

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE  
WAYTEMORE ROOM, BISHOP'S  
STORTFORD ON WEDNESDAY 2 JULY  
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,  
Mrs R F Cheswright, R N Copping, J Demonti,  
Mrs M H Goldspink, G E Lawrence, D A A Peek,  
W Quince, S Rutland-Barsby, J J Taylor,  
B M Wrangles.

ALSO PRESENT:

Councillors D Clark, P A Ruffles.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Martin Ibrahim	- Senior Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

118 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

He drew Members' attention to the training questionnaire that had been circulated and asked that they be completed and returned to Officers by the end of the meeting.

The Chairman advised that in respect of application 3/08/0664/FP as detailed at Minute 123 below, an amended recommendation had been circulated by e-mail on the previous day.

The Chairman also advised of an additional item that he had agreed to accept onto the agenda that dealt with a procedural matter relating to Benington wind turbines, on the grounds that delays would be avoided.

119 DECLARATIONS OF INTEREST

Councillors K A Barnes, A L Burlton, J Demonti, R Gilbert and D A A Peek declared personal interests in the matter referred to at Minute 128 – application 3/07/2543/FP, in that they were Members of Bishop's Stortford Town Council, whose offices were adjacent to this site.

Councillor Mrs R F Cheswright declared a personal interest in the matter referred to at Minute 128 – application 3/07/2543/FP, in that she had engaged the same agents for work at her own home.

RESOLVED ITEMS

120 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 4 June 2008 be confirmed as a correct record and signed by the Chairman.

121 3/08/0425/FP – CONSTRUCTION OF NEW BUILDING FOR THE STORAGE OF GRAIN AND AGRICULTURAL MACHINERY AT THE SITE OPPOSITE NEW BARN COTTAGES, FLINT HALL, HORMEAD ROAD, ANSTEY FOR NHP (UK) LTD

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Mr Davidson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0425/FP, planning permission be granted subject to the conditions now detailed.

The Director advised of additional comments submitted by residents and Stagestruck Ltd. The Committee noted that, following the deferral of this matter at the previous meeting, further discussions between the Highway Authority and the applicants had taken place and the Highway Authority had since withdrawn its objection.

In response to some concern expressed in respect of potential noise, the Director advised that if the Committee was minded to approve the application, an additional condition, stipulating the need for a noise impact report to be obtained to include mitigating measures, could be attached.

Some concern was also expressed in respect of whether the internal tracks could be used for vehicular access to the development to mitigate against additional traffic on rural roads. The Director advised that if the Committee was minded to approve the application, an additional condition could be attached.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that application 3/08/0425/FP be granted, 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

A financial contribution of £10,000 towards off-site highway improvements within the surrounding highway network to mitigate against the impact of vehicles associated with the proposed development,

in respect of application 3/08/0425/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Samples of materials (2E13)
3. No external lighting (2E26)
4. Levels (2E05)
5. Landscape design proposals (4P12) (insert a, b, c, d, e, i, j, k and l)
6. Landscape works implementation (4P13)
7. Details of earthworks/mounding (4P16)
8. Landscaping maintenance (4P17)
9. Hard Surfacing (3V21)
10. Construction parking and storage (3V22)
11. Wheel washing facilities (3V25)
12. Prior to the commencement of development detailed drawings of the proposed vehicular

access to the site from Flint Hall Road shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of highway safety

13. Prior to the commencement of the development hereby permitted, a report shall be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval which assesses the likely noise impacts from the grain store. The report shall also clearly outline mitigation measures to reduce noise impacts to acceptable levels. Thereafter the development shall be carried out solely in accordance with those approved mitigation measures.

Reason: To ensure the proposed development does not result in undue noise disturbance to nearby residents in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

14. Prior to the commencement of the development hereby permitted, the access tracks shown green on drawing no. S.A.V.1. shall be made available for vehicular access to the development hereby permitted and shall be retained thereafter to the satisfaction of the local planning authority.

Reason: To reduce additional traffic generation on the nearby rural road network in accordance with Policy TR20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation
2. Discharge of conditions
3. Highway works

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 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.

122 3/08/0763/FP - ERECTION OF 30 NO. DWELLINGS, NEW ROAD JUNCTION, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF GRAVELLY LANE, BRAUGHING FOR CROUDACE HOMES AND LANDRO GROUP

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The Director clarified the planning policy position in respect of this specific site and in relation to Braughing in general.

Councillor Peat, Chairman of Braughing Parish Council, addressed the Committee in opposition to the application. Mr Dodkins addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0763/FP, planning permission be granted subject to the conditions now detailed.

He updated Members on comments received from the Parish Council, residents, the Landscape Officer and the Open Spaces Manager. He also advised that in respect of the Section 106 Agreement, a financial contribution of £3,693 towards recreation facilities for children and young people had been proposed.

A number of Members referred to the historic character of the village and expressed concern with the application in terms of overdevelopment, traffic impact and the detrimental effect on the Conservation Area.

The Director reminded Members of the policy position and the need to demonstrate sound reasons for refusal, if Members were minded to this end.

Councillor Mrs R F Cheswright moved, and Councillor J J Taylor seconded, a motion that the application be refused on the grounds of detrimental impact on the wider context and setting of the Conservation Area and its historic character.

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

The Committee rejected the Director's recommendation and agreed that application 3/08/0763/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0763/FP, planning permission be refused for the following reasons:

DNS

1. B0262 Poor Design

- delete "height" and replace with "form". Delete "massing, materials and detailed appearance". Insert "and" before "scale".

- delete "functioning" and insert "and" before

“quality”.

2. The proposal fails to pay due regard to the wider context and setting of the site in the Conservation Area to the detriment of the distinctive character and appearance of this historic village, and the setting of the adjacent listed buildings. As a result, the proposals would fail to either enhance or preserve the character of the Conservation Area contrary to Policy BH6 of the East Herts Local Plan Second Review April 2007.

123 3/08/0664/FP – ERECTION OF TERRACE HOUSING  
COMPRISING 10 X 4 BEDROOM HOUSES AT ESSANBY  
YARD, AMWELL LANE, STANSTEAD ABBOTTS FOR  
CONSTABLE HOMES

Mr Biswell addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0664/FP, planning permission be granted subject to the conditions now detailed.

The Director referred Members to the revised recommendations that had been circulated following an amended Section 106 Agreement.

Councillor K A Barnes expressed some concern with the proposed height of the development and the overshadowing impact on neighbouring gardens.

The Committee supported the Director’s recommendation that application 3/08/0664/FP be granted, subject to the conditions now detailed.

RESOLVED - that (A) subject to the applicants entering into a legal obligation by 14 July 2008 pursuant to Section 106 of the Town and Country

DNS



Planning Act 1990 to cover the following matters:

1. A contribution of £15,000 towards sustainable transport measures
2. A contribution of £1,680 towards nursery education
3. A contribution of £1,065 towards childcare
4. A contribution of £567 towards youth services
5. A contribution of £464 towards libraries
6. A provision of a financial contribution towards the cost of a fire hydrant
7. A further contribution of £2,000 towards sustainable transport measures, as per the terms of the previously approved S.106 agreement reference 3/06/1536/FP dated 1 November 2006.

in respect of application 3/08/0664/FP, the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:

1. Three year time limit (1T121)
2. Levels (2E051)
3. Boundary walls and fences (2E073)
4. Complete Accordance (2E101)
5. Samples of materials (2E123)
6. No further windows (2E175)
7. Obscure glazing (2E183, all bathroom and first

- and second floor flank windows)
8. Withdrawal of PD (2E233, Part 1 Classes A, B, D, E and Part 2 Class A)
  9. Refuse disposal facilities (2E243)
  10. Materials arising from demolition (2E322)
  11. New doors/windows (2E342) amend to read "...all doors and windows, including garage doors..."
  12. Completion of roads (3V134)
  13. Construction parking/storage (3V221)
  14. Parking space provision (3V234)
  15. Tree retention and protection (4P053)
  16. Tree protection: Excavation (4P094)
  17. Tree protection: Earthworks (4P103)
  18. Landscape design proposals (4P124)
  19. Landscape work implementation (3P133)
  20. Hours of work (6N053) amend to read: "During all demolition, preparation and construction works no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays."
  21. Before first occupation of the development, a footway shall be provided along the grass verge in a manner to be agreed with the Local

Planning Authority.

Reason: To ensure that the development makes adequate provision for pedestrians, in accordance with policy TR19 of the East Herts Local Plan Second Review April 2007.

22. Before any development commences, details of mechanical wheel washing facilities to be provided on site during site preparation and construction shall be submitted to, and approved in writing by, the Local Planning Authority. As approved, these shall be installed before any development commences and shall be retained in working order during the whole of the site preparation and construction period. All vehicles leaving the site shall use the facilities.

Reason: In order to minimize the amount of mud, soil and other materials originating from the site being deposited on the highway in the interests of highway safety and visual amenity, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

23. No development approved by this permission shall be commenced until details of the existing and proposed finished floor levels have been submitted to, and approved in writing by, the Local Planning Authority. Finished floor levels shall be sited no lower than 30.15m Above Ordnance Datum. The scheme shall be completed in accordance with the approved plans.

Reason: To ensure that the development is subject to minimum risk of flooding, in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

24. The construction of the site drainage system

shall be carried out in accordance with details submitted to and approved in writing by the Planning Authority before the development commences.

Reason: To prevent pollution of the water environment, in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

25. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with a view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
- (b) If the Local Planning Authority is of the opinion that the above report indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:
- (i) A full identification of the location and concentration of all pollutants on this site and presence of relevant receptors, and;
  - (ii) The results from the application of an appropriate risk assessment methodology

(c) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report, if required as a result of (b) above, has been submitted to and approved by the Local Planning Authority.

(d) The site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c), above, have been fully discharged

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority

(e) Any contamination, other than that report by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render the contamination harmless shall be submitted to, and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and natural environment, in accordance with policy ENV26 of the East Herts Local Plan Second Review April 2007

26. Prior to the commencement of development, details of the foundations of the development

shall be submitted to and approved in writing by the Local Planning Authority

Reason: To prevent pollution of the water environment, in accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007

Directives:

1. Other legislation (01OL1)
2. Highway works (05CF2)
3. Planning Obligation (08PO1)
4. Disabled access (09DA2)
5. Street numbering (19SN4)
6. Groundwater Protection Zone (28GP1)
7. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of nine litres per minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
8. To ensure that work undertaken on the highway is constructed to the current Highway Authority's specifications, 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 the satisfaction of the Highway Authority and in accordance with the 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.

9. Under the terms of the Water Resources Act 1991, the prior written consent of the Environment Agency is required for dewatering from any excavation or development to a surface watercourse. Contact Penny Roberts on 01707 632451 for further details.

### 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 ENV1, ENV2, ENV3, ENV4, HSG1, HSG7, TR2, OSV3, TR7, TR14, TR19, ENV18, ENV19, ENV20, ENV21, ENV26 and IMP1 of the East Herts Local Plan Second Review 2007. 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.

(B) where the legal agreement referred to in recommendation (A) above is not completed by 14 July 2008, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

DNS

The development fails to make the appropriate financial provision for infrastructure improvements considered necessary to support the proposed development. As such, it would be contrary to the provisions of policy IMP1 of the East Herts Local Plan Second Review April 2007

124 3/08/0569/OP - ERECTION OF 16 DWELLINGS AND  
CREATION OF ACCESS AT LAND TO SOUTH OF 10  
ACORN STREET, HUNSDON FOR TRUNDLES LTD

Mr Nicklin addressed the Committee in opposition to the application. Ms Orsborn addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0569/OP, planning permission be granted subject to the conditions now detailed.

Councillor D Clark, as the local ward Member, addressed the Committee and expressed local concerns over the density, site layout, footpath alignment and risk to a significant Ash tree. She referred to the overshadowing effect on neighbouring properties that would be caused by a boundary wall. She acknowledged that the site had been allocated for housing, but suggested that a better site layout was needed.

In response to a query from Councillor M R Alexander, the Director confirmed that the site was not on the Contaminated Land register. However, contamination issues would be addressed by the inclusion of a condition attached to any permission granted by the Committee.

Some Members expressed concern over the proposed density that would be out of keeping with the overall character in the village. Other Members expressed caution in treating this application in the same manner as another application previously considered.

The Director reminded the Committee that the site had been allocated for housing and that the existing properties adjacent to the site were of a modern design and not in a Conservation Area.

Councillor Mrs M H Goldspink moved, and Councillor K A Barnes seconded, a motion that the application be refused on the grounds of overdevelopment and the detrimental effect on



the amenity of neighbouring properties.

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

Councillor D A A Peek referred to this being an application for outline permission and suggested that a restriction should be attached limiting the number of dwellings to that detailed in the application, i.e. 16 dwellings. The Director responded by stating that such a condition could be attached, if the Committee was minded to approve the application.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that application 3/08/0569/OP be granted, 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

1. A financial contribution of £5,229 towards nursery education, £2,121 towards childcare, £764 towards youth care, and £3,109 towards libraries.
2. A financial contribution of £25,625 towards the provision for traffic calming and safety enhancement measures and to promote sustainable transport measures.
3. The provision of 40% affordable dwellings (equating to 6 out of the current proposed 16) with 75% rented units, 25% shared ownership with equal shares of staircased shared ownership and fixed equity at 60% open market value.
4. 15% of the dwellings to be constructed to

'Lifetime Homes' standard.

5. The provision of fire hydrants.

in respect of application 3/08/0569/OP, planning permission be granted, subject to the following conditions:

1. Outline permission time limit (1T13)
2. Levels (2E05)
3. Boundary walls and fences (2E07)
4. Prior to the commencement of the development hereby approved above ground level, an area of land across the whole of the site frontage measuring at least 2.4m from and parallel to the nearside edge of the adjacent Acorn Street carriageway shall be provided and thereafter be kept free of all obstruction to visibility.

Reason: To provide adequate visibility between the existing highway and the proposed estate road junction in the interest of highway safety.

5. Withdrawal of PD (Part 1, Class E) (2E22)
6. Withdrawal of PD (Part 1, Class B) (2E23)
7. Development above ground level shall not begin until the detailed plans and sections of the proposed road, including gradients and method of surface water disposal have been approved by the Local Planning Authority and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed roadworks are constructed to an adequate standard.

8. Hard surfacing (3V21)
9. Provision and retention of parking spaces (3V23)
10. Construction parking and storage (3V22)
11. Wheel washing facilities (3V25)
12. Tree retention protection (4P05)
13. Hedge retention protection (4P06)
14. Tree/natural feature protection: fencing (4P07)
15. Tree protection: No burning (4P08)
16. Tree protection: Earthworks (4P10)
17. Tree surgery (4P11)
18. Tree protection: access road (4P19) (insert '4 metres')
19. Hours of working – plant and machinery (6N05)
20. (a) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a Phase II site survey and report. This should include:-
  - (i) A full identification of the location and concentration of all pollutants on this site and presence of relevant receptors, and;

- (ii) The results from the application of an appropriate risk assessment methodology
  
- (b) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report, if required as a result of (b) above, has been submitted to and approved by the Local Planning Authority.
  
- (c) The site shall not be occupied, or brought into use, until:
  - (i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c), above, have been fully discharged
  
  - (ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority
  
- (d) Any contamination, other than that report by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render the contamination harmless shall be submitted to, and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health and natural environment, in accordance with policy ENV26 of the East Herts Local Plan Second Review

April 2007.

21. This permission shall allow for the construction of no more than 16 dwellings.

Reason: For the avoidance of doubt.

Directives:

1. Other Legislation (01OL)
2. Highways Works (05FC)
3. Street Numbering (19SN)
4. Groundwater Protection Zone (28GP1) (insert 'Roydon')
5. Public Rights of Way (18FD)
6. Discharge of conditions

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, OSV1, OSV4, HSG3, HSG2, HSG3, HSG4, HSG6, HSG7, ENV1, ENV2, ENV9, ENV10, ENV11, ENV20, LRC3, LRC9, TR1, TR7, and TR20. The balance of the considerations having regard to those policies is that permission should be granted.

125 3/08/0774/FP – DEMOLITION OF REDUNDANT PIG REARING BUILDINGS AND CONSTRUCTION OF FOUR SHORT TERM LETTING UNITS AT THE GROVE, MILL LANE, ANSTEY FOR MR MARCHANT

The Committee supported the Director's recommendation that

application 3/08/0774/FP be granted, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/08/0774/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. The use of the barn hereby permitted shall be for holiday and short term letting accommodation only and for no other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005.

Reason: To prevent the introduction of an inappropriate use in the Rural Area which would be contrary to policies GBC2, GBC3 and GBC8 of the East Herts Local Plan

3. None of the units hereby permitted shall be occupied by any person or persons for more than 3 months in any 12 month period, and neither shall any person or persons occupy more than one unit on the application site for more than 3 months within a 12 month period.

Reason: To prevent the introduction of an inappropriate use in the Rural Area which would be contrary to policies GBC2, GBC3 and GBC8 of the East Herts Local Plan

4. Materials of construction (2E113)
5. Landscape design proposals (4P124) a) c) i) j) k) and l)
6. Landscape works implementation (4P133)

Directives:

1. A survey of the buildings to be demolished should be undertaken to identify the presence of any asbestos on the site. If, during dismantling works, asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from the site. If unbounded cement is found, the Health and Safety Executive should be contacted.

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 GBC2, GBC3, GBC8, ENV1 and ENV2. The balance of the considerations having regard to these policies, the grant of permission under lpa reference 3/07/1358/FP and Government Guidance contained within PPS7- Sustainable Development in Rural Areas in this case is that planning permission should be granted.

126 3/08/0726/FP – CHANGE OF USE OF TRADITIONAL FARM BUILDINGS TO FOUR DWELLINGS WITH ASSOCIATED PARKING AND SEPARATE AMENITY AREAS AT COLLEGE FARM, HAILEY LANE, HERTFORD HEATH, SG13 7NX FOR MR MARTIN HALSALL, HAILEYBURY SCHOOL

Mr Nayler addressed the Committee in opposition to the application. Mr Ranner addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0726/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley spoke in favour of the application. He referred to the need for the area to be enhanced and his belief

that adaptation for residential use offered the best solution. He referred to policy GBC9 and suggested that the buildings were worthy of retention and met the criteria.

Councillor W Ashley moved, and Councillor S A Bull seconded, a motion that the application be granted.

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

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that application 3/08/0726/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0726/FP, planning permission be refused for the following reasons:

DNS

1. Within MGB – EHLP (R021)
2. The District Council is not satisfied that these buildings are of sufficient historical or architectural importance to justify its conversion, nor that residential use is the only means to secure their retention. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.
3. The District Council is not satisfied that the conversion can take place without substantial reconstruction, and that extensive alterations are proposed which would be unsympathetic to the rural character and appearance of the building itself and the surrounding rural area as a whole. It would thereby be contrary to Policy GBC9 of the East Herts Local Plan Second Review April 2007.



- 127     3/08/0679/FP – EXTENSION TO ROOF AND  
REFURBISHMENT OF EXISTING BUILDING TO PROVIDE  
3 NO. SELF CONTAINED COMMERCIAL UNITS WITH  
ASSOCIATED CAR PARKING AND LANDSCAPING AT 1-3  
MILL LANE, WATTON-AT-STONE FOR MICAGOLD

The Committee supported the Director's recommendation that application 3/08/0679/FP be granted, subject to the conditions now detailed.

RESOLVED – that in respect of application  
3/08/0679/FP, planning permission be granted subject  
to the following conditions:

DNS

1.     Three Year Time Limit (1T12)
2.     Programme of archaeological work (2E02)
3.     Samples of materials (2E12)
4.     Refuse disposal facilities (2E24)
5.     No external lighting (2E26)
6.     Cycle Parking Facilities (2E29)
7.     Carried Out in Accordance (2E92)
8.     Tree retention and protection (4P05)
9.     Landscape design proposals (4P12 amended)
10.    The building shall be used for B1 Business  
         purposes only and for no other use.

Reason: To ensure that no alternative use is  
made of the premises which would be likely to  
be a nuisance or annoyance to the occupants of  
adjoining premises and result in adverse impact

on the highway network.

11. The use of the premises shall be restricted to the hours 07.00 to 20.00 Monday to Saturday and at no times on Sundays or Bank Holidays.

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

12. No walls or fencing shall be erected around the site unless in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason: To prevent obstruction to the flow and storage of flood water with a consequent increased risk of flooding in accordance with Policy ENV19 of the East Herts Local Plan Second Review April 2007.

13. Prior to the commencement of development, a Flood Management Plan, including details of a scheme to incorporate flood resilient measures, shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that flood risks can be adequately managed in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

14. No materials or waste shall be deposited or stored on that part of the site lying within the area of land liable to flood or within the adjacent Ecology Database Site or Wildlife Site.

Reason: To prevent increased risk of flooding and minimise impact on wildlife in accordance with Policies ENV17 and ENV19 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Highway Works (05FC)
3. Public Rights of Way (18FD)
4. The applicant is made aware that development works should ideally start during the winter months when birds are not breeding and that development and site clearance should proceed with caution to allow roosting birds time to escape unharmed. Breeding birds should also be protected by not carrying out works between 1st March - 30th August. For further information please see the attached response from Herts Biological Records Centre.

Note: Discharge of Conditions (ZDC)

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, GBC1, GBC9, TR7, TR13, TR14, EDE8, ENV1, ENV2, ENV17, ENV19, ENV23, BH1, BH2, BH3 and OSV6. 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.

128 3/07/2543/FP – NEW COMBINED PARISH CENTRE FOR ST MICHAELS AND ST JOSEPHS CHURCHES IN CAR PARK OF MONASTERY GARDENS, WINDHILL, BISHOP'S STORTFORD FOR ST MICHAELS AND ST JOSEPHS CHURCHES

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The Director of Neighbourhood Services recommended that, in respect of application 3/07/2543/FP, planning permission be granted subject to the conditions now detailed. Members recalled that this application had been deferred previously, in order that Officers could seek further information.

The Director advised of an additional letter of objection that had been received. He also proposed an amendment to condition 18 that would insert the words "unless otherwise agreed in writing by the Local Planning Authority".

Some Members expressed concern at the proposed arrangements for access to the site by contractors' vehicles.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that application 3/07/2543/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/07/2543/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E12)
3. Refuse disposal facilities (2E24)
4. Lighting details (2E27)
5. Cycle parking facilities (2E29)

6. Protection of archaeological regime (2E31)
7. New doors and windows – unlisted buildings (2E34)
8. Hard surfacing (3V21)
9. Wheel washing (3V25)
10. Tree retention and protection (4P05)
11. Hedge retention and protection (4P06)
12. The foundation construction method of the development hereby approved shall be undertaken only in accordance with the approved plans, drawings and specifications as outlined in the Barker & Associates report, May 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the health of the trees to be retained and in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

13. Prior to the commencement of the development hereby approved, the ground protection measures, protective fencing and height restriction bars, shall be installed in accordance with the approved plans, drawings and specification, as outlined in the Barker & Associates report, May 2008, and such measures shall be retained for the entirety of the development.

Reason: To protect the health of the trees to be retained and in accordance with policies ENV2 and ENV11 of the East Herts Local Plan

Second Review April 2007.

14. Tree protection: restrictions on burning (4P08)
15. Tree protection: earthworks (4P10)
16. Tree Planting (4P15)
17. The proposed contractor's access route from St. Joseph's Parish Centre in Apton Road shall be undertaken in accordance with the approved plans, drawings and specifications as outlined in the Barker & Associates report, May 2008, unless otherwise agreed in writing by the Local Planning Authority. Within 2 months of the commencement of the use of the building for the intended purpose, or such other period which may be agreed with the Local Planning Authority in writing, the temporary access route shall be removed and land on which it is provided re-instated to its former condition to the satisfaction of the Local Planning Authority.

Reason: To protect the health of the trees to be retained and for in the interests of visual amenity in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

18. The building shall be used as a combined Parish Centre for St. Michaels and St Josephs Churches, and for no other purposes including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that no alternative use is made of the premises which would be likely to create highway and parking problems.

Directive:

1. 010L (Other legs)

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 GBC2, GBC3, GBC8, ENV1 and ENV2. The balance of the considerations having regard to these policies, the grant of permission under lpa reference 3/07/1358/FP and Government Guidance contained within PPS7- Sustainable Development in Rural Areas in this case is that planning permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

At this point (10.29 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

- 129 3/08/0563/FP – CONVERSION OF EXISTING BARNs INTO 1 FOUR BED AND 1 FIVE BED DWELLING AND THE CREATION OF A VEHICULAR ACCESS AT BIGGINS MANOR, BIGGIN HILL, ANSTEY FOR CHAPEL FARM CONSULTANTS LTD
- 

Mr Smith addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0563/FP, planning permission be refused for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that application 3/08/0563/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/0563/FP, planning permission be refused for the reasons now detailed:

DNS

1. Within Rural Area – EHLP (R031)
2. The District Council is not satisfied that these buildings are of sufficient historical or architectural importance to justify their conversion to separate residential units. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.
3. The proposed access road by reason of its siting and length, would be unduly prominent and detrimental to the character and appearance of this rural area. The proposal would thereby be contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

130 E/08/0111/B - UNAUTHORISED TWO STOREY REAR EXTENSIONS TO 54 AND 56 CAMPFIELD ROAD, HERTFORD, SG14 2AD

The Committee supported the Director's recommendation that enforcement action be authorised in respect of the site relating to E/08/0111/B on the basis now detailed.

RESOLVED – that in respect of E/08/0111/B, the

DNS/



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 demolition of the unauthorised extensions.

DIS

Period for compliance: 3 months

Reasons why it is expedient to issue an enforcement notice:

1. The extensions, by reason of their scale, bulk and design, are of excessive size in relation to the existing dwellings and out of keeping with their character and appearance. Accordingly it is contrary to policies ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.
2. The extensions by reason of their height, scale, and bulk are unduly dominant and intrusive in the surrounding area, to the detriment of the amenities of nearby residents and the character and appearance of the area. The proposal is thereby contrary to Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.

131 E/07/0190/B - UNAUTHORISED ERECTION OF TWO BUILDINGS AND AN UNAUTHORISED CHANGE OF USE OF PART OF THE SITE FOR AN OFFICE, STORAGE AND AN OPERATING CENTRE FOR HEAVY GOODS VEHICLES, FOR ALLWAYS SCAFFOLDING LTD, AT BROOKFIELD NURSERY, WEST END LANE, WORMLEY WEST END, EN10 7QN

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The Committee supported the Director's recommendation that enforcement action be authorised in respect of the site relating to E/07/0190/B on the basis now detailed.

RESOLVED - that 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 demolition of the unauthorised buildings and to secure the cessation of the unauthorised use of the land.

DNS/  
DIS

Period for compliance: 2 months

Reasons why it is expedient to issue an enforcement notice:

1. The 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, limited extensions to existing dwellings or for other uses appropriate to a rural area. No justification has been submitted to show that the operational development is genuinely required for horticultural purposes on the site and no very special circumstances are apparent in this case to justify the development. The buildings are therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.
2. The buildings, by reason of their scale, bulk, design and detailed appearance are of a poor standard of design, unsympathetic to the context of the site and fail to take the opportunities available for improving the character of the area. They are therefore contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering

Sustainable Development' para 34.

3. The site lies within an area of archaeological importance as defined in the East Hertfordshire Local Plan wherein permission will not be given unless an assessment or results of an archaeological evaluation are provided by the applicant. No such information has been provided with regard to the developments in this case. They are therefore contrary to Policy BH2 of the East Herts Local Plan Second Review April 2007.
4. The 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 material changes of use of land unless they maintain the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The use of part of the site by a scaffolding company, including a Portacabin office, shipping container stores, open air racking storage for scaffold tubes and planks is inappropriate development in the Green Belt and is detrimental to its character and appearance. There are no special circumstances apparent in this case to justify the development. The material change of use is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and PPG2.

132 E/08/0120/A – UNAUTHORISED CHANGE OF USE OF UNIT TO CLASS A1 (RETAIL) USE AND THE DISPLAY OF SIGNAGE WITHOUT CONSENT AT UNIT 1 BIRCHANGER INDUSTRIAL ESTATE, STANSTED

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0120/A, enforcement action be authorised on the basis now detailed.

Some Members expressed concern that several other units on the same site appeared to be operating on the same basis.

Councillor M R Alexander proposed, and Councillor S A Bull seconded, a motion that enforcement action be deferred, in order that further investigations be undertaken by Officers. After being put to the meeting, and a vote taken, the motion was declared CARRIED.

In respect of the proposed legal proceedings against the unauthorised display of advertisements, the Committee supported the Director's recommendation as now detailed.

RESOLVED – that in respect of E/08/0120/A, (A) further investigations in relation to other existing uses adjacent to the site, be undertaken by Officers; and

DNS

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings against the unauthorised display of advertisements

DNS/  
DIS

Reason why it is expedient to commence legal proceedings:

The unauthorised display of advertisements is an offence under the Town and Country Planning (Control of Advertisements) Regulations 2007. The signage by reason of its style, scale and siting is considered to be out of keeping with the character of its surroundings and detrimental to the amenity of safety by reason of its general design, size, colour and position of the signage and as such contrary to Policy ENV29 of the East Herts Local Plan Second Review April 2007.

- 133 3/08/0593/FP - ERECTION OF 2 NO. DATA CENTRE BUILDINGS CONTAINING DATA HANDLING COMPUTERS, ASSOCIATED PLANT AREAS, TECHNICAL SUPPORT SERVICES AND ANCILLARY OFFICE AREA. 2 NO EXTERNAL COMPOUNDS, SUBSTATION BUILDING AND ASSOCIATED SITE WORKS AT BURY GREEN FARM, BURY GREEN, LITTLE HADHAM, HERTS, SG11 2HE FOR ROMEHOLD LTD
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Mr Burk addressed the Committee in support of the application.

The Director of Neighbourhood Services submitted a report, in respect of application 3/08/0593/FP. He advised that since the report had been written, outstanding issues concerning flood risks and the Section 106 Agreement had now been resolved. Therefore he recommended that planning permission be granted subject to the conditions now detailed.

The Committee supported the Director's recommendation that application 3/08/0593/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended), to cover the following matter:

DNS

the provision of a financial of £20,000 towards sustainable transport schemes and to be index linked from the date of the planning permission

in respect of application 3/08/0593/FP, permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E051)
3. Boundary walls & fences (to include details of

- any security fencing) (2E073)
4. Samples of materials (2E123)
  5. Lighting details (2E272)
  6. Programme of archaeological work (2E023)
  7. Materials arising from demolition (2E322)
  8. Contaminated land survey and remediation (2E332)
  9. Wheel washing facilities (3V251)
  10. Tree retention and protection (4P053)
  11. Hedge retention and protection (4P063)
  12. Tree/natural feature protection: fencing (4P075)
  13. Tree protection:restrictions on burning (4P083)
  14. Tree Protection:Earthworks (4P103)
  15. Landscape design proposals (4P124)
  16. Landscape works implementation (4P133)
  17. Details of earthworks/mounding (4P163)
  18. Hours of working - plant and machinery (6N053)
  19. Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the plant and machinery that are to be installed or operated in connection with the carrying out of this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive

premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the plant and machinery does not, at any time, increase the ambient equivalent continuous noise level.

Reason: In order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

20. No site clearance works - building demolition, tree and shrub removal, and ground vegetation clearance – should be conducted during the period 1<sup>st</sup> March – 30<sup>th</sup> August.

Reason: In order to protect breeding birds, their nests, eggs and young in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

21. Prior to the commence of development there shall be submitted to, and agreed in writing by the LPA a construction methodology which shall include details of: means of access to the site during construction; times during which construction shall take place; details of locations within the site where materials (either for construction, use in the final development, or disposal) shall be stored. Once agreed, construction shall take place in accordance with the agreed methodology unless any variation to it is agreed in writing by the LPA.

Reason: In order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

22. Prior to the commencement of development there shall be submitted to and agreed in writing by the LPA full details of any material to be removed from the site as a result of the recontouring of the site (cutting in of the development) proposed. Those details shall include the level to which the site is to be excavated; whether any material is to be brought onto the site as a result of the level change; what volume of material is to be removed (if any); where any surplus material is to be disposed of; the method of disposal; and the timescale over which any such works (including full disposal from or bringing onto the site of material) will be carried out. Once agreed, any such works shall only take place in accordance with the approved details unless any variation to them is agreed in writing by the local planning authority.

Reason: In order to protect the amenity of residential development in the nearby area, in order to ensure that the visual impact of the development is kept to an acceptable minimum and to ensure that no inappropriate deposition of material takes place at the site in accordance with policies GBC4, EDE3 and ENV24 of the East Herts Local Plan Second Review April 2007.

23. Once the site is in use for its intended purpose, all vehicular access to the site shall be from the existing access to the site from the north, linking to Millfield Lane, and from no other route.

Reason: For the avoidance of doubt and in order to protect the amenity of residential development in the nearby area in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.



24. The development hereby permitted shall only be used for the purpose of a 'data centre' as described in the introduction to the Design and Access Statement submitted with application 3/08/0593/FP and for no other purpose.

Reason: For the avoidance of doubt and in order that the local planning authority can consider the consequences of any alternative proposed use in accordance with the relevant planning policies currently in force and depending on the alternative use proposed.

25. The proposed development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (Flood Risk and Run Off Assessment for proposed redevelopment Phase 2 Bury Green Farm, CD1000/010, June 2008) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 (plus climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Greenfield run-off rate is to be achieved by retention in a pond or vegetated swale.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007.

- (B) if the legal agreement referred to in recommendation (A) above is not completed on or prior to 14 July 2008, then permission be refused for the following reason:

DNS

In the absence of a legal agreement to secure a contribution to infrastructure, inadequate provision has been made towards supporting infrastructure and the development is thereby contrary to the requirements of policy IMP1 of the East Herts Local Plan Second Review April 2007.

134 NEW SCHOOLS DEVELOPMENT PROPOSALS, BISHOP'S STORTFORD – COMMITTEE PROCEDURE

The Head of Planning and Building Control submitted a report setting out proposals for the process for dealing with the planning applications relating to the new schools development in Bishop's Stortford. He referred to the extensive levels of interest in the matter, which had necessitated that special arrangements be put in place.

He proposed that a special meeting be held and that the usual public speaking arrangements be varied as detailed in the report now submitted.

The Committee approved the proposals as now detailed.

RESOLVED – that (A) a special meeting of the Development Control Committee to consider the new schools development proposals be held and that the date be established by the Head of Planning and Building Control in consultation with the Committee Chairman, and

DNS

(B) for the special meeting only, the variation of the normal public speaking arrangements, as set out in paragraph 4.4 of this report now submitted, be applied.

DNS/  
DIS

135 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 Neighbourhood Services be authorised to grant permission in respect of the planning applications submitted in the report.

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

The Committee noted the updated schedule of planning obligations as now submitted.

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

DNS

<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.692	Pentlows Farm Braughing Retirement dwellings; manager's flat
2. 04.06.699	Station House, Aspenden Road, Buntingford Demolition/conversion to dwellings with improved road access
3. 04.06.702	Seven Acres 49,54 & 56 Upper Green Tewin 18 dwellings, associated parking and other works

(B) the Director of Internal Services report back following the grant of planning permission, or on 14 January 2009, whichever is the sooner.

DIS

136 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.

137 BENINGTON WIND TURBINES APPLICATION

The Committee supported the Director’s proposal that, in respect of this matter, a stakeholders’ briefing meeting be arranged.

RESOLVED – that a stakeholders’ briefing meeting be arranged.

DNS

The meeting closed at 11.05 pm

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