

MINUTES OF A MEETING OF  
THE DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON WEDNESDAY 24 SEPTEMBER  
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, W Quince,  
S Rutland-Barsby, J J Taylor, B M Wrangles.

ALSO IN ATTENDANCE:

Councillors D Andrews, M G Carver and P A Ruffles.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Chay Dempster	- Senior Planning Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Liz Humby	- Development Control Team Leader
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

ACTION289 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman commented that the Special Development Control Committee meeting scheduled for 16 October 2008 had been postponed and Officers would advise on the new date as soon as possible.

The Chairman advised of a forthcoming Royal Town Planning Institute (RTPI) one day conference and requested that Members contact Kevin Steptoe if they wished to attend after the meeting or by noon on 25 September 2008.

The Chairman stated that applications 3/08/1268/FP and 3/08/1304/LC would be considered prior to application 3/08/1274/FP.

290 DECLARATIONS OF INTEREST

Councillor J Demonti declared a personal interest in application 3/08/1160/FP, on the basis that she lived in the vicinity of the site.

Councillor D A A Peek declared a personal interest in application 3/08/1160/FP, on the basis that he was a Member of Bishop's Stortford Cricket Club.

RESOLVED ITEMS291 MINUTES

RESOLVED – that the Minutes of the meeting held on 27 August 2007 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

ACTION

Minute 251 – E/08/0050/B - Unauthorised Demolition of Building within the conservation area at 87 Railway Street, Hertford.

Delete at end of 1<sup>st</sup> sentence 2<sup>nd</sup> paragraph –  
.....‘sent out to the public.’

Replace with - ‘was sending to developers’.

- 292 (A) 3/08/1268/FP – REDEVELOPMENT TO PROVIDE A RETAIL STORE COMPRISING 8,843 SQ.M. GROSS FLOOR SPACE (4,348 SQ.M. NET SALES AREA); 54 RESIDENTIAL DWELLINGS; A D1 COMMUNITY FACILITY (730 SQ.M.); A3 CAFE OUTSIDE THE STORE (242 SQ.M.); CAR PARKING AND SERVICING; LANDSCAPING AND ASSOCIATED ANCILLARY DEVELOPMENT; AND (B) 3/08/1304/LC – DEMOLITION OF EXISTING BUILDINGS AT TESCO, WARE ROAD, HERTFORD FOR TESCO STORES LTD
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Tim Beard addressed the Committee in opposition to application 3/08/1268/FP. David Phillips spoke for the application. Robert Page addressed the Committee in opposition to application 3/08/1304/LC.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1268/FP, planning permission be refused for the reasons now detailed. The Director also advised that, in respect of application 3/08/1304/LC, conservation area consent be granted subject to the conditions now detailed.

The Director advised on specific details in respect of the section 106 contributions. He advised that the applicant had agreed to section 106 contributions of £614,835, which would cover the provision of a town centre manager for 3 years. The Committee was referred to details that had been e-mailed to Members in advance of the meeting.

The Director outlined the applicant’s response to detailed

ACTION

objections submitted by English Heritage relating to the openness of what was a sensitive site. The Committee was advised of the applicant's view that the building mass had been modulated to mitigate its impact.

The Director stated that Hertfordshire Highways had considered the latest submissions from the applicant and had maintained a recommendation for refusal. Members were also advised that the County Archaeologist had suggested a programme of archaeological works on the site.

The Director commented that Hertford Civic Society had supported the Officer's recommendation, but had taken issue with the Officer's acceptance of the retail need in Hertford. The Director advised that National Grid Properties had expressed concerns over a premature decision and that an approval would exhaust highway capacity and the possibility of future development of the Mead Lane area.

The Committee was advised that Hertfordshire Essential Connections had expressed concerns that the applications would undermine the aims of the Local Plan and had commented that 3 new supermarkets were unsustainable. The Director commented that concerns had been raised in respect of excessive carbon footprint and the need to consider the supermarket applications jointly.

Councillor P A Ruffles addressed the Committee in opposition to application 3/08/1268/FP. He stated his concern over the monolithic scale of the proposed development, the traffic implications and urged the Committee to refuse the application to avoid adversely changing the heart of Hertford.

Councillor W Quince sought and was given clarification in respect of the proposed section 106 contributions from the applicant. The Director commented that the reason for refusal relating to infrastructure contributions would ensure that this issue was not lost in future consideration of the

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site.

Councillor J J Taylor expressed her concern that Officer's had accepted that there was a retail need in Hertford. The Director advised that expert advice had been sought from Chase and Partners, which had identified a need given existing shopping patterns and future growth.

Councillor S Rutland-Barsby praised the Officer's report for covering all the objections received and strongly supported the Officer's recommendation on application 3/08/1268/FP. She stated her concern over the loss of existing buildings that matched the appearance of Hertford East Station.

Councillor K A Barnes expressed concern that application 3/08/1268/FP would be of severe detriment to Hertford in the same way the Harlow Water Gardens had adversely affected Harlow. He expressed concerns that local traders would suffer and boarded up shops would be the inevitable result.

In response to a Member query, the Director advised the Committee that Members had control over any demolition works under application 3/08/1304/LC, as no such work could take place until a replacement scheme was approved.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1268/FP be refused planning permission for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1304/LC be granted conservation area consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of 3/08/1268/FP, planning permission be refused for the following

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reasons:

1. The local planning authority is not satisfied that the proposed new retail store will be able to maintain and increase linked shopping trips between the new store and the town centre. Without evidence to the contrary, the local planning authority considers it likely that such trips will be detrimental to the vitality and viability of the town centre. The proposal does not therefore meet the tests of national planning guidance in PPS6 and is contrary to Policy STC1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development fails to achieve the high standards of design, including open space and landscaping necessary for new development and appropriate for this sensitive historic site within the Hertford Conservation Area. In particular the scale and massing of the proposed building is inappropriate to the context of the site; and the loss of amenity from existing trees and landscaping is detrimental to the site and fails to preserve or enhance the character of the Conservation Area. The proposal is therefore contrary to Policies BH6, ENV1, ENV2 and LRC3 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS1 and PPG15.
3. The proposed development by its scale, massing and design, would diminish views and otherwise be detrimental to the setting of the adjacent listed buildings at Christ's Hospital. The proposal is therefore contrary to Policy BH6 and BH12 of the East Herts Local Plan Second Review April 2007 and national guidance in PPG15.
4. The submitted Transport Assessment fails to

ACTION

demonstrate the impact of the proposed development. The local planning and highway authorities are not persuaded that the development can proceed on the basis of nil detriment and consider that traffic from the development will be detrimental to the use and convenience of the highway; highway safety; the wider environment and amenity of nearby residential areas. The proposal is therefore contrary to Policies TR2 and TR3 of the East Herts Local Plan Second Review April 2007 and the objectives of the Local Transport Plan.

5. Inadequate provisions are demonstrated to promote walking, cycling and passenger transport options in order to reduce the need to travel by private car and to mitigate the impact of the proposed development. The submitted Transport Assessment and draft Travel Plan has failed to adequately analyse the scope for encouraging these modes. The proposal is thereby contrary to Policies SD1, TR1, TR4 and TR12 of the East Herts Local Plan Second Review April 2007 and the objectives of the Local Transport Plan and national guidance in PPG13.
6. The application fails to make full provision for affordable housing in accordance with the provisions of the adopted local plan. The application would thereby be contrary to Policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007.
7. The proposed development does not make adequate provision for contributions towards sustainable transport matters, other infrastructure improvements and other County Council Services to mitigate against the impact of the development. It would therefore be contrary to Policies IMPI and HE9 of the East

ACTION

Herts Local Plan Second Review April 2007.

8. The application fails to make provisions for 10% renewable energy as part of the development. It would thereby be contrary to Policy ENG1 of the East of England Plan 2008.

(B) in respect of application 3/08/1304/LC, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T14)
2. Conservation Area (demolition) (8L12)

293 3/08/1274/FP – TWO STOREY PURPOSE BUILT FACILITY FOR THE TEACHING OF LANGUAGES WITH ANCILLARY ACCOMMODATION, AT HAILEY HOUSE, COLLEGE ROAD, HERTFORD HEATH, FOR HAILEYBURY COLLEGE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1274/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1274/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1274/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Sample of materials (2E12)
3. Lighting details (2E27)



ACTION

4. New windows and doors (2E34)
5. Hard surfacing (3V21)
6. Tree retention and protection (4P05)
7. Hedge retention and protection (4P06)
8. Landscape design proposals (4P12) (a, e, h, i, j, k, l)
9. Landscape works implementation (4P13)

Directives:

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 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, GBC4, TR7, ENV1, ENV2, ENV4 and BH12. The balance of the considerations having regard to those policies and the previous approval lpa 3/08/0295/FP is that permission should be granted.

294 3/08/1244/FP – ERECTION OF AN AGRICULTURAL STORAGE BUILDING FOR STORAGE OF GRAIN AND FERTILISER AT BOXBURY FARM, STEVENAGE ROAD, WALKERN FOR J W SMITH AND SONS

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The Director of Neighbourhood Services recommended that, in respect of application 3/08/1244/FP, planning permission be granted subject to the conditions now detailed.

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The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1244/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1244/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Levels (2E051)
3. Complete accordance (2E101)
4. Landscape design proposals (4P124)  
  
insert “the proposed bunding” and e), i), j) k) and l)
5. Landscape works implementation (4P133)
6. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements are submitted to and approved by the local planning authority in consultation with the Highway authority.

Reason: To ensure the impact of construction vehicles on the local road network is minimised, in accordance with policy TR20 of the East Herts Local Plan Second Review April 2007

Directives:

1. Other Legislation (01OL1)
2. In order to comply with condition 6 of this

ACTION

permission, the applicant is advised to contact the Easter Herts Area Highways Office (Telephone 01992 526900) for further information regarding construction, routing and signage to determine the necessary Highways Act procedures.

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, GBC7 and TR20. The balance of the considerations having regard to those policies is that permission should be granted.

- 295 (A) 3/08/1177/FP – CONVERSION OF BALLS PARK MANSION AND COACH HOUSE INTO RESIDENTIAL USE WITH PART UNDERGROUND PARKING AT AREA B AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL; AND (B) 3/08/1180/LB – CONVERSION OF BALLS PARK MANSION AND COACH HOUSE FOR RESIDENTIAL USE AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL

Mr Dieffenthaler addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/08/1177/FP and 3/08/1180/LB, planning permission and listed building consent be refused for the reasons now detailed.

The Director reported on further supporting representation that had been received from the public speaker and from the applicant. He advised that the points raised had referred to the importance of works to the grade 1 listed

ACTION

building outweighing the policy approach of the Authority.

Councillor S Rutland-Barsby commented on the national importance of the building and referred to whether the Committee could allow some flexibility in maintaining or improving the character of the listed building.

The Director referred to the complexity of the scheme and set out the detailed background to the application. He referred to the policy framework of the Authority and advised that although residential reuse may be the most appropriate reuse of the building.

Councillor W Quince commented on whether a deferral or resubmission of the application could be an acceptable way forward. The Director advised that Officers preferred to work with the applicant outside of the application process, in order that such was not constrained by the timescales imposed by the planning system.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/08/1177/FP and 3/08/1180/LB be refused planning permission and listed building consent for the reasons now detailed.

RESOLVED – that (A) in respect of 3/08/1177/FP, planning permission be refused for the following reasons:

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1. The proposed conversion to residential use would result in the loss of an employment use and compromise the aims and objectives of the Balls Park Planning Framework in achieving a mixed use redevelopment of the site. The proposal is therefore in conflict with policy HE10 of the East Herts Local Plan Second Review April 2007 and the adopted Balls Park Planning Framework SPG.
2. The proposed car parking provision significantly

ACTION

exceeds the Council's maximum Parking Standards and would therefore encourage an unsustainable dependence on the private vehicle in conflict with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007.

3. The proposed earth bunding associated with the subterranean parking area, by reason of its siting, scale and height, would have a detrimental impact on the open and historic character and appearance of the Grade II Registered Historic Park and Garden contrary to policy BH16 of the East Herts Local Plan Second Review April 2007.
4. The proposed development fails to make adequate provision for affordable housing in accordance with the Planning Policy Statement 3 'Housing', policy HSG3 of the East Herts Local Plan Second Review 2007 and the Council's Affordable Housing and Lifetime Homes SPD.
5. The proposed development does not make adequate provision for contributions towards education and community facilities to mitigate against the impact of development. It would therefore be contrary to Policy IMP1 of the East Herts Local Plan Second Review April 2007, and the Council's Planning Obligations SPD.

(B) in respect of 3/08/1180/LB, listed building consent be refused for the following reason:

DNS

1. The proposed sub-division, by way of unacceptable internal and external alterations, will compromise the special architectural and historic character of this Grade I Listed Building. The application is thereby contrary to policy BH10 of the East Herts Local Plan Second

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Review 2007.

- 296 3/08/1150/FP – ALTERATIONS, EXTENSIONS AND REFURBISHMENT OF EXISTING FLATS, INCLUDING ERECTION OF A PART 3<sup>RD</sup> FLOOR, RE-CLADDING TO EXTERIOR AND ERECTION OF BALCONIES. CHANGE OF USE OF 4NO. FLATS TO COMMUNAL FACILITIES AND ERECTION OF 12NO. ADDITIONAL ELDERLY PEOPLES FLATS. ALTERATIONS TO CAR PARKING AND VEHICULAR ACCESS, AT BIRCHERLEY COURT, HERTFORD FOR RIVERSMEAD HOUSING ASSOCIATION
- 

Mrs Gardner addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1150/FP, planning permission be granted subject to the conditions now detailed.

Councillor S Rutland-Barsby expressed concerns in respect of elderly people feeling hemmed in should the application be approved. She commented on the need for stringent conditions to protect the amenity of the residents of Priory Court.

In response to concerns from Councillors S A Bull and B M Wrangles relating to hours of working, the Director advised that environmental health had commented that 7.30 am to 6.30 pm Monday to Friday and up until 1.00 pm on Saturdays with no works on Sundays or Bank Holidays was acceptable in terms of hours of working.

Councillor S Rutland-Barsby commented on whether Officers could attach a special condition to restrict the hours of working. Councillor M R Alexander stated that the more restrictive the hours, the longer the works would take to complete.

ACTION

The Director advised that Officers could attach a condition restricting the hours to 8.00 am to 6.00 pm Monday to Friday and until 1.00 pm on Saturdays with no works to take place on Sundays or Bank Holidays.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1150/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1150/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Programme of archaeological work (2E02)
3. Sample of materials (2E12)
4. Lighting details (2E27)
5. Communal TV facilities (2E28)
6. New windows and doors (2E34)
7. Gates/carrageway (3V14) (amend to 6.0 metres)
8. Hard surfacing (3V21)
9. Construction parking and storage (3V22)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. Landscape design proposals (4P12) (i, j, k and l)

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13. Landscape works implementation (4P13)
14. No development of the site shall commence unless and until details of a scheme of improvement works to the existing footway to the Bircherley Street and Railway Street frontages has been submitted to and approved in writing by the Local Planning Authority. Such details shall include new soft landscaping, public seating and (for the Railway Street frontage and corner) surfacing in natural Yorkstone and reinstatement of granite kerbing to an agreed specification. The works shall be carried out in accordance with the approved details prior to the first occupation of the development, or otherwise in accordance with a timetable that shall first have been agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the site and the Hertford Conservation Area, in the interests of pedestrian movement and highway safety and in accordance with Policies BH6, BH12 and TR19 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of the development hereby approved, details drawings and specification of the proposed solar panels shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of the appearance of the proposed development and in accordance with policy ENV1, SD3 and BH5 of the East Herts Local Plan Second Review April 2007.

16. Prior to the commencement of the development



ACTION

hereby approved, detailed drawings of and specification of the proposed balconies, shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of the appearance of the proposed development and in accordance with policy ENV1 and BH5 of the East Herts Local Plan Second Review April 2007.

17. Closure of the existing vehicle egress onto Railway Street shall not take place until such time as the access onto Priory Street has been widened and improved in accordance with the details shown on the approved plan.

Reason: To ensure the provision of an access appropriate to the development in the interests of highway safety and convenience.

18. Construction hours of working (6NO72)

Amend to "08:00 hrs on Monday to Saturday, nor after 18:00 hrs on weekdays and 13:00..."

Directives:

1. Other legislation (010L)
2. There are public sewers crossing the site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over diversion application form or other information relating to Thames Waters assets be required, the applicant should be advised to contact Thames Water Developers Services.

ACTIONSummary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007, and in particular policies SD1, SD2, SD3, HSG7, TR7, ENV1, ENV2, ENV4, ENV11, BH1, BH3, BH5 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

- 297 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 Reynolds addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1160/FP, planning permission be refused for the reasons now detailed.

The Director advised that an additional letter of support had been received emphasising whether special circumstances existed to allow the scheme to proceed in the green belt location. The Director highlighted a factual error in paragraph 7.5 of the report now submitted. The Committee was advised that the total proposed floor space was 2484 square metres.

ACTION

Councillor D A A Peek commented that planning policy was a guide and the Committee should consider the views and wishes of the public. He stated that the buildings on the site had recently moved into a state of near dereliction. He also stated that although local plan policy was very clear on applications in the metropolitan green belt, the development could result in a significant parkland effect on the site.

Councillor Peek referred to the application addressing the site as a whole and also land locking and protecting the cricket pitch against less pleasing forms of development. He referred to the quality of the proposed works that would enhance the appearance of the site, as the works would further spread out the buildings at this location.

Councillor K A Barnes expressed concern at the Officer's recommendation and highlighted the site as an eyesore in urgent need of development in a unique part of Bishop's Stortford. He stated that he would rather see this scheme approved as opposed to an alternative of a far higher density.

Councillor Mrs M H Goldspink expressed concerns relating to approving a scheme for new builds in a green belt location. She expressed her concern over the design, the extra building and supported the Officer's recommendation.

Councillor J Demonti highlighted 5 attempts in recent weeks to remove lead from the roofs of the run down buildings. She stated that the site urgently needs work and praised the application as a sound plan for this location. Councillor A L Burlton commented that a special case existed for approving the application as the proposal was not intrusive and would not adversely impact on any Areas of Special Restraint (ASRs).

The Director reminded the Committee of the Authority's clear cut policy on restricting development in the green belt. He also commented that whilst the offer of improving

ACTION

facilities at the Cricket Club had been made it was not reasonably related to the development so not an improvement the Council could reasonably seek.

The Director advised that the Committee should not be concerned over a larger scheme coming forward for flats as similar policy restraints would be applied by Officers in reaching a recommendation. Councillor Peek referred to the weight of local opinion in support of the application.

Councillor Goldspink expressed concerns that Council policy was being overlooked in the face of a positive outlook from local residents.

Councillor D A A Peek proposed and Councillor K A Barnes seconded, a motion that application 3/08/1160/FP be granted on the grounds that the proposed development would not be of detriment to the character of the area and would be an enhancement to the Green Belt.

The Director commented that if Members were minded to depart from policy and approve the application, the case would be referred to the Secretary of State as a departure from policy. He also advised that completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and appropriate conditions would be addressed by 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 3/08/1160/FP be refused planning permission for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/08/1160/FP, planning permission be granted subject to referral to the Secretary of State as a departure from the Local Plan; and

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(B) the completion of an agreement under Section 106 of the Town and Country Planning Act 1990 and appropriate conditions be delegated to Officers.

DNS

298 3/08/1080/FP – USE OF LAND FOR THE SITING OF A MOBILE HOME FOR A TEMPORARY PERIOD OF 3 YEARS, AT ASHENDENE STUD, WHITE STUBBS LANE, BAYFORD, HERTS, SG13 8PZ FOR MS. SALLY FITZGERALD

Sally Fitzgerald addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1080/FP, planning permission be refused for the reasons now detailed.

The Director reported additional representation in support of the application had been received from Councillor L O Haysey. He stated that Councillor Haysey was in support on the grounds of animal welfare and overall site security. He also commented that representation had been received from a vet, stating that the horses on the site would require constant supervision.

Councillor Mrs R F Cheswright expressed her support for the application, in particular in light of the catalogue of thefts that had occurred at the site to the total value of £100,000.

The Director advised that legislative advice stated that an application for a temporary use was the appropriate first course of action for an application of this nature. He stated that if the business was still viable after 3 years, it would not be unreasonable to expect the applicant to apply for a permanent dwelling.

Councillor W Ashley commented that, due to ensuring animal welfare, special circumstances existed for approving

ACTION

the application in the green belt. He also stated that the applicant was a long standing member of the community who trained horses to a high standard. Councillor Ashley also commented that the applicant had 20 to 25 horses on the site and took in other animals from a local vet for recuperation.

The Director commented that this was a green belt location and the Council's policy and subsequent inspectorate decisions were very clear on protecting such areas. He commented that Members could restrict the size of a mobile home via conditions. He also referred to the 3 year time limit should the Committee approve the application.

Councillor J J Taylor expressed concerns that approving the application would set a precedent and open the floodgates for applications in green belt locations.

Councillor Mrs R F Cheswright proposed and Councillor S A Bull seconded, a motion that application 3/08/1080/FP be granted on the grounds that special circumstances existed for approving the application in the green belt and the mobile home was essential for the welfare of horses at Ashdene Stud.

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 3/08/1080/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1080/FP, planning permission be granted subject to the following conditions:

1. Temporary permission (1T071)  
“30 September 2011”
2. This permission and use shall cease if the

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equestrian operation of Ashendene Stud on the area edged blue on drawing AT/197/02D ceases, and any buildings and works carried out under this permission shall be removed and the land reinstated to the satisfaction of the Local Planning Authority.

Reason: The development is a temporary expedient only, having regard to the amenities of the area.

3. The occupation of the mobile home hereby permitted shall be limited to a person or persons employed in the equestrian operation of Ashendene Stud on the area edged blue on drawing AT/197/02D and any residents dependent.

Reason: The proposed dwelling is situated within the Metropolitan Green Belt where the Local Planning Authority would not normally grant planning permission for such a development and this permission is granted solely in order to fulfill an essential need for animal welfare on the site in accordance with policy GBC6 of the East Herts Local Plan Second Review April 2007.

4. Prior to the commencement of the use hereby permitted details of the size and external appearance of the mobile home shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC5, ENV1, ENV2. The balance of the considerations having regard to those policies and the interests of animal welfare on the site is that permission should be granted.

- 299 3/08/1120/FP - DEMOLITION OF REDUNDANT GRAIN STORE AND ERECTION OF ESTATE OFFICE BUILDING AT THE CHALDEAN ESTATE, CARLDANE COURT, BROMLEY LANE, MUCH HADHAM, HERTS, SG10 6HU FOR CHALDEAN ESTATE LTD

Gordon Morrison addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1120/FP, planning permission be refused for the reasons now detailed.

The Director advised that the existing grain store was 135 square metres and the application proposed a replacement store of 151 square metres, an increase of 12 percent. He also stated that the height of the store would be unchanged.

Councillor M G Carver, as the local ward Member, addressed the Committee in support of application 3/08/1120/FP. He cited the application as very important for the rural economy. Councillor Carver commented that the application was important for efficient and productive modern farming and emphasised the potential benefits for local rural employment. He also stated that appropriate office facilities were essential for district and agricultural



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community needs. He also referred to potential planning and community gain.

The Director stated that Council policies permitted suitable re use of buildings. He commented that if Members supported the proposals, Officers felt that conditions to restrict the use of the building would be required.

Councillor Mrs M H Goldspink proposed and Councillor W Ashley seconded, a motion that application 3/08/1120/FP be granted on the grounds that there was an agricultural need and to support efficient farming on the site.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1120/FP be refused planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1120/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Levels (2E051)
3. Landscape design proposals (4P124)  
e), f), i), j), k) & l)
4. Landscape works implementation (4P133)
5. Prior to the commencement of the development hereby permitted details of energy efficiency measures to be implemented in the construction and use of the building shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in

ACTION

accordance with those approved details.

Reason: In accordance with policy ENV1 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 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC2, GBC3, GBC7, ENV1 and ENV2. The balance of the considerations having regard to those policies and the modern operational needs of agricultural undertakings is that permission should be granted.

300 E/08/0254/A - UNTIDY CONDITION OF LAND AT 39 GRACE GARDENS, BISHOP'S STORTFORD CM23 3EU

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0254/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/08/0254/A on the basis now detailed.

RESOLVED – that in respect of E/08/0254/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 215 of the Town and Country Planning Act 1990 and to take any other steps as may be required to secure: -

DNS/DIS

- (a) The removal of all the overgrown vegetation and rubbish from the front and rear gardens of

ACTION

the property.

- (b) The repair of the front first floor window and the repainting of the external doors and all window frames along with any other works required to ensure the property is water tight.
- (c) The replacement of the guttering and soffit boards to the property.
- (d) Leaving the site in a clean and tidy condition.

Period of compliance: 3 Months.

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

1. The condition of the land is detrimental to the amenity of the surrounding area, by reason of the overgrown vegetation in the gardens and by the poor condition of the dwelling. It is contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

301 E/06/0469/B – UNAUTHORISED CHANGE OF USE OF EXISTING BUILDINGS FOR STORAGE AND SALES OF CARS (SUI GENERIS) AT POUND FARM, HOLLYBUSH LANE, DATCHWORTH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/06/0469/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/06/0469/A on the basis now detailed.

RESOLVED – that in respect of E/06/0469/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised

DNS/DIS

ACTION

to take enforcement action under section 172 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 part of the site for car storage and sales.

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The use represents an inappropriate use in the rural area, which in terms of sustainability, would more appropriately be located in an urban area. It generates additional traffic on the surrounding rural roads to the detriment of the rural character of the area. The use cannot be considered to be part of a diversification scheme for farm businesses. Therefore is contrary to the aims and objectives of policies GBC9 and TR20 of the East Herts Local Plan Second Review April 2007 and the sustainability principles contained in National Planning Policy Statement PPS1.

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

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

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant

DNS

ACTION

to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if any obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following applications:

<u>Planning Reference</u>	<u>Site and Proposals</u>
04.06.692	Pentlows Farm, Braughing – Retirement dwellings; manager’s flat
04.06.696	Land East Millfields and Lawrence Avenue Sawbridgeworth Residential and related development
04.06.697	Leventhorpe School, Cambridge Road, Sawbridgeworth – New school sports hall; classroom build; all weather pitch replacement; tennis courts; hard play area; car parking; access works; residential development

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

DIS

303 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

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

ACTION

(C) Planning Statistics.

The meeting closed at 10.00 pm

Chairman .....

Date .....