

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN COUNCIL
CHAMBER, WALLFIELDS, HERTFORD,
ON WEDNESDAY 23 SEPTEMBER
2009, AT 7.30 PM

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

ALSO PRESENT:

Councillors R N Copping, P A Ruffles
and J P Warren.

OFFICERS IN ATTENDANCE:

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

261 APOLOGY

An apology for absence was submitted on behalf of Councillor D A A Peek. It was noted that Councillor D Andrews was substituting for Councillor D A A Peek.

262 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman commented that planning application 3/09/1128/FP had been withdrawn.

The Chairman commented that with the consent of Members, he would change the order of the agenda and consider the agenda item 17 (Riverside Garden Centre, Bayford, Hertford) after agenda item 3 (London Road, Buntingford).

The Chairman advised that he had agreed to accept an urgent item of business onto the agenda in relation to Charringtons House, The Causeway, Bishop's Stortford in the interests of the efficient operation of the service and to avoid delay.

The Chairman advised that there would be further training arranged for Members in December 2009.

263 DECLARATIONS OF INTEREST

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/09/0939/FP in that she was a customer and her property overlooked the centre. She left the room whilst this matter was being considered.

Councillor R Gilbert declared a personal interest in application 3/09/0688/FP in that he was a BP pensioner.

Councillor S A Bull declared a personal interest in application 3/09/0688/FP in that he was a friend of the neighbour.

Councillor B Wrangles declared a personal and prejudicial interest in application 3/09/0939/FP. The nature of the interest was not stated. She left the room whilst the matter

was considered.

Councillor W Ashley declared a personal and prejudicial interest in application 3/09/1066/FP in that he was related to one of the partners. He left the room whilst the matter was considered. The Vice-Chairman, Councillor S Rutland-Barsby, assumed the chair for this item.

RESOLVED ITEMS

264 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 26 August 2009 be confirmed as a correct record and signed by the Chairman.

265 3/09/0917/FP – REDEVELOPMENT OF SITE TO PROVIDE 10 DWELLINGS AT COLE GREEN WORKS, COLE GREEN, SG14 2NL FOR MR MOUSLEY

Mr Lane addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0917/FP, planning permission be refused for the reasons now detailed.

The Director referred to a number of late comments which had been received from the Housing Development Manager, Hertford Rural South and Councillor L O Haysey. He outlined the content of those comments.

Councillor R L Gilbert commented on the number of lorries in the area and queried where they would go. He supported a recommendation to refuse the application.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0917/FP be refused planning permission for the

reasons now detailed.

RESOLVED – that in respect of application 3/09/0917/FP, planning permission be refused for the following reasons:

DNS

1. Within MGB - EHLP (R021).
2. The Local Planning Authority is not satisfied that the proposed residential conversion of existing buildings can be achieved without extensive alterations and substantial extensions, nor that residential use is the only means to secure their retention. The proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.
3. The proposed development would result in the loss of an existing employment site, and the Local Planning Authority is not satisfied that the retention of the site for employment use has been fully explored without success. If permitted the proposal would be contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007.
4. Inadequate affordable housing provision (H051).
5. The proposed development does not make adequate provision for contributions towards sustainable transport matters and community contributions 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.

6. The proposal fails to make provision to secure at least 10% of its energy from decentralised and renewable or low carbon sources and therefore conflicts with policy ENG1 of the East of England Plan 2008.

266 3/09/1061/FP - RETENTION OF EXISTING NURSERY, TOGETHER WITH THE ERECTION OF 149 NEW RESIDENTIAL DWELLINGS WITH PARKING, AMENITY AND INFRASTRUCTURE AT LAND ADJACENT TO LONDON ROAD, BUNTINGFORD FOR TJW GRANGE, THE SONS OF DEVINE PROVIDENCE AND BARRATT HOMES, NORTH LONDON

Mr Mitchell addressed the Committee and spoke in support of the application.

Mr Jackson addressed the Committee and spoke against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1061/FP, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services referred to additional comments which had been received from a resident of St Francis Close expressing concern about the affordable housing proposals being grouped in one area and the height dimensions of some of the properties. Buntings Nursery had commented that they had no objection to the application. Riversmead Housing Association supported the proposal and advised that the financial grant for the site had been secured. Buntingford Town Council advised that the plans as amended, had not overcome their original concerns.

Councillor J P Warren referred to an article in the Mercury which had referred to the proposed 149 homes as a "ghetto". He expressed concern that the article had been written as though a decision had already been taken. He

drew Members' attention to a number of objections from a variety of interested parties. He referred to the site's overdevelopment, the overbearing height of the three-storey buildings, out of character, the lack of integration of the affordable homes, inadequate transport system, parking spaces and cycle routes. He referred to the Section 106 Agreement and questioned how this would benefit Buntingford residents. He commented that this would have the effect of adding £1million to the cost of those homes and that those residents would be paying for the Section 106 Agreement in their purchase price.

Councillor J P Warren commented that it was accepted that homes would be built on the site, but 149 homes on 3.34 hectares was overdevelopment of the site. He referred to the development's composition in terms of homes marketed on the open market and those which were affordable. He stressed that the affordable homes should be for the benefit of local people. Councillor Warren commented on the discussions which had taken place with interested groups concerning the application of the Council's Planning Policies, those which were relevant to the site and those which were not. He queried the application of those policies which in some cases had turned out to be Guidance Notes.

Councillor Warren commented that the additional 15 units should be replaced by three and two bedroomed homes rather than increasing the number of homes to be built on the site. He referred to the inadequate parking and the fact that the affordable homes would be separated from other homes on the site and that this did not encourage social integration. He stressed that he did not want the site classified as a "ghetto" and that these homes should be integrated within Buntingford's community and people made to feel welcome.

Councillor J P Warren referred to comments from the utility suppliers and the permanent risk of flooding. He urged Members to consider the application carefully and ensure that the issues raised were resolved before planning

permission was given.

Councillor S A Bull commented that he had received a considerable amount of correspondence and calls on the proposal. He referred to access to the A10 now and the fact that this proposal would exacerbate matters. He referred to the overdevelopment of the site and its intrusion on residents who lived at Fairfields and St Francis Close. Councillor Bull referred to the height of some of the homes which would be higher than those in St Francis Close. He accepted that the local review stated that the area would have 120 homes built but that if the proposal in London Road proceeded then there would be more than 200 homes being built locally. He commented that this development would cause the loss of 44 trees, many of which were protected by Tree Preservation Orders.

Councillor S A Bull commented on the provision of social housing which was required as part of the planning provision policy. He referred to the “under-crofts” said by the Police to be known as “crime drivers” and a source of conflict between those who congregate in them and the residents who live above them. He referred to the Section 106 Agreement funds which would be received and stated that Buntingford would not benefit from it.

Councillor Mrs M H Goldspink expressed concern about the application in terms of the fact that she considered it to be overdevelopment. She acknowledged that the density was within the Government Guidelines. She referred to the inadequate parking on site both for residents and visitors. She welcomed the provision of play spaces. Councillor Mrs Goldspink suggested that the application be deferred for further consultation on the densities proposed.

Councillor J J Taylor commented that the social housing should be evenly distributed across the site. She expressed concern regarding the density proposed and requested that this should be 30 homes to the hectare. She stressed that social housing should be built to a high standard. Councillor Taylor commented on the inadequate transport and stated

that the S106 funds should be designated for Buntingford to improve its transport problems.

Councillor R L Gilbert supported Members' comments. He referred to comments received from Thames Water and stated that the Rye Meads sewage treatment works was already working at full capacity and that some of the Section 106 Agreement monies received, should be used to improve the infrastructure. He commented that Policies BUN1 and BUN2 conflicted with one another and that the design of the development was poor and overdeveloped. He stated that the comments from the Police were being ignored.

Councillor A L Burlton commented on the fact that the Section 106 monies could not be ring-fenced and used for Buntingford's use.

The Director of Neighbourhood Services commented that the principle of housing had been established. He referred to Government guidance (PPS3) on density issues. He stated that 43 homes per hectare was not particularly high and that there were schemes in East Herts with greater densities. The Director urged Members to focus on specific reasons should they wish to refuse the application which would be challenged on appeal.

The Director of Neighbourhood Services commented on the Section 106 Agreement and funding and the fact that it was sensible to secure funding which would benefit residents in the area. He commented on some of the areas where residents might benefit from the Section 106 monies. He referred to highways and parking issues and that the Highway Authority had stated that the impact was acceptable. In terms of parking, the Director commented that the Council followed national policy and expressed its policy requirements as minimum standards. Any provision over and above those policies was acceptable.

The Director of Neighbourhood Services commented that there was a need for affordable housing in the area and that

the development would assist with regard to targets set by the Government. He commented that to place the social housing in one area was not ideal but that on balance, the application was considered acceptable. The Council would have full nomination rights. He referred to the fact that trees would be removed and that new landscaping would be implemented.

Councillor R L Gilbert referred to the issue of the Housing Capacity Assessment and its role in the planning process. The Director of Neighbourhood Services commented that it was a technical document and was not Policy as such but was material in decision making. On the issue of Tree Preservation Orders, he confirmed that should planning permission be given, there was no requirement for the developer to apply separately in relation to this matter.

The Director commented that if Members were minded to refuse the application, then Members must have clear evidence to support their views. Taking all issues into consideration, Officers felt that the proposal was acceptable and one which they could support.

The Director referred to Policy ENV1 and that Members, if they were minded to refuse, would have to specifically refer to what in the Policy, was not being complied with. Members suggested overdevelopment, height of some of the buildings, mass, landscaping, failure to integrate market and social housing. In terms of social housing Members would have to demonstrate what “social harm” would be caused.

Councillor J J Taylor commented that the development promoted social exclusion.

Councillor R I Taylor commented on the harm created by the density proposed. He referred to the difficulties experienced in London Boroughs where high density homes had been built and the social deprivation this caused. He commented that those buildings had to be demolished 20 years later because of the social problems

they caused.

Councillor S A Bull proposed and Councillor Mrs J J Taylor seconded, a motion that application 3/09/1061/FP be refused on the grounds of overdevelopment, social exclusion, landscaping and undercroft access. After being put the vote this was declared LOST.

A motion to approve the application was put to the meeting and was CARRIED.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1061/FP be granted subject to the conditions now detailed.

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

DNS

1. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing;
2. A financial contribution of £49,985 towards the improvement of existing Parks and Public Gardens;
3. A financial contribution of £3,126 towards improvement of existing Children and Young People open space provision;
4. A financial contribution of £272,856 towards First Tier Education;
5. A financial contribution of £262,212 towards Middle Tier Education;
6. A financial contribution of £192,811 towards

Upper Tier Education;

7. A financial contribution of £50,521 towards Nursery Education;
8. A financial contribution of £19,626 towards Childcare provision;
9. A financial contribution of £5,806 towards Youth services provision;
10. A financial contribution of £24,653 towards Library service provision;
11. A financial contribution of £288,000 towards public transport services and infrastructure improvements as well as other sustainable transport schemes and measures in the vicinity of the site;
12. Provision of fire hydrants.

the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12).
2. Programme of archaeological work (2E02).
3. Levels (2E05).
4. Play areas (2E06).
5. Boundary walls and fences (2E07).
6. Materials of construction (2E11).
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted

Development) Order 1995, no further windows, doors or openings of any kind shall be inserted in the flank elevations of the development hereby permitted specified on the attached schedule, without the written permission of the Local Planning Authority.

Reason: To safeguard the privacy of occupiers of the adjoining properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

8. Withdrawal of P.D. (Unspecified).
Insert 'Part 1, Class B'
9. Lighting Details (2E27).
10. Bats (2E41).
11. Sight Lines (3V08).
Insert '2.4 metres x 120 metres'
12. Completion of roads (3V13).
13. Gates/Carriageway (3V14).
14. Retention of parking space (3V20).
15. Hard Surfacing (3V21).
16. Wheel washing facilities (3V25).
17. No development above ground shall take place until such time that detailed plans of the proposed traffic calming 'Village Gateway' feature on London Road have been submitted to and approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the approved plans have been implemented.

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

18. Prior to the commencement of the development, details of the operation, control and maintenance in perpetuity of the service and emergency vehicle access between the estate roads shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented and maintained in accordance with the approved details.

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

19. Prior to the first occupation of the development hereby approved, the estate roads shall be constructed in accordance with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

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

20. Tree Retention and Protection (4P05).
21. Hedge Retention and Protection (4P06).
22. Tree/natural feature protection: fencing (4P07).
23. Tree Protection: restriction on burning (4P08).
24. Tree Protection: excavations (4P09).

25. Tree Protection: earthworks (4P10).
26. Landscape Design Proposals (4P12).
Delete (a), (b), (c), (d), (e), (f), (g), (h)
27. Landscape maintenance (4P17).
28. Trees: protection from foundations (4P20).
29. Retention of landscaping (4P21).
30. Vehicular use of garage (5U10).
31. Prior to the commencement of the development hereby approved, a drainage strategy detailing on and off site drainage works and foul and surface water drainage measures shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason: To prevent the risk of flooding and to ensure that no pollution of groundwater occurs, in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

32. No site clearance shall take place within the bird breeding season (1 March - 31 August), unless otherwise agreed in writing by the Local Planning Authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed.

Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16.

33. Prior to the commencement of the development, details of acoustic screening to the site and noise insulation measures for the dwellings in accordance with the findings of the submitted PPG24 Noise Survey and Assessment Report (Ref. RP01-09214) shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

34. Construction hours of working - plant and machinery (6N07).
35. Prior to the commencement of the development, a scheme for the remediation of the land in accordance with the findings of the Desk Study and Interpretative Site Investigation Report dated July 2008, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the agreed scheme.

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

36. Prior to the commencement of development, a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and

renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL).
2. Highway Works (05FC).
3. Planning Obligation (08PO).
4. Street Naming and Numbering (19SN).
5. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

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 SD1, SD2, SD3, HSG2, HSG3, HSG4, HSG6, TR1, TR3, TR7, TR8, TR14, TR18, ENV1, ENV2, ENV3, ENV11, ENV16, ENV17, ENV20, ENV21, ENV25, LRC3, LRC11, BUN1, BUN2, BUN3, IMP1. The balance of the considerations having regard to those policies is that

permission should be granted.

(Councillor R L Gilbert requested that his abstention from voting on a recommendation to refuse, be recorded).

267 3/09/0939/FP - REPLACEMENT GARDEN CENTRE, RETAIL AND RESTAURANT BUILDING AND NEW SEWAGE TREATMENT PLANT AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, BAYFORD, HERTFORD SG13 8XX FOR MR JEFFERY

Mr Wade spoke in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0939/FP, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services reported that a number of additional letters had been received. Concerns had been expressed about people being laid off and the risk of flood. A resident had employed the services of a qualified person to look at the flood risk. Comments from the Environment Agency had not yet been received as an officer was not "available" to comment on the flood risk assessment given that further information had been received on the day of the meeting. The Director commented that some concerns had been expressed about the sewage treatment plant and its impact on the neighbouring occupier. Comments had been received about the opening hours of the restaurant and other potential unauthorised hours of use.

The Director reported that Councillor L O Haysey welcomed the application in terms of the continuity of the business. She commented on residents' concerns regarding the risk of potential flooding and noise from the pump. She raised the issue regarding the size of the restaurant and its appropriateness on the site and commented that the café should be of an appropriate size and its hours of use reduced.

Councillor R L Gilbert commented that the flooding did not come from the river but “higher up”.

Councillor A L Burlton expressed concern that the proposal had been half built before they applied for planning permission. The Director confirmed that some conditions had been overtaken and that some were no longer applicable and should be removed.

Councillor J Demonti commented that there was insufficient space for proper planting and of the possibility of noise to neighbours from the pump. The Director commented that he did not believe noise was going to be an issue given the advice that had been received and the distance between it and the neighbouring property.

Councillor Mrs M H Goldspink commented that any noise issue could be addressed by Officers from Environmental Health.

Councillor M R Alexander commented that Members should await comments from the Environment Agency on the issue of flood risk and the need to undertake an appropriate assessment before any decision was taken.

Members supported a recommendation to delegate authority to the Director of Neighbourhood Services in consultation with the Chairman to grant planning permission, subject to confirmation from the Environment Agency that the submitted Flood Risk Assessment was acceptable and subject to the following conditions:

RESOLVED – that in respect of application 3/09/0939/FP, authority be delegated to the Director of Neighbourhood Services in consultation with the Chairman of the Committee to grant planning permission subject to confirmation from the Environment Agency that the submitted Flood Risk Assessment is acceptable and the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Materials of construction (2E11).
3. Refuse disposal facilities (2E24).
4. No external lighting (2E26).
5. External details of extraction equipment (2E37).
6. Construction parking and storage (3V22).
7. Wheel washing facilities (3V25).
8. The permission hereby granted relates to the provision of 428sq.m. floorspace for the restaurant use. The creation of any additional restaurant floorspace within the building shall not be undertaken without the prior written consent of the Local Planning Authority.

Reason: In order to control any intensification of the restaurant use and subsequent impact on the Green Belt.

9. The use of the premises shall be restricted to the hours 08.00 to 23.00 Monday to Saturday and 10.00 to 22.00 on Sundays and Bank Holidays.

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

10. Construction hours of working - plant &

machinery (6N07).

11. The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment 1028/09 by Michael Thomas Consultancy, and mitigation measures including flood proofing measures and finished floor levels to be set no lower than 42.14m above Ordnance Datum (AOD).

Reason: To reduce the risks and impact of flooding on the proposed development and future occupants in accordance with PPS25 and policy ENV19 of the East Herts Local Plan Second Review April 2007.

12. The construction of the site drainage system, including sewage and surface water, shall be carried out in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to the commencement of development, and the building hereby permitted shall not be occupied until such infrastructure is in place.

Reason: To prevent pollution of the water environment in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Food, hygiene and sanitary provisions (06FH)
3. The applicant is advised that water voles are a legally protected species under the Wildlife and Countryside Act 1981 (as amended), and

it is an offence to intentionally kill or injure, or damage, destroy or obstruct access to any place that is used for their shelter. Should the works impact on water voles or their burrows, a licence will need to be obtained from Natural England.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, GBC1, TR2, TR7, TR20, STC10, ENV1, ENV2, ENV17, ENV18, ENV19, ENV20 and ENV23. The balance of the considerations having regard to those policies, and the very special circumstances relevant in this case, is that permission should be granted.

268 3/09/0883/FP THE SUBDIVISION OF A DWELLINGHOUSE INTO TWO DWELLINGS AT 3 BENNINGFIELD ROAD, WIDFORD, SG12 8RD FOR MR S HOPKING

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0883/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0883/FP be granted subject to the following conditions now detailed.

RESOLVED – that in respect of application 3/09/0883/FP, planning permission be granted subject to the following conditions.

DNS

1. Three year time limit (1T121).

2. Boundary walls and fencing (2E023).
3. Hard Surfacing (3V213).
4. Retention of Parking Spaces (3V204).

Directives:

1. Other Legislation (01OL1).
2. Highway Works (05FC2).

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, OSV2, ENV1, ENV2, ENV9, and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

269 3/09/1015/FP RETROSPECTIVE CHANGE OF USE FROM RETAIL SHOP (A1) TO BEAUTY SALON (SUI GENERIS) AT 46 BELL STREET, SAWBRIDGEWORTH FOR CHAPPELL ESTATES LIMITED

Mr Neal addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1015/FP, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services reported the receipt of two letters of support from Councillors R

Beeching and N Clark.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1015/FP be granted subject to the condition now detailed.

RESOLVED – that in respect of application 3/09/1015/FP, planning permission be granted subject to the following condition:

DNS

1. 01OL1 - Other legislation.

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, STC4, TR7 and ENV1. The balance of the considerations having regard to those policies and that the proposed change of use would not have a harmful effect on the vitality and viability of the town centre, is that permission should be granted.

270 3/09/0688/FP - REDEVELOPMENT OF EXISTING PETROL STATION TO PROVIDE NEW SALES BUILDING, FORECOURT, PUMPS, CAR WASH, CANOPY PARKING AND ALTERATION TO VEHICULAR ACCESS AT BP HOWE GREEN CONNECT, BALDOCK ROAD, BUNTINGFORD SG9 9EG FOR BP OIL UK LIMITED

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0688/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull requested that a further condition relating to a close boarded fence be incorporated. In response to a query regarding access to the toilets by the public, the Director commented that advice should be sought from the operators before Officers could consider imposing this requirement.

Councillor D Andrews commented that there had been major changes recently and that there was a good detail of detritus flying about which could be ameliorated by adequate fencing.

The Committee supported the recommendation of the Director of Neighbourhood Services that, application 3/09/0688/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0688/FP, planning permission be granted subject to the following conditions:

DNS

1. 3 Year time limit (1T12).
2. Materials of construction (2E11).
3. Materials arising from demolition (2E32).
4. Approved accesses only (3V04).
5. Hard surfacing (3V21).
6. Tree retention and protection (4P05).
7. Contaminated land survey and remediation (2E33).
insert *'including a verification report'*
8. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul and surface water shall

be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development.

Reason: To prevent the pollution of the water environment and safeguard the residential amenities of nearby properties in accordance with policies ENV1 and ENV20 of the East Herts Local Plan Second Review April 2007.

9. No part of the development shall be occupied until the approved access and crossover works as shown on approved plan no. 12931/20 Rev B have been completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

10. Prior to the commencement of development details of all proposed road markings within the site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to allow the safe manoeuvring of vehicles within the site.

11. Prior to the commencement of development details of the ingress/egress signage and their positions within the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

12. Prior to the commencement of the development hereby permitted details of boundary fencing/walls shall be submitted to and approved in writing by the Local Planning Authority. All such approved means of

enclosure shall be erected prior to the first use of the new development and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of visual amenity 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 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, SD5, GBC2, GBC3, TR7, TR13, TR23, ENV1, ENV2, ENV4 and ENV26. The balance of the considerations having regard to those policies and the permission granted under LPA Ref 3/04/0710/FP is that permission should be granted.

271 3/09/0953/FP – PART CONVERSION OF EXISTING DOUBLE GARAGE FOR BED AND BREAKFAST ACCOMMODATION AND ASSOCIATED EXTERNAL ALTERNATIONS AT FOX AND HOUNDS HOUSE, BROMLEY LANE, STANDON SG11 1NX FOR MRS J HEALEY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0953/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0953/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0953/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121.)
2. The building and the proposed internal layout as shown on drawing no. P.01 shall be used for bed and breakfast accommodation in connection with the main dwelling on the site known as Fox and Hound House and no other purposes including any other purpose in Class C3 of the schedule to the Town and Country Planning (Use Classes) order 1987.

Reason: To ensure that no alternative use is made of the premises which would be harmful to the character and appearance of the Rural Area.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies ENV1, GBC2, GBC3, LRC10 and BH12. The balance of the considerations having regard to these policies in this case and that there is an identified local need and the proposal would not be harmful to the character and appearance of the Rural Area or the aims and objectives of the Council's Rural Area policy is that planning permission should be granted.

272 3/09/0940/SV – VARIATION TO SECTION 52 TO REMOVE THE RESTRICTION OF THE OCCUPATION OF THE FLAT AND DWELLING TO A PERSON SOLELY OR MAINLY EMPLOYED OR LAST EMPLOYED IN AGRICULTURE, FORESTRY OR IN THE BUSINESS OF RACEHORSE TRAINING AT SILKMEAD FARM, HARE STREET, BUNTINGFORD FOR MRS S LALLY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0940/SV, planning permission be refused for the reasons now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0940/SV be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0940/SV, planning permission be refused for the following reason:

DNS

1. The Section 52 agreement states that the flat and outbuilding should be occupied by a person solely or mainly employed or last employed in the locality in the business of racehorse training or in agriculture or forestry. The Council considers that removal of this Section 52 agreement will result in the loss of an agricultural dwelling. A proposal to remove an occupancy condition will only be granted in exceptional circumstances, and no evidence has been submitted to prove that there is no agricultural, forestry or other rural based occupational need or that the dwellings are capable of being used to meet an affordable housing need. The proposal will therefore be contrary to Policies GBC3 and GBC6 of the East Herts Local Plan Second Review April 2007.

- 273 3/09/0996/FP – ERECTION OF RADIO TELESCOPE COMPRISING THREE SATELLITE DISHES BRICK BUILT EQUIPMENT HUT AND UNDERGROUND CABLING BAYFORDBURY OBSERVATORY, BAYFORDBURY CAMPUS, UNIVERSITY OF HERTFORDSHIRE SG13 8DL FOR UNIVERSITY OF HERTFORDSHIRE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0996/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0966/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0996/FP, the application be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Matching Materials (2E13).

Directive:

1. Other Legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, ENV1 BH1 and BH16. The balance of the considerations having regard to those policies is that permission should be

granted.

274 3/09/0910/FP – HARDSTANDING FOR AGRICULTURAL PURPOSES AND ASSOCIATED BUNDING (PART RETROSPECTIVE) AT LAND OPPOSITE NEW BARN COTTAGE, FLINT HALL, HORMEAD ROAD, ANSTEY FOR NHP (UK) LTD

Mr Bennett addressed the Committee in support of the application.

Mr Hutchinson addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0910/FP, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services reported the receipt of letters from local residents concerning the effect of the operation on local residents.

Councillor R L Gilbert commented that this was an enormous site with a huge area of hard core. He commented on the need for local businesses to remain local.

The Director indicated that he understood that the current application site was larger than the footprint of the building previously approved. This was because it included the previously proposed external circulation space. He commented that trying to control hours of use would be impractical as the purpose of the site was for agricultural uses, the timing of which would be determined by the weather.

The Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the amendment of the current Section 106 contributions in relation to reference 3/08/0425/FP to transfer contributions

to the current application, application 3/09/0910/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0910/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. No external lighting (2E26).
3. Landscape design proposals (4P12).
(insert a, b, c, d, e, i, j, k and l)
4. Landscape works implementation (4P13).
5. Details of earthworks/mounding (4P16).
6. Landscaping maintenance (4P17).

Directives:

1. Other legislation.
2. Relocation of storage tanks.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC7, ENV1, ENV2, ENV10 and TR20. The balance of the considerations having regard to those policies and the other material considerations relevant in this case is that permission should be granted.

- 275 3/09/1066/FP – ERECTION OF CATTLE HOUSING AND HAY BARN WITH SITING OF TEMPORARY RESIDENTIAL MOBILE HOME AND RETENTION OF LANDSCAPED BUNDS (AMENDED SITING) AT CLEMENTS FARM, BRICKENDON LANE, BRICKENDON, SG13 8FG FOR A. T. BONE AND SONS LTD.
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The Director of Neighbourhood Services recommended that, in respect of application 3/09/1066/FP, planning permission be granted subject to the conditions now detailed.

Councillor A L Burlton requested that the condition relating to the mobile home be reworded to ensure that the use of the mobile home was used solely in connection with the operation of the site.

The Committee supported the recommendation, as amended, of the Director of Neighbourhood Services that application 3/09/1066/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1066/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Materials of construction (2E12).
3. No external lighting (2E26).
4. All works, including vehicle movements, materials and waste shall be kept within the development site and shall not impact upon the adjacent County Wildlife Site.

Reason: To ensure the protection of the Wildlife Site in accordance with Policy ENV14

of the East Hertfordshire Local Plan Second Review April 2007.

5. All on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside the highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.

6. All areas for parking, delivery and storage of materials associated with the construction of this development shall be provided within the site on land which is not public highway and the use of such areas must not interfere with the use of the public highway.

Reason: In the interest of highway safety and free and safe flow of traffic.

7. The use of the land for the siting of a mobile home hereby permitted shall cease on or before 23rd September 2012 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.

8. The occupation of the mobile home shall be limited to a person solely or mainly working

in the cattle housing operation hereby permitted and any resident dependants.

Reason: The mobile home is situated in the Green Belt wherein the Local Planning Authority would not normally grant permission for such a development and this permission is granted solely in order to fulfill an essential agricultural need, in accordance with Policy GBC6 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC6, GBC7, GBC14, TR2, TR7, TR20, ENV1, ENV2, ENV14, ENV16. The balance of the considerations having regard to those policies, and the very special circumstances evident in this case, is that permission should be granted.

276 3/09/0945/FP – SINGLE STOREY SIDE EXTENSION AND REAR DECKING AT 20 LEAHOE GARDENS, HERTFORD SG13 8BY FOR MR PAUL AND MRS SUE PULLIN.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0945/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application

3/09/0945 be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0945/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year Time Limit (1T12).
2. Matching materials (2E13).
3. No external lighting (2E26).
4. Prior to any works commencing on site measures for the protection of badgers shall be carried out in accordance with details, including a schedule of works, to be submitted to and approved in writing by the Local Planning Authority. All works are to proceed in accordance with the approved details.

Reason: To safeguard the welfare of the protected species, in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007 and National Guidance PPS9.

Directive:

1. Other legislation 01OL.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local

Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV5, ENV6, BH5, ENV14 and ENV16. The balance of the considerations having regard to those policies is that permission should be granted.

277 3/09/1062/FP – TWO STOREY SIDE EXTENSION, RAISE ROOF TO SECOND FLOOR ACCOMMODATION FIRST AND SECOND FLOOR SIDE WINDOWS. REPLACEMENT ROOF TO EXISTING GARAGE. NEW ENTRANCE PORCH. EXTENDED BAY AT REAR TO LINK WITH GARAGE AT 70 WHEMPSTEAD ROAD BENINGTON, SG2 7DE FOR MR AND MRS FULLER

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1062/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1062/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1062/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Matching materials (2E13).
3. The extensions hereby permitted shall only be constructed provided the previous permissions 3/06/1783/FP and 3/09/0914/FP have not been commenced. Should development of any part of applications 3/06/1783/FP and 3/09/0914/FP be commenced, then the permission hereby

granted shall be considered null and void.

Reason: The construction of all extensions would constitute inappropriate development in the Rural Area contrary to Policy GBC3 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation.

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 SD2, GBC3, TR7, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies, and extant permission 3/06/1783/FP, is that permission should be granted.

278 3/09/1113/FP – NEW SECURE PUBLIC ENTRANCE LOBBY AT CHARRINGTONS HOUSE, THE CAUSEWAY, BISHOP'S STORTFORD CM23 2ER FOR HENDERSON GLOBAL INVESTORS LTD

Mr Rhodes addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1113/FP, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services reported the receipt of a letter from the Bishop's Stortford Civic

Federation objecting to the proposal (represented by the speaker). A resident from Little Hadham objected to a proposal to “demolish the office block” (not the subject of this application). Communications had also been received from Councillors D Clark and N Clark expressing concern that the application should not be determined until a decision had been taken concerning the bus shelter at the front of the site and the potential development of a larger area of land surrounding (and possibly including) the site. A further resident suggested that a decision should not be taken until there had been a meeting of “Bishop’s Stortford Tax Payers” to consider the matter. The County Archaeological Officer and Bishop’s Stortford Town Council had no objection to the proposal.

Councillor K A Barnes commented that the application was being “rushed through” and that the proposal would not enhance the building.

In response to a query raised by Councillor R L Gilbert (following a comment made by the speaker), concerning the need for all Members to declare an interest following a decision taken at Council by all Members to dispose of the Council Offices at The Causeway, Bishop’s Stortford, the Director of Neighbourhood Services confirmed that this did not create a personal or prejudicial interest. The decision taken at Council was to dispose of the property and this application related to a new public entrance.

The Committee supported the recommendation of the Director of Neighbourhood Services that subject to no substantive comments being received within the consultation period (24 September 2009), application 3/09/1113/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1113/FP, subject to no substantive comments being received within the consultation period (24 September 2009), planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121).
2. Matching materials (2E154).
3. Hard Surfacing (3V213).

Directive:

1. Other legislation (01OL1).

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 SD2, ENV1, BH5. The balance of the considerations having regard to those policies is that permission should be granted.

279 E/09/0173/B – UNAUTHORISED DECKING AND ALTERATIONS TO FENCE AT THE REAR OF 50 ELMS, HERTFORD, HERTS, SG13 7UX

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0173/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/09/0173/B on the basis now detailed.

RESOLVED – that, in respect of E/08/0173/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

DNS/DIS

steps as may be required, to secure the removal of the unauthorised decking and fence.

Period for compliance: 3 Months.

Reasons why it is expedient to issue an enforcement notice:

1. The elevated decking, by reason of its height, size and siting is unduly prominent and visually intrusive when viewed from the neighbouring garden and open space to the south and results in an unacceptable degree of overlooking and loss of privacy to the adjoining residents. The development is thereby contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.

279 E/09/0157/A – UNAUTHORISED MATERIAL CHANGE OF USE OF THE LAND AT 53 HONEYBOURNE, BISHOP'S STORTFORD CM23 4EE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0157/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/09/0157/A on the basis now detailed.

RESOLVED – that, in respect of E/08/0157/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 steps as may be required to secure the cessation of the unauthorised industrial use.

DNS/DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The mixed residential/general industrial (B2) use of part of the residential site and outbuildings generates noise and dust that has a negative impact on the amenity of residents. It is thereby contrary to policies ENV1 and EDE6 of the East Herts Local Plan Second Review April 2007; and PPG4 at paragraph 33.

280 E/09/0124/B – UNAUTHORISED CONVERSION OF A DWELLINGHOUSE INTO THREE RESIDENTIAL UNITS (FLATS) AT 7 PURKISS ROAD, HERTFORD SG13 8JA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0124/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/09/0124/B on the basis now detailed.

RESOLVED – that, in respect of E/09/0124/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 steps as may be required, to secure the cessation of the unauthorised use and the restoration of the building to a three bedroom dwellinghouse with attached garage.

DNS/DIS

Period for compliance: 6 months

Reasons why it is expedient to issue an enforcement notice:

1. The development is over intensive resulting in over development of the site, unsatisfactory plot sizes and inadequate amenity space for the existing and future occupants of the dwellings in comparison with nearby existing dwellings. It is thereby contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

2. The development fails to provide or enable good access to private outdoor space such as residential gardens, patios and balconies. It is therefore contrary to national planning guidance in PPS3 'Housing' at paragraph 16.

281 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 9.56 pm

Chairman
Date