

MINUTES OF A MEETING
OF THE DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY, 16
DECEMBER 2009 AT 7.30 PM

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

ALSO PRESENT:

Councillors D Andrews, P A Ruffles and M Wood.

OFFICERS IN ATTENDANCE:

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

438 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A L Burlton and Mrs R Cheswright. It was noted that Councillor R N Copping was substituting for Councillor A L Burlton.

439 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman thanked the Head of Planning and Building Control for arranging Member Training.

The Chairman stated that he had brought an Orchid for each Member of the Committee and Officers as a Christmas gesture.

The Chairman stated that with Members' consent, he would change the order of the agenda to bring forward application 3/09/1282/FP. This was supported.

440 DECLARATIONS OF INTEREST

Councillor K A Barnes declared a personal interest in application 3/09/1189/FP, in that he gave a grant to this charity.

Councillor S A Bull declared a personal interest in application 3/09/1598/FP, in that he served on the charity.

Councillor J Demonti declared a personal and prejudicial interest in application 3/09/1189/FP, in that her husband was a Trustee. She left the room whilst this matter was considered.

RESOLVED ITEMS

441 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 18 November 2009 be confirmed as a correct record and signed by the Chairman.

442 3/09/1405/OP – DEMOLITION OF 39 and 41 HAYMEADS LANE TO PROVIDE ACCESS AND RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF 37 – 57 HAYMEADS LANE, BISHOP'S STORTFORD FOR EUROPEAN LAND HOLDINGS LIMITED.

Mr Haswell addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1405/OP, 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.

The Director commented that he had received a further letter of objection on points already covered in the report. He commented that any legal Agreement required the agreement of all parties before progress could be made.

Councillor R Gilbert commented that the application was development "by stealth". He stated that Haymeads Lane was blocked twice a day by traffic and there were sound highways reasons for refusing the application.

Councillor Mrs M H Goldspink expressed concern in respect of the traffic implications and the demolition of the two houses. She objected to back land development which diminished the amount of open space, on planning and traffic reasons.

The Chairman referred to the costs awarded at a recent inquiry for the same development which the Inspector had found to be acceptable in all respects other than a legal agreement which had not been signed. This had resulted in costs being awarded to the appellant.

Councillor R I Taylor supported Councillors Gilbert and Goldspink in disagreeing with the Inspector's decision and

the planning application before Members.

Councillor K Barnes expressed sympathy for the residents and considered that the damage done by the Inspector was doubly detrimental to the area. He stated that it was very difficult to get to the hospital and that it was inappropriate to demolish the houses for something nobody wanted.

Councillor J Demonti commented on whether it was possible to place a condition stating a maximum number of dwellings.

The Director commented that the Inspector had found that the proposed development was acceptable and that the Council's previous refusal reason was not sustainable. He stated that if there had been no other changes since February when the application was submitted, he could not see how a case to refuse could be made now.

The Director urged Members to be cautious otherwise the Council could be liable to appellant's costs. He referred to the fact that reserved matters needed to be resolved before development could progress and therefore the Council retained control over the number of properties that would be developed.

In response to a query from Councillor R Gilbert, the Director stated that sufficient information had been provided for this to be considered as an outline application. The Director commented that if a decision was not taken there was a risk that an appeal could be lodged on the grounds of non-determination.

Councillor D A A Peek did not support the application and stated that Members were "being boxed into a corner". He expressed concerns in respect of the traffic implications despite what had been said by Highways Officers.

Councillor M Wood stated that residents were very concerned about the application. He referred to the fact that the Town Council had not supported the application on two occasions and of the harm which would be done to the street scene. He stated that the Council was been “railroaded” into making a decision which nobody wanted. He stated that Members’ had a difficult decision to take in difficult circumstances.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/09/1405/OP be granted subject to the conditions now detailed.

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

DNS

- (a) A financial contribution of £625 per one bed units, £750 per two bed unit, £1125 per three bed units, and £1500 per four-bed units index linked by SPON from July 2006, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site.
- (b) The provision of Primary Education, Secondary Education, Youth Services, Childcare Services and Library Services contributions, in accordance with the current HCC Contributions Table within the Planning Obligations Guidance-Toolkit for Hertfordshire.
- (c) The provision of up to 40% affordable housing, the type and tenure of which

(including the provision of homes to Lifetime Homes standard) is to be agreed with the Council and

(d) The provision of fire hydrants.

in respect of application 3/09/1405/OP, the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:

1. Outline permission time limit (1T03).
2. Outline – submission of details (2E02).
Delete “*means of access*”
3. Prior to commencement of the development, details of the internal site layout and all materials to be used for hard surfaced areas including roads, cycle ways, footpaths and car parking areas shall be submitted to and approved in writing by the local planning authority in consultation with the Highway Authority.

Reason: To ensure that all highway areas are built to adoptable standards

4. Wheel washing facilities (3V251).
5. Prior to the first occupation of the development, the access road to it and the parking spaces to the rear of 37 Haymeads Lane (as shown on the approved plan no; 1024/01AB or any other arrangement that may otherwise be agreed in writing by the LPA) shall be constructed in accordance with that agreed plan or other arrangement and

thereafter retained for those purposes.

Reason: To ensure that the access is constructed to Highway Authority specification in the interest of highway safety and alternative parking provision is made for the dwelling at 37 Haymeads Lane.

6. Prior to the first use of the access to the site from Haymeads Lane, visibility splays of 2.4m X 43m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

7. Prior to the commencement of the development, details of the closure of the existing vehicular access from Haymeads Lane to no 37 Haymeads Lane shall be submitted to and agreed in writing by the LPA. Those details to include details of the reinstatement of the front garden in place of the former access and parking/driveway areas. Once agreed, those details shall be thereafter implemented as such prior to the first use of the new access to the site from Haymeads Lane and thereafter retained.

Reason: In the interests of highway safety.

8. Approved access only (3V04).

Reason: in the interests of highway safety.

Directive:

1. All work undertaken on the highway should be constructed to the Highway Authority's current specification, to an appropriate standard and by a contractor who is authorised to work in the public highway and in accordance with Hertfordshire County Council publication "Roads in Hertfordshire – A Guide for New Developments" before proceeding with the proposed development, the applicant should contact the East Herts Highways Area Office (01992 526900) to obtain their permission and requirements.

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 SD1, SD2, ENV1, IMP1, TR1, TR2, HSG1, HSG3, HSG4 and HSG7. The balance of the considerations having regard to those policies is that permission should be granted.

(Councillors J J Taylor and R I Taylor requested that their abstention from voting on a recommendation to approve be recorded).

443 3/09/1657/FP - DEMOLITION OF THE EXISTING CHICKEN FARM BUILDINGS AND ASSOCIATED AGRICULTURAL BUNGALOW AND CONSTRUCTION OF FIVE DETACHED HOUSES TOGETHER WITH A TERRACE OF THREE AFFORDABLE DWELLINGS AT TWO ACRES, BARKWAY ROAD ANSTEY, SG9 0BN FOR MR M HART

Mr Bampton addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1657/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.

The Director commented that the Council's Housing Development Officer was supportive of a condition giving priority to local residents. The Director stated that, as this was a rural exception site, Officers considered that such a condition was appropriate, contrary to the comments detailed in paragraph 7.9 of the report now submitted.

The Committee was advised that further letters had been received in support of the application and querying issues such as drainage, and waste disposal. Other issues had been raised in relation to the area not being able to sustain the proposal and complaining about the loss of another agricultural dwelling.

Councillor S A Bull supported the application and a requirement that priority should be given to local residents. This was supported by Councillor R Gilbert.

The Director referred to the local need in relation to occupancy conditions. Councillor Mrs M H Goldspink supported the application and requested that Officers consider energy efficient measures such as solar panels and dual flush toilets.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicants entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/09/1657/FP be granted subject to the conditions now detailed.

RESOLVED – that subject to the applicant entering into a legal obligation pursuant to Section 106 of the town and Country Planning Act 1990 to

DNS

cover the following matter:

1. The provision of three affordable dwellings to be let in accordance with a local lettings policy.

in respect of application 3/09/1657/FP, the Director of Neighbourhood Services be authorised to grant planning permissions subject to the following conditions:

1. Three year time limit (1T12).
2. Programme of archaeological work (2E02).
3. Sample of materials (2E12).
4. Materials arising from demolition (2E32.)
5. Contaminated land survey and remediation (2E33).
6. Wheel washing facilities (3V25).
7. Tree retention and protection (4P05).
8. Hedge retention and protection (4P06).
9. Landscape design proposals (4P12).
Delete a), b), c) d) f) g) h)
10. Landscape works implementation (4P13).
11. No clearance of the site, or demolition of the existing buildings shall be carried out between 01 March and 31 August (inclusive) unless otherwise agreed in writing by the

Local Planning Authority and following a search of the site and/or buildings by a suitably qualified ecologist.

Reason: To protect the habitats of nesting birds which are protected from disturbance under The Wildlife and Countryside Act 1981 (as amended) in accordance with policy ENV16 of the East Herts Local Plan Second review April 2007.

12. Prior to the commencement of development details of a surface and foul water drainage scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure that adequate provision is in place in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

13. Prior to the commencement of the development hereby permitted details of energy efficiency measures to be used within the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be completed in accordance with those approved details.

Reason: To ensure that the development achieves the sustainable use of resources in accordance with policies SD1 and ENV1 of the East Herts Local Plan April 2007.

Directives:

1. Highway Works (05FC).
2. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
3. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.
4. You are advised to contact the Environment Agency on 08708 506506 to apply for a consent to discharge from the package treatment plant.

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 SD1, SD2, HSG3, HSG4, HSG5, GBC2, GBC3, GBC6, GBC10, TR1, TR2, TR20, ENV1, ENV2, BH6, BH12. The balance of the considerations having regard to those policies and the grant of permission under reference 3/09/0419/FP is that permission should be granted.

444 3/09/1561/FP – INSTALLATION OF 6 ADDITIONAL LOADING DOORS WITH ASSOCIATED MODIFICATION TO CAR PARKING AND LANDSCAPING AT FORMER COMMATECH SITE, JOHN TATE ROAD, HERTFORD, SG13 7LB FOR STANDARD LIFE INVESTMENTS

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1561/FP, planning

permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1561/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1561/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T113).
2. Details of tree planting, indicating positions or density, species, and planting size shall be submitted to and approved by the Local Planning Authority and planting shall be carried out in accordance with a timetable agreed in writing with the Local Planning Authority. Any such trees that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within five years of planting shall be replaced with specimens of a similar size and species as originally required.

Reason: To ensure the provision of the amenity value afforded by trees in respect of the proposed development, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

3. Prior to any building works being commenced the colour of the shutters hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with

policy ENV1 of the East Herts Local Plan
Second Review April 2007.

Summary of Reasons for Decision

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

445 3/09/1282/FP – 2 NO. REAR EXTENSIONS TO STORAGE AREAS OF 251 SQM AND 100 SQM WITH ASSOCIATED INTERNAL RE-CONFIGURATION TO CREATE ADDITIONAL 588 SQM SALES AREA AS TESCO STORE, WARE ROAD, HERTFORD, SG14 1QT FOR TESCO STORES LTD.

Mr McCormick addressed the Committee in opposition to the application. Mr Hall spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1282/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.

The Director commented that a letter had been received from the agent on behalf of Sainsbury's requesting that the matter be deferred until a decision had been made by the Secretary of State on a related application. He stated that a resident had referred to anti-social behaviour on the path through Blue Coats Yard.

Councillor P A Ruffles stated that he had sympathy with the Town Council and hoped that the matter could be deferred. He felt that additional capacity for the

supermarket had not been demonstrated and was concerned of the impact on traditional trading and the Town Centre's vitality. Councillor Ruffles referred to the fact that Hertford was an ancient town and that fact made it distinctive. He commented that to make a decision on the application when the benefit of knowledge and the Inspector's decision was "around the corner" was not very sensible. He urged Members to defer the application.

The Director stated that East Herts Council had employed Retail Advisors to comment on the impact of the proposal and related ones. Their comments were that national tests of PPS6 had been met and these had been taken into account.

Councillor B M Wrangles was pleased to see that the service yard would be managed and requested a condition to prevent pavement parking by lorries. She also expressed concern about the landscaping in Mill Road and queried whether Tesco would keep this area clean.

The Director confirmed that there were already restrictions on parking in the area and that Service Yard Management had been agreed by Highways Officers.

Councillor R Gilbert stated that he was not convinced that the application would not generate more cars and that there was already a shortage of parking space. He suggested that Members should wait until a decision had been taken on Sainsbury's appeal then an assessment could be carried out on "real" figures.

The Chairman stated that Hertford could cope with Tesco and Sainsbury's. Councillor S Rutland-Barsby stated that the retail assessment had stated that the town could support both these developments. Councillor R N Copping commented on the problems of parking.

The Director referred to Highways Officers' comments in relation to parking. He commented that conditions would

be imposed in terms of periods of time for shoppers parking. He stated that the consultants had taken into account the possibility of the Sainsbury's application being supported by the Inspector when considering the proposals. He stated that this application was beyond the non-determination period and that an appeal could be lodged.

A motion to defer the application was put to the meeting and was LOST.

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 3/09/1282/FP be granted subject to the conditions now detailed.

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

DNS

1. A financial contribution of £20,000 to fund a Community Arts Project using the brick clad building elevations on Railway Street and the corner of Railway Street/Mill Road.
2. A financial contribution of £52,000 index linked towards the provision of sustainable transport modes within the vicinity of the site.
3. The provision and agreement of a Green Travel Plan for the development.

in respect of application 3/09/1282/FP, the Director of Neighbourhood Services be authorised to grant planning permission subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Materials of construction (2E11).
3. Prior to the commencement of the development the details relating to the management of the store car park shall be submitted to and approved in writing by the local planning authority. These shall include the periods of stay permitted (minimum two hour free parking), details of barriers, hours of use and areas of the car park to be restricted overnight. The areas shown for parking shall be retained for such use and the development shall thereafter be occupied in accordance with the approved details unless as otherwise may be agreed in writing with the local planning authority.

Reason: To ensure the operation of the car park respects neighbour amenity and supports linked shopping trips to the town centre in accordance with Policies ENV1, TR1 and STC1 of the Adopted East Herts Local Plan 2007 and national planning guidance in PPS1 and PPG13.

4. Prior to the commencement of the development, details of a phasing programme for the development of the site; methods for accessing the site and provisions for construction traffic access; wheel washing facilities; associated parking areas and storage of materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details.

Reason: To ensure that adequate access for existing users and businesses is maintained

at all times and ensure the development proceeds without undue interference to the safe and convenient use of the public highway.

5. Prior to the commencement of development, details of cycle parking facilities, to number at least 26, shall be submitted to and approved by the Local Planning Authority. The approved cycle parking facilities shall be provided prior to the first occupation of the extended store and thereafter maintained in accordance with the approved details.

Reason: To encourage the use of cycles as means of transport, in accordance with policies TR13 and TR14 and Appendix II of the East Herts Local Plan Second Review April 2007.

6. Prior to the commencement of development a Service Yard Management Plan shall be submitted to and approved in writing by the local planning authority in consultation with the highway authority and thereafter the service yard shall be managed in accordance with the approved Plan. The service yard management plan shall ensure:
 - (a) All vehicles turn right in and left out of the service yard from Railway St.
 - (b) All deliveries scheduled, where possible, to avoid more than 2 articulated lorries accessing the service yard at any one time.
 - (c) If vacant vehicles will always be directed to the northern dock to reduce likelihood of vehicle in southern dock being ready to

depart first.

- (d) If required there is sufficient space for a third vehicle to wait in the yard.
- (e) If a vehicle is parked in the southern dock and another arrives a decision will be made as to whether the vehicle waits in the space available or proceeds to the northern dock.

Reason: To ensure that service vehicles are able to turn and manoeuvre within the site and to minimise the potential use and conflicts with the public highway.

7. The service yard area as indicated hatched on plan 209054 12 A shall be permanently kept clear for the parking and manoeuvring of service vehicles for the lifetime of the development.

Reason: In the interest of highway safety and to ensure the development makes adequate provision for off street parking and manoeuvring of service vehicles associated with its use.

8. The extended store hereby permitted shall retain and maintain at least one pedestrian access point from Railway Street, one from Mill Road and two from Ware Road to provide customer access during store opening hours or in the case of Railway Street between 7am and 10pm.

Reason: To promote the use of the store by customers on foot and reduce the need to travel by private car in accordance with

sustainable transport aims and in accordance with Policies ENV1, TR1 and SD1 of the Adopted East Herts Local Plan 2007 and national planning guidance in PPS1 and PPG13.

9. Prior to the commencement of the development, details of highway and car park works, broadly as indicated on plan 5730 PL(90)200 received 7 December 2009, including those specified below, shall be as submitted and agreed in writing by the Local Planning Authority . The works shall be completed prior to the first use of the development and thereafter maintained in accordance with the approved details unless as otherwise agreed in writing.
 - (a) New pathway to Ware Rd.
 - (b) New 75mm road hump at Ware Road exit.
 - (c) Existing pedestrian warning sign to be replaced with new warning sign.
 - (d) Revised car park and Pick Up Point layout.
 - (e) Barrier controls to isolate eastern side of car park.

Reason: To ensure the efficient and safe operation of the car park and its exits and to favour access by pedestrians and cyclists to the store in accordance with Policies ENV1, TR1 And SD1 of the Adopted East Herts Local Plan 2007 and national planning guidance in PPS1 and PPG13.

10. Prior to the commencement of the development, details of a new store entrance within the south west corner of the building on or near to Mill Road, shall be submitted to and approved in writing by the Local Planning Authority. The entrance shall be provided prior to the occupation of the development hereby permitted and thereafter maintained in accordance with the approved details.

Reason: To ensure that the store connects well with its surroundings and promotes linked trips and sustainable transport trips in accordance with Policy ENV1 and STC1 of the adopted East Herts Local Plan 2007.

11. Landscape Design Proposals (4P12) Parts (a) levels (b) means of enclosure (e) hard surfacing materials. (i) planting plans (k) schedules of plants. Add – “The details shall provide for the redesign and enhancement of the customer car park and the landscape space along Mill Road including additional tree planting and more attractive pedestrian routes through the area.”
12. Landscape implementation (4P13).
13. Prior to the first use of the development hereby permitted, a plan to indicate the extent of floorspace given to comparison goods shopping, an area not exceeding 10% of the net sales floor area shall be submitted to and as approved in writing by the local planning authority. The use of the store shall thereafter continue in accordance with the plan or as may otherwise be agreed in writing by the local planning authority.

Reason: To maintain the convenience goods function of the store, and control the potential

negative impacts on the town centre of a larger comparison goods offer within the store and in accordance with Policy STC1 of the adopted East Herts Local Plan 2007 and national guidance in PPS6.

14. Prior to the first use of the development hereby permitted, a layout plan to indicate the widening of the internal circulation aisles shall be submitted to and as approved in writing by the local planning authority. The use of the store shall thereafter operate in accordance with the plan or as may otherwise be agreed in writing by the local planning authority.

Reason: To ensure the qualitative benefits of the proposal are achieved having regard to the site's edge of centre location and in accordance with national guidance in PPS6.

15. Prior to the occupation of the development hereby permitted, the CHP plant subject of application 3/09/1696/FP, or such alternative as may be permitted by the local planning authority, shall be installed and operational and thereafter maintained for use with the approved scheme.

Reason: To ensure the development incorporates energy efficiency measures and in accordance with policies ENV1 and SD1 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 ENV1, ENV2, TR1, TR2, TR7, BH5, BH6, BH12 and STC1. The balance of the considerations having regard to those policies and national planning guidance in PPS1, PPS6 and PPG15 is that permission should be granted.

446 3/09/1189/FP – CHANGE OF USE OF FORMER LIME WORKS BUILDINGS TO USE ASSOCIATED WITH NEARBY ANIMAL RESCUE SANCTUARY AND FORMATION OF STAFF AND VISITORS PARKING AREA OFF EXISTING SITE ACCESS AT THE OLD LIME WORKS, FARNHAM ROAD, BISHOP'S STORTFORD, HERTS CM23 1JD FOR THE ANIMAL RESCUE CHARITY.

Mr Rose addressed the Committee in support of the application.

The Director of Neighbourhood services recommended that, in respect of application 3/09/1189/FP, planning permission be refused for the reasons now detailed.

The Director stated that the Animal Charity had confirmed that they considered the buildings on the site to be in sound condition. The Charity anticipated that there would be 12 vehicular movements per day. The charity also confirmed that they were willing to accept a condition requiring the closure of the northern access.

Councillor D A A Peek stated that the majority of people in Bishop's Stortford supported the proposal and this was a very valuable commodity to the residents of Bishop's Stortford and the surrounding area. He stated that the Sanctuary provided very good work and that the people working there had a vocation to do this type of work. He commented that he had visited the site and accepted that this was within the Green Belt and that there were access problems but that this application had a great deal of support.

Councillor K Barnes referred to the good work undertaken by the Charity. He stated that a lot of work was voluntary and that the application was more about a change in name rather than function. He referred to the access and suggested that the dangers could be overcome by using the other access. He hoped that the application would be granted and stated that it would be detrimental if it was not.

Councillor R Gilbert suggested that the southern entrance should be the entrance and the northern one, the exit. Councillor M R Alexander supported approval of the application.

The Director commented that a range of conditions could be attached including a condition to control the access arrangements to the site.

Councillor D A A Peek moved and Councillor K Barnes seconded a motion that application 3/09/1189/FP be approved.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/1189/FP be refused.

RESOLVED – that in respect of application 3/09/1189/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. No development shall take place until the existing northern vehicular access has been permanently closed in accordance with a detailed scheme which shall have been previously submitted to and approved in writing by the local planning authority.

Thereafter the development shall be carried out in accordance with that approved scheme.

Reason: In the interests of highway safety.

3. No development shall take place until a properly consolidated and surfaced turning and parking space for vehicles has been provided at the southern entrance in accordance with details to be previously agreed in writing by the local planning authority. Thereafter the turning/parking space shall be permanently retained in accordance with the approved details.

Reason: So that vehicles may enter and leave the site in forward gear in the interests of highway safety.

4. Contaminated land survey and remediation (2E332).
5. Refuse disposal facilities (2E243).
6. Landscape design proposals (4P124. b; e; i; j; k; l).
7. Landscape works implementation (4P133).

Directive:

1. Groundwater protection zone (28GP1)
“Stansted” pumping station.

Justification (J1/Summary of Reasons):

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

447 3/09/1701/OP – ACCESS TO THE SITE FROM SPELLBROOK LANE EAST VIA A NEW VEHICULAR FOOTBRIDGE WITH RELATED HARD STANDING, FENCING AND A GATE AT THORLEY FLOOD POUND SSSI, SPELLBROOK LANE EAST, SPELLBROOK, BISHOP'S STORTFORD, HERTS CM22 7SE FOR THE ENVIRONMENT AGENCY.

Mr Stansfield addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1701/OP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that the Council's Landscaping Officer had no objections to the proposal.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1701/OP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of planning application 3/09/1701/OP, planning permission be granted subject to the conditions now detailed:

DNS

1. Outline permission time limit (1T131).
2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the layout, scale and access to the site including details of the vehicle safety fencing which shall have been approved in writing by the

local planning authority before any development is commenced.

Reason: To comply with the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995.

3. Unless otherwise agreed in writing by the local planning authority, the development shall be carried out in accordance with the details contained in the submitted Environmental Report ref: IMTH001139, dated June 2009.

Reason: To ensure that the development does not adversely affect the SSSI as required by policy ENV13 of the East Herts local Plan April 2007.

4. No clearance of the site shall be carried out between 01 March and 31 August (inclusive); or works undertaken in the watercourse between March and June (inclusive), unless otherwise agreed in writing by the Local Planning Authority and following a search of the site and/or watercourse by a suitably qualified ecologist.

Reason: To minimise the risk to spawning fish stocks and to protect the habitats of nesting birds which are protected from disturbance under The Wildlife and Countryside Act 1981 (as amended) in accordance with policy ENV16 of the East Herts Local Plan Second review April 2007.

5. Prior to the commencement of any works on the site and at an appropriate time of year, surveys of bats, water voles, reptiles, and badgers, including details for their protection and mitigation measures, shall be undertaken

and submitted to the local planning authority for approval. Thereafter the development shall be carried out in accordance with those agreed details.

Reason: To protect the habitats of these species in accordance with policy ENV16 of the Local Plan

6. Programme of archaeological work (2E023).
7. Landscape design proposals (4P124).
(Delete parts a, d, e, f, g and h).
8. Landscape works implementation (4P133).

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, ENV13, ENV16, BH1, BH2 and BH3. The balance of the considerations having regard to those policies, and the need to provide access to the SSSI, is that permission should be granted.

448 3/09/1598/FP – THE ERECTION OF A GRANITE MEMORIAL AT LAND ADJACENT TO ANDERSONS LANE, GREAT HORMEAD, HERTFORDSHIRE FOR MR ABBEY

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1598/FP planning permission be granted subject to the condition now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services, that, application 3/09/1598/FP be granted subject to the condition now

detailed.

RESOLVED – that in respect of application 3/09/1598/FP, planning permission be granted subject to the following condition:

DNS

1. 3 year time limit (1T12).

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 and ENV1. The balance of the considerations having regard to those policies, the circumstances of this case and the limited impact that the proposed memorial would have on the Rural Area, is that permission should be granted.

449 3/09/1593/FP – REPLACEMENT TWO STOREY DWELLING WITH BASEMENT AT 86 BRAMFIELD ROAD, DATCHWORTH SG3 6SA FOR MR D LUCAS

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1593/FP planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services, that, application 3/09/1593/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1593/FP, planning permission be granted 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).

Directive:

1. Other legislation 01OL.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007) and in particular GBC1, HSG8, ENV1, ENV2 and TR7. The balance of the consideration having regard to those policies and the approval of application 3/09/0770/FP, is that permission should be granted.

450 3/09/0702/FP – TWO STOREY REAR EXTENSION AT 56 SALTERS, BISHOP'S STORTFORD FOR MR NIGEL EMERY

Mr Porter addressed the Committee in opposition to the

application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0702/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that additional letters of objection had been received commenting on the impact on privacy because of the revised location of the rear door and loss of light. Councillor J Demonti stated that the proposal was too overbearing for this site.

The Committee support the recommendation of the Director of Neighbourhood Services, that application 3/09/0702/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/0702/FP, planning permission be granted subject to the following conditions:

DNS

1. 3 year time limit (1T12).
2. Matching Materials (2E13).

Directives:

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV5 and

ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

451 (A) 3/09/1430/LB AND (B) 3/09/1431/AD – NON ILLUMINATED SHOP SIGN AT 2 ST ANDREW STREET, HERTFORD SG14 1JA FOR MISS VICTORIA REX

Mr Kirby addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of applications 3/09/1430/LB and 3/09/1431/AD Listed Building Consent and Advertisement Consent be refused.

Councillor Rutland-Barsby stated that the shop sign had been covered for 80 years and that the sign there now was very acceptable, was elegant and did not look out of place.

Councillor R Taylor commented that the property had been viewed as part of the Planning tour of the District and felt that the sign was acceptable. Councillor S A Bull stated that the Town Council supported the sign.

The Director stated that that Council had refused the first proposal because of concerns about covering up the sign and that the Inspector had agreed with that view.

In response to a query from Councillor M R Alexander about the change between the original decision and now, the Director explained the background leading up to the recommendation to support enforcement action and the refusal of the application.

Councillor S Rutland-Barsby moved and Councillor R I Taylor, seconded a motion that applications 3/09/1430/LB and 3/09/1431/AD be approved.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that applications 3/09/1430/LB and 3/09/1431/AD be refused for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/09/1430/LB, Listed Building Consent be granted; and DNS

(B) in respect of application 3/09/1431/AD, Advertisement Consent be granted subject to the following condition: DNS

1. 7A012 Standard advertisement.

Justification (LB) Summary of Reasons:

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 BH15. The balance of the considerations having regard to those policies is that permission should be granted.

452 E/08/0447/A – UNAUTHORISED ERECTION OF A LARGE UMBRELLA ROOFED STRUCTURE WITH A LOGO ADVERTISMENT AND GLASS SCREENS AT THE HOST BAR, 4 THE CORN EXCHANGE, MARKET SQUARE, BISHOP'S STORTFORD CM23 3UU

The Director of Neighbourhood Services recommended that in respect of the site relating to E/08/0447/A, enforcement action be authorised on the basis now detailed.

Councillor J J Taylor, expressed sadness that this had progressed in this manner. She commented that it was a lively corner and that it enhanced Bishop's Stortford.

Councillor Mrs M H Goldspink stated that it was a difficult application to consider because HOST was a flourishing business and that there was a great deal of goodwill towards this. She stated that if the Council took enforcement action, it would significantly impact on the business. She referred to the fact that the structure there was permanent, without planning permission, on a Listed Building and within a Conservation Area and was not in keeping with the area. To all intents, it was an extra room which had been built on.

Councillor K A Barnes stated that this application would set a precedent if no action was taken. He suggested that HOST should be given time to comply with the Enforcement Notice. He emphasised that HOST enhanced the town but should be compliant with planning legislation.

Councillor R I Taylor commented that he was disappointed that the owner had chosen to take his application and views through the press and refused to consider this matter with the proper Authorities. He stated that the "umbrellas" had been put up without any consent, the owner had not contacted the Council and this was unsatisfactory.

Councillor D A A Peek commented that residents should be afforded some respite from these structures. He suggested that enforcement action be continued, but to give the owners 12 months to comply.

Councillor M R Alexander suggested that Members would be still looking at the same structures within 12 months and suggested that the period for compliance be reduced to 3 months.

The Director stated that Officers had been considering

enforcement action for a number of months but were hoping that the matter could be resolved through a further application for acceptable structures at the site. He stated that officers were aware that it was an important business in the town, but there had been a considerable period of time for compliance which had not been achieved. Officers supported a proposal to allow six months for a period of compliance.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for legal proceedings to be authorised in respect of the unauthorised structures in relation to E/08/0447/A and that the period for compliance be amended to 12 months.

RESOLVED – that (A) in respect of E/08/0447/A, 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) Act 1990 and/or Section 172 of the Town and Country Planning Act 1990 and any such other steps as may be required to secure the removal of the unauthorised works.

DNS/
DIS

Period for compliance: 12 months.

Reasons why it is expedient to issue an enforcement notice:

1. The large umbrella roofed structure, by reason of its size, siting, form, design and materials of construction, does not respect the character and appearance of the existing building; obscures this important elevation and appears overly dominant and conspicuous in the street scene. The development is thereby contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The development by reason of its size, form, design and materials of construction is detrimental to the setting of the Grade II listed Corn Exchange and the character and appearance of the Conservation Area of Bishops Stortford wherein the site is situated. The development is thereby contrary to policies BH6 and BH12 of the East Herts Local Plan Second Review April 2007.

3. The development by reason of its size, siting, form, design and materials of construction would be out of keeping with and detrimental to the character, appearance and setting of the Grade II Listed Corn Exchange contrary to policy BH10 of the East Herts Local Plan Second Review April 2007.

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under Section 224(3) 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

Reason why it is expedient to commence legal proceedings:

1. The advertisement by reason of its size, siting, form, design and materials of construction is out of keeping with and detrimental to the character and appearance of the Conservation Area, which would thereby be contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

453 E/06/0487/A – UNTIDY CONDITION OF LAND AND DWELLING AT 58 MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/06/0487/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 relation to E/06/0487/A.

RESOLVED – that in respect of E/06/0487/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under Section 215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

DNS/
DIS

1. The removal of all the overgrown vegetation from the front and rear gardens of the property; the repair of the dwelling by the removal of the boarding to the front door and its repair or replacement with a new front door; the replacement or repair and painting of the barge boards; the repair or replacement of the back door; the repair or replacement and painting of all the window frames; and the replacement of any broken window or door glazing, leaving the site in a clean and tidy condition.

Period for compliance: 30 days

Reason why it is expedient to issue a Section 215 Notice:

1. The condition of the land is detrimental to the amenity of the surrounding area by reason of the overgrown vegetation in the gardens and by the poor condition of the dwelling itself.

454 E/09/0426/B – UNAUTHORISED CHANGE OF MATERIAL ON THE FLAT ROOF LINK EXTENSION TO THE REAR OF THE LIST DWELLING AT 7 TOWN LANE, BENINGTON, SG2 7LA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0426/B, enforcement action be authorised on the basis now detailed.

The Director stated that additional letters had been received strongly opposed to the breach of conditions in relation to the roof. Councillor D A A Peek provided comments on behalf of Councillor G D Scrivener supporting a proposal to take enforcement action.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0426/B on the basis now detailed.

RESOLVED – that in respect of E/09/0426/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) Act 1990 and any such further steps as may be required to secure the removal of the mineral felt on the flat roof of the link extension to the listed building and its replacement with zinc as shown on the approved plans.

DNS/
DIS

Period for compliance: 4 months

Reasons why it is expedient to issue a listed

building enforcement notice:

1. The material used to roof the link extension is not in accordance with the approved plans granted under references 3/08/0387/FP and 3/08/0553/LB and is inappropriate on a listed building. As such, it detracts from the historic character and appearance of the listed building, contrary to policies BH10 and BH12 of the East Herts Local Plan April 2007.

455 E/09/0184/A – UNAUTHORISED DISPLAY OF ADVERTISEMENTS AT BARLICIOUS 55 SOUTH STREET, BISHOP'S STORTFORD, HERTS CM23 3AL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0184/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 relation to E/09/0184/A on the basis now detailed.

RESOLVED – that in respect of E/09/0184/A, 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 other steps as may be required to secure the removal of the unauthorised advertisements at the site.

DNS/
DIS

Period for compliance: 1 Month

Reasons why it is expedient to instigate legal proceedings:

1. The advertisements by reason of their size, siting, design and materials of construction are out of keeping with and detrimental to the character and appearance of the

Conservation Area, contrary to policy BH15 of the East Herts Local Plan Second Review April 2007.

456 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 detailed in the report now submitted.

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 application and, if an obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following applications:

DNS

1. Balls Park Mansion and Coach House, Mangrove Road, Hertford. 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/ 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.

2. Pentlows Farm, Braughing – retirement dwellings: Manager’s Flat.
3. 10 Acorn Street, Hunsdown. Erection of 16 dwellings and creation of access land south of.
4. Central Maltings, New Road, Ware. Conversion of existing building to 9, No. 3 Bed, Creation of associated off street parking with revised vehicular access.
5. Allotment Gardens, Ermine Street, Buntingford. Residential development of 11 Houses.

Planning
Reference

Site and Proposals

- | | |
|--------------|---|
| 1. 04.06.731 | Land Adjoining London road, Buntingford – retention of existing nursery, together with erection of 149 new residential dwelling with parking, amenity and infrastructure. |
|--------------|---|

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

DIS

457 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.

The meeting closed at 9.37 pm.

Chairman
Date