

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 19 NOVEMBER
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,
Mrs R F Cheswright, R N Copping,
J Demonti, Mrs M H Goldspink,
G E Lawrence, D A A Peek, S Rutland-Barsby,
J J Taylor, B M Wrangles.

ALSO IN ATTENDANCE:

Councillors D Andrews, P R Ballam, D Clark,
N P Clark, T Milner, P A Ruffles and J P Warren.

OFFICERS IN ATTENDANCE:

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

396 APOLOGIES

An apology for absence was submitted on behalf of
Councillor W Quince.

397 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the
meeting.

ACTION

The Chairman advised that application 3/08/1531/FP had been withdrawn by the applicant.

He also advised that application 3/08/1431/FP had been deferred.

The Chairman stated that application 3/08/1305/FP would be considered prior to application 3/08/1554/FP.

Finally, the Chairman reminded Members that the Special Development Control Committee meeting had been scheduled for 9 December 2008, at 6.00 pm, in the Charis Centre, Water Lane, Bishop's Stortford.

398 DECLARATIONS OF INTEREST

Councillors R Gilbert and J J Taylor declared personal interests in application 3/08/1399/OP, as they represented East Herts Council on the Lea Valley Regional Park Authority.

Councillors W Ashley, P R Ballam, K A Barnes, S A Bull, R Gilbert, J J Taylor and B M Wrangles declared personal interests in the matters referred to at Minutes 404 and 405 - applications 3/08/1400/FP and 3/08/1402/FP, in that they had attended the Councillors' breakfast at Paradise Wildlife Park.

Councillor M R Alexander declared a personal and prejudicial interest in application 3/08/1305/FP, as he had fettered his discretion by commenting on the application at the previous meeting of the Committee. He left the room prior to consideration of this item.

Councillor J Demonti declared personal interests in the matters referred to at Minutes 401 and 407 - applications 3/08/1554/FP and 3/08/1524/FP, as she was a representative for East Herts Council on Circle Anglia Housing Association.

ACTION

Councillors J Demonti and Mrs M H Goldspink declared personal interests in application 3/08/1739/FP, as they were acquainted with the applicant.

Councillor W Ashley declared a personal and prejudicial interest in application 3/08/1739/FP, as he was the applicant. He left the room prior to consideration of this item.

Councillor S A Bull declared a personal and prejudicial interest in application 3/08/1524/FP, as he had attended breakfast meetings at South Anglia Housing Association. He left the room prior to consideration of this item.

Councillor P R Ballam declared a personal interest in application 3/08/1399/OP, as Ware Town Council was the owner of allotments on the site.

Councillor M R Alexander declared a personal interest in application 3/08/1739/FP, as he had sent Councillor W Ashley a Christmas card.

RESOLVED ITEMS399 MINUTES

RESOLVED – that the Minutes of the meeting held on 22 October 2008 be confirmed as a correct record and signed by the Chairman.

400 3/08/1305/FP – THE ERECTION OF TWO FOUR BEDROOM DETACHED DWELLINGS AT THE MEADOW, 71 HIGH STREET, HUNSDON FOR MR PATRICK MORAN

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1305/FP, planning permission be granted subject to the conditions now detailed.

ACTION

The Chairman apologised to Members for the procedural oversight that had resulted in the application being left undetermined at the previous meeting of the Committee.

The Director advised that Members were entitled to state their views on the item at this meeting, if the Committee was prepared to reconsider the application. He suggested an alternative option would be for the Committee to delegate a decision to Officers on application 3/08/1305/FP.

Councillor Mrs M H Goldspink commented that as the Committee had found the application challenging at its previous meeting, delegating a decision to Officers was not appropriate, as such applications were usually reported to the Committee for a decision.

Councillor D A A Peek believed that the Committee should follow the Director's advice, as only 4 weeks had passed since the Committee had previously considered the application.

Councillor S A Bull proposed and Councillor W Ashley seconded, a motion that a decision on application 3/08/1305/FP be delegated to Officers.

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 3/08/1305/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED - that in respect of application 3/08/1305/FP, authority be delegated to Officers to determine the application.

DNS

ACTION

401 3/08/1554/FP - REDEVELOPMENT TO PROVIDE 10 NO. B1/B2/B8 INDUSTRIAL/WAREHOUSE UNITS WITH ASSOCIATED OFFICES, PARKING, SERVICING, LANDSCAPING AND DRAINAGE AT UNITS 1 - 8 RAYNHAM ROAD INDUSTRIAL ESTATE, RAYNHAM ROAD, BISHOP'S STORTFORD FOR HOWARD STANSTED LIMITED

Mrs Thompson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1554/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that 3 further letters of representation had been received, raising concerns similar to those already detailed in his report. Particular concerns had been raised on the dangers of asbestos in the roof of the existing units and also in relation to the height of the proposed development.

Councillor Mrs M H Goldspink expressed concerns that the roofline height of the proposed development was unbroken and 3 metres higher than existing buildings. She stated her concern relating to the overbearing effect of the proposed units.

In response to a query from Councillor A L Burlton, the Director advised that due to the nature of the proposal being for replacement commercial units, and the overall reduction in floorspace, Officers had considered it unnecessary to seek section 106 obligations.

Councillor D A A Peek expressed concerns in respect of future industrial growth on the site. He highlighted parking, noise and the height of the proposed development as of particular concern.

ACTION

The Director advised caution that upholding a challenge to the B1, B2 and B8 usage could prove difficult as these uses were already in place on the site. He detailed the industrial activities covered by such usage.

Councillor Mrs R F Cheswright commented on whether Members could attach a condition restricting the hours of use. The Director advised that the Committee should consider the restrictive nature of conditions when approving planning permission. He advised caution over attaching unduly onerous conditions, particularly as there was no similar condition on the existing units.

Councillor M R Alexander commented that the new roofs of the proposed scheme should result in improved noise attenuation. The Director advised that new storage techniques intended to maximise space utilisation resulted in potential increases in height of industrial storage units.

Councillor R N Copping commented on whether a condition could be attached to shield the development with trees. The Director reported that there was scope to landscape the area between the development and the site boundary. He also stated that the developer would have to ensure noise attenuation was in place. The Committee was advised that B2 industrial use was the use most likely to cause disruption.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/08/1554/FP be refused on the grounds of inadequate parking and that the proposed development, by virtue of its size, height and scale, represented an overbearing, dominant and overshadowing form of development to the detriment of the amenity of neighbouring residents contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.

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

ACTION

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1554/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1554/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development, by virtue of its size, height and scale represents an overbearing, dominant and overshadowing form of development to the detriment of the amenity of neighbouring residents contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. MO812 Inadequate parking – amend to “policies TR7 and EDE8...”

402 3/08/1399/OP – MIXED USE DEVELOPMENT INCORPORATING 1880 SQUARE METRES OF COMMERCIAL SPACE, 0.45 HECTARES OF OPEN SPACE, 76 RESIDENTIAL UNITS AND ACCESS ONTO WIDBURY HILL, AT THE DEPOT AND COACHWORKS, LEASIDE DEPOT, WIDBURY HILL, WARE FOR GORING LLP AND LEA VALLEY ESTATES

Mr Jewell addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1399/FP, planning permission be refused for the reasons now detailed.

The Director advised that Officers had withdrawn the second refusal for reason in the report now submitted and had replaced this with a highways related reason.

The Director advised that the applicant had e-mailed a

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representation to Members in response to his report. He advised that Lea Valley Regional Park Authority had raised no objections to the application.

The Committee was advised that although Highways had raised no objections at the time the report was written, representation had since been received in objection to the application. The Director commented that Highways' concerns had been raised relating to site access on the grounds of minimising the risk to highways safety.

The Director commented that any works to the second access would require a willingness on behalf of a third party to co-operate with Officers and Hertfordshire Highways. He advised that Officers could attach a condition stipulating that no development should take place until access issues were resolved.

Members were advised that Environmental Health had not objected to the application, subject to conditions regulating the hours of use. Confirmation had been received from the Hertfordshire County Council Archaeological Officer that their objection had been withdrawn as concerns had been addressed by conditions.

The Director advised that Members should consider the first reason for refusal as the substantive reason why he had recommended refusal on this application and that Members should also now consider the second Highways reason.

Councillor P R Ballam, as the local ward Member, expressed her concern over the loss of employment land. She acknowledged the application would not result in a total loss of employment opportunities.

Councillor Ballam commented that lorries leaving the site disturbed residents, particular now that commercial firms operated a 24 hour schedule with lorries departing from 5 am. She expressed concerns in respect of the narrow and

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dangerous roads close to the site.

In response to a query from Councillor A L Burlton, the Director advised that a deferral to address highways issues was unnecessary as the fundamental reason for refusal remained.

After being put to the meeting and vote taken, the Committee supported the Director's recommendation that application 3/08/1399/OP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1554/FP, planning permission be refused for the following reasons:

DNS

1. The site lies within a designated Employment Area as defined in the Local Plan, being reserved for employment use. The proposed development would result in the loss of land for employment purposes to the detriment of the economic well-being of the District. If permitted the proposal would be contrary to Policies EDE1 and WA8 of the East Herts Local Plan Second Review April 2007.
2. It has not been demonstrated to the Local Planning Authority that, with regard to the eastern access to the site, direct to Widbury Hill, a junction arrangement can be achieved that would not lead to conflicting traffic movements within the public highway and one therefore that would not be detrimental to highway safety and convenience. As a result the proposals are contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

ACTION

403 3/08/1254/FP – CONVERSION OF 1 NO 3 BEDROOM WARDEN'S HOUSE TO 2 NO. ONE- BEDROOM FLATS TO BE USED IN ASSOCIATION WITH HILLCREST RESIDENTIAL HOME AT BIRCH HOUSE, LONDON ROAD, SPELLBROOK FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1254/FP, planning permission be granted subject to the conditions now detailed.

Councillor K A Barnes expressed concern in respect of the Committee determining an application for East Herts Council.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1254/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1254/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)

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 GBC1, TR2 and TR7 of the East Herts Local Plan Second Review. The balance of the considerations having regard to these policies and the very special circumstances relating to the proposal is that planning permission should be granted.

ACTION

404 3/08/1400/FP – TWO STOREY EDUCATION, EVENT AND OFFICE BUILDING (RETROSPECTIVE) AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE, FOR PARKSIDE LEISURE LTD

Mr Sampson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1400/FP, planning permission be refused for the reasons now detailed.

The Director reported that representation had been received from the Leader of Broxbourne Borough Council, Councillor K A Ayling, in support of application 3/08/1400/FP.

Councillor W Ashley, as the local Ward Member, addressed the Committee in support of the application. He commented that his points were also relevant to application 3/08/1402/FP (see Minute 405 below).

Councillor Ashley commented that the proposed two storey building would be unobtrusive and sit comfortably within the site. He commented that the proposed development was covered by policy LRC10 of the East Herts Local Plan Second Review April 2007, which encouraged tourism development in appropriate locations in the Green Belt.

Councillor Ashley commented that the design of the new building and the materials used were significantly superior compared to the existing buildings on the site. Councillor Mrs R F Cheswright also addressed the Committee in support of the application.

Councillor D A A Peek sought and was given clarification in respect of the special circumstances in which an application could be approved in the Metropolitan Green Belt.

ACTION

Councillor W Ashley proposed and Councillor A L Burlton seconded, a motion that application 3/08/1400/FP be granted on the grounds that Paradise Wildlife Park was a major educational attraction that provided local employment and was appropriate under policy LRC10 of the East Herts Local Plan.

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

The Committee rejected the Director's recommendation that application 3/08/1400/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1400/FP, planning permission be granted subject to the following conditions:

DNS

1. Within 3 months of the date of this decision, the offices marked for removal on approved drawing 0774/13 B, shall be demolished, all materials removed from the site, and the land reinstated in accordance with details to be submitted and approved in writing by the Local Planning authority.

Reason: In the interest of the appearance of the site and the openness of the Green Belt in accordance with policies ENV1 and GBC1 of the East Herts Local Plan Second Review April 2007.

2. The building hereby permitted shall be used to provide an educational facility in association with the Paradise Wildlife Park. Any other use of the building shall only be one that is ancillary to the use of Paradise Wildlife Park as a Zoo.

Reason: To ensure that the identified need for the building is met and maintained and to clarify

ACTION

the extent of the permission given its Green Belt location in accordance with policies GBC1 and LRC10 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (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, ENV1 and LRC10. The balance of considerations having regard to those policies and the very special circumstances relating to the tourism, education, conservation and employment benefits of the Wildlife Park in that permission should be granted.

405 3/08/1402/FP – TWO STOREY TICKET/OFFICE BUILDING AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE FOR PARKSIDE LEISURE LTD

Mr Sampson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1402/FP, planning permission be refused for the reasons now detailed.

The Director reported that representation had again been received from the Leader of Broxbourne Borough Council, Councillor K A Ayling, in support of application 3/08/1402/FP.

Councillor W Ashley reiterated all the points he had made in respect of application 3/08/1400/FP (see Minute 404 above) at Paradise Wildlife Park. He also commented that approval of this application was important on the grounds of

ACTION

highways safety.

Councillor W Ashley proposed and Councillor A L Burlton seconded, a motion that application 3/08/1402/FP be granted on the grounds of highways safety and that Paradise Wildlife Park was a major educational attraction that provided local employment and was appropriate under policy LRC10 of the East Herts Local Plan.

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

The Committee rejected the Director's recommendation that application 3/08/1402/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1402/FP, planning permission be granted subject to the following conditions:

DNS

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Prior to any building works being commenced, the external materials of construction for the building hereby permitted shall be approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. The development shall, except to the extent that the Local Planning Authority otherwise agrees in writing, be carried out in accordance with the

ACTION

details submitted with the application.

Reason: To comply with the requirements of the Town and Country (General Permitted Development) Order 1995.

4. Prior to the first occupation of the development hereby permitted, the buildings marked for removal on approved drawing 0876/11 B, shall be demolished, all materials removed from the site, and the land reinstated in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the site and the openness of the Green Belt in accordance with policies ENV1 and GBC1 of the East Herts Local Plan Second Review April 2007.

5. The building hereby permitted shall be used only for purposes ancillary to the use of Paradise Wildlife Park as a Zoo.

Reason: To ensure that the identified need for the building is met and maintained and to clarify the extent of the permission given its Green Belt location in accordance with policies GBC1 and LRC10 of the East Herts Local Plan Second Review 2007.

Directives:

1. 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 & Safety Executive, Environment agency (Water Interest) etc.

ACTION

Neither does this permission negate or override any private covenants which may affect the land.

2. This permission does not purport to grant approval for the replacement of the toilet block which will need to be the subject of a separate application.

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 GBC1, ENV1, TR20 and LRC10. The balance of considerations having regard to those policies and the very special circumstances relating to the tourism, conservation and employment benefits of the Wildlife Park and for highway safety reasons is that permission should be granted.

- 406 (A) 3/08/1576/FP AND (B) 3/08/1562/LC - DEMOLITION OF PART OF EXISTING OUTBUILDING AND ERECTION OF DETACHED RESIDENTIAL ANNEX AT LONGWOOD, 69, HIGH STREET, HUNSDON, HERTS, SG12 8NJ FOR MR AND MRS FELSTEAD
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The Director of Neighbourhood Services recommended that, in respect of applications 3/08/1576/FP and 3/08/1562/LC, planning permission and conservation area consent be granted subject to the conditions now detailed.

Councillor D Clark addressed the Committee in support of the Officer's recommendations.

Councillor Mrs M H Goldspink supported the Officer's recommendation, on the grounds that the application for the annexe could not be considered as a separate dwelling

ACTION

on the site.

The Director advised that, as there was no possibility of creating a second access to the site, the annexe could not be viewed as a separate dwelling. He advised that the conditions recommended by Officers gave Members control over the occupation of the annexe. A further planning application would be required to remove any conditions.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/08/1576/FP and 3/08/1562/LC be granted planning permission and conservation area consent, subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/08/1576/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. The annex hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the dwelling known as Longwood as identified on plan ref: 8646/P/001B.

Reason: To ensure the Local Planning Authority retains control over any future residential development and in accordance with Policy ENV8 of the East Herts Local Plan Second Review.

3. Materials of construction (2E113)
4. Retention of parking space (3V204)

(B) in respect of application 3/08/1562/LC, conservation area consent be granted subject to the following conditions:

DNS

ACTION

1. Listed Building Three Year Time Limit (IT14)
2. Conservation Area (clearance of site) (8L133)

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 ENV1, ENV8, TR7, and BH6. The balance of the considerations having regard to those policies is that permission should be granted.

407 3/08/1524/FP –DEMOLITION OF EXISTING BUNGALOWS AND ERECTION OF 6 NO. 2-BEDROOM HOUSES WITH CAR PARKING AT LAND AT 2-16 MILL STREET, BISHOP’S STORTFORD FOR SOUTH ANGLIA HOUSING

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1524/FP, planning permission be granted subject to the conditions now detailed.

In respect of a query from Councillor A L Burlton, the Director commented that preventing construction lorries from accessing the site via Southmill Road was difficult to enforce and could be seen as unreasonable.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1524/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1524/FP, planning permission be granted subject to the following conditions:

DNS

ACTION

1. Three Year Time Limit (1T121)
2. Materials of construction (2E113)
3. Levels (2E051)
4. Boundary walls and fences (2E07)
5. Provision & retention of parking spaces (3V234)
6. Wheel washing facilities (3V251)
7. Prior to the commencement of the development hereby approved, a scheme for bank improvement works to the River Stort shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved scheme.

Reason: To ensure that the bank improvement works contribute to the nature conservation value of the site in accordance with Policy ENV18 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of development a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved plan.

Reason: To protect the natural features and character of the area and identify opportunities

ACTION

for enhancement of biodiversity in accordance with PPS9 and in accordance with Policy ENV18 of the East Herts Local Plan Second Review April 2007.

9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A 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 and in order to ensure that an adequate buffer is retained to the River Stort and the interests of amenity in accordance with policies ENV9 and ENV19 of the East Herts Local Plan Second Review April 2007.

10. Carried Out in Accordance (2E921)

Directives:

1. Other Legislation (01OL1)
2. You are advised that there should be no storage of materials, fires, dumping or movement of machinery within 8metres of the watercourse in order to limit the impact of the proposed development on the river buffer zone and the movement of wildlife along the river corridor.

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

ACTION

Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, ENV1, ENV2, ENV3, ENV9, ENV18, ENV19, HSG7 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

408 3/08/1662/FP – ALTERATIONS TO EXISTING MULTI-STOREY CAR PARK TO PROVIDE ADDITIONAL VEHICULAR AND PEDESTRIAN EXITS COMPRISING NEW OPENINGS ON WEST ELEVATION, AT THE MULTI-STOREY CAR PARK, JACKSON SQUARE, BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1662/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink welcomed the application and expressed her support for the Officer's recommendation.

Councillor K A Barnes expressed his concern in respect of the Committee determining an application for East Herts Council.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1662/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1662/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Materials of construction (2E113)
3. The exit hereby approved shall not be brought into use until details of the off site works for the

ACTION

development, and changes to the phasing of the Adderley Road/A1250 junction traffic signals and the installation of any vehicle detection loops, are submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall be implemented in accordance with the approved details.

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

Directives:

1. Highway Works (05FC)

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 and BH5. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

409 3/08/1424/FP - AMENDMENTS TO PREVIOUSLY APPROVED SCHEME (3/07/2155/FP) FOR ALTERATIONS AND CONVERSION OF STATION HOUSE TO 3NO. DWELLINGS TO PROVIDE ADDITIONAL ACCOMMODATION WITHIN THE LOFTSPACE AND REVISED PARKING AT STATION YARD, ASPENDEN ROAD, BUNTINGFORD FOR BLERIOT CONSTRUCTION LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1424/FP, planning permission be granted subject to the conditions now detailed.

ACTION

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1424/FP be granted planning permission, subject to the conditions now detailed.

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

DNS

- (a) £493 for Middle tier education
- (b) £355 for Upper tier education
- (c) £140 for Nursery education
- (d) £60 for Youth and childcare
- (e) £49 for Libraries

in respect of application 3/08/1424/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Samples of Materials (2E12)
3. No Further Windows – (2E17) ‘any elevation and roofslope’
4. Protection of Bats (2E19)
5. Withdrawal of P.D. (Part 1, Class A) (2E20)
6. Withdrawal of P.D. (Part 1, Classes B & C) (2E23)
7. Tree retention and protection (4P05)
8. Hours of Working (6N05)

Directives:

ACTION

1. Other Legislation - 01OL
2. In respect of Condition 3 the applicant is advised that written proposals for bat protect measures should be broadly in accordance with recommendations in the Bat Report (2008) accompanying the application.

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 2007), and in particular ENV1, ENV2, ENV3, ENV16, TR7, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

410 3/08/1739/FP – CONVERSION, EXTENSION AND ALTERATION TO EXISTING SHEDS TO PROVIDE 4 LIVE WORK UNITS, INCLUDING THE CREATION OF A BASEMENT AT MONKS GREEN FARM, MONKS GREEN LANE, BRICKENDON FOR WILLIAM ASHLEY AND PARTNERS

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1739/FP, planning permission be granted subject to the conditions now detailed.

Councillor Copping sought and was given confirmation by the Director that the basement could be constructed without existing buildings requiring demolition.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1739/FP be granted planning permission, subject to the conditions

ACTION

now detailed.

RESOLVED – that in respect of application 3/08/1739/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Materials of construction (2E11)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Contaminated land survey and remediation (2E33)
7. New doors and windows (2E34)
8. Prior to the commencement of the development hereby approved, a scaled plan to show the siting of vehicles in connection with the proposed use shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the units hereby approved the parking areas shall be provided and retained at all times thereafter.

Reason: To ensure a high quality site layout and adequate off street parking provision for the development in the interests of highway safety, in accordance with Policy ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

9. Landscape design proposals (4P12) parts d, e, i, j, k and l.

ACTION

10. Landscape works implementation (4P13)
11. Live/work units (5U142) 'units' and 'and the living accommodation shall not be occupied unless the working floor space is also occupied for Class B1 purposes'
12. There shall be no outside working or storage of goods, articles or materials in connection with the approved development.

Reason: In the interests of visual amenity of the area and neighbour amenity in accordance with Policy ENV1 and PPG2.

Directive:

1. Other legislation (010L)

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 GBC1, GBC9, GBC10, TR7, EDE7, ENV1, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and PPG2 is that permission should be granted.

411 3/08/1488/FP – SINGLE STOREY SIDE EXTENSION TO EXISTING GARAGE TO FORM RESIDENTIAL ANNEXE AT BRADLEY COTTAGE, PATIENT END, FURNEUX PELHAM FOR MR DAVID PIGG

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1488/FP, planning permission be granted subject to the conditions now

ACTION

detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1488/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1488/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. The annexe hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the dwelling known as Bradley Cottage as identified on drawing number 1A.

Reason: To ensure the Local Planning Authority retains control over any future residential development and inaccordance with Policy ENV8 of the East Herts Local Plan Second Review.

3. Samples of materials (2E123)
4. Retention of parking space (3V204)
5. New Doors and windows – unlisted buildings (2E342)

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 2007), and in particular GBC2, GBC3, ENV1, ENV5,

ACTION

ENV6, ENV8 BH12 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

412 3/08/1675/FP – TWO STOREY SIDE AND REAR EXTENSIONS AND FRONT PORCH AT 7 SUNNY HILL, BUNTINGFORD FOR MR S FELLS

Mrs Ryman addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1675/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that additional representation had been received from residents raising the same concerns as the public speaker, as well as many of the points detailed in paragraph 5.2 of the report now submitted.

The Director reported that, since the permitted development regulations had been changed from 1 October 2008, elements of this application did not now require planning permission. He commented that the single storey rear extension, dormer window in the rear roof slope and the three velux windows in the front roof slope did not now require planning permission.

Councillor S A Bull, as the local Ward Member, commented that the application site was not part of an estate and the properties were unique and much sought after dwellings. He commented on the detailed site history and expressed concerns in respect of the application adversely affecting the street scene and in relation to overdevelopment.

The Director commented that guidelines that determined whether an application was allowed under permitted development took into account the scale of the development in relation to neighbouring dwellings and the

ACTION

local area.

Councillor J P Warren expressed his concern that application 3/08/1675/FP constituted excessive overdevelopment that was against policies ENV5 and ENV6 of the East Herts Local Plan Second Review 2007. He acknowledged that reasonable extensions had been approved in the area but stated that this application was excessive and would spoil the environment of the area.

The Director advised Members to restrict their consideration to the scale and size of the proposed development. He reminded the Committee that the dormer and velux windows were covered by permitted development legislation and should not be considered by Members.

Councillor S A Bull proposed and Councillor R N Copping seconded, a motion that application 3/08/1675/FP be refused on the grounds that the proposed development would result in an overdevelopment of the site by virtue of its size and scale and would therefore be harmful to the character and appearance of the street scene contrary to policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

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 3/08/1675/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1675/FP, planning permission be refused the following reason:

DNS

1. The proposal would result in an overdevelopment of the site by virtue of its size and scale and would therefore be harmful to the

ACTION

character and appearance of the street scene contrary to policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

413 E/08/0271/A–UNAUTHORISED CHANGE OF USE OF LAND FOR THE PARKING OF COMMERCIAL VEHICLES AT PLASHES FARM, GORE LANE, COLLIERS END, SG11 1ES

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0271/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0271/A on the basis now detailed.

RESOLVED – that in respect of E/08/0271/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 cessation of the unauthorised use of the land.

DNS/
DIS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

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. The development is prejudicial to this policy, set out at policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007.

ACTION

2. The parking of commercial vehicles in such close proximity to both the Grade II and Grade II* Listed Buildings is detrimental to their setting and contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
3. The unauthorised use increases commercial traffic along the surrounding single width rural access roads which has implications on the physical condition of the road network, highway safety and the convenience of other road users. The development is therefore contrary to the aims of policy TR20 of the East Herts Local Plan Second Review April 2007.

414 E/07/0539/B – UNAUTHORISED SECURITY SHUTTERS TO THE FRONT OF PREMISES AT VEGA BAKERIES LTD, 4 AMWELL END, WARE, HERTS, SG12 9HW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0539/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0539/B on the basis now detailed.

RESOLVED – that in respect of E/07/0539/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

DNS/
DIS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement

ACTION

notice:

- 1. The shutters represent an incongruous and unattractive feature within the Ware Conservation Area, detrimental to its character and appearance. The development is contrary to policy BH6 of the East Hertfordshire Local Plan Second Review April 2007.

415 PLANNING APPEAL PERFORMANCE AND TRENDS
APRIL - SEPTEMBER 2008

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering April to September 2008.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

416 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;
- (C) Planning Appeals: Inquiry and Informal Hearing Dates; and
- (D) Planning Statistics.

The meeting closed at 10.00 pm

Chairman
Date