

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD
ON WEDNESDAY 29 JULY 2009, AT
7.30 PM

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

ALSO PRESENT:

Councillors R H Beeching, M G Carver and
P A Ruffles.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Liz Humby	- Development Control Team Leader
Peter Mannings	- Democratic Services Assistant
Caroline Robins	- Solicitor
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

148 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors S A Bull, G E Lawrence and B M Wrangles.

It was noted that Councillors D Andrews, R N Copping and A L Warman were substituting for Councillors G E Lawrence, S A Bull and B M Wrangles respectively.

149 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman thanked the Head of Planning and Building Control and the Planning Policy Manager for the training session held before this meeting. He also reminded Members that this session was part of a series of events. The Committee was advised that the next session would be held in 2 months time.

The Chairman reminded the Committee of the Planning Tour of the District on 4 September 2009. He reminded Members to urgently inform Officers of any sites that should be included in the tour.

150 DECLARATIONS OF INTEREST

Councillor D Andrews declared a personal and prejudicial interest in Minute 167 - Planning Inquiry, Sainsbury's Development Proposals, Former McMullens Brewery Site, Hartham Lane, Hertford on the grounds that he was employed by the Sainsbury's Group. He left the room whilst this matter was considered.

RESOLVED ITEMS

151 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 1 July 2009 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Councillor R N Copping be added to the list of Members present at the meeting.

Minute 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.

Delete in 1st sentence 9th paragraph –
.....‘but if flats were proposed then this would be a different matter.’

Replace with – ‘where as 40 dwellings per hectare might be appropriate in a town centre setting where the dwellings were a block of flats. A development of 40 units per hectare that was comprised mainly of houses would be totally inappropriate’.

- 152 3/09/0187/FP – RETENTION OF DWELLING WITHOUT COMPLIANCE WITH CONDITION NO 8 (EQUESTRIAN OCCUPANCY) OF PLANNING PERMISSION REF 3/03/1069/FP AT BARNES HALL MANOR, WHITE STUBBS LANE, BROXBOURNE FOR MR AND MRS BARNES
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The Director of Neighbourhood Services recommended that, in respect of application 3/09/0187/FP, planning permission be granted.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0187/FP be granted planning permission.

RESOLVED – that in respect of application 3/09/0187/FP, planning permission be granted.

DNS

- 153 3/09/0631/FP - CHANGE OF USE OF EXISTING BUILDINGS FROM SHORT TERM RESIDENTIAL AND HOLIDAY LETS FOR USE AS B1 OFFICES AND/OR RESIDENTIAL LETS AT FILLETTS FARM, STANSTEAD ROAD, HUNSDON, SG12 8QA FOR MR P FINDLAY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0631/FP, subject to the applicants 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.

Councillor R N Copping queried why application 3/03/0759/FP remained undetermined. The Director confirmed that applications ready to be determined are sometimes delayed due to a section 106 agreement not being signed or due to the changing aspirations of the applicant.

Councillor R Gilbert commented on whether the proposals would result in the time limits for separate occupation being relaxed for residential lettings. The Director confirmed that, if the application was approved, that would be the outcome, along with the flexibility to change between residential and B1 uses.

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 3/09/0631/FP be granted 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 covering the following matters:

DNS

1. To prevent the selling off of the development from the farm buildings and farm holding and retain all elements in one ownership.

in respect of application 3/09/0631/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T01).
2. Withdrawal of PD (unspecified) (2E23) Schedule 2, Part 1, Class A and B and Part 2, Class A.
3. Cycle Parking Facilities (2E29).

Directive:

1. You are advised that the flexibility to change between office use and residential use is restricted by Class E of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 to a period of 10 years from the date of this decision notice. Beyond this 10 year period, if a change of use is then proposed it would not be allowed as permitted development under the above class in the Town and Country Planning (General Permitted Development) Order 1995, and would require a fresh planning permission from the Local planning Authority.

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 GBC2, GBC3, GBC9, TR7, TR13 and TR14. The balance of the considerations having regard to those policies is that permission should be granted.

154 3/09/0434/FP – RETROSPECTIVE PERMISSION FOR THE ERECTION OF TWO FLOODLIGHTS TO MÉNAGE OF 2.35 METRES IN HEIGHT AT RENNESLEY FARM, ANCHOR LANE, WADESMILL FOR MRS J JOHNSON

The Director of Neighbourhood Services commented that application 3/09/0434/FP had been re-advertised as being not in accordance with the Development Plan. The consultation period had been extended until 14 August 2009.

The Committee was requested that, in respect of application 3/09/0434/FP, subject to no new substantive issues being raised and subject to the conditions now detailed, authority be delegated to the Director of Neighbourhood Services to grant planning permission following the expiry of the extended consultation period.

Councillor D Andrews, as the local Ward Member, commented that the height of the floodlights would be higher than 2.35 metres when their location on a substantial bund was taken into account. He considered that the conditions should be amended to ensure the floodlights were not switched on after 8.00 pm.

The Committee supported the recommendation of the Director of Neighbourhood Services that, subject to no new substantive issues being raised during the extended consultation period and subject to the conditions now detailed (without change to the time of operation), authority be delegated to the Director of Neighbourhood Services to approve application 3/09/0434/FP following the expiry of the extended consultation period.

RESOLVED – that in respect of application 3/09/0434/FP, authority be delegated to the

DNS

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

1. The floodlights hereby permitted shall not be used before 08:00 or after 21:00 on any day of the week unless previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring properties, in accordance with ENV23 of the East Herts Local Plan.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Local Plan) and in particular policies GBC1, ENV1 and ENV23. The balance of the considerations having regard to these policies and the special circumstances in this case is that planning permission should be granted.

155 3/09/0488/FP - CONSTRUCTION OF WILDLIFE POND AND CHANGES TO LAND LEVELS AT NORTH LEYS, HIGH STREET, MUCH HADHAM FOR MR S JEFKOATE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0488/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that one further representation had been received that expressed concern over the size and scale of the bunds and also in respect of insufficient details relating to drainage. Much Hadham Parish Council had been concerned about drainage and the risk

of flooding.

The Committee was advised that Officers had included an additional condition that, prior to the commencement of development, details of drainage measures to be implemented in accordance with the construction and operation of the pond shall be submitted to and approved in writing by the Local Planning Authority.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0488/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0488/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12).
2. Tree retention (4P05).
3. Hedge retention (4P06).
4. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include (a) proposed finished levels or contours (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts

Local Plan Second Review April 2007.

5. Landscape works implementation (4P13).
6. No excavated material created by the formation of this pond shall be removed from this site unless previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Planning Authority retains control over the development.

7. The pond and surrounding land identified within the application site shall not be used as an extension to the residential curtilage of the house; for fishing nor for any commercial purposes.

Reason: To restrict the use of the land to one compatible within the surrounding area, and in accordance with policy GBC3 of East Herts Local Plan Second Review April 2007.

8. Withdrawal of Permitted Development (Part 2 Class A) (2E21).
9. Prior to the commencement of development hereby approved, details of drainage measures to be implemented in accordance with the construction and operation of the pond shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details, unless otherwise agreed in writing.

Reason: In order to ensure that adequate measures are in place to avoid potential drainage problems, in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

Directive:

1. If the development involves taking water from a surface source (e.g. stream, drain, etc) or from an underground strata (via borehole or well) then you may require an abstraction license. You are advised to contact the Environment Agency's Environmental Planning Team if this is the case. However, please note, a license is not required if you intend to excavate and allow the lake to fill naturally to existing ground water levels.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review 2007), and in particular policies SD4, GBC2, GBC3, ENV1, ENV2, ENV9, ENV10, ENV11, ENV17, ENV18, ENV21, BH1, BH2 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

156 3/09/0786/FP - ACCOMMODATION FOR SEASONAL AGRICULTURAL WORKERS (RETROSPECTIVE) AT THE NURSERIES, GREEN TYE, MUCH HADHAM, SG10 6JJ FOR GUY AND WRIGHT LTD

Mr Jones addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0786/FP, planning permission be refused for the reasons now detailed. The Director advised that a letter in support had been received emphasising the essential nature of the business to Green Tye.

Councillor R N Copping commented that he had been very impressed by the scale of the nursery operation at the site. He stated that the caravans provided for the workers covered by the Seasonal Agricultural Workers Scheme (SAWS) had reached the end of their useful life. He commented that Members should grant retrospective planning permission and reject the Director's recommendation for enforcement action.

Councillor Copping referred to advice from the National Farmers Union (NFU) on Part 5 of Schedule 2 of the General Permitted Development Order (GPDO) stating that caravans of this nature did not need planning permission.

Councillor M G Carver, as the local ward Member, addressed the Committee in support of the application. He stated that the impact of the accommodation was minimal and the applicant hoped to raise the standard of facilities for workers on the site.

Councillor Carver commented that the accommodation could not be seen from the nearest footpath. He also stated that Officers could consider a condition stating that accommodation for SAWS workers should be removed if there was no longer a need for such accommodation.

The Director advised that the application proposed to retain the accommodation on a permanent basis to house SAWS workers during the seasonal period. If members considered that permission was not required, he commented that the Committee could consider delegating the application back to Officers to consider that point further.

Alternately, the Director advised that Members could, in principle, support the application and delegate authority to Officers to attach appropriate conditions that were not unduly restrictive and were acceptable to the applicant.

Councillor R N Copping proposed and Councillor S Rutland-Barbsy seconded, a motion that, in respect of application 3/09/0786/FP, authority be delegated to the Director of Neighbourhood Services, in consultation with the Chairman of the Committee and the Local Ward Member, to grant planning permission subject to discussion of appropriate conditions with the Applicant.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/0786/FP be refused planning permission for the reasons now detailed. The Committee also rejected the Director's recommendation that enforcement action be authorised in respect of the site relating to 3/09/0786/FP on the basis now detailed.

RESOLVED - that in respect of application 3/09/0786/FP, authority be delegated to the Director of Neighbourhood Services, in consultation with the Chairman of the Committee and the Local Ward Member, to grant planning permission subject to discussion of appropriate conditions with the Applicant.

DNS

- 157 3/09/0659/FP – ONE AND A HALF STOREY FRONT EXTENSION INCLUDING 2 DORMER WINDOWS AND TWO STOREY REAR EXTENSION AT WICKHAM HILL FARM NURSERY, WICKHAM HILL, BRAUGHING FOR MRS HUDSON-CLEMENTS

Mrs Hudson-Clements addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0659/FP, planning permission be refused for the reasons now detailed.

The Director commented that the County Archaeologist had stated that a written scheme of investigation should take place on the site to ensure there would not be a detrimental impact on any archaeological remains.

Councillor Mrs R F Cheswright, as the local ward Member, commented that the existing property had very little character and the design of the proposed extensions would not be detrimental to the street scene. She commented that the parish council had raised no objection and no neighbour objections had been received.

Councillor Cheswright expressed concern over the recommendation for refusal as there had been extensive meetings with the case Officer, who had been minded to recommend approval. She commented that the designs had been changed 3 times and the application had been recommended for refusal on the advice of a senior Officer. Councillor Cheswright expressed sympathy with the way the application had been dealt with given that the applicant had tried hard to address the concerns of Officers.

Councillor R Gilbert also spoke in support of the application on the grounds that there had been no neighbour objections and any extension could only enhance the dwelling on this site.

The Director commented that it was often the case that a number of changes may be sought to proposals when they were considered as part of or before the submission of an application. He commented however, that the Member decision should not be based on the process followed but on the relevant planning issues.

Members were reminded that the debate and the Committee's decision must be based on issues relevant to planning policies. The Director stated that the Authority's planning policies sought to restrict the size of

properties in rural areas.

Councillor Mrs R F Cheswright proposed and Councillor A F Dearman seconded, a motion that application 3/09/0659/FP be approved on the grounds that the application complied with policy GBC9 and was in keeping with the rural location.

Councillor Mrs M H Goldspink commented that the Committee should rely on Officers to attach appropriate conditions. After being put to the meeting and vote taken, this motion was declared CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/0659/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/0659/FP planning permission be granted subject to the conditions now detailed:

DNS

1. Three year time limit (IT12).
2. Programme of Archaeological work (2EO2).

Directive:

1. Other Legislation (O1O4).

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 RA3, ENV1, ENV5, ENV6, BH1 and BH3. The balance of the considerations having regard to those policies and

other material considerations is that permission should be granted.

158 3/09/0750/FP – ERECTION OF TWO-STOREY FRONT EXTENSION, GARAGE CONVERSION INTO A HABITABLE ROOM, SINGLE STOREY REAR EXTENSION AND CONVERSION OF PART OF BASEMENT EXTERNAL STORAGE INTO GYM AT 5 BISHOPS ROAD TEWIN HERTFORDSHIRE AL6 0NR

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0750/FP, planning permission be granted subject to the conditions now detailed.

Councillor R Gilbert expressed concern that application 3/09/0750/FP would not result in improvements to the dwelling. He stated that this represented more than limited extensions and sought clarification on what were the special circumstances for the proposed 150% increase in the size of dwelling.

The Director stated that the applicant had considered the reasons for refusal on application 3/08/1691/FP and application 3/09/0750/FP had changed significantly since the previous application was refused in 2008.

The Committee was advised that neighbouring dwellings had increased significantly in size over the years and this application was acceptable when considered in context to neighbouring dwellings. Officers felt the application was acceptable as there were large dwellings in the area on some very significant plots.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0750/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0750/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12).
2. Matching Materials (2E13).

Directive:

1. Other Legislation (01OL).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East Of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste local Plan and East Herts Local Plan Second review April 2007) and in particular policies GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

- 159 3/09/0746/FP – CHANGE OF USE FROM RETAIL SHOP (A1) TO TANNING SALON (SUI GENERIS) AT 94 SOUTH STREET, BISHOP’S STORTFORD, HERTS, CM23 3BG FOR WESTON HOMES PLC

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0746/FP, planning permission be granted subject to the conditions now detailed.

Councillor R I Taylor, as the local ward Member, commented that approving application 3/09/0746/FP would result in three tanning salons in this part of Bishop’s Stortford. He commented that the principle of mixed development should be applied and a tanning

salon in this location would not enhance the economic viability of the town.

Councillor K A Barnes expressed concerns over the health implications of tanning salons. He also stated that application 3/09/0746/FP was contrary to policy STC3 of the East Herts Local Plan Second Review April 2007.

The Director advised that the area was designated as a secondary shopping frontage. He stated that as long as the development did not result in an over intensification of non-retail uses then the proposals sat comfortably within the policies of the Local Plan.

Councillor K A Barnes proposed and Councillor R I Taylor seconded, a motion that application 3/09/0746/FP be refused on the grounds that the application would result in an excessive concentration of tanning salons in Bishop's Stortford and was contrary to policy STC3 of the East Herts Local Plan Second Review April 2007.

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

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0746/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0746/FP, planning permission be granted subject to the following conditions:

DNS

1. 1T121 – Three year time limit.

Directives:

1. This permission does not convey any consent, which may be required under the Town and Country Planning (Control of Advertisements)

Regulations 2007. You are advised therefore to contact the Planning Department, Wallfields, Pegs Lane, Hertford, SG13 8EQ, Tel: 01279 655261, prior to displaying any advertisements at the premises.

2. 01OL1 – Other legislation.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular Policies SD2, STC3, TR7 and ENV1. The balance of the considerations having regard to those policies and that the proposed change of use would not have a harmful effect on the vitality and viability of the town centre, is that permission should be granted.

160 3/09/0841/FP – TWO STOREY SIDE EXTENSIONS TO EXISTING DWELLING AT 35 BURNHAM GREEN ROAD, TEWIN, AL6 0NL FOR MR PAUL SMITH

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0841/FP, planning permission be granted subject to the conditions now detailed.

The Director referred to a revised wording for condition 14 and an additional condition 15 as detailed in an additional page to the report that was tabled at the meeting. The revised conditions clarified the wording included in the agenda papers circulated prior to the meeting.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/0841/FP be granted planning permission subject to

the conditions now detailed.

RESOLVED – that in respect of application 3/09/0841/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Materials of construction (2E11).
3. Carried Out in Accordance (2E92).
4. Tree Survey (4P01).
5. Tree retention and protection (4P05).
6. Tree protection: restrictions on burning (4P08).
7. Tree Protection: Earthworks (4P10).
8. Tree surgery (4P11).
9. Landscape design proposals (4P12 e,i,j,k).
10. Landscape works implementation (4P13).
11. Tree Planting (4P15).
12. Trees: protection from foundations (4P20 – amend for foundations of front porch only).
13. Retention of landscaping (4P21).
14. The permission hereby granted shall not be implemented in the event that any enlargement of the dwelling granted by the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) 1995 Schedule 2, Part1, Class A of the Order (as amended) is carried out prior to the

commencement of the development hereby permitted.

Reason: To ensure the Local Planning Authority retains control over further extensions having regard to Green Belt policy constraints in accordance with policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007 and national guidance in PPG2 Green Belts.

15. Following implementation of this permission and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995, the enlargement, improvement or other alteration of the dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL).
2. This permission does not purport to grant consent for the garage indicated on drawing PL08.

Summary of Reasons for Decision

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

Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, ENV5, ENV6, ENV9, ENV11. The balance of the considerations having regard to those policies, and the appeal decision under reference 3/07/2061/FP, is that permission should be granted.

161 E/07/0137/B – UNAUTHORISED SIGNAGE AND BOARDING ATTACHED TO GRADE II* LISTED BUILDING AT 2 ST ANDREW STREET, HERTFORD, SG14 1JA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0137/B, enforcement action be authorised on the basis now detailed.

Councillor S Rutland-Barsby commented that she had concerns that enforcement action was not appropriate in this case. She stated that the signage and boarding was not harming the listed building or the conservation area. Councillor J J Taylor commented that the signage and boarding was in keeping with the conservation area.

Councillor D Andrews commented that, as long as the original tiled fascia had not been damaged, the obstruction of the fascia was not a cause for concern. Councillors Mrs R F Cheswright and R Gilbert stated that there was no harm being caused by the signage and boarding.

The Director advised Members that undertaking an unauthorised change to a listed building constituted a criminal offence. He advised that it would be inappropriate not to take enforcement action as this could be taken as endorsing a criminal offence.

The Director suggested that Members approve enforcement action. Officers would then hold the

enforcement notice in abeyance whilst a listed building consent application was sought to regularise the unauthorised signage and boarding.

The Director also commented that enforcement action could be deferred whilst a listed building consent application was sought to regularise the unauthorised signage and boarding. A subsequent decision in relation to enforcement action could be made in consultation with the Chairman of the Committee and Local Ward Members.

Councillor M R Alexander proposed and Councillor D A A Peek seconded, a motion that enforcement action be deferred to enable the submission of further proposals for signage at the property.

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

The Committee rejected the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0137/B on the basis now detailed.

RESOLVED – that, in respect of E/09/0137/B, enforcement action be deferred to enable the submission of further proposals for signage at the property.

DNS/
DIS

162 E/08/0556/A – THE UNAUTHORISED ERECTION OF A FUEL STORAGE TANK AT ASHBOURN, THE STREET, FURNEUX PELHAM, SG9 0LL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0556/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0556/A on the basis

now detailed.

RESOLVED – that in respect of E/08/0556/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

DNS/
DIS

Period for compliance: 42 days.

Reason why it is expedient to issue an enforcement notice:

1. The development by reason of its scale, materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. The proposal is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

163 E/09/0113/A – UNAUTHORISED ERECTION OF SIGNAGE AT BUDGENS, 65-67 HIGH STREET, BUNTINGFORD, SG9 9AE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0113/A, legal proceedings be authorised on the basis now detailed.

The Committee supported the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/09/0113/A on the basis now detailed.

RESOLVED – that in respect of E/09/0123/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised advertisement.

DNS/
DIS

Reasons why it is expedient to commence legal proceedings:

1. The fascia sign, by reason of its size and means of illumination, has a detrimental effect on the street scene and the character of this part of the Conservation Area wherein it is situated and is contrary to policy BH15 of the East Hertfordshire Local Plan Second Review April 2007.

164 E/09/0123/B – UNAUTHORISED CHANGE OF USE FROM A1(RETAIL) TO NAIL BAR (SUI GENERIS) AT 14 RAILWAY STREET, HERTFORD, SG14 1BG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0123/B, enforcement action be authorised on the basis now detailed.

The Committee was advised that application 3/09/0600/FP was actually refused on 29 June 2009 as opposed to 18 March 2009 as stated in paragraph 1.4 on page 81 of the report now submitted.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0123/B on the basis now detailed.

RESOLVED – that in respect of E/09/0123/B, the

DNS/

Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the premises.

DIS

Period for compliance: 1 Month

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised change of use has resulted in the loss of a retail unit and is detrimental to the vitality and viability of the town centre. The change of use is contrary to policy STC2 of the East Herts Local Plan Second Review April 2007, which seeks to retain retail uses within primary shopping frontages wherein this site is located as defined on the proposals map.

165 E/08/0157/B - UNAUTHORISED ERECTION AND DISPLAY OF ADVERTISEMENTS, AND SWAN NECKED LIGHTING UNITS AT JONATHAN HUNT, 20 HIGH STREET, WARE, SG12 9BX

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0157/B, enforcement action and/or legal proceedings be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action and/or legal proceedings to be authorised in respect of the site relating to E/09/0157/B on the basis now detailed.

RESOLVED – that, in respect of E/08/0157/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas)

DNS/
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Act 1990 and/or commence legal proceedings under Section 224 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised fascia advertisements and lighting units from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice and/or commence legal proceedings:

1. The unauthorised advertisement is detrimental to the character and appearance of the Listed Building contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.
2. The unauthorised advertisement by reason of its size, siting, materials of construction and illumination, is detrimental to the character and appearance of the Ware Conservation Area wherein the site is situated, contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

166 E/09/0139/A – ALLEGED FAILURE TO COMPLY WITH A PLANNING CONDITION REQUIRING AN INCREASE IN HEIGHT OF FENCE PANELS AT 30 MAZE GREEN ROAD, BISHOP’S STORTFORD, CM23 2PJ

The Director of Neighbourhood Services, in consultation with the Director of Internal Services, recommended that, in respect of the site relating to E/09/0139/A, Members reconsider this matter and no further enforcement action be taken in this respect.

The Committee was advised that representation had been received from a neighbour stating that they had no objections to the fence panels. The neighbour had also commented that the enforcement file on this site should

be closed.

The Committee supported the Director's recommendation that no further enforcement action be authorised in respect of the site relating to E/09/0139/A.

RESOLVED – that, in respect of E/09/0139/A, the Director of Neighbourhood Services be authorised to take no further enforcement action in this respect.

DNS

Reason why it is expedient to take no further action:

1. The addition of a trellis structure complies with the requirements of the planning condition to increase the height of the existing fence panels and does not compromise the reason for that condition which relates to the privacy of occupiers of the adjoining property.

167 PLANNING INQUIRY, SAINSBURY'S DEVELOPMENT PROPOSALS, FORMER McMULLENS BREWERY SITE, HARTHAM LANE, HERTFORD

The Head of Planning and Building Control submitted a report that updated Members with regard to the planning inquiry into the development proposals by Sainsbury's at Hartham Lane, Hertford.

The Committee was invited to endorse the statement that would be submitted to the inquiry on behalf of the Committee by Councillor W Ashley. The Committee was referred to the statement as detailed in the appendix to the report now submitted.

The Committee was reminded that Members had been supportive in principle of the application in January 2009 and had approved the application in February 2009. The decision making process had then be referred to the Government Office and was now due to be considered at

a full public inquiry due to start on 22 September 2009.

Members were advised that the proof of evidence was largely finalised and it would be advantageous if Councillor Ashley was able to confirm, at the inquiry, that it had been endorsed by the Committee.

Councillor S Rutland-Barsby reiterated her opposition to application 3/08/1528/FP. She stated that she had voted against the application and would be abstaining from voting on this report. Councillors Mrs R F Cheswright and Mrs M H Goldspink commented that they would also abstain from voting.

Councillor R N Copping commented that the proof of evidence could not be given the full weight of the Committee as application 3/08/1528/FP was approved by a narrow majority of 1 vote on 14 January 2009.

Councillor J J Taylor commented that she could not endorse a position of the proof of evidence being given the full weight of the Committee.

Councillors J Demonti and R Gilbert commented that they would be happy for Councillor Ashley to present the proof of evidence at the enquiry. Councillor M R Alexander reminded Members that this report was for the Committee to endorse and was not another opportunity to debate application 3/08/1528/FP.

After being put to the meeting and a vote taken, the Committee endorsed the draft proof of evidence due to be submitted to the forthcoming planning enquiry.

RESOLVED - that the draft proof of evidence due to be submitted to the forthcoming planning enquiry be endorsed.

(Note - Councillors Mrs M H Goldspink and S Rutland-Barsby requested that their abstention from voting be

recorded.)

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

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

The Committee noted the updated schedule of planning obligations as now submitted and supported the recommendation of the Director of Internal Services that an extension of six months be granted for the conclusion of planning obligations detailed in the report now submitted.

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following applications and, if an obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following applications:

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<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.692	Pentlows Farm, Braughing Retirement dwellings; manager's flat.
2. 04.06.702	Seven Acres, 49, 54 and 56 Upper Green Road, Tewin 18 Dwellings, Associated Parking and

other works.

3. 04.06.709 10 Acorn Street, Hunsdon
Erection 16 dwellings and
creation of access.
4. 04.06.716 Land to south of Station
Road, Watton-at-Stone
Residential development,
community uses (doctor's
surgery and early years
and associated parking.
5. 04.06.718 Land west of Sele Farm
Estate, Welwyn Road,
Hertford Tennis centre
incorporating indoor
courts; pool; gym and
outdoor facilities including
outdoor swimming pool,
tennis courts and golf
range.
6. 04.06.619 Trinity Centre, Fanhams
Hall Road, Ware
Residential development
of 11 dwellings and deed
of release to S106
agreement, schedule 2
relating to community use
land.
7. 04.06.719 Land off Tylers Close,
West of Greenways,
Buntingford Outline
application for 50
dwellings.

(B) the Director of Internal Services report back following the grant of planning permission, or within

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6 months of this meeting, whichever is the sooner.

169 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; and
- (C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 9.05 pm.

Chairman
Date