

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 22
OCTOBER 2008 AT 7.30 PM

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

ALSO PRESENT:

Councillors P R Ballam, D Clark, M J Tindale,
M Wood.

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

351 APOLOGIES

Apologies for absence were submitted on behalf of Councillor G E Lawrence. It was noted that Councillor A L Warman was in attendance as substitute for Councillor G E Lawrence.

352 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that the following items had been withdrawn:

- (a) E/06/0575/A – Use of land at rear of 110 Dunmow Road, Bishops Stortford, Herts, and
- (b) 3/07/2346/FP – Erection of storage racks within goods yard, at T Brewer & Co Ltd, 110 Dunmow Road, Bishops Stortford for T Brewer and Co.

The Chairman stated that he had been advised that Members who had attended the Councillors' breakfast at Paradise Wildlife Park should declare personal interests in applications 3/08/1390/FP and 3/08/1401/FP.

353 DECLARATIONS OF INTEREST

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 360 and 361 - applications 3/08/1390/FP and 3/08/1401/FP, in that they had attended the Councillors' breakfast at Paradise Wildlife Park.

Councillor S A Bull declared a personal interest in the matter referred to at Minute 359 – application 3/08/0840/OP, in that he was an acquaintance of the applicant.

Councillor W Quince declared a personal interest in the matter referred to at Minute 369 - application E/08/0197/B, in that he lived in the vicinity of the site.

Councillor J Demonti declared a personal interest in the matter referred to at Minute 357 - application 3/08/1160/FP, in that she lived in the vicinity of the site.

Councillor D A A Peek declared a personal interest in the matter referred to at Minute 357 - application 3/08/1160/FP, in that he was a Member of Bishop's Stortford Cricket Club.

RESOLVED ITEMS

354 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 24 September 2008 be confirmed as a correct record and signed by the Chairman.

355 3/08/1298/FP – DEMOLITION OF EXISTING DAY CARE CENTRE AND ASSOCIATED PORTACABINS AND ERECTION OF NEW DAY CENTRE AT ST ELIZABETH'S DAY CENTRE, PERRY GREEN, MUCH HADHAM, FOR ST ELIZABETH'S DAY CENTRE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1298/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1298/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1298/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)
2. Samples of materials (2E12)
3. Lighting Details (2E27)
4. Landscaping a, c, d, f, I, j, k, l. (4P12)
5. Landscape works implementation (4P13)
6. Refuse disposal facilities (2E24)

7. Construction hours of working – plant and machinery (6N07)
8. Wheel washing facilities (3V25)

Directive:

1. This planning permission gives no entitlement to affect the public rights of way on the application site. Any diversion, extinguishment or creation of a public right of way needs its own legal authority before any works affecting the right of way can be commenced. Please contact Hertfordshire County Council Transportation Planning and Policy Unit on 01992 555555, for advice regarding Footpath 44 which adjoins the site.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular policies GBC3, GBC4 and ENV1 of the East Herts Local Plan Second Review. The balance of the considerations having regard to these policies and the material consideration of the ongoing training and medical importance of the St Elizabeth's Centre is that planning permission should be granted.

356 (a) 3/08/1178/FP - CONVERSION OF EXISTING BUILDING TO FORM 12 DWELLINGS; AND (b) 3/08/1179/LB - CONVERSION OF EXISTING BUILDING TO FORM 12 DWELLINGS AT NORTHERN MALTINGS 16 NEW ROAD WARE HERTS SG12 7BS FOR GOLDSTAGE LTD

Mr Davis addressed the Committee in opposition to the application. Mr Allan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/08/1178/FP and 3/08/1179/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Director commented that concerns had been raised in respect of the external staircases being out of keeping with the character of the building, access for emergency and refuse vehicles and that the application would adversely affect the neighbouring building.

The Director stated that concerns had also been raised in respect of parking, the existing poor access to the site, pedestrian safety and overlooking of a nearby school playground. The County Archaeologist had commented that a full archaeological survey should be carried out.

Councillor J J Taylor commented that she had no objection to the site being used for dwellings so long as buildings were sympathetically restored. She raised strong concerns in respect of the design of the steel balconies and external staircases. She also commented that when the application was received for the middle malting building, the access issues could be addressed for both applications.

Councillor Taylor commented on whether details of the staircases had been agreed with the Planning Authority before this meeting. She believed that the application would be of detriment to the character, appearance and setting of the Listed Building and was contrary to Policy BH11 of the East Herts Local Plan Second Review April 2007. Further, she commented that the staircases should be redesigned to be incorporated inside the structure to ensure the listed building was not adversely affected.

Councillor Taylor also commented on the potential for unacceptable levels of overlooking of a playground and the Christchurch area. Councillor Taylor commented that Ware Town Council had stated that improved access and egress at New Road was essential. She stated concerns relating to

pedestrian safety and access to the site for emergency services being impeded when other vehicles were entering or leaving the site.

Councillor P R Ballam, as the local ward Member, expressed concerns relating to parking and traffic problems being exacerbated by these applications. She stated that the residents parking scheme offered no guarantee of a space, resulting in more on-street parking and parking tickets for residents forced to park in New Road.

Councillor A L Warman expressed concerns relating to the effects of the application on a Conservation area. He commented that the application would adversely affect pedestrian safety. He also stated concerns over access issues for emergency vehicles. Councillor Warman commented that a school child at play being overlooked from a high rise development was unacceptable.

Councillor Mrs M H Goldspink supported a refusal on both applications and expressed concerns that condition 15 did not provide sufficient control over the details of the staircases and balconies. She also raised concerns in respect of pedestrian safety and inadequate parking provision.

The Director commented that Hertfordshire Highways had advised that the application was acceptable from the point of view of access to the site. He advised that the proposed conditions ensured Members had control of the design and detail of balconies and staircases. The Committee was also advised that Officers had the view that the fundamental design issues were acceptable.

In response to a query from Councillor Taylor on whether local amenity groups had been consulted, the Director stated that full statutory consultation had taken place.

Councillor M R Alexander expressed concerns that Hertfordshire Highways had not objected to the application on the grounds of highway safety. Councillor Taylor referred to

the detailed concerns of an independent highways advisor.

Councillor J J Taylor proposed and Councillor A L Warman seconded, a motion that applications 3/08/1178/FP and 3/08/1179/LB be refused on the grounds that the development would exacerbate the existing access problems at the site and would be detrimental to the character, appearance and setting of the Listed Building and was therefore contrary to Policies BH10 and BH11 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 applications 3/08/1178/FP and 3/08/1179/LB be granted planning permission and listed building consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/08/1178/FP, planning permission be refused for the following reasons:

DNS

1. The external treatment to the building including the installation of the stair and balcony features is considered to be harmful and detrimental to the character, appearance and setting of the Listed Building and therefore contrary to Policies BH10 and BH11 of the East Herts Local Plan Second Review April 2007.
2. The introduction of traffic associated with the residential development would exacerbate an existing unsatisfactory access arrangement between the site and New Road given the width of the access, lack of footways and poor visibility at the junction. Therefore this would be contrary to Policy TR2 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/08/1179/LB, listed building consent be refused for the following reason:

1. The external treatment to the building including the installation of the stair and balcony features is considered to be harmful and detrimental to the character, appearance and setting of the Listed Building and therefore contrary to Policies BH10 and BH11 of the East Herts Local Plan Second Review April 2007.

357 3/08/1160/FP - RENOVATION OF WHITEHALL HOUSE AND CHANGE OF USE TO ONE DWELLING, DEMOLITION OF VENN HOUSE DORMITORY BLOCK, THEATRE BLOCK AND OFFICES, RENOVATION AND EXTENSION OF 4 COTTAGES, ONE REPLACEMENT DWELLING AND THE CONSTRUCTION OF 6 NEW DWELLINGS AND LEVELLING, SURFACING AND SEEDING OF SOUTHERN FIELD TO PROVIDE JUNIOR CRICKET CLUB FACILITIES AT WHITEHALL COLLEGE, DANE O'COYS ROAD, BISHOP'S STORTFORD FOR THE ARLBERG GROUP

Mr Piggott addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1160/FP, details of the financial contribution arrangements and planning conditions, as detailed in the report now submitted be approved.

The Director reminded Members that the Committee had supported the application in principle at the previous meeting (Minute 297 refers). He advised that Officers now sought the Committee's approval to finalise details of section 106 contributions in consultation with the Chairman of the Committee.

The Director commented that an agreement had been reached between the developer and the Bishop's Stortford Sports Trust in respect of section 106 contributions. The

solicitor for both parties had formulated an agreement that both parties were ready to sign.

The Director stated that a figure of £60,000 had been put forward as the amount the applicant was willing to offer. He commented that the legal agreement had been drafted on that basis. He stated that it would not be appropriate for this sum was to be ringfenced as a general social fund as the Council did not have an adopted policy for the use of such money. However it had clear policies in relation to the provision of affordable housing.

In response to a query from Councillor Mrs M H Goldspink, the Director advised that as the application was for less than 9 dwellings, the provision fell below the threshold for the normal range of comprehensive section 106 contributions.

At the request of Councillor A L Warman, the Director updated the Committee on the process for negotiating section 106 contributions on planning applications. He stated that section 106 contributions supported residential development by securing appropriate supporting infrastructure. He commented that the funding was allocated for public purposes, such as highways works, education and libraries as well as youth and general public services. The practice of seeking section 106 contributions is legal and laudable given the infrastructure needs of the area.

After being put to the meeting and a vote taken, the Committee supported the recommendations of the Director of Neighbourhood Services in respect of application 3/08/1160/FP.

RESOLVED - that (A) the provision of a financial contribution toward either the upgrading of existing affordable housing or to assist with the provision of new affordable housing in association with this development and in the District of East Hertfordshire be approved;

DNS

(B) the financial contribution in (A) above be £60,000;

(C) the financial contribution in (B) above be secured by way of Legal Agreement (which may constitute a Unilateral Undertaking) under section 106 of the Town and Country Planning Act 1990 and that, financial contributions towards the Bishop's Stortford Sports Trust Limited, are secured in the same way; and

(D) the following conditions as those to be applied to any planning permission in relation to this development, be endorsed:

1. Three Year Time Limit (1T13)
2. Programme of Archaeological Work (2E02)
3. Boundary Walls and Fences (2E07)
4. Materials of Construction (2E11)
5. Withdrawal of P.D. (Part 1 Class A) (2E20)
6. Withdrawal of P.D. (Part 2 Class A) (2E21)
7. Withdrawal of P.D. (Part 1 Class E) (2E22)
8. Materials arising from demolition (2E32)
9. Tree Retention and Protection (4P05)
10. Hedge Retention and Protection (4P06)
11. Tree/natural feature protection: fencing (4P07)
12. Tree Protection: restrictions on burning (4P08)

13. Tree Protection: excavations (4P09)
14. Tree Protection: earthworks (4P10)
15. Tree Surgery (4P11)
16. Landscape Design Proposals (4P12)

Delete b, g and h.

17. Landscape Works Implementations (4P13)
18. Before any works commence, or any vehicles access the site, details of the construction of the access roads/driveways, detailing the depth of excavations for the access roads/driveways, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter constructed in accordance with the approved details.

Reason: To ensure the protection of trees to be retained, and in particular to avoid unnecessary damage to their root system, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of the development hereby permitted, detailed drawings and specifications of the levelling, surfacing and seeding of the southern field to provide for a cricket use shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved details and shall be made available for use not later than the occupation of the sixth residential unit (of any type) to be provided on the application site.

Reason: In the interests of the appearance of the

development and securing the offered improvement to local facilities at an appropriate stage of the overall development..

20. Prior to the commencement of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter all construction vehicle movements shall accord with the approved details.

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

21. The development hereby approved, and its construction, shall accord with the mitigation strategy as outlined in the Jones & Sons Protected Species 2007 Surveys Report dated April 2008, unless otherwise agreed in writing by the Local Planning Authority, in consultation with Hertfordshire Biological Records Centre.

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

Directives:

1. Other Legislation (01OL)
2. You are advised to contact the East Herts Highways Area Office (01992 526900) with regard to the carrying out of any works on any footway, carriageway, verge or other land forming part of the highway.

3. Public Rights of Way (18FD)
4. Street Naming and Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, SD4, HS3, HSG4, GBC1, GBC9, GBC14, TR7, EDE2, ENV1, ENV2, ENV9, ENV11, ENV14, ENV16 and IMP1. The balance of the considerations having regard to those policies and that the proposed development would not be of detriment to the character of the area and would be an enhancement to the Green Belt is that permission should be granted.

358 3/08/1340/FP – DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF REPLACEMENT THREE-STOREY RESIDENTIAL BLOCK CONSISTING OF TWELVE TWO-BEDROOM FLATS AT THE SUN AND HARROW P.H., FANHAMS ROAD, WARE FOR MRS J HARRISON

Mrs Harrison addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1340/FP, planning permission be refused for the reasons now detailed.

Councillor P R Ballam supported the Officer's recommendation, on the grounds that the application would result in unacceptable levels of overlooking of nearby residential dwellings.

Councillor J J Taylor commented that Members should not let any threat of an appeal by the applicant deter the Committee

from supporting an Officer recommendation for refusal. Councillor M R Alexander commented that although he regretted the loss of a local business, the application was too much on such a small site.

The Committee supported the Director's recommendation that application 3/08/1340/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1340/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development would, by reason of its size, scale, massing and layout, be poorly related to the context of the site and detrimental to the character, form and density of existing development in the area. As a result, it would appear unduly dominant and intrusive in the area and would have a poor relationship with adjoining development contrary to the provisions of policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would involve the loss of an employment and community facility in this local centre, without the provision of sufficient evidence to show that the existing public house use is no longer commercially viable, contrary to the provisions of policies EDE2 and STC8 of the East Herts Local Plan Second Review April 2007.
3. The development fails to make the appropriate financial provision for infrastructure improvements to support the proposed development, contrary to the provisions of policy IMP1 of the East Herts Local Plan Second Review April 2007.

359 3/08/0840/OP - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 50 DWELLING HOUSES TOGETHER WITH ACCESS ROAD AND LANDSCAPING AT LAND OFF TYLERS CLOSE, WEST OF GREENWAYS, BUNTINGFORD FOR MR GREG HODGE

Mrs Bown addressed the Committee in opposition to the application. Mr Bates spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0840/FP planning permission be granted subject to the conditions now detailed. The Director advised that an additional letter of objection had been received, as well as the representation from the applicant and the landowner.

Councillor S A Bull, as the local ward Member, detailed the contents of a letter from Buntingford Civic Society. Councillor Bull summarised the concerns of the Civic Society as focusing on the application being contrary to the East Herts Local Plan. He commented that the application fell outside the defined settlement limit for Buntingford.

Councillor W Ashley commented that the application should be deferred until the contents of the annual monitoring housing land report had been considered by the Authority. The Chairman commented that the monitoring report should become available in the next two or three weeks.

The Director commented that the Regional Plan set out high level targets for housing provision and the annual monitoring report set out how East Herts was performing against those targets. The Committee was advised that a deferral was an appropriate way forward until the report and the further detailed information that would be set out in it was available.

In response to a query from Councillor S A Bull, the Director commented that a refusal would be challenging to defend at appeal on the issue of principal as the Council had previously

supported part of this site as an allocated site for development in the preparation of the Local Plan. Councillor D Clark expressed concerns that policies in the Local Plan had not been considered sufficient to refuse a planning application.

The Director stated that the East Herts Local Plan was still of considerable policy importance. However, it must also take into account the Regional Plan policies which now also form part of the development plan.

Councillor W Ashley proposed and Councillor D A A Peek seconded, a motion that application 3/08/0840/OP be deferred to enable Members to consider further information that will be available in relation to Housing Land Supply following the Local Development Framework Executive Panel meeting on 6 November 2008.

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 3/08/0840/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that application 3/08/0840/OP be deferred to enable Members to consider further information that will be available in relation to Housing Land Supply following the LDF Executive Panel meeting of 6 November 2008.

DNS

360 3/08/1390/FP – OVERFLOW CAR PARK (PART RETROSPECTIVE) AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE FOR PARKSIDE LEISURE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1390/FP planning permission be granted subject to the conditions now detailed.

The Director commented that an additional representation had been received from a resident that had raised no objection in principle to the application, but had raised concerns regarding drainage, access issues, lack of landscaping and fencing details and that the pay cabin and waste silos constituting inappropriate development in the Green Belt.

Councillor Mrs M H Goldspink expressed concerns in respect of whether the conditions were sufficiently stringent to protect trees and associated bunds. She commented on whether the conditions could be strengthened for ground water protection purposes and to improve car park drainage.

The Director stated that details due to be submitted to Officers in respect of conditions 8, 9 and 10 would address the Member's concerns. He commented that the Landscape Officer was satisfied, in principle, with the application.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1390/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1390/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. No external lighting (2E26)
3. Within a period of three months from the date of this decision, details of materials for the construction and external finish of the pedestrian safety gateway features shall be submitted and agreed in writing by the Local Planning Authority. Such features to be installed in accordance with those approved details within 8 months of the date of this decision.

Reason: In the interests of highway safety and the

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

4. Within 3 months of the date of this decision, the applicant shall, to the satisfaction of the local planning authority, enter an agreement under the provisions of section 278 of the Highways Act 1980 to ensure the provision of the access and highway works shown on drawing 11500992 0992-SK-01. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Tree Protection: Earthworks (4P10)
8. Within three months of the date of this decision full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, (a) details of earthworks/mounding including levels and contours (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

9. Landscape works implementation (4P13)

10. Landscape maintenance (4P17)
11. Retention of landscaping (4P21)
12. The car park hereby permitted shall be used as an overflow car park only, in connection with Paradise Wildlife Park and not for any other purpose without the prior permission in writing of the local planning authority.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the character of the area or likely to be a nuisance or annoyance to nearby occupiers.

13. The use of the car park shall be restricted to within half an hour before and after the normal opening hours of Paradise Wildlife Park.

Reason: In the interests of the rural character of the area and the amenities of the occupants of nearby properties.

14. No materials, debris, pollutants, vehicles or machinery associated with this overflow car park are to be stored or used within the adjacent Wildlife Sites (71/033 Coldhall Green and White Stubbs Lane, and 71/063 Mortals Wood).

Reason: To protect local Wildlife Sites in accordance with policy ENV14 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. 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 Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC14, TR7, TR20, ENV1, ENV2, ENV10, ENV11, ENV14, ENV17, ENV23, LRC10. 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.

361 3/08/1401/FP – EVENT MARQUEE (RETROSPECTIVE) AT PARADISE WILDLIFE PARK, WHITE STUBBS LANE, BROXBOURNE FOR PARKSIDE LEISURE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1401/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1298/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1401/FP, planning permission be granted subject to the following condition:

DNS

1. The marquee hereby permitted shall be used solely for purposes ancillary to Paradise Wildlife Park, and for no other purpose whatsoever without the prior permission, in writing, of the local planning authority.

Reason: To ensure that no alternative use is made of the premises which would be out of keeping with the character of the surrounding rural area or be

likely to be detrimental to nearby occupiers.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular policies GBC3, GBC4 and ENV1 of the East Herts Local Plan Second Review. The balance of the considerations having regard to these policies and the material consideration of the ongoing training and medical importance of the St Elizabeth's Centre is that planning permission should be granted.

362 3/08/1305/FP – THE ERECTION OF TWO FOUR BEDROOM DETACHED DWELLINGS AT THE MEADOW, 71 HIGH STREET, HUNSDON FOR MR PATRICK MORAN

Mr Felstead and Mr Brookes addressed the Committee in opposition to the application. Mr Gridley spoke for the application.

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.

The Director commented that Hunsdon Parish Council had objected to the application and four further letters of objection had been received. The grounds for these objections had been access concerns and in respect of the proposed development being out of keeping with the area.

In response to a query from Councillor K A Barnes, the Director advised that the Parish Council had objected on the grounds that the proposed development was too large and intrusive and constituted overdevelopment. Concerns had also been raised in respect of additional vehicle movements at a dangerous junction with the High Street.

Councillor D Clark, as the local ward Member, expressed concerns that the proposed dwellings were too large for this location and that smaller properties would be more in keeping with the character of the area. Councillor Clark commented on the dangers posed by extra traffic in this location. She expressed concern that Hertfordshire Highways had not objected to the application.

Councillor Clark acknowledged that the design of the dwellings was not unattractive. She commented that the proposed development was significantly larger and more prominent than existing dwellings. Councillor Clark believed that the dwellings would be out of character with the local area and was against policies ENV1, HSG7 and OSV1.

Councillor Mrs M H Goldspink expressed concern that the application would result in overdevelopment and only 1 dwelling of this size would be acceptable on the site. Councillors R N Copping and W Quince supported the concerns raised by Councillor Clark.

Councillor W Quince proposed and Councillor R N Copping seconded, a motion that application 3/08/1305/FP be refused on the grounds that the application was against policies ENV1, HSG7 and OSV1 of the East Herts Local Plan Second Review by virtue of the size, form and design of the dwellings being inappropriate in this location.

After being put to the meeting and a vote taken, the motion was declared LOST on the Chairman's casting vote.

RESOLVED – that in respect of application 3/08/1305/FP, the motion to refuse the application not be approved.

DNS

(Note – As the application remained undetermined, it would be resubmitted to the next meeting.)

363 3/08/1468/FP – ERECTION OF NEW DWELLING AT LAND
ADJACENT TO 5 HALL LANE, GREAT HORMEAD FOR MR
AND MRS QUINNY

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1468/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs R F Cheswright sought and was given clarification in respect of the ownership of the site.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1468/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1468/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Samples of materials (2E12)
4. Withdrawal of P.D. (Part 1 Class A) (2E20)
5. Withdrawal of P.D. (Part 1 Class E) (2E22)
6. Withdrawal of P.D. (Part 1 Class B) (2E23)
7. Provision and Retention of Parking Spaces (3V23)
8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)

10. Tree protection: restrictions on burning (4P08)
11. Landscape design proposals (4P12) (b) (e)
12. Landscape works implementation (4P13)
13. Hours of working - plant and machinery (6N05)
14. Prior to any building works being commenced, details of the foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment.

15. Before any works commence on site, details of earthworks shall be submitted to and approved in writing by the Local Planning Authority. These details shall include how any spoil will be removed from the site, or if appropriate, details of how it is proposed to be used within the site.

Insert:- “thereafter, the development shall be carried out only in accordance with those approved details.

Reason: In the interest of maintaining the amenity value of the area, in accordance with policy ENV2 of the East Herts Local Plan Second Review.

Directives:

1. Other Legislation (01OL)
2. Street Numbering (19SN)
3. 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 GBC3, ENV1, ENV2 and BH6. The balance of the considerations having regard to those policies and the permissions previously granted under LPA references 3/02/1692/OP, 3/02/1691/OP, 3/05/0036/FP, 3/06/1161/FP and 3/07/0413/FP is that permission should be granted.

- 364 3/08/1240/FO – REMOVAL OF CONDITION OF PLANNING PERMISSION GRANTED UNDER REF. 3/07/0269/FP RESTRICTING THE HOURS OF USE OF THE CAR PARK AT RED WHITE AND BLUE OPEN SPACE, CANNONS MILL LANE, BISHOP'S STORTFORD FOR ENVIRONMENT MANAGER, EAST HERTS DISTRICT COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1240/FO, planning permission be granted for the removal of the condition now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1240/FO be granted permission for the removal of the condition now detailed.

RESOLVED – that in respect of application 3/08/1240/FO, permission be granted for the removal of the condition.

DNS

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 GBC1 and ENV24. The balance of the considerations having regard to those policies is that permission should be granted.

365 3/08/1425/FP - ERECTION OF 4 NO. 3 BEDROOM TERRACED DWELLINGS IN PLACE OF THE 4 NO. 2 BEDROOM TERRACED DWELLINGS APPROVED UNDER 3/07/2155/FP AT STATION YARD, ASPENDEN ROAD, BUNTINGFORD, HERTS, SG9 9JB FOR BLERIOT CONSTRUCTION LTD

Mr Catherall addressed the Committee in support of the application. He expressed concern in respect of the financial contribution requirements.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1425/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that representation had been received from the applicant reiterating the issue of the current level of section 106 legal obligations presenting a financial challenge of sufficient magnitude to render the application financially unviable.

The Director provided a breakdown of the Council's recently adopted policy of negotiating section 106 contributions on planning applications. He stated that section 106 contributions supported development by securing health and emergency services cover as well as educational and appropriate infrastructure support.

In response to a query from Councillor D A A Peek, the Director commented that the Council's policy did not set out financial contributions for affordable housing. This was because the Council's normal policy approach was to seek provision on development sites. He stated that Officers relied on a County Council toolkit for calculating appropriate levels of contributions for County related infrastructure.

Councillor Mrs M H Goldspink suggested that, in light of the special circumstances raised by the applicant, the Committee could waive the legal obligations in the report now submitted, should the application be approved.

Councillor W Quince expressed concerns in respect of negotiating on section 106 contributions. Councillor S A Bull expressed a similar concern along with sympathy for the applicant's situation.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1425/FP be granted planning permission subject to the conditions now detailed.

RESOLVED - that subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and County Planning Act 1990 in respect of the following matters: DNS

- (a) £5,108 for Middle tier education
- (b) £4,528 for Upper tier education
- (c) £660 for Nursery education
- (d) £136 for Youth and childcare
- (e) £204 for Libraries

in respect of application 3/08/1425/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05)
3. Samples of Materials (2E12)

4. No Further windows (2E17) “east facing roofslope”
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:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular ENV1, ENV2, ENV3, ENV16, ENV24, TR1, TR7, EDE2, BUN1, IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

366 3/08/1525/FP – GARAGE CONVERSION INCLUDING REPLACEMENT OF GARAGE DOOR WITH WINDOW AND NEW REAR WINDOW AT 17 CROMWELL ROAD, BISHOP’S STORTFORD FOR MR PAUL KENNEDY

Mr Kennedy addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1525/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor B M Wrangles, the Director advised that Bishop’s Stortford Town Council had

objected to the application on the grounds that the application was against Town Council policies. Concerns had also been expressed relating to a reduction in off-street parking.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1525/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1525/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Matching Materials (2E133)

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

At this point (10.25 pm), the Committee approved a resolution suspending paragraph 9 of the Rules of Procedure, in order that its remaining business could be completed by 10.45 pm.

367 3/08/1221/FP – SELF CONTAINED GRANNY ANNEXE AT 6 KINGSMEAD ROAD, BISHOP'S STORTFORD FOR MR ROBERT MALYON

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1221/FP planning permission, be granted subject to the conditions now detailed.

Councillor J Demonti commented on whether the application could be classified as a granny annexe or if the new dwelling was of sufficient size to be classified as a separate self contained dwelling.

The Director provided a detailed definition of what constituted a granny annexe. He commented that a granny annex did not benefit from a separate access and was ancillary to the primary dwelling on any given site.

Councillor K A Barnes spoke against the application on the grounds that the annexe could be used as a separate dwelling.

Councillor M R Alexander proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/08/1221/FP be refused on the grounds that the application had the potential to be occupied as a separate residential unit due to its distance from the existing dwelling and as a result, had the potential to be harmful to neighbouring residential amenity and was therefore contrary to Policy ENV8 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 3/08/1221/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1221/FP, planning permission be refused for the following reason:

DNS

1. The proposed development has the potential to be occupied as a separate residential unit due to its distance from the existing dwelling and the ability for separate access to be created. As a result, it has the potential to be harmful to neighbouring

residential amenity and therefore contrary to Policy ENV8 of the East Herts Local Plan Second Review April 2007.

368 E/07/0272/A – UNAUTHORISED SHED TO THE FRONT OF THE PROPERTY, AT WILLOW LODGE, CAMBRIDGE ROAD, THUNDRIDGE, WARE, SG12 0SU

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0272/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/07/0272/A on the basis now detailed.

RESOLVED – that in respect of E/07/0272/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

DNS/
DIS

Period for compliance: 2 months

Reason why it is expedient to issue an enforcement notice:

1. The wooden shed, by reason of its siting appears unduly prominent in the street scene, and is detrimental to the character and appearance of the area and the Thundridge Conservation Area wherein the site is situated. The development is contrary to policies ENV5, ENV6 and BH6 of the East Hertfordshire Local Plan Second Review April 2007.

369 E/08/0197/B - THE ERECTION OF AN UNAUTHORISED
OUTBUILDING AND REPLACEMENT DWELLINGHOUSE
AT 86 BRAMFIELD ROAD, DATCHWORTH, SG12 8PS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0197/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/07/0197/B on the basis now detailed.

RESOLVED – that (A) in respect of E/08/0197/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 “leisure” outbuilding at the site.

DNS/
DIS

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The application site lies within the Metropolitan Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the outbuilding and its erection is contrary to the aims and objectives of policies GBC1 & ENV5 of the Local Plan.
2. The unauthorised outbuilding by reason of its scale would be of excessive size in relation to the existing dwelling, and out of keeping with its character and that of the area as a whole. If permitted, the development would be contrary to policy GBC1 of the East Herts Local Plan Second

Review April 2007.

(B) in respect of E/07/0197/B, authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, 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 any unauthorised replacement dwelling or works for such an unauthorised replacement dwelling on the site in the event that no application for planning permission is approved within 6 months of the date of this resolution.

DNS/
DIS

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The application site lies within the Metropolitan Green Belt, as defined in the East Hertfordshire Local Plan, where replacement dwellings will only be allowed if they are not materially larger than the dwelling to be replaced. The unauthorised replacement dwelling under construction, with a basement, appears to be materially larger than the previous dwelling on site. It would therefore be contrary to the aims and objectives of policies HSG8 and GBC1.

370 E/06/0155/A – VARIOUS UNAUTHORISED STRUCTURES AND CHANGES OF USE AT ESBIES ESTATE, OFF STATION ROAD, SAWBRIDGEWORTH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/06/0155/A, enforcement action be authorised on the basis now detailed.

The Director advised that he proposed an amendment to recommendation (B) to secure delegated powers for Officers to amend the detail and content of any notices served under

Section 172 of the Town and Country Planning Act 1990, in order to allow formal action in relation to similar unauthorised development(s) on the estate.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/06/0155/A on the basis now detailed.

RESOLVED – that (A) in respect of E/06/0155/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue enforcement notices under section 172 of the Town and Country Planning Act 1991 and “untidy land” notices under section 215 of the Town and Country Planning Act 1990 and any other steps as may be required to secure the action identified on each plot as set out in section 2.0 of the report now submitted.

DNS/
DIS

- (i) Removal of mobile homes. -6 months.
- (ii) Other operation development e.g. hard surfacing etc. -2 months.

(B) in respect of E/06/0155/A, authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to amend the detail and content of any notice served under Section 172 of the Town and Country Planning Act 1990, in order to allow formal action in relation to similar unauthorised development(s) on the estate, or where circumstances relating to those unauthorised developments identified in this report change, provided that this delegated authority relates only to development occurring within six months of the date of this resolution, and it is considered expedient in the public interest to take action.

DNS/
DIS

Reasons why it is expedient to issue and serve enforcement notices:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not normally be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to the rural area. No such very special circumstances are apparent in this case. The unauthorised developments and uses are detrimental to the character, appearance and openness of the area, and thereby contrary to Metropolitan Green Belt policy as expressed in PPG2 and also in policy GBC1 of the East Herts Local Plan Second Review April 2007.

2. The mobile homes and caravans are sited within Flood Zones 2 and 3 and as such the development is at risk of flooding to the detriment of the safety of future occupiers. In addition, the unauthorised hard surfacing on the site exacerbates the risk of flooding and the developments are thereby contrary to the advice given in PPG25 and to policy ENV19 of the East Herts Local Plan Second Review April 2007.

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

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

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

Planning Reference

Site and Proposals

1. 04.06.706

Watermill Industrial Estate
Aspenden Road Buntingford
2 x B1 workshops
2 x B1 office/workshops

(B) the Acting Director of Internal Services report back following the grant of planning permission, or within 6 months of this meeting, whichever is the sooner.

DIS

372 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 10.45 pm

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Chairman

Date