

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON THURSDAY
13 MAY 2010, AT 7.00 PM

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

ALSO PRESENT:

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

OFFICERS IN ATTENDANCE:

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

18 APOLOGY

An apology for absence was submitted on behalf of

Councillor A L Burlton.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. The Chairman commented that this was the first Development Control Committee meeting to be broadcast live on the internet.

The Chairman welcomed Councillor R N Copping back on to the Development Control Committee. He also reminded Members of the substitutes for the Committee.

The Chairman stated that Officers had asked Linda Russell to run an external training event in September. This would be an all day event that would be open to all Councillors and Officers would circulate details as soon as possible.

The Chairman reminded the Committee of the Planning Tour of the District due to take place in early September. He requested that Members inform the Head of Planning and Building Control of any sites Members would like to be included in the tour.

The Chairman referred the Committee to an e-mail from Tim Hagyard in respect of a Design and Review Workshop on the 9 June 2010 at the Rhodes Arts Complex, Bishop's Stortford. Members were requested to inform the Head of Planning and Building Control or Tim Hagyard should they wish to attend.

The Chairman advised that application 3/10/0436/FP had been deferred as the reason for refusal was that insufficient information had been provided. The applicant had agreed to provide this information and the application would be reported to the next meeting of the Committee.

Finally, the Chairman reminded Members to try to avoid repetition in the debate due to the heavy agenda.

20 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 31 March 2010 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 666 and 667 – 3/10/0279/FP and 3/10/0326/PT.

Delete in 3rd and 4th paragraphs respectively –
.....‘R L Gilbert.

Insert in 3rd and 4th paragraphs respectively –
‘R Gilbert.’

21 3/10/0156/FP - USE OF LAND FOR ADDITIONAL 6NO MOBILE HOME PITCHES AT NINE ACRES, HIGH ROAD, HIGH CROSS FOR MR AND MRS BOLESWORTH

Mr Handy addressed the Committee in opposition to the application. Mrs Bolesworth spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0156/FP, planning permission be refused for the reasons now detailed.

The Director advised that the Council’s Conservation Officer had commented that the application was not unduly harmful and could be granted subject to conditions.

The Director stated that a local resident had objected to the application due to the impact of the development between High Cross and Wadesmill.

A letter had been received from the Garden History Society suggesting a cautious approach in respect of the impact of the proposed development. The Committee was requested to give careful consideration to the

historical significance of Youngsbury Park and Gardens.

The Committee was advised that advice and guidance issued by the East of England Regional Assembly placed a duty on the Authority to maintain regular contact with all communities, including gypsy and traveller communities.

The Director further advised that the Regional Plan single issue review stipulated that there was a need for 25 additional pitches in the District by 2011. However, no applications had been invited from potential applicants.

Councillor S A Bull commented on whether the pitches covered by this application would be filled by local travellers, in light of the need identified by the supporting public speaker. The Director commented that Officers would not normally seek to control the occupancy of a site.

Councillor R I Taylor stated that the applicant had indicated a willingness to spread the layout of the proposed pitches. He commented on whether the application should be deferred to facilitate an amended submission for the location of the caravans.

Councillor J J Taylor proposed and Councillor D A A Peek seconded, a motion that application 3/10/0156/FP be refused on the grounds set out in the report now submitted.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0156/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/0156/FP, planning permission be refused for the following reason:

DNS

1. The proposed arrangements of plots and units on the site represents a poor standard of layout which fails to provide adequate space for parking and turning of vehicles and fails to provide sufficient amenity space for future residents. The relationship of the plots and close proximity between them will create a situation where the individual units are overbearing, lead to significant overlooking and the inability to create acceptable amenity to the future occupants. The proposed development is therefore contrary to saved policies ENV1 and TR7 of the East Herts Local Plan Second review April 2007 and the guidance set out in the Vehicle Parking Provision at New Development SPD.

22 3/10/0271/FP - ERECTION OF 5,324 SQ.M OF B1 BUSINESS UNITS TOGETHER WITH PARKING AND LANDSCAPING LAND ADJACENT TO WOODSIDE INDUSTRIAL ESTATE, DUNMOW ROAD, BISHOP'S STORTFORD FOR M AND D DEVELOPMENTS LTD, GREAT DUNMOW

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0271/FP, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by 26 May 2010, planning permission be granted subject to the conditions now detailed.

The Director stated that the Historical Environment Unit at Hertfordshire County Council had requested a condition for a programme of archaeological works if the application was approved.

The Committee was advised that Councillor C Woodward had emphasised that there was no proven employment need and the application constituted a misuse of the

green belt. Councillor Woodward had also expressed concerns relating to the traffic implications for Dunmow Road.

Councillor R Gilbert believed that there was a need for employment land for small businesses. Councillor R I Taylor referred to an identified need for new and purpose built business units.

Councillor Mrs M H Goldspink stressed that this had been an industrial site for many years. She expressed concerns relating to landscaping and requested a condition to cover replacement tree planting once the site had been developed.

The Director advised that condition 14 covered landscape design and would also cover any additional tree planting. Condition 15 would ensure that existing trees and hedges were retained.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/10/0271/FP be granted subject to the conditions now detailed.

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

DNS

1. A financial contribution of £25,555, index linked, from the date of the grant of the planning permission towards sustainable transport measures in the vicinity of the site.

in respect of application 3/10/0271/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12)
2. The buildings shall be used for use Class B1 purposes only and for no other purposes whatsoever without the prior permission in writing of the local planning authority.

Reason: To ensure that no alternative use is made of the site which would be likely to cause nuisance to the occupants of nearby premises or affect traffic generation or parking provision at the site.

3. The units hereby permitted within Block A shall comprise 6 nursery/incubator units of 115 sq.m. internal floorspace and 12 units of 57 sq.m internal floorspace as shown on the approved plans. There shall be no amalgamation of those units within the block without the prior written agreement of the local planning authority.

Reason: a particular need has been identified for nursery/incubator units and this provision forms one of the very special circumstances accepted to justify a departure from Green Belt policy in this case.

4. Boundary Walls and Fences (2E07)
5. Materials of Construction (2E11)
6. Withdrawal of P.D. (Part 2 Class A) (2E21)
7. Refuse Disposal Facilities (2E24)
Insert 'including detailed plans of the elevations of the refuse/recycling collection areas'.
8. Lighting Details (2E27)

9. Provision and Retention of Parking Spaces (3V23)
10. Wheel Washing Facilities (3V25)
11. Hard Surfacing (3V21)
12. Tree Retention and Protection (4P05)
13. Hedge Retention and Protection (4P06)
14. Landscape Design Proposals (4P12)
Delete a, b, c, d, e, f, g and h
15. Landscape Works Implementation (4P13)
16. Prior to the commencement of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and thereafter all construction vehicle movements shall accord with the approved details.

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

17. The development hereby permitted shall be implemented in accordance with the travel details outlined in the submitted Travel Plan by DHA Transport dated February 2010 and the Travel Plan shall be complied with thereafter unless otherwise agreed in writing by the local planning authority.

Reason: To promote the use of non car modes of transport in accordance with national guidance in PPG13 and policy TR4 of the East Herts Local

Plan Second Review April 2007.

18. No external storage (5U07)
19. Prior to the commencement of the development, a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of 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 the development shall be 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.

20. No development shall occur until details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with those approved details.

Reason: To reduce flood risk by ensuring the satisfactory storage and disposal of surface water from the site, and to improve and protect water quality in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

21. Programme of archaeological works (2E02).

(B) where the legal agreement referred to in recommendation (A) is not completed by midday on 26 May 2010, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

DNS

1. The development fails to make the appropriate financial provision for infrastructure improvements considered necessary to support the proposed development. As such, it would be contrary to the provisions of saved Policy IMP1 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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENG1 of the East of England Plan and SD1, SD2, GBC1, TR1, TR4, TR7, TR14, ENV1, ENV2, ENV9, ENV11, ENV19, ENV21 and IMP1 of the East Herts Local Plan. The balance of the considerations having regard to those policies; the outline planning permission granted under reference 3/08/2037/OP; the fact that the proposed development would not be detrimental to the character of the area and that it would provide for an identified need for employment land in Bishop's Stortford, is that permission should be granted.

23 3/09/1020/FP - ERECTION OF 1 DWELLINGHOUSE AT 2B PARK LANE, BISHOP'S STORTFORD, HERTS, CM23 3NH FOR MR K ASHRAF

Mr Lawrence addressed the Committee in opposition to the application. Mr Davies spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1020/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that an objection letter had been received from the residents of 2a Park Lane. The Head teacher of Thorley Hill Primary School had written to Officers raising concerns in respect of overlooking, vehicular access, noise and dust and the lack of sufficient trees to screen the proposed development.

Councillor R Gilbert stated that not enough had been done to protect the existing trees. He referred to an objection letter sent by the neighbour at 2a Park Lane, raising concerns similar to those of the objecting speaker.

Councillor Gilbert commented that the Bishop's Stortford High School had objected in relation to the proposed access arrangements. Councillor K A Barnes stressed that Hertfordshire Highways' reasons had been considered when the application was deferred in January 2010. He emphasised that the access concerns remained.

The Director summarised the current and proposed access arrangements for this site. He confirmed that the access did not encroach on to the grounds of the neighbouring school. Councillor Mrs M H Goldspink emphasised that all of the issues debated when the matter was considered previously were still relevant.

The Director advised that the Council's Arboricultural Officer had not sought to restrict this application. The Committee was advised to be cautious when considering whether to refuse the application on tree related issues when all of the expert advice suggested the scheme was acceptable.

The Director stressed that Officers felt the access arrangements for the site were acceptable. Officers had

also considered that the development was acceptable in terms of the impact on neighbouring properties.

The Director advised that Members must specify exactly which aspects of the application they considered to be unacceptable.

Councillor Gilbert stated that the application was contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007 and national policies set out in PPS1 and PPS3. He also commented that the application was detrimental to the residents of 2a Park Lane and residents to the east of the site.

The Director advised that, of the issues raised, the impact on 2a Park Lane and noise and disturbance to the amenities of the residents of that property were perhaps the most relevant consideration for Members in relation to the proposals.

Councillor J Demonti proposed and Councillor R Gilbert seconded, a motion that application 3/09/1020/FP be refused on the grounds that the proposed development would have an unacceptable impact in relation to overlooking, noise and disturbance and would result in a dominant form of development detrimental to the amenities of the occupiers of 2a Park Lane and was therefore contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/1020/FP be granted planning permission subject to the conditions now detailed.

Councillor W Ashley requested that his dissent from this decision be recorded.

RESOLVED – that in respect of application 3/09/1020/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development by virtue of its siting and relationship to neighbouring properties at 2a and 2b Park Lane would have an unacceptable impact in relation to overlooking and would result in a dominant form of development detrimental to the amenities of the occupiers of those properties. It would thereby be contrary to saved policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. The access arrangement proposed by virtue of its proximity to the existing property at 2b Park Lane would result in an unacceptable degree of noise and disturbance to the detriment of the amenities of the occupiers of that property. The proposal is thereby contrary to saved policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

24 3/10/0211/FP - DEMOLISH EXISTING DWELLING AND ERECT A FOUR BEDROOM REPLACEMENT DWELLING PLUS BASEMENT AT SURROUNDED, COVEYS LANE, HIGH WYCH, SAWBRIDGEWORTH, CM21 0LE FOR MR D WADHAMS

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0211/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0211/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0211/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)
2. Samples of materials (2E123)
3. No development shall take place until details of the materials to be used for the hard surfaced areas within the site including driveways and car parking areas have been submitted to and approved in writing by the local planning authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. No development shall take place until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

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

5. No development shall take place until details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels and contours; species, plant sizes and planting plans and densities; written specifications

including cultivation and other operations associated with plant and grass establishment; implementation timetables and the identification of protection measures for existing trees and shrubs to be retained. All planting, turfing and seeding shall be completed prior to the occupation of the development or in accordance with a programme agreed in writing by the local planning authority. If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted at the same place unless the local planning authority gives it written consent to any variation.

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

6. Development shall not begin until a scheme for drainage works at the site has been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To prevent pollution of the water environment in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

7. No development shall take place until details of a scheme for the incorporation of sustainable energy initiatives in the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of renewable energy facilities in accordance with policy SD3 of the East Herts Local Plan Second Review April 2007.

8. No development shall take place until a scheme providing details of the way in which materials arising from the demolition of the existing dwelling will be re-used on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

9. Withdrawal of P.D. (Part 1 Class A) (2E203)
10. Withdrawal of P.D. (Part 2 Class A) (2E213)
11. Withdrawal of P.D. (Part 1 Class E) (2E223)
12. No development shall take place until an area for the parking of construction workers' vehicles and the storage of materials within the site has been agreed in writing by the local planning authority. The area shall be used for the agreed purpose at all times during construction and no materials shall be stored or vehicles parked on the public restricted byway leading to the site.

Reason: To ensure adequate off-street parking facilities in the interests of highway safety and traffic flows.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, HSG8, ENV1, ENV2, ENV9, ENV11 and TR7. The balance of the considerations having regard to those policies and the replacement dwelling allowed on appeal under LPA ref: 3/09/0299/FP is that permission should be granted.

25 3/10/0328/FP - NEW BOAT SHED AT BISHOPS STORTFORD CANOE CLUB, STYLEMANS LANE, HALLINGBURY ROAD, BISHOPS STORTFORD, CM22 7QJ FOR BISHOPS STORTFORD CANOE CLUB

Mr Whipp addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0328/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that two letters of objection been received. One of these objectors had subsequently e-mailed Officers to withdraw their objection.

Councillor D A A Peek stated that the Committee should support the Officers recommendation unless there were material reasons why Members should not approve the application. Councillors R Gilbert and Mrs M H Goldspink supported this viewpoint.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0328/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application

DNS

3/10/0328//FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. The building shall be used for members and guests of Bishops Stortford Canoe Club only and for no other purposes including any other purpose in Class D2 of the Schedule to the Town and Country Planning (use Class) Order 2005.

Reason: To ensure that the use of the building is restricted for the use of the applicant and the special circumstances of the use within the Green Belt.

4. Prior to the first beneficial use of the development hereby granted, the existing container as indicated on plan reference 54:01:12 shall be permanently removed from the site.

Reason: In the interests of the visual amenity of the site and its surroundings in accordance with policy GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. The approved building shall only be carried out in accordance with the approved Flood Risk Assessment (Three Counties February 2010). The building shall remain permeable to flooding to a level no less than 54.60 mAOD and all flood louvers are to remain clear and permeable to flood waters at all times.

Reason: To prevent flooding elsewhere by ensuring that no flood storage volume is displaced by the new building, in accordance with policy

ENV19 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1).
2. Groundwater Protection Zone (28GP1) (insert Causeway Pumping Station).
3. You are advised to contact British Waterways (01827 252000) in order to ensure that any necessary consents are obtained from that Authority and any developments are in compliance with current British Waterways "Code of Practice for Works affecting British waterways".

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1 and LRC7. The balance of the considerations having regard to those policies and the benefits of an improved facility for the local community in promoting water recreation, is that permission should be granted.

26 3/10/0165/FP - SINGLE STOREY STORAGE BUILDING FOR STORAGE OF SCOUTING EQUIPMENT AT LAND AT CHURCH LANE, THORLEY, BISHOP'S STORTFORD, CM23 4EG FOR THE FIRST THORLEY (ST JAMES) SCOUT GROUP

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0165/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had stated that this building was to provide storage and accommodation for the scout group as the existing premises were not large enough.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0165/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0165/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121).
2. Samples of Materials (2E12).
3. Landscape Design Proposals (4P12) (Delete a, f, g and h).
4. Landscape works implementation (4P13).
5. Tree Planting (4P154).
6. Construction parking and storage (3V221).

Directive:

1. No part of the public right of way to the north of the site, or the entrance to the public right of way from Church Lane, shall be obstructed at any stage of the development.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, ENV11, TR2, TR7 and TR20 and PPG2. The balance of the considerations having regard to those policies and the permission granted for a scout building at this site in 1998 under lpa reference 3/97/1280/FP is that permission should be granted.

27 3/10/0372/FP - SINGLE STOREY SIDE EXTENSION TO NEW DWELLING AT PLOT 2 APPROVED UNDER 3/08/1160/FP AT WHITEHALL COLLEGE, DANE O'COYS ROAD, BISHOP'S STORTFORD, CM23 2JN FOR THE ARLBERG GROUP

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0372/FP, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director advised that the wording of the proposed section 106 agreement had been amended as follows:

Delete –

‘..... in respect of the trigger point at which works to the Communities Facilities Land shall be carried out; the Community Contributions paid and the Lease granted to the Trust.

Insert –

‘to vary the definition of ‘planning permission’ to include the grant of permission under application reference 3/10/0372/FP.’

The Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/09/3/09/1370/FP be granted subject to the

conditions now detailed.

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

DNS

1. To vary the S106 agreement entered into in relation to the grant of permission under application ref. 3/08/1160/FP to vary the definition of 'planning permission' to include the grant of permission under application reference 3/10/0372/FP.

in respect of application 3/10/0372/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Withdrawal of P.D. (Part 1 Class A) (2E20).
3. Withdrawal of P.D. (Part 2 Class A) (2E21).
4. Withdrawal of P.D. (Part 1 Class E) (2E22).
5. Carried Out in Accordance (2E92).
6. Tree Retention and Protection (4P05).
7. Hedge Retention and Protection (4P06).
8. Tree/natural feature protection: fencing (4P07).
9. Tree Protection: restrictions on burning (4P08).
10. Tree Protection: Earthworks (4P10).

Directives:

1. Other Legislation (01OL).
2. Groundwater protection zone (28GP)
Insert 'Causeway'.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, ENV9 and ENV11. The balance of the considerations having regard to those policies and the grant of permission for residential development at the site ref. 3/08/1160/FP is that permission should be granted.

- 28 3/10/0324/FP - EXTENSIONS TO GARAGE TO PROVIDE WORKSHOP AND GREENHOUSE WITH STORAGE UNDER AT 3 DOWNFIELD COTTAGES, POLES LANE, THUNDRIDGE, HERTS, SG12 0SG FOR MR SHEARMAN

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0324/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0324/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0324/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)

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 saved policies GBC1, ENV1 and ENV5. The balance of the considerations having regard to those policies and that the proposed development would not result in a significant harmful impact on the openness or rural character and appearance of the locality, is that permission should be granted.

- 29 3/10/0151/FP - ERECTION OF A DETACHED DOUBLE GARAGE AT 62 ERMINE STREET, THUNDRIDGE, SG12 0SY FOR MR MUNNS

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0151/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0151/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0151/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121).
2. Samples of materials (2E123).
3. Tree/natural feature protection: fencing

(4P075).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC2, ENV1, ENV5, ENV11 and BH6. The balance of the considerations having regard to those saved policies and the policy guidance in Planning Policy Statement 5 (Planning for the Historic Environment) is that permission should be granted.

- 30 3/10/0323/FP - TWO-STOREY SIDE AND REAR EXTENSIONS TO NORTH LODGE, ROWNEY PRIORY, ROWNEY LANE, DANE END, WARE, HERTS, SG12 0JY FOR MR D LANG

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0323/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0323/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0323/FP, planning permission be granted subject to the following conditions:

DNS

1. Time limit (1T121).

2. Matching materials (2E133).
3. Tree survey (4P013).
4. Tree retention and protection (4P053).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6 and GBC3. The balance of the considerations having regard to those policies and national policy guidance in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas guidance is that planning permission should be granted.

- 31 (A) 3/09/1266/FP AND (B) 3/09/1267/LB - TWO STOREY SIDE EXTENSION WITH BASEMENT AND GARDEN ROOM TO REAR WITH PART DEMOLITION OF BARN (AMENDED SCHEME) AT WILLOW POND HOUSE, LEVENS GREEN, SG11 1HD FOR MRS. CAROLYN WINDEBANK
-

The Director of Neighbourhood Services recommended that, in respect of applications 3/09/1266/FP and 3/09/1267/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications

3/09/1266/FP and 3/09/1267/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/09/1266/FP, planning permission be granted subject to the following conditions:

DNS

1. The development hereby approved shall be carried out in accordance with the approved drawings within 6 months of the date of this permission.

Reason: In order to ensure that the unlawful works to the building are rectified in accordance with the submitted details and previous appeal decision.

2. Samples of materials (2E12).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC3, ENV1, ENV5, ENV6 and BH1. The balance of the considerations having regard to those policies and the permission granted under reference 3/02/2537/FP is that permission should be granted.

(B) in respect of application 3/09/1267/LB, listed building consent be granted subject to the following conditions:

DNS

1. The development hereby approved shall be carried out in accordance with the approved drawings within 6 months of the date of this permission.

Reason: In order to ensure that the unlawful works to the listed building are rectified in accordance with the submitted details and previous appeal decision.

2. Samples of materials (2E12).
3. Listed building (new window) (8L03).
4. Listed building (new doors) (8L04).
5. Listed building (new external rendering) (8L08).
6. Listed building (making good) (8L10).

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 the saved policies of the East Herts Local Plan Second Review April 2007). The balance of the considerations having regard to those policies and Planning Policy Statement 5, and the consent granted under reference 3/02/2538/LB, is that consent should be granted.

32 3/10/0456/FP - FRONT AND SIDE EXTENSIONS AT BUCKLERS HALL FARM, BUCKLERS HALL ROAD, PERRY GREEN, MUCH HADHAM, SG10 6EA FOR MR R PRIOR

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0456/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that Much Hadham Parish Council had raised no objections.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0456/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0456/FP, planning permission be granted subject to the conditions now detailed:

DNS

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and national planning guidance contained in PPS5 and PPS7 is that permission should be granted.

33 3/10/0319/FP - CHANGE OF USE FROM A1 (SANDWICH BAR) TO A3 (CAFÉ/RESTAURANT) AT 5 CHURCH STREET, BISHOP'S STORTFORD, HERTS, CM23 2LY FOR MR D RAWSTHORNE

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0319/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0319/FP be granted subject to the conditions now

detailed.

RESOLVED – that in respect of application 3/10/0319/FP, planning permission be granted subject to the conditions now detailed:

DNS

1. 3 year time limit (1T12).

Directives:

1. 01OL1 – Other legislation.
2. You are advised to contact Thames Water, Development Planning, Asset Investment Unit, Maple Lodge, Denham Way, Rickmansworth, WD3 9SQ. Tel: 01923 898072, with regard to best management practices for catering establishments.

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 saved policies of the East Herts Local Plan Second Review April 2007), and in particular Policies STC3, ENV1 and TR7. The balance of the considerations having regard to those policies and that the change of use would not be detrimental to the vitality and viability of the town centre is that permission should be granted.

- 34 3/10/0348/FP - CHANGE OF USE FROM A1 (SHOP) TO SUI GENERIS (NAIL SALON) - RETROSPECTIVE AT 14 CHURCH STREET, BISHOP'S STORTFORD, CM23 2LY FOR MS AU TANG

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0348/FP, planning permission be granted subject to the conditions now

detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0348/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0348/FP planning permission be granted.

DNS

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 saved policies of the East Herts Local Plan Second Review April 2007), and in particular Policies STC3, ENV1 and TR7. The balance of the considerations having regard to those policies and that the change of use would not be detrimental to the vitality and viability of the town centre is that permission should be granted.

35 E/09/0018/B - UNAUTHORISED ALTERATION WORKS AND NEGLECT OF A GRADE II LISTED BUILDING AT BOLLYWOODS, 99 - 101 FORE STREET, HERTFORD, SG14 1AS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0018/B, prosecution and enforcement action be authorised on the basis now detailed.

In response to a query from Councillor R N Copping, the Director confirmed that compulsory purchase order was a course of action that Officers would have to consider.

The Committee supported the Director's recommendation for prosecution and enforcement action to be authorised in respect of the site relating to E/09/0018/B on the basis

now detailed.

RESOLVED – that in respect of E/09/0018/B, (A), the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to prosecute the owner of the above site for the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest and/or to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure works to restore the building to its former state; and

DNS/
DIS

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required for the proper preservation of the building.

DNS/
DIS

Period for compliance: 6 months.

Reasons why it is expedient to prosecute and/or issue an enforcement notice and/or issue a repairs notice:

1. The unauthorised works are detrimental to the Listed Building and fail to sustain and enhance the significance of this designated heritage asset, contrary to policy HE7.4 of PPS5.
2. The unauthorised works to a designated heritage asset have led to substantial harm to the Listed Building that is not outweighed by the criteria detailed in policy HE9.2 of PPS5. It is therefore contrary to policy HE9.2 of PPS5.
3. The neglect and lack of maintenance of a

designated heritage asset have led to substantial harm to the Listed Building that is not outweighed by the criteria detailed in policy HE9.2 of PPS5. It is therefore contrary to policy HE9.2 of PPS5.

36 E/09/0510/B - UNAUTHORISED RESIDENTIAL USE OF THE LAND; THE UNAUTHORISED ERECTION OF A YURT STYLE RESIDENTIAL STRUCTURE; THE CONSTRUCTION OF A SUBTERRANEAN, OR PARTLY SUBTERRANEAN, BUILDING AND THE FAILURE TO COMPLY WITH THE REQUIREMENTS OF A PLANNING CONTRAVENTION NOTICE AT 17 COLTSFOOT LANE, BULLS GREEN, KNEBWORTH, SG9 0LN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0510/B, enforcement and prosecution action be authorised on the basis now detailed.

The Director reported that a letter had been received giving notice to Officers to cease and desist from taking further action. The letter had made a number of other demands relating to the withdrawal of false claims as well as significant sums of money from the Authority.

In response to a query from Councillor K A Barnes, the Director advised that a Yurt style residential structure was a Mongolian Nomad's Tent. The Committee was advised that Officers were concerned that the site was agricultural land and there appeared to be no justification for residential use.

The Director confirmed that there was no contract between the Authority and anyone connected with this site. There had also been little evidence that any work had been done to regularise the situation.

The Committee supported the Director's recommendation for enforcement and prosecution action to be authorised in respect of the site relating to E/09/0510/B on the basis

now detailed.

RESOLVED – that in respect of E/09/0510/B, (A) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised structures from the land and the cessation of the unauthorised residential use of the land; and

DNS/
DIS

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 171D of the Town and Country Planning Act 1990 (as amended) to prosecute the offender in respect of the failure to comply with the requirements of a Planning Contravention Notice.

DNS/
DIS

Period for compliance: 6 Months.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such very special circumstances are apparent in this case, and the buildings are therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and the requirements of national planning policy in PPG2 – Green Belts and PPS7

'Sustainable Development in Rural Areas'.

2. The Yurt and its associated developments and the subterranean, or partly subterranean, building by reason of their scale, bulk, design and appearance are detrimental to the openness and character of the surrounding countryside. They are therefore contrary to saved policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning policy in PPS1 'Delivering Sustainable Development' paragraph 34.

Reason why it is expedient to commence legal proceedings:

1. The failure to respond to the Planning Contravention Notice, issued with regard to both the use of the land and the unauthorised operational development on it, is an offence under the provisions of Section 171D of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991). The lack of adequate response to the PCN has impeded the proper investigation of the activities on the site and it is considered that prosecution proceedings are necessary, appropriate and proportionate in this case.

37 E/08/0111/B - UNAUTHORISED TWO STOREY REAR EXTENSION AT 54 CAMPFIELD ROAD, HERTFORD, SG14 2AD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0111/B, direct action be authorised on the basis now detailed. The Director also recommended that the procurement process be authorised on the basis now detailed.

The Director confirmed that the extension was still in

place as at the day of this meeting. Councillor S Rutland-Barsby stated that the proposed action was a very serious step for the Authority to take. She commented that the neighbours had complied fully with planning regulations.

Councillor Rutland-Barsby emphasised that every effort had been made by Officers to regularise the situation. She stressed that this was an opportunity for Members to send out a strong message to the public in respect of unauthorised development.

Councillor M R Alexander commented that it would be sensible to make Members aware of the cost implications of direct action. The Director advised that such action could involve the removal of part of a resident's property. He stated that a report would be submitted to the Executive relating to financial implications of between £20,000 and £50,000.

Councillor D A A Peek commented that the reports relating to a previous instance where the Authority had authorised direct action should be made available to the Executive before a final decision was taken.

Councillor S A Bull asked whether the Authority would recover the costs associated with the direct action. The Director confirmed that the cost would be recovered by placing a charge on the property.

The Director also reminded Members that there was no right of appeal against direct action in the planning process. He stressed however that there was the potential for an appeal on points of law.

The Committee supported the Director's recommendation for direct action to be authorised in respect of the site relating to E/08/0111/B on the basis now detailed. The Committee also supported the Director's recommendation for the instigation of the procurement process on the basis now detailed.

RESOLVED – that in respect of E/08/0111/B, (A) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to be authorised to take direct action under Section 178 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised extensions; and

DNS/
DIS

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to instigate the procurement process in accordance with the appropriate financial regulations to enable direct action to remove the unauthorised extension.

DNS/
DIS

Reasons why it is expedient to take direct action:

1. The extension, by reason of its scale, bulk and design, is of excessive size in relation to the existing dwelling and out of keeping with its character. Accordingly it is contrary to policy ENV5 of the East Herts Local Plan Second Review April 2007.
2. The extension by reason of its height, scale and bulk is intrusive in the surrounding area, to the detriment of the amenities of nearby residents and the character and appearance of the area. It is thereby contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.

38 ITEMS FOR REPORTING 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 8.35 pm

Chairman

Date