this site was located in the rural area and not the Green Belt.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0918/FP be refused planning permission, for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0918/FP, planning permission be refused for the following reasons:

DNS

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. There is insufficient justification for the proposed building and its erection would be contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
2. The proposal would be likely to result in the loss or damage to a number of trees within / adjacent to the site of significant amenity value. The loss of these trees would be detrimental to

ACTION

the appearance of the site and surroundings and the proposal is therefore contrary to Policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

240 3/08/1088/FP - DEMOLITION OF EXISTING SALES BUILDING AND REPLACEMENT WITH NEW SALES BUILDING AND ASSOCIATED WORKS. RAISING OF CANOPY LEVEL AT A10 SERVICE STATION, LONDON ROAD, BUNTINGFORD, FOR MALTHURST LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1088/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1088/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1088/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Materials of construction (2E11)
3. Lighting Details (2E27)
4. Cycle parking Facilities (2E29)
5. Contaminated land survey and remediation (2E33)
6. Construction parking and storage (3V22)
7. Hedge retention and protection (4P06)

ACTION

8. Landscape design proposals (4P12)

9. Landscape works implementation (4P13)

Directives:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008; Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, SD5, GBC2, GBC3, TR7, TR13, TR23, ENV1, ENV2, ENV4, ENV11 and ENV26. The balance of the considerations having regard to those policies and the other material considerations relevant to this case is that permission should be granted.

241 3/08/0592/FP – CONSTRUCTION OF A CAR PARK (PHASE 3) RETROSPECTIVE APPLICATION AND CONSTRUCTION OF A NEW CAR PARK EXTENSION (PHASE 4) AT WARE YOUTH FOOTBALL CLUB, FANHAMS HALL ROAD, WARE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0592/FP, planning permission be refused for the reasons now detailed.

Councillor M R Alexander commented that he did not know why the original planning application in 2005 had not been implemented. He supported the Officer's recommendation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0592/FP be refused, for the reasons now detailed.

ACTION

RESOLVED – that (A) in respect of application 3/08/0592/FP, planning permission be refused for the reasons now detailed:

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 unacceptable degree of overlooking of, and loss of privacy to, residents of neighbouring dwellings, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed car park, by reason of its prominent location on rising undeveloped land in this rural setting, would be detrimental to the visual amenity of local residents and the character and appearance of the area as a whole. If approved, the proposal would be contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

(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 necessary to secure the cessation of the unauthorised use of the land for the parking of cars in the area described as Phase 3 of the proposal; the removal of all imported material used to create the car park; and the

ACTION

reinstatement of the land.

Period for compliance: 3 months

Reasons it is considered expedient to issue an Enforcement Notice:

1. Within the Metropolitan Green Belt
2. The car park is not considered to be an essential, small scale facility for outdoor sport and outdoor recreation and, by reason of its dominant location on rising land, has an adverse impact upon the natural landscape resulting in detriment to the visual amenity of local residents and the character and appearance of the surrounding rural area. The proposal is thereby contrary to Policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance Note 2.

242 3/08/0520/FP – CONSTRUCTION OF AN ENVIRONMENTAL POND (RESTROSPECTIVE) WITH DIVERSION OF EXISTING WATERCOURSE, THISTLEY VALE BROOK, AND PROPOSED REMEDIATION WORKS AT ASPENDEN HALL FARM, ASPENDEN, BUNTINGFORD SG9 9PF FOR ASPENDEN HALL FARM LTD.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0520/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0520/FP be granted planning permission, subject to the conditions now detailed.

ACTION

RESOLVED – that in respect of application 3/08/0520/FP, planning permission be granted subject to the following conditions:

DNS

1. The remediation works hereby permitted shall be completed to the satisfaction of the local planning authority within a period of two years from the date of this decision.

Reason: The works are required to remedy a breach of planning control and are necessary to ensure compliance with policies ENV18, 19 and 20 of the East Herts Local Plan Second Review April 2007.

2. Programme of Archaeological work (2E02) – amend to read “Within 6 months of the date of this decision...”
3. Complete Accordance (2E10)

Amend to read ‘The proposed remediation works to the watercourse hereby permitted.

4. Landscape implementation (4P13 amended)

Insert: ‘All hard and soft landscaping works shall be carried out in accordance with approved details as shown on plans 2076.02B, 2076.03A completed within a period of two years....’

5. The pond hereby approved shall not be used for any commercial or club fishing purposes.

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

ACTIONDirectives:

1. Other Legislation (01OL)
2. Public Rights Of Way (18FD)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East Of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, GBC3, ENV1, ENV2, ENV16, ENV18, ENV19, ENV20, BH1, BH2, BH6, and LRC9 . The balance of the considerations having regard to those policies is that permission should be granted.

243 3/08/1089/FP – PROPOSED EXTERNAL TERRACE ONTO PAVED AREA AT CHICAGO ROCK CAFÉ, ANCHOR STREET, BISHOP’S STORTFORD FOR 3D ENTERTAINMENT GROUP

Ms Cameron addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1089/FP, planning permission be granted subject to the conditions now detailed.

The Director commented that further information had been received from Environmental Health Officers who did not consider that noise would be exacerbated by the proposed external terrace.

Councillor K A Barnes commented that by allowing the terrace, the Council would be adding to behaviour which would disturb local residents. He commented on the

ACTION

narrowness of the road and that people who might hang around the terrace would contribute to feelings of intimidation.

Councillor J Demonti commented that the road was already difficult to negotiate and was too narrow. She felt that the terrace was not suitable at this location.

The Director reminded Members that the Council was not the Highways Authority and that previous concerns had been overcome. He commented that there would be changes to the width of the footway in relation to the application. The Director commented that Environmental Health Officers did not feel that noise impact would be an issue.

Councillor K A Barnes proposed and Councillor M Wood seconded, a motion that application 3/08/1089/FP be refused on the grounds that there would be noise and disturbance to local residents and the highway would be obstructed.

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 3/08/1089/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1089/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E12)
3. Carried out in Accordance (2E92)

ACTION

4. Prior to the commencement of the development a Traffic Regulation Order for double yellow lines as shown on plans hereby approved (plan reference 1127-112B 01) shall be promoted, secured and implemented.

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

Directives:

1. Other Legislation (01OL)
2. Highways Works (05FC)
3. The Promotion of the TRO will need to be carried out by Hertfordshire County Council as Highway Authority. The developer will need to cover the costs of this process and payment will be required in advance of the Order being advertised. The applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their requirements.
4. The applicant is advised that if they implement this permission in addition to the awnings approved under ref. 3/07/1944/FP then the terrace would not be compliant with the requirements of the Smoke-Free (Premises and Enforcement) Regulation 2006.

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 ENV1, ENV24 and ENV25. The balance of the considerations having

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regard to those policies and the amendments made to the proposal following the refused application ref. 3/08/0367/FP is that permission should be granted.

244 3/08/1130/FP – DEMOLITION OF EXISITING DWELLING AND ERECTION OF TWO BLOCKS COMPRISING A TOTAL OF 9 FLATS AT 19 CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR KEMCO PROPERTIES LTD

Mr N Cook addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1130/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1130/FP be granted planning permission, 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

The provision of a financial contribution of £6,000 towards sustainable public transport programme,

in respect of application 3/08/1130/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Levels (2E05)

ACTION

3. Samples of materials (2E12)
4. No further windows (2E17)
5. Obscured glazing (2E18) The proposed window openings on the north and south elevations on both blocks A and B, shall be fitted with obscured glass, and shall be permanently retained in that condition.
6. Withdrawal of P.D. (Part 2 Class A) (2E21)
7. Materials arising from demolition (2E32)
8. Construction parking and storage (3V22)
9. Landscape design proposals (4P12)

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Hard surfacing materials (b) Minor artefacts and structures (e.g.furniture, play equipment, refuse or other storage units, signs, lighting) (c) Proposed and existing functional services above and below ground (e.g.drainage, power, communications cables, pipelines, etc.indicating lines, manholes, supports, etc. (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Implementation timetables

10. Landscape works implementation (4P13)

ACTION

11. Landscape maintenance (4P17)
12. Hours of working - plant and machinery (6N05)
13. Before first occupation of the development hereby permitted the access roads and parking areas as shown on the approved plan BRD/06/05/2 Rev F shall be provided and maintained thereafter to the satisfaction of the Local Planning Authority.

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

14. 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 the site.

Reason: - To ensure that refuse collection does not have a significant adverse effect on the safety and efficiency of the highway.

15. Before any development commences a scheme for the on-site and regulated discharge of surface water run-off shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason:- To ensure the proposed development does not discharge on to public highway and overload the existing drainage system.

16. The presence of any significant unsuspected

ACTION

contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

Reason:- To ensure that adequate protection of human health, the environment and water courses is maintained. To comply with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

17. Contaminated land survey and remediation (2E33).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies ENV1, ENV2, HSG7, TR7 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to these policies and other material considerations in this case is that planning permission should be granted.

- 245 3/08/1003/FP – CONSTRUCTION OF 7 NO. APARTMENTS AND 1 NO. RETAIL UNIT WITH PROVISION OF ASSOCIATED PARKING. REFURBISHMENT OF CAR PARKING AREAS AT THE GREEN, KINGSHILL, WARE FOR MR R PUGH AND MS H LEE
-

Ms Hansing addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/08/1003/FP, planning permission be granted subject to the conditions now detailed.

ACTION

Councillor M R Alexander spoke against the application. He commented that the sole gain was that the car park would be re-surfaced. He raised issues relating to restricted pedestrian access, the effect on school children who walk to Kingsway, traffic queues and the egress and ingress arrangements of the car park and intrusive elevations.

Councillor J J Taylor commented that the application was overdeveloped and its over intensification would have a detrimental impact on the local area.

Councillor M R Alexander proposed and Councillor J J Taylor seconded a motion to refuse the application on the grounds that it represented overdevelopment and over intensification which would adversely affect the amenity of the area.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1003/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1003/FP, planning permission be refused for the following reasons:

DNS

1. The proposal would result in overdevelopment of the site by reason of its size, scale and bulk, and would be out of keeping with and detrimental to the character and appearance of the area. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would result in the loss of open space which would be detrimental

ACTION

to the appearance of the street scene and the amenity of local residents. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

246 3/08/0940/OP – OUTLINE PLANNING PERMISSION (ALL MATTERS RESERVED) FOR THE DEMOLITION OF THE EXISTING BUILDINGS AND THE ERECTION OF FIVE HOUSES WITH ASSOCIATED PARKING AT 65-67 NORTH ROAD, HERFORD FOR THINKLOGIC LTD

Ms Gray addressed the Committee in opposition to the application. Mr Vincent spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0940/FP, planning permission be granted subject to the conditions now detailed.

The Director reminded Members that all matters were reserved in relation to the application.

Councillor J J Taylor commented that she was opposed to the application now as she was last year. She commented that very little had changed from the former application to the one presented now. Councillor J J Taylor sought and was provided with clarification on what had changed on the new application.

Councillor S Rutland-Barsby commented that Members had limited alternatives given planning law and the outline status of the application.

Councillor R N Copping commented that the main concern last year related to the access.

The Director commented that the application had been amended to address access and siting. He commented that Members had some ability to establish parameters on outline permissions.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0940/OP be granted, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/08/0940/OP, planning permission be granted subject to the following conditions:

DNS

1. Outline permission time limit (1T131)
2. Outline – submission of details (2E012) – amend to “drawings showing the layout, scale, appearance, access and landscaping”
3. Refuse disposal facilities (2E243)
4. Any dwellings that are subsequently proposed on this site through the submission of reserved matters shall not exceed two storeys in height. For the avoidance of doubt no such dwellings should include any residential accommodation in the roof space.

Reason: To ensure that the development is properly related to the scale of surrounding developments, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Withdrawal of P.D. (Part 1 Class A) (2E20)
6. Withdrawal of P.D. (Part 1 Class E) (2E22)

Directives:

1. Your attention is drawn to the fact that this is an outline permission only with all detailed matters to be the subject of a Reserved Matters application (regardless of the details shown on

ACTION

the submitted plans which are for illustrative purposes only).

2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety.
3. Where works within the public highway are required the highway authority requires that the works are carried out to their specification and by a contractor who is authorised to work in the public highway. The applicant will need to apply to the East Herts Highway Office (Telephone: 01992 526 900) to arrange this prior to commencement of the development.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 08, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies HSG1, HSG7, ENV1, ENV2, ENV4, ENV9, ENV10, ENV11, ENV21, TR2, and TR7 of the East Herts Local Plan Second Review Re-Deposit Version. The balance of the considerations having regard to these policies and the other material considerations in this case is that planning permission should be granted.

247 3/08/1045/FP – FIRST FLOOR FRONT EXTENSION, SINGLE STOREY REAR EXTENSION, PORCH AND CAR PORT CONVERSION AT 21 GERARD AVENUE, BISHOP'S STORTFORD FOR MRS A BARNES

Mr Beach addressed the Committee in opposition to the

ACTION

application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1045/FP, planning permission be granted for the reasons now detailed.

The Director provided some minor updates to the report.

Councillor J Demonti commented that she considered the application overbearing in a cul-de-sac. She commented that the proposal would be oppressive and would affect the amount of sunlight to neighbours.

Councillor A L Burlton commented that the extension would adversely affect the neighbour whose frontage was already dull in terms of levels of sunlight. The proposals would be detrimental to the neighbour's amenity.

Councillor R N Copping commented that the application would result in overdevelopment.

The Director commented that the issue of impact was subjective and that it was the degree of impact which should warrant consideration. The Director commented that he thought it to be a modest extension.

Councillor D A A Peek commented that the proposal could impact on the street scene.

Councillor R N Copping proposed and Councillor A L Burlton seconded, a motion that application 3/08/1045/FP be refused on the grounds that it represented overdevelopment and over intensification which would affect the amenity of the area and the street scheme.

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

ACTION

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1045/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1045/FP, planning permission be refused for the following reasons:

DNS

1. The proposed front extensions, by reason of their siting and massing, would have a detrimental effect upon the amenities of the adjacent properties, by reason of its overbearing impact, and the reduction in sunlight that they currently receive, and would thereby be contrary to policy ENV5 of the East Herts Local Plan Second Review April 2007.
2. The proposed front extensions, by reason of their scale, siting and design, would appear unduly prominent in the streetscene and would be detrimental to the character and appearance of the area. The proposal would thereby be contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.

(Note - Councillor W Ashley requested that his dissent from this decision taken be recorded.)

248 3/08/1055/FP – SINGLE STOREY FRONT EXTENSION AND FIRST FLOOR REAR EXTENSION AT 23 PRESTWICK DRIVE, BISHOP'S STORTFORD, HERTS CM23 5ER FOR MRS SIMONE SANDERSON

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1055/FP, planning permission be granted subject to the conditions now detailed.

ACTION

The Committee supported the Director's recommendation that application 3/08/1055/FP be granted, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1055/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

Directive:

Other Legislation - 01OL

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008 Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular SD2, ENV1, ENV5, and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

249 3/08/0958/FP – CHANGE OF USE FROM USE CLASS B1, B2, B8 TO D1 (TRAINING USE) AT UNIT A MEAD LANE, HERTFORD, SG13 7AX FOR TRE HERTFORD LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0958/FP, planning permission be granted subject to the conditions now detailed.

ACTION

The Committee supported the Director's recommendation that application 3/08/0958/FP be granted, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/0958/FP planning permission be granted subject to the following conditions:

DNS

1. Temporary Permission – use (1T09) – for 5 years
2. Restriction of use (buildings) (5U02) – for refrigeration and air conditioning training
3. Retention of parking space (3V20)

Directive:

1. Other legislation (01OL)

Summary of reasons for decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, TR7, EDE1 and HE8. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

ACTION

- 250 (A) 3/08/1133/FP – SINGLE AND TWO STOREY REAR EXTENSIONS, DORMER WINDOWS TO FRONT AND REAR, ALTERATIONS TO EXISTING DORMERS AND ALTERATIONS TO EXTERNAL DETAILING OF FRONT FAÇADE AND; (B) 3/08/1134/LB – PART DEMOLITION OF REAR EXTENSIONS, ERECTION OF SINGLE AND TWO STOREY REAR EXTENSION, DORMER WINDOWS TO FRONT AND REAR, ALTERATIONS TO EXISTING DORMERS AND ALTERATIONS TO EXTERNAL DETAILING OF FRONT FAÇADE AT HOPPITTS, 17 CHURCH END, BRAUGHING FOR MRS R CHESWRIGHT

The Director of Neighbourhood Services recommended that, in respect of applications 3/08/1133/FP and 3/08/1134/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that application 3/08/1133/FP be granted planning permission and application 3/08/1134/LB be granted listed building consent, subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/08/1133/FP planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Samples of materials (2E12)

Directives:

1. Other Legislation (01OL)
2. The development hereby approved should proceed with caution, particularly demolition works. If the presence of bats is found work should stop immediately and Natural England contacted on 01206 796666.

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 2007), and in particular policies ENV1, ENV2, ENV5, ENV6, ENV11, BH1, BH4, BH6, BH12 and OSV1. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/08/1134/LB listed building consent be granted subject to the following conditions:

DNS

1. Listed building three year time limit (1T141)
2. Samples of materials (2E12)
3. Listed building (new windows) (8L033)
4. Listed building (new doors) (8L043)
5. Listed building (new external rendering) (8L083)
6. Listed building (new rainwater goods) (8L093)
7. Listed building (making good) (8L103)

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 BH10. The balance of the considerations having regard to that policy is that permission should be granted.

ACTION

251 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, the contents of the report be noted and that Members endorse the recommendation of the Director of Neighbourhood Services, in consultation with the Director of Internal Services, that no further action be taken in regard to the unauthorised demolition work.

Councillor S Rutland-Barsby commented that she was most distressed about this issue and the negative message it sent out to the public.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that no further action be taken in regard to the unauthorised demolition work at the site relating to E/08/0050/B.

RESOLVED – that (A) the contents of the report be noted; and

DNS/DIS

(B) no further action be taken with regard to the unauthorised demolition work.

(Councillors S A Bull, J Demonti, S Rutland-Barby and M Wood requested that their abstention from voting be recorded).

252 E/08/0012/A – UNAUTHORISED WORKS TO INCLUDE A FIRST FLOOR SIDE EXTENSION OPEN PORCH OVER FRONT DOOR, RAISED ROOF LINE AND DORMER WINDOWS TO SIDE AND REAR, THE BUNGALOW, ASTONBURY FARM, ASTON, SG2 7EG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0012/A, enforcement action 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/08/0012/A on the basis now detailed.

RESOLVED – that in respect of E/08/0012/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 as may be required to secure the removal of the unauthorised development from the land.

DNS/DIS

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

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 development is therefore contrary to Policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The built extensions, by reason of their scale, siting and design, are of excessive size in relation to the existing dwelling, and out of keeping with its character and that of the area as a whole. The development is contrary to Policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

ACTION

3. The built development, by virtue of its excessive size in relation to the original building, has resulted in a dwelling which is disproportionately large in relation to the agricultural needs of the unit and in relation to the income it can sustain in the long term. The size of this agricultural dwelling is inappropriate and contrary to the aims and objectives of Paragraph 9, Annex A of Planning Policy Statement 7 'Sustainable Development in Rural Areas'.

253 E/07/0325/A – UNTIDY CONDITION OF LAND AT THE REAR OF 35 LONDON ROAD, BISHOP'S STORTFORD CM23 5NA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0325/A, enforcement action be authorised on the basis now detailed.

The Director commented that he had spoken with the owner of the property and the meeting would take place to consider his portfolio of properties.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0325/A on the basis now detailed.

RESOLVED – that in respect of E/07/0325/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under Section 215 of the Town and Country Planning Act 1990 and other steps as may be required to secure:

DNS/DIS

- (a) removal of stored building materials, with the exception of any materials reasonably necessary for the completion of external works, which shall be stored only within the area hatched black on the attached plan and to a

ACTION

maximum height of 1.5 metres;

- (b) the improvement of the site by either i) the completion of the outer walls of the unfinished extension or ii) the removal of the outer walls of the extension so far erected, and the reinstatement of the rear elevation of the property;
- (c) the removal of any waste and overgrown shrubbery, and
- (d) to leave the site in a tidy condition.

Period of compliance: 3 Months

Reasons why it is expedient to issue a s.215 Notice:

1. The condition of the land is detrimental to the amenity of the surrounding area by reason of the unsightly and unfinished building works, the storage of building materials not currently reasonably required on the site and overgrown shrubbery, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

254 UPDATE ON AUTHORISED ENFORCEMENT ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action. The Director commented that the number of enforcement cases in 2008 to date, was 410 and the annual projection was 615 and not as detailed in the report.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

ACTION255 PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

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

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

DNS

Planning ReferenceSite and Proposals

04.06.703

Emery House, 3 Chantry
Road Bishop's Stortford
13 Apartments

(B) the Director of Internal Services report back following the grant of planning permission or on 11 February 2009, whichever is the sooner.

DIS

256 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission / non determination, and

ACTION

(B) Planning appeals lodged.

(C) Planning statistics.

The meeting closed at 10.10 pm

Chairman
Date

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