

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 1 JULY
2009, AT 7.30 PM

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

ALSO PRESENT:

Councillors D Andrews, P A Ruffles and V Shaw.

OFFICERS IN ATTENDANCE:

Lorraine Blackburn - Committee Secretary
Glyn Day - Principal Planning 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

76 APOLOGY

An apology for absence was submitted on behalf of
Councillor A L Burlton. It was noted that Councillor
A L Warman was substituting for Councillor A L Burlton.

77 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. The Chairman also welcomed Councillor R I Taylor as the newly appointed Committee Member and Councillor V Shaw who had recently been elected to the Council as a Member for Ware Christchurch.

The Chairman advised Members of some forthcoming dates for their diaries. There would be an 'open office' on 10 July 2009 for Members to visit the Development Control team for a look 'behind the scenes'. He encouraged Members to take advantage of this. The first in a series of one hour training sessions would be held before the Development Control Committee meeting on 29 July 2009. Finally, the Chairman referred to the District Planning Tour, which would take place on 4 September 2009, and invited all Members to make suggestions for inclusion. Further details on all of these would be circulated by Officers. Councillor S A Bull submitted his apologies in relation to the District Planning Tour.

The Chairman advised that he had agreed to accept an urgent item of business relating to the appeal on The Castle public house, Castle Street, Bishop's Stortford, onto the agenda in the interests of the efficient operation of the service and to avoid delay.

78 DECLARATIONS OF INTEREST

Councillor S A Bull declared a personal and prejudicial interest in application 3/09/0101/OP. The nature of the interest was not stated. He left the room whilst this matter was being considered.

Councillor A F Dearman declared a personal interest in applications 3/08/1783/FP and 3/08/1784/LB in that he was an acquaintance of the applicant.

Councillor V Shaw declared a personal interest in applications 3/08/1783/FP and 3/08/1784/LB in that she was a Member of the Arts Council.

Councillor M R Alexander declared a personal interest in application 3/09/0429/FP in that he was an acquaintance of the applicant. He left the room whilst this matter was considered.

RESOLVED ITEMS

79 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 10 June 2009 be confirmed as a correct record and signed by the Chairman.

80 3/09/0101/OP - RESIDENTIAL DEVELOPMENT OF 11 HOUSES AT ALLOTMENT GARDENS, ERMINE STREET, BUNTINGFORD SG9 9AZ FOR BUNTINGFORD RELIEF IN NEED CHARITY

Mrs Woods addressed the meeting in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0101/OP, subject to the applicants entering into a legal obligation under Section 106 of the Town and Country Planning Act 1990, and subject to the conditions now detailed, outline planning permission be granted.

The Director referred to a number of late comments which had been received. The Herts and Middlesex Wildlife Trust had expressed concern that the site might contain bats and reptiles but that the inclusion of two appropriate conditions would address these concerns. Objections had been received from Buntingford Civic Society who objected to the density of the proposed

development and felt that it was inappropriate as an out of town development. Eight further letters of objection had been received expressing concern about the loss of allotment land, noise, increased traffic, impact on existing wildlife and over-development along Ermine Street.

Councillor Mrs M H Goldspink expressed her support for the Director's recommendation. She queried the parking arrangements for allotment holders. She sought assurances that the Section 106 monies would be for the benefit of parks, public spaces and provision for children and young people in Buntingford. The Director reminded Members that it was an outline application and that access would be via Ermine Street end. He explained the arrangements for the use of Section 106 contributions.

Councillor R Gilbert supported the scheme. He commented that the site was allocated for building in the Local Plan.

Councillor D A A Peek also supported the application. He commented that the application was an outline and would not support any increase in that which was proposed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/0101/OP be granted outlined planning permission, 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 replacement allotment gardens on the Allocated Housing Site known as Site 68 - Land east of Bowling Green Lane which shall be established and made available for use prior to commencement of construction

of the new dwellings. Thereafter such land to remain as allotment gardens;

2. The provision of financial contributions of £625 per 1 bed residential unit, £750 per 2 bed unit, £1125 per 3 bed unit, and £1500 per 4+ bed units towards sustainable transport measures in the vicinity of the site;
3. The completion of an agreement under s.278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off site road improvements including: the construction of the junction, visibility splay, footway along the frontage, and a Traffic Regulation Order to extend the 30mph speed limit in the vicinity;
4. The provision of library contributions, in accordance with the current HCC Contributions Table;
5. The provision of Upper Education contributions, in accordance with the current HCC Contributions Table;
6. The provision of Youth and Childcare infrastructure contributions, in accordance with the current HCC Contributions Table;
7. The provision of parks and public spaces and provision for children and young people contributions, in accordance with the standard charges in East Herts Council's Planning Obligations Supplementary Planning Document October 2008;
8. The provision of fire hydrants; and
9. The provision of 15% of the dwellings to be

built to 'Lifetime Homes' standards.

in respect of application 3/09/0101/OP, outline planning permission be granted subject to the following conditions:

1. Outline permission time limit (1T03)
2. Outline – submission of details (2E01)
3. Programme of archaeological work (2E02)
4. Construction parking and storage (3V22)
5. Wheel washing facilities (3V25)
6. Contaminated Land survey and remediation (2E332)
7. The outline permission hereby granted is limited solely to the amount of development proposed within the submitted application (11 residential units).

Reason: In order to control any consequent need for affordable housing provision arising from an increase in the number of units on the site in accordance with policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007.

8. No removal of trees, scrub or hedgerow shall take place outside 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 of the East Herts Local Plan Second Review April 2007.

9. Prior to the commencement of any works on the site, a survey of the site shall be carried out and details including an assessment of the impact of the proposed development on reptiles and bats and any appropriate measures to alleviate such impact, shall be submitted for the written approval of the Local Planning Authority. Mitigation measures shall be carried out in accordance with the approved scheme.

Reason: To enable proper consideration of the effect of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with policies SD4 and ENV16 of the East Herts Local Plan Second Review April 2007.

10. Prior to the occupation of any of the units hereby permitted, vehicular and pedestrian access shall be provided through the site between Ermine Street and the allotment site to the west. Once provided the access shall thereafter be retained for that purpose.

Reason: To ensure continued access to the adjoining allotment site.

Directive:

1. Planning Obligation (08PO).

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, HSG1, HSG6, TR2, TR7, ENV1, ENV2, ENV3, ENV11, ENV25, BH1, BH2, BH3, LRC1, LRC2, BUN1 and IMP1. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

- 81 (A) 3/08/1783/FP - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AND CREATION OF ASSOCIATED OFF-STREET PARKING WITH REVISED VEHICULAR ACCESS AND (B) 3/08/1784/LB - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AT CENTRAL MALTINGS, NEW ROAD, WARE, HERTS SG12 7BS FOR MR M J WARNER

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1783/FP, subject to the applicants entering into a legal obligation under Section 106 of the Town and Country Planning Act 1990, and subject to the conditions now detailed, planning permission be granted. The Director also recommended, that, in respect of application 3/08/1784/LB listed building consent be approved subject to the conditions now detailed.

The Director commented that he had received a letter from Ware Town Council objecting to the scheme for a number of reasons. A letter had also been received from Solicitors acting on behalf of the owner of adjacent land regarding rights of access. The Director explained that it was considered an appropriate planning issue to include provisions within the legal agreement with the applicant to make sure that there was access to all of the maltings

buildings.

Councillor J J Taylor supported the application and complimented the Officers in resolving issues following deferral of the application in February 2009.

Councillor Shaw commented on the parking arrangements and how the application would help patronage of the Arts Centre.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1783/FP be granted planning permission subject to applicants entering into a legal obligation under Section 106 of the Town and Country Planning Act 1990 and subject the conditions now detailed.

The Committee also supported the recommendation of the Director of Neighbourhood Service that listed building consent be granted respect of application 3/08/1784/LB be approved subject to the conditions now detailed.

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

DNS

1. The alteration of the existing access onto New Road and the provision of a new footpath adjacent to 14 New Road as shown on drawing no. 9123/SK/005 (Rev. F) prior to the first occupation of any of the residential units hereby permitted to enable and ensure the provision of adequate foot and vehicular access for all occupiers of the northern, central and southern maltings.
2. A financial contribution of £19,875 to promote sustainable transport measures and schemes in the vicinity of the site.

3. A financial contribution of £5,720 towards HCC Childcare, Youth Services and Libraries.
4. A financial contribution to EHDC of £6,199 towards the provision and maintenance of Amenity Green Space.
5. A financial contribution to EHDC of £4,556 towards provision and maintenance of open space for children/young people
6. A contribution of £864 towards recycling.
7. Provision of a fire hydrant.

in respect of application 3/08/1783/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Programme of archaeological work (2E02).
3. Complete Accordance (2E10).
4. Samples of materials (2E12).
5. The alterations to the site access including the front boundary wall and the bollards adjacent to the access as shown on drawing no. 9123/SK/005 shall be carried out prior to the first occupation of any of the units hereby permitted.

Reason: To ensure that the development preserves and enhances the character of the surrounding area and the setting of the nearby listed buildings in accordance with policies BH6, BH12 and ENV1 of the Local Plan and in

the interests of highway safety.

6. Lighting details (2E27).
7. Communal TV facilities (2E32).
8. Provision and retention of parking space (3V20).
9. Construction parking and storage (3V22).
10. Cycle Parking Facilities (2E29) Add ...“in accordance with plan no 9123/SK/005”.
11. Landscape Design (4P12) Parts (b), (e), (h), (i), (k).
12. Landscape works implementation (4P13).
13. Landscape maintenance (4P17).
14. Retention of landscaping (4P21).
15. Construction hours of working plant and machinery (6N07).

Directives:

1. Other Legislation (01OL)
2. Relationship with Listed Building (26LB)

(LPA ref: 3/08/1784/LB)

Summary of Reason 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, HSG3, HSG6, EDE2, TR7, TR14, ENV1, ENV2, BH6, BH12 and IMP1 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

(B) in respect of application 3/08/1784/LB, Listed Building Consent be granted subject to the following conditions:

DNS

1. Three year Time Limit (1T14).
2. Samples of materials (2E12).
3. Listed Building new windows (8L03).
4. Listed building new doors (8L04).
5. Listed Building new brickwork (8L06).
6. Listed Building new rainwater goods (8L09).
7. Listed Building Making Good (8L10).

Summary of Reason 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 BH10 and BH11 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to those policies and other material considerations is that consent should be granted.

82 3/09/0425/RP - RESIDENTIAL DEVELOPMENT OF 65 DWELLINGS WITH PARKING AND RELATED WORKINGS INCLUDING NEW SITE ACCESS FROM CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR HUBERT C LEACH HOMES LTD

Mr Hawkins addressed the Committee in opposition to the application. Mr Crawley spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0425/RP, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had worked closely to obtain the agreement of the Environment Agency, and as such there was no reason to refuse the application.

Councillor R Gilbert commented that the proposals would constitute overdevelopment of the site. Councillor K A Barnes commented that the site would be over developed, of the additional vehicular traffic this would generate in particular between 3 – 4 pm when children were being taken and picked up from school. He felt that the application was not suitable for the area. He queried whether a condition could be imposed requesting that gardens should not be covered and suggested the use of non-porous materials.

Councillor Mrs M H Goldspink stated that the site would be over developed, would suffer from a the lack of amenity space and a disproportionate amount of hard landscaping to soft landscaping. She commented that the properties had little amenity space. She also commented on the lack of garden spaces and the fact that affordable housing had been concentrated in one small corner of the site. Councillor Goldspink further commented on the traffic problems that the application would create and the density of the application. She

stated that she could not accept 65 dwellings but that 50 was more acceptable. Councillor Goldspink also commented on cars which would be parked on both sides of the road. She supported the refusal of the application.

Councillor S A Bull supported comments from other Members. He commented that it was an unsuitable location for such a development given existing problems in the area at rush hour. He also commented that the small site would be overdeveloped.

The Director commented that outline planning permission had already been granted for the application for 50 dwellings. He commented that Members needed to consider whether the additional 15 dwellings would impact to such an extent on the traffic problems which Members had referred to. In terms of density, this was within existing policy requirements. He commented on the move nowadays to small low maintenance front gardens and active frontages. He acknowledged that the affordable housing was in one area. He advised that Members needed to consider carefully the harm caused by the proposed development given that outline permission had been granted, otherwise the Council's position would be weak at Appeal. He commented that there was a lot of hard surfacing but that acceptable landscaping could be achieved. The Director commented that the Government had taken away permitted development rights to pave over gardens in other than porous materials. He stated that there was a risk that any refusal on the basis of density might be upheld by an Inspector at Appeal but with a comment that it should in fact be greater.

Councillor D A A Peek did not support the application. He commented that the Council's target at 40 dwellings per hectare should have remained. He commented that what was proposed was a 30% increase on the original design proposals.

Councillor R I Taylor commented that the development

was overdeveloped but if flats were proposed then this would be a different matter. He commented on the lack of amenity space and the poor design of the layout.

Councillor M R Alexander commented on the additional vehicular movement of a potential 135 cars and more in the area. The Director commented that highway officers had already considered the proposal and that the outline planning permission had been granted using the shown access arrangements on the basis of 50 dwellings and serving the adjacent swimming pool. He urged Members to be cautious if they were considering refusing the application on highway grounds. Councillor Alexander felt it was not acceptable to increase the original application by 30%.

Councillor K Barnes was not happy with a suggestion to defer the application. He commented that he was not happy with highway officers' comments and questioned the information provided by them.

The Director commented that if Members planned to refuse on highway grounds, then separate advice should be sought. Members needed to be clear on the planning reasons for refusal.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/0425/RP be granted planning permission and refused the application for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0425/RP, planning permission be refused for the following reasons:

DNS

1. The proposal would result in overdevelopment of the site by virtue of its unsatisfactory plot sizes and the cramped and congested layout,

and would result in a density of development which would be out of keeping with the density of nearby residential developments. It would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The proposed development would result in inadequate amenity space for the proposed dwellings to the detriment of the amenities of future occupiers. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. The proposed development by reason of its layout, would result in a predominance of hard landscaping to the detriment of the character and appearance of the development. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

(Note - Councillors W Ashley, J Demonti, D A A Peek, S Rutland-Barsby and B Wrangles requested that their contrary votes be recorded. Councillor R Gilbert requested that his abstention from voting be recorded.)

83 (A) 3/09/0498/FP AND (B) 3/09/0499/LB – CHANGE OF USE OF GRADE II LISTED BARNS TO PLAY BARN USE (D2 ASSEMBLY AND LEISURE) INCLUDING THE DEMOLITION OF A UTILITARIAN COVERED YARD AND THE ERECTION OF A REPLACEMENT BUILDING AT WIDBURY HILL FARM, WIDBURY HILL, WARE FOR MR N BUXTON

Ms Hodges addressed the Committee in opposition to the the application. Mr Buxton spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0498/FP, planning permission be granted subject to the conditions now detailed. The Director also recommended, that, in

respect of application 3/09/0499/LB Listed Building Consent be approved subject to the conditions now detailed.

The Director commented that a number of local residents had requested additional conditions to cover overflow parking and hours of opening.

Councillor P Ballam commented that she was concerned about road safety and the hours of use. She commented on the popular nature of play barns for children's parties and the number of cars that such an activity would generate.

Councillor V Shaw sympathised with the difficulty in finding a suitable use for a barn, but stressed the need for it to be of community benefit. She commented that such play barns could generate a lot of activity, not just through the day but at weekends. She commented on the number of primary schools close by and expressed concern at the support shown by highways officers for the proposal, given the site of the development and the sharp right turn into the site. Councillor Shaw referred to recent road fatalities in Widbury Lane which was very narrow and that the proposed use would generate more traffic as there was no other way to get to the site other than by car. Further concerns were expressed regarding the generation of queues on the road.

Councillor R Gilbert did not support the application and commented that the proposal was contrary to a number of the Council's policies.

Councillor A L Warman supported the application. He commented and referred to the history of other premises locally which had changed use from a business to residential. He commented that the provision of a footpath could be determined by a Section 106 agreement.

Councillor J J Taylor commented that the traffic generated would be a danger and could not support the application.

Councillor B Wrangles expressed concern at the advice given by the highways agency on the traffic issue. She could not support the application on highway grounds.

Councillor D A A Peek commented that if highways had supported the application, then there was nothing else Members could do. He referred to the play barn in Sawbridgeworth whose access was a single track road. He commented that some years ago, Members had supported a play barn in Bishop's Stortford against Officers' recommendations. He commented that Play Barns gave service to the community and that Members should be supporting diversification of use.

Councillor Mrs Cheswright stated that she agreed with some of the comments from highways officers, but had concerns about when the roads were busy and during holiday periods. She supported the idea of play barns and felt the car parking on the site was sufficient, but that the right turn into the site was dangerous. On balance she did not feel that the site was suitable for the use proposed.

Councillor S A Bull commented that if the highways agency was happy with the proposal, he could see no reason why it should be turned down.

Councillor Mrs M H Goldspink supported the application.

The Director commented that the building was listed and finding a use for it was difficult given its nature. He acknowledged that the proposals did not meet all the objectives of all the Council's planning but few proposals did so and on balance securing a new use for the building would override any concerns. He commented that the highways authority had not objected to the

proposal and that whilst there were issues about access it was acceptable to the Highway Authority. He urged caution should Members wish to challenge the proposal on highways grounds and to seek independent advice.

Councillor M R Alexander referred to the plot of land left to Ware which became Wodson Park and the difficulties of access and egress at that time.

Councillor K Barnes was minded to support the application but expressed concern about the hours of use and traffic movements in relation to schools.

The Director commented that in relation to hours of use, Members needed to have very clear reasons to restrict these. It would need to identify the harm caused, other than the adjacent properties as the nearest property was 100 metres away.

Councillor R Gilbert expressed concern about the absence of a footpath. The Director explained that further attention could be given to this by altering the layout of the site if Members considered it necessary.

Councillor S Rutland-Barsby expressed concern about lighting and that this should not be too obtrusive as the area was rural.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0498/FP be granted change of use planning permission subject to the conditions now detailed.

The Committee also supported the recommendation of the Director of Neighbourhood Service that listed building consent be granted respect of application 3/09/0499/LB listed building consent be approved subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/09/0498/FP, change of use planning permission

DNS

be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Programme of archaeological work (2E02).
3. Samples of materials (2E12).
4. Refuse disposal facilities (2E24).
5. Lighting details (2E27).
6. Materials arising from demolition (2E32).
7. Bats (2E41).
8. Carried out in accordance (2E92).
9. Sight lines (3V08).
Insert 4.5m x 120m
10. Hard surfacing (3V21).
11. Provision and retention of car parking spaces (3V23).
12. Wheel washing facilities (3V25).
13. Green travel plans (3V27).
14. Landscape design proposals (4P12).
Include b, c, d, e, f, l, j, k, l
15. Landscape works implementation (4P13).
16. Landscape maintenance (4P17).

17. Restriction of use buildings (5U02).

Insert 'Children's activity centre' 'D2'

18. No additional commercial floorspace (5U06).

Insert '793 sqm'

19. Construction hours of working (6N07).

20. Prior to the commencement of development a scheme providing for the insulation of the building against the transmission of noise and vibration to nearby dwellings, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed prior to the occupation of the development.

Reason: To ensure that adequate precautions are implemented to avoid nuisance and disturbance to nearby dwellings in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Ground water protection zone (28GP)

Insert 'Musley Lane pumping station'

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, GBC9, GBC10, TR7, TR13, ENV1, ENV2, ENV4, ENV6, ENV24, BH2, BH3, BH10, BH11 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/09/0499/LB, Listed Building consent be granted subject to the following conditions:

DNS

1. Listed Building three year time limit (1T14).
2. Listed Building (timber structure) (8L01).
3. Listed Building (new timber frame) (8L02).
4. Listed Building (new window) (8L03).
5. Listed Building (new doors) (8L04).
6. Listed Building (new plasterwork) (8L05).
7. Listed Building (new brickwork) (8L06).
8. Listed Building (new boarding) (8L07).
9. Listed Building (new rainwater goods) (8L09).
10. Listed Building (making good) (8L10).

Directives:

1. Listed Building advice (25LB).

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 BH10 and BH11. The balance of the considerations having regard to those policies is that permission should be granted.

84 (A) 3/09/0770/FP - REPLACEMENT TWO STOREY DWELLING AND (B) 3/09/0792/FP - ANCILLARY LEISURE OUTBUILDING AT 86 BRAMFIELD ROAD, DATCHWORTH, SG3 6SA FOR MR D LUCAS

The Director of Neighbourhood Services recommended that, in respect of applications 3/09/0770/FP and 3/09/0792/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0770/FP be granted change of use planning permission subject to the conditions now detailed. The Committee also supported the recommendation that application 3/09/0792/FP be granted planning permission subject to the conditions now detailed.

RESOLVED - that (A) in respect of application 3/09/0770/FP, planning permission subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Levels(2E05).
3. Complete accordance (2E10).
4. Samples of Materials (2E12).
5. Withdrawal of PD Rights Part 1 Class A (2E20).
6. Withdrawal PD Rights Part 1 Class E (2E22).

7. Tree retention and protection (4P05).
8. Landscape design proposals (4P12) i), j), k), and l).
9. Landscape Implementation (4P13).

Directives:

1. For the avoidance of doubt, the permission hereby granted does not relate to any basement proposed in respect of the replacement dwelling for which planning permission would be required.
2. 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, HSG8, ENV1 ENV2 and TR7. The balance of the consideration having regard to those policies is that permission should be granted.

(B) in respect of application 3/09/0792/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Samples of Materials (2E12).
3. The building hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the main

dwelling house within the application site.

Reason: To ensure the Local Planning Authority retains control over any future residential development and in accordance with Policy GBC1 and ENV5 of the East Herts Local Plan Second Review.

Directives:

1. Other legislation 01OL.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular GBC1, ENV1; ENV2; and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

85 3/09/0643/FP – DETACHED ANNEXE AT 47 COZENS ROAD, WARE, SG12 7HJ FOR MR S ROWE

Miss Rowe addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0643/FP, planning permission be granted subject to the conditions now detailed.

Councillor R Gilbert commented that an annexe was not a detached building.

Councillor M R Alexander commented that this was a detached building in a garden which Members had

refused in the past. The Director explained the additional requirements following the granting of a planning application determined under delegated powers.

Councillor S Rutland-Barsby commented that she understood Councillor Alexander's comments but that this building was "trapped" in the garden.

After being put to the meeting and a vote being taken, the recommendation to approve planning permission was CARRIED.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0643/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0643/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121).
2. The annexe hereby permitted shall not be occupied at anytime other than for purposes ancillary to the residential use of the main dwelling house within the application site.

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

3. Materials of construction (2E113).
4. The proposed windows in the rear (western) elevation shall be non-opening and be fitted with obscured glass, and shall be permanently retained in that condition.

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

Directives:

1. Other legislation (010L).
2. Groundwater Protection Zone (28GP).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular ENV1, ENV5, ENV6, ENV8 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

(Note - Councillor M R Alexander requested that his abstention from voting be recorded.)

86 3/09/0429/FP – PROPOSED CONVERSION OF OFFICES TO TWO SELF-CONTAINED FLATS AT 9 ROYDON ROAD, STANSTEAD ABBOTTS FOR MR GUY HORLOCK

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0429/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0429/FP be granted planning permission subject to

the conditions now detailed.

RESOLVED – that in respect of application 3/09/0429/FP, planning permission be granted subject to the following conditions:

DNS

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

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

2. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment April 2009 and finished floor levels shall be set no lower than 300mm above the 1 in 100 year plus climate change flood level.

Reason: To reduce the risk of flooding to future occupants in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

3. No development shall take place until a detailed scheme showing the proposed communal garden area to the rear of numbers 9 to 17 Roydon Road, together with details of the access to this area for occupants of the flats hereby permitted, has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the first occupation of either of the two flats hereby permitted.

Reason: To ensure that a satisfactory standard of residential amenity is provided of the future occupiers of the residential units hereby

permitted in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. The occupation of the flats hereby permitted shall be limited to a person(s) solely or mainly working in the adjacent Maltings Buildings or such other employment premises as may be agreed in writing with the Local Planning Authority.

Reason: Having regard to the justification for the use, the location of accommodation, improved security at the site and reduced need for travel to work and in accordance with policies EDE2, SD1, ENV1 and ENV3 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 ENV1, EDE2, ENV19 and BH5. The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

- 87 (A) 3/09/0593/FP – ALTERATIONS TO AND CONVERSION OF BALLS PARK MANSION AND COACH HOUSE TO PROVIDE 27 APARTMENTS; REDUCE SIZE OF AREA 'B' CAR PARK; PROVISION OF UNDERGROUND CAR PARKING; DEMOLITION OF STABLE YARD GARAGES ETC; ERECTION OF NEW GARAGES AND ENTRANCE TO WEST WING AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL.(B)

3/09/0594/FP – CONVERSION OF STABLE BLOCK TO PROVIDE 7 NO. ONE BED AND 5 NO. TWO BED APARTMENTS. REBUILD SINGLE STOREY SIDE AND REAR EXTENSIONS AND TWO STOREY FRONT EXTENSION AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL. (C) 3/09/0595/LB – CONVERSION OF BALLS PARK MANSION, COACH HOUSE AND STABLE BLOCK TO RESIDENTIAL USE WITH INTERNAL AND EXTERNAL ALTERATIONS, ONE AND TWO STOREY EXTENSIONS TO STABLE BLOCK, AND DEMOLITION OF EXISTING GARAGE BLOCK AT BALLS PARK, MANGROVE ROAD, HERTFORD, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL

The Director recommended that in respect of applications 3/09/0593/FP and 3/09/0594/FP, subject to the applicants entering into a legal obligation under Section 106 of the Town and Country Planning Act 1990, and subject to the conditions now detailed, planning permission be granted.

The Director also recommended that in respect of application 3/09/0595/LB the application be referred to the Secretary of State with a recommendation that Listed Building Consent be granted subject to the conditions as now detailed.

Councillor S Rutland-Barsby commented that Members should be delighted with the scheme of what was a very important and valuable building. She was happy to support the Officer's recommendation to approve.

Councillor R Gilbert sought clarification of the internal construction. The Director advised that this would be sensitively done with due regard to conservation. Room dimensions were spacious and English Heritage had commented that it was a sensitive conversion. The Director commented that English Heritage and the Council's Conservation Officer were happy with the conversion.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/09/0593/FP and 3/09/0594/FP be granted planning permission subject to the conditions now detailed. The Committee also supported the recommendation of the Director of Neighbourhood Services to refer application 3/09/0595/LB to the Secretary of State with a recommendation that Listed Building Consent be granted subject to the following conditions.

RESOLVED – that (A) 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. To pay £35,000 in respect of affordable housing and/or education and community facilities;
2. To link the development to the provisions of the S106 Agreement signed in January 2006 for planning permission 3/02/2271/FP, including repairs to the historic buildings;
3. To provide fire hydrants.

in respect of application 3/09/0593/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Programme of archaeological work (2E02).
3. Samples of materials (2E12).
4. Refuse disposal facilities (2E24).
5. Lighting details (2E27).

6. Communal TV facilities (2E28).
7. Carried Out in Accordance (2E92).
8. Landscape design proposals (4P12 b,c,d,e,h,i,j,k).
9. Landscape works implementation (4P13).
10. Details of earthworks/mounding (4P16).
11. Mitigation measures for the protection of bats, their roosts and access points, shall be carried out in accordance with the submitted Bat.

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

12. Prior to the commencement of development, a drawing of the proposed safety railings at Area B at a scale of not less than 1:20, and detailed specification including details of materials, shall be submitted and approved by the Local Planning Authority.

Reason: To preserve the setting of the listed building and historic park in accordance with policies BH12 and BH16 of the East Herts Local Plan Second Review April 2007.

13. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the

development hereby permitted.

Reason: To ensure adequate parking provision for the development, and to preserve the setting of the listed building and historic park in accordance with policies TR7, BH12 and BH16 of the East Herts Local Plan Second Review April 2007.

14. Prior to the commencement of development, details of surface water drainage and surface water source control measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

15. Unless otherwise agreed in writing, the development of the site hereby permitted shall be carried out in accordance with the approved details/provisions for waste recycling, approved highways and access arrangements, and phasing of works as agreed pursuant to the relevant conditions for planning permission 3/02/2271/FP.

Reason: The development has been agreed as a variation of the approved planning permission 3/02/2271/FP and is therefore subject to the same approved details.

Directives:

1. Other legislation (01OL).
2. Street Naming and Numbering (19SN).

3. Groundwater protection zone (28GP).

4. The developer is made aware that due to the presence of bats, a Natural England License will need to be obtained. Great crested newts may also be present on site and are a protected species under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats etc) Regulations 1994. Further information is available from Natural England on 01992 796666.

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, GBC1, GBC4, GBC14, HSG3, HSG4, HSG6, TR7, TR14, EDE2, ENV1, ENV2, ENV16, ENV17, ENV20, ENV21, BH1, BH2, BH3, BH11, BH12, BH16, LRC3, LRC9 and HE10. The balance of the considerations having regard to those policies is that permission should be granted.

(B) 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. To link the development to the provisions of the S106 Agreement signed in January 2006 for planning permission 3/02/2271/FP, including repairs to the historic buildings;
2. To provide fire hydrants.

in respect of application 3/09/0594/FP, planning

permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12).
2. Programme of archaeological work (2E02).
3. Samples of materials (2E12).
4. Refuse disposal facilities (2E24).
5. Lighting details (2E27).
6. Communal TV facilities (2E28).
7. Carried Out in Accordance (2E92).
8. Tree/natural feature protection: fencing (4P07).
9. Landscape design proposals (4P12 b,c,d,e,h,i,j,k)
10. Landscape works implementation (4P13).
11. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate parking provision for the development in accordance with policy TR7, and to preserve the setting of the listed building and historic park in accordance with policies BH12 and BH16 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of development, a drawing of the proposed balcony at a scale of not less than 1:20, and detailed specification including materials, shall be submitted and approved by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 of the East Herts Local Plan Second Review April 2007.

13. Unless otherwise agreed in writing, the development of the site hereby permitted shall be carried out in accordance with the approved details/provisions for waste recycling, approved highways and access arrangements, and phasing of works as agreed pursuant to the relevant conditions for planning permission 3/02/2271/FP.

Reason: The development has been agreed as a variation of the approved planning permission 3/02/2271/FP and is therefore subject to the same approved details.

Directives:

1. Other legislation (01OL).
2. Street Naming and Numbering (19SN).
3. Groundwater protection zone (28GP).
4. The developer is made aware that due to the presence of bats, a Natural England License will need to be obtained. Great crested newts may also be present on site and are a protected species under the Wildlife and Countryside Act 1981 and the Conservation

(Natural Habitats etc) Regulations 1994.
Further information is available from Natural
England on 01992 796666.

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, GBC1, GBC4, GBC14, HSG3, HSG4, HSG6, TR7, TR14, EDE2, ENV1, ENV2, ENV16, ENV17, ENV20, ENV21, BH1, BH2, BH3, BH11, BH12, BH16, LRC3, LRC9 and HE10. The balance of the considerations having regard to those policies is that permission should be granted.

(C) in respect of application 3/09/0595/LB, the application be referred to the Secretary of State with a recommendation that planning listed building consent be granted subject to the following conditions:

DNS

1. Listed Building three year time limit (1T14).
2. Listed building (new windows) (8L03).
3. Listed building (new doors) (8L04).
4. Listed building (new plasterwork) (8L05).
5. Listed building (new brickwork) (8L06).
6. Listed building (new rainwater goods) (8L09).

7. Listed building (making good) (8L10).
8. Prior to the commencement of development, detailed drawings of the proposed internal partitions and their construction, at a scale of not less than 1:50 shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 of the East Herts Local Plan Second Review April 2007.

9. Prior to the commencement of development, details of historic features to be retained any new or replacement fireplace surrounds, staircases, balusters, skirting, architraves and cornices shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 of the East Herts Local Plan Second Review April 2007.

10. Prior the commencement of development, detailed drawings of the proposed kitchens within the 17th Century House and later wing shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 of the East Herts Local Plan Second

Review April 2007.

11. The chimney pots on the Stable Block shall be retained, or repaired/replaced if necessary, in accordance with details submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of development, details of proposed external extracts and vents shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with policy BH10 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 policy BH10. The balance of the considerations having regard to those policies is that permission should be granted.

88 E/09/0167/B – BREACH OF CONDITION 3 OF PLANNING PERMISSION REF 3/06/0940/FP REQUIRING THE OPENING OF GATES BETWEEN

0800 AND 1800 AT THE ALLEYWAY ADJACENT TO
42 FORE STREET, HERTFORD SG14 1BY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0167/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/09/0167/B on the basis now detailed.

RESOLVED – that, in respect of E/09/0167/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 187A of the Town and Country Planning Act 1990 and such other further steps as may be required to secure compliance with condition 3 of planning permission ref 3/06/0940/FP.

DNS/
DIS

Period for compliance: 28 days.

Reason why it is expedient to issue an enforcement notice:

1. The failure to open the alleyway gates between the hours of 0800 and 1800 removes effective connection with existing routes and spaces within the town centre. Accordingly, the breach of condition is contrary to Policy ENV1 of the East Hertfordshire Local Plan Second Review April 2007.

89 E/09/0587/A – UNAUTHORISED ERECTION OF
SECURITY SHUTTERS AT 92 SOUTH STREET,
BISHOP'S STORTFORD, HERTS CM23 3BG

The Director of Neighbourhood Services, in consultation with the Director of Internal Services, recommended that,

in respect of the site relating to E/08/0587/A, enforcement action be authorised on the basis now detailed.

Councillor R Gilbert queried the provision of information to shopkeepers about the Council's policies and shutters and was assured that this was available on request.

The Committee supported the Directors' recommendation for enforcement action to be authorised in respect of the site relating to E/08/0587/A on the basis now detailed.

RESOLVED – that, in respect of E/08/0587/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 such other further steps as may be required to secure the removal of the unauthorised security shutters, shutter box and guide rails.

DNS/
DIS

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The external security shutters, by reason of their design, scale and construction are detrimental to the visual appearance of the street scene having a harmful effect on its character and the image of the locality contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007. Review April 2007.

90 PLANNING APPEAL IN RELATION TO PROPOSALS FOR THE USE OF LAND AS A PRIVATE GYPSY CARAVAN SITE AT BAYFORD LANE, BAYFORD (APPLICATION 3/08/1100/FP)

Mr Wainwright addressed the Committee in opposition to the application.

The Director of Neighbourhood Services submitted a report updating Members in relation to proposals regarding the gypsy caravan site. It sought Members' views on possible reduced provision at the site and temporary permission, following the submission of an appeal in relation to the Council's decision to refuse planning permission.

The Director commented that he was seeking to ensure that it would be clear that the Council had considered these issues.

Councillor S Rutland-Barsby spoke on behalf of the Local Ward Member, Councillor L O Haysey. She commented that Councillor Haysey's views had not changed since the January meeting. Councillor Rutland-Barsby commented that the area was only viable for one pitch as stated by the inspector at the previous appeal. She stated that the site was too dangerous and most journeys to all amenities would have to be made by car.

Councillor Mrs R Cheswright commented that she knew the area well and that there could be requests for bigger access. She commented that the site was only suitable for one dwelling and that she was not in favour of a temporary permission or mobile homes on the site.

Members of the Committee considered the Officer's recommendations (A) and (B) set out in the report now submitted, but did not feel that it would be appropriate to change their original decision and remained of the view that the site was only suitable for one dwelling.

RESOLVED – that (A) the original decision that the site was only suitable for one dwelling be supported; and

(B) the Chairman, in consultation with the Local Ward Member and the Head of Planning and Building Control, be granted delegated authority to further amend the case for the Council and to respond to matters set out in the appellant's case in the lead up to and during the forthcoming public inquiry appeal.

DNS

91 ITEMS FOR NOTING AND REPORTING

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

92 APPEAL IN RELATION TO PROPOSED ERECTION OF 8 FLATS AND ONE HOUSE AT THE CASTLE PUBLIC HOUSE, 38 CASTLE STREET, BISHOP'S STORTFORD

The Director of Neighbourhood Services commented that an appeal had now been lodged in relation to the proposed residential development at Castle Street, Bishop's Stortford. He commented that the Council had reached a conclusion on highway related issues which would be difficult to substantiate at the local inquiry in relation to reason (4) set out in the report now submitted. He therefore recommended the removal of reason (4).

The Director also recommended that the Head of Planning and Building Control, in consultation with the Chairman and Local Members, be given delegated authority to make alterations, as necessary, which could

arise at the inquiry.

The Committee supported this approach and agreed that reason (4) be deleted and that the Head of Planning and Building Control in consultation with the Chairman and Local Members, be given delegated authority to make alternatives, as necessary, which could arise at the inquiry.

RESOLVED – that (A) reason no. 4 be removed; and DNS

(B) the Head of Planning and Building Control, in consultation with the Chairman and Local Members, be granted delegated authority to further amend the case for the Council and respond to matters set out in the appellants’ case in the lead up to and during the forthcoming public inquiry appeal. DNS

The meeting closed at 10.05 pm.

Chairman
Date