

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD  
ON WEDNESDAY 13 JANUARY 2010,  
AT 7.30 PM

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

ALSO PRESENT:

Councillors M G Carver, L O Haysey and  
P A Ruffles.

OFFICERS IN ATTENDANCE:

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

467 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors A L Burlton, Mrs R F Cheswright,  
A F Dearman, D A A Peek, J J Taylor and R I Taylor. It  
was noted that Councillors D Andrews, R N Copping,

A L Warman and M Wood were substituting for Councillors J J Taylor, D A A Peek, A F Dearman and R I Taylor respectively.

468 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman commented that this meeting would not now be recorded as the company due to demonstrate the webcasting system had turned back due to adverse road conditions.

The Chairman drew Members' attention to an updated plan circulated by Officers in respect of the sites relating to E/06/0155/A - Various unauthorised structures; changes of use and untidy sites at Esbies Estate off Station Road, Sawbridgeworth.

Finally, the Chairman reminded Members that a training session would be held in the Waytemore Room, Bishop's Stortford at 6.00 pm prior to the Development Control Committee meeting on 10 February 2010.

469 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal and prejudicial interest in enforcement item E/09/0085/B, in that he was an Executive Member of the Conservative Association, which had offices at Swains Mill, Ware. He left the room whilst this matter was considered.

Councillors D Andrews, W Ashley, S A Bull, R N Copping, J Demonti, R Gilbert, G E Lawrence, P A Ruffles, S Rutland-Barsby, A L Warman and B M Wrangles declared personal interests in enforcement item E/09/0085/B, in that they were Members of the Conservative Association, which had offices at Swains Mill.

Councillor A L Warman declared a personal and prejudicial interest in application 3/09/1020/FP, in that he sat on the admissions panel of Bishop's Stortford High School. He left the room whilst this matter was considered.

### RESOLVED ITEMS

#### 470 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 16 December 2009 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 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 at Tesco Store, Ware Road, Hertford, SG14 1QA for Tesco Stores Ltd.

Insert as 22nd paragraph –  
'Councillor B M Wrangles requested that her abstention from voting on a recommendation to approve, be recorded.'

#### 471 3/09/0492/FP – MIXED USE DEVELOPMENT COMPRISING B1 OFFICE BUILDING AND BAPTIST CHURCH AND ASSOCIATED PARKING AT MINERAL WATER SITE, TWYFORD ROAD BUSINESS CENTRE, TWYFORD ROAD, BISHOP'S STORTFORD FOR MR MARK VAN HEES

Mr Douglas addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/0492/FP, subject to the applicant entering into a legal obligation pursuant to

Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had expressed concern in relation to condition 3. The applicant had commented that he would prefer to have the current location on Portland Road put forward as an employment site.

In response to a query from Councillor R Gilbert, the Director further advised that the applicant could submit an application at a later date for the Portland Road site.

The Director commented that it was reasonable to require the submission of a planning application for the conversion of the existing church to Class B1 use within 3 months of the commencement of the construction of the building the subject of this application.

Councillor Mrs M H Goldspink proposed, and Councillor K A Barnes seconded, a motion that application 3/09/0492/FP be approved with condition 3 being deleted from the planning permission and the applicant be required to submit an application relating to the existing office use at the Portland Road site.

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

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 3/09/0492/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

DNS

covering the following matters:

1. A financial contribution of £28,000 index linked by SPON from Jul 2006, which shall be payable upon commencement of the development towards sustainable transport schemes and measures within the vicinity.
2. The submission of a planning application proposing the conversion of the existing church in Portland Road, Bishop's Stortford to Class B1 use within 3 months of the commencement of the construction of the building the subject of this permission.

in respect of application 3/09/0492/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure (including any gates walls or fences associated with the development); hard surfacing materials; planting plans; schedules of plants noting species, planting sizes and proposed numbers/densities and a timetable for implementation.

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.

4. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 4. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved.

5. No development hereby permitted shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors loading and unloading of plant and materials.
  - ii. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - iii. wheel washing facilities.

iv. a scheme for recycling/disposing of waste resulting from demolition and construction works.

6. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (MLM, 24.03.2009) which requires that finished floor levels are set no lower than 56.16 metres above Ordnance Datum.

Reason: To reduce the risk of flooding of the development and future occupants in accordance with the requirements of Policy ENV19 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of the development hereby approved, full engineering details of the off-site highway works on Twyford Road, as indicated on plan reference PL/01 K, shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be carried out and implemented in accordance with the approved plans.

Reason: To ensure the provision of appropriate facilities to enable the safe movement of the pedestrians to the site in the interests of highway safety.

8. Prior to the first beneficial use of the church, a Green Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented with the approved details. The Green Travel Plan shall have the object of minimizing the number of staff and visitors travelling to the development by private car.

Reason: To promote sustainable transport measures to the development in accordance with national guidance in PPG13 and policy TR4 of the East Herts Local Plan Second Review April 2007.

9. Boundary walls and fences (2E073)

Directives:

1. Other legislation.
2. Highway works.
3. The applicant is advised that in order to comply with condition 8, it will be necessary to enter into an agreement with Hertfordshire County Council as a Highways Authority under Section 278 of the Highways Act 1980, to ensure the satisfactory completion of the access and associated road improvements. You are advised to contact Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (01438 757880) to obtain the requirements of the procedure to enter into the necessary agreement with the Highways Authority prior to the commencement of development.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies EDE1, BIS9, ENV1, ENV2, ENV19, TR4 and TR7. The balance of the considerations having regard to those



policies is that permission should be granted.

472 3/09/1774/FP - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF PART TWO/THREE STOREY BUILDINGS TO PROVIDE 55 AFFORDABLE RENTED DESIGNATED OLDER PERSONS/FLEXI CARE FLATS, ASSOCIATED COMMUNAL FACILITIES, 18 CAR PARKING SPACES (INCORPORATING 4 DISABLED SPACES), MINI BUS SPACE AND ASSOCIATED LANDSCAPING AT CALTON HOUSE, CALTON AVENUE, HERTFORD, SG14 2ES FOR RIVERSMEAD HOUSING ASSOCIATION

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The Director of Neighbourhood Services recommended that, in respect of application 3/09/1774/FP, subject to the applicant 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 stated that the Landscaping Officer had raised no objections to the application. The Housing Development Officer had commented that the application had the full support of the Housing Team. The Director advised that 10% of the energy required to support this development would come from renewable energy sources.

The Director reported that Officers considered that condition 15 should be re worded as follows:

'...Prior to the first occupation of the development hereby permitted, the existing vehicular crossovers on the Calton Avenue frontage, not incorporated in the access hereby approved, shall be permanently closed and the kerb and footway reinstated to the satisfaction of the Local Planning Authority. '

Councillor Mrs M H Goldspink expressed concern that 18 parking spaces would be insufficient for a development of

55 residential units. She also stated that the number of secure cycle parking spaces should be reduced slightly to make way for more car parking. She commented that she was delighted with the renewable energy proposals submitted as part of the application.

Councillor R N Copping commented that he also considered the parking provision insufficient for the size of the development. The Director commented that Officers had taken the view that the site was well related to public transport provision. The Committee was reminded that more car parking would result in some loss of landscaping.

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 3/09/1774/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:

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1. To pay a financial contribution of £1,868 towards library facilities;
2. To pay a financial contribution of £15,750 towards sustainable transport initiatives;
3. To provide fire hydrants;
4. To restrict the occupation of the units to sheltered affordable housing for those over the age of 55;
5. To construct the units to the Design and Quality standards (or future equivalent) and

Code for Sustainable Homes Level 3 (or other such level as required to obtain a Social Housing Grant); and

6. To make best endeavours to provide 10% of the developments energy from renewable or low carbon sources.

in respect of application 3/09/1774/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse from the site, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development.

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

5. Lighting details (2E27)
6. Wheel washing facilities (3V25)
7. Tree retention and protection (4P05)
8. Hedge retention and protection (4P06)

9. Landscape design proposals (4P12 e,i,j,k,l)
10. Landscape works implementation (4P13)
11. Construction hours of working- plant and machinery (6N07)
12. The flat roof areas at second floor level adjacent to residential properties to the west of the site shall not be used as amenity space.

Reason: To protect the amenities of neighbouring residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

13. Prior to first occupation of the development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and to the satisfaction of the Local Planning Authority.

Reason: To ensure the provision of appropriate access to the development in the interests of highway safety.

14. The development hereby permitted shall not be occupied until the pedestrian crossing over Windsor Drive, as indicated on approved drawing 0716wd2.40, has been completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the provision of a safe and convenient pedestrian linkage from the development to nearby shops in the interests of highway safety.

15. Prior to the first occupation of the development hereby permitted, the existing vehicular crossovers on the Calton Avenue frontage, not incorporated in the access hereby approved, shall be permanently closed and the kerb and footway reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

16. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and a scheme for mitigation shall be agreed in writing.

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

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Public Rights of Way (18FD)
4. Street Naming and Numbering (19SN)
5. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the

satisfactory completion of the access works and pedestrian crossing. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

6. The applicant is advised that breeding birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981, and that site clearance should not be carried out between 1<sup>st</sup> March and 31<sup>st</sup> August unless the site is searched beforehand by a suitably qualified ornithologist.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, SD5, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR14, ENV1, ENV2, ENV4, ENV10, ENV11 and ENV20. The balance of the considerations having regard to those policies is that permission should be granted.

473     3/09/1555/FP – PROPOSED DEMOLITION OF EXISTING REDUNDANT INDUSTRIAL UNIT AND REPLACEMENT WITH A DEVELOPMENT OF 14 NO. TOWN HOUSES AT ST JOHN'S STREET, HERTFORD SG14 1RX FOR BARBER HONEY LIMITED

Mr Bryant addressed the Committee in support of the

application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1555/FP, planning permission be refused for the reasons now detailed.

The Director advised that the references to St John's Church in the report should have stated St Joseph's Church. The Director emphasised that the applicant had the opportunity to re-submit a similar scheme without being liable for a fresh application fee.

The Committee was advised that Officers had reviewed the pre application advice and were satisfied with the advice that had been given. The Applicant had been advised at the pre application stage to reconsider the design and layout of the proposed development.

Councillor R Gilbert expressed concern that with the amount of employment land in decline, the Authority should be consistent in ensuring the protection of employment land. He stated that the Town Council had similar concerns.

Councillor S Rutland-Barsby, as the local ward Member, stated that she had no objection to residential development in this location. She expressed concern relating to the scale and mass of the proposed development.

The Director advised that policy EDE2 of the East Herts Local Plan Second Review April 2007 sought to keep employment land within that use. He commented that this application complied with EDE2 as this site had not been used for employment for some time.

Councillor Mrs M H Goldspink supported the recommendation for refusal and commented that a better form of development could be achieved on this site. In response to a question the Director commented that Officers had not sought to finalise a section 106

obligation as the application had been recommended for refusal. He advised that, if the Committee were supportive, they should still defer the application to allow Officers time to negotiate a better form of development including section 106 obligations.

Councillor B M Wrangles proposed, and Councillor A L Warman seconded, a motion that application 3/09/1555/FP be deferred to allow Officers to negotiate a better form of development including section 106 obligations.

After being put to the meeting, and a vote taken, the 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 3/09/1555/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1555/FP, planning permission be refused for the following reason:

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1. The proposed development, by reason of its detailed design, height, massing and layout, fails to reflect local distinctiveness and to secure good design for the enhancement of this part of the Hertford Conservation Area and the setting of St Joseph's Church, a Grade II Listed Building. The proposal would thereby be contrary to Policies ENV1, BH6 and BH12 of the East Herts Local Plan Second Review April 2007.

474 3/09/1020/FP - ERECTION OF 1 DWELLINGHOUSE AT 2B PARK LANE, BISHOP'S STORTFORD, HERTS, CM23 3NH FOR MR K ASHRAF



Mr Lowe addressed the Committee in opposition to the application. Mr Doughty spoke for the application.

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

The Director stated that a further letter of objection had been received from Thorley Hill Primary School. Concerns had been raised in respect of overlooking, the loss of trees, unsatisfactory vehicular access, construction noise, dust and possible bonfires.

The Director commented that the school had requested that Members impose a condition restricting the hours of construction activity on the site. Concerns had also been expressed about the location of the proposed dwelling in relation to nearby trees. A comment had been made that there would be insufficient sunlight for the new property.

Councillor K A Barnes commented that the proposed development was inappropriate in this location and would not assimilate well with the existing structure, layout and form of development within the locality. He expressed strong concerns relating to highways safety and also in relation to the potential for overlooking of a nearby school playground.

Councillor R Gilbert stressed that this was a poorly prepared application and he was concerned in respect of the potential for damage to a number of trees in the area of the application site.

Councillor Mrs M H Goldspink stated that the access to the site was inadequate. She also stated her concern over the potential for damage to the root plates of the trees close to the site. Councillor Goldspink was also concerned that the dwelling's occupants would suffer from being in shade for a significant amount of the day.

Councillor M Wood echoed the concerns of Councillor Goldspink. He also stressed that he was concerned that the application could result in significant harm to at least one of the existing neighbours.

The Director commented that application reference 3/04/1385/OP had been refused on this site for 3 dwellings for issues relating to protected trees. Members were advised that the Landscape Officer had advised that this application could go ahead without damage to trees in the area.

The Director advised caution over refusing the application on highways grounds as this application had the support of Hertfordshire Highways. Officers felt that this application could be supported based on the consultation advice that had been received.

Councillor J Demonti expressed concerns that a house that was in shade for at least 7 months of the year would inevitably result in trees being damaged when branches were cut back for more natural light.

The Director stressed that conditions 3 and 4 should ensure that the trees were protected. He emphasised that the potential locations for a property on this site were restricted by the location of the trees.

Councillor R Gilbert proposed and Councillor R N Copping seconded, a motion that application 3/09/1020/FP be deferred to enable Officers to seek further information and clarification with regard to the impact of the proposed development on protected trees on the site.

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

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

3/09/1020/FP be granted subject to the conditions now detailed.

RESOLVED - that in respect of application 3/09/1020/FP, planning permission be deferred to enable Officers to seek further information and clarification with regard to the impact of the proposed development on protected trees on the site.

DNS

475 3/09/1739/FP – PROPOSED ALTERATIONS AND FIRST FLOOR SIDE EXTENSIONS TO BOTH COTTAGES AT 1 AND 2 NURSERY COTTAGES, KETTLE GREEN ROAD, MUCH HADHAM, HERTS, SG10 6AQ FOR MR E LANDINO AND MR A. GAUDIO

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1739/FP, planning permission be refused for the reasons now detailed.

Councillor M G Carver, as the local ward Member, addressed the Committee in support of the application. He stated that the application would not have a detrimental effect on the rural character of the area.

Councillor Carver stressed that the application was an excellent example of sustainable development. He urged the Committee to carefully review the Officers' recommendation for refusal. The Director confirmed that Much Hadham Parish Council had raised no objections to the application.

Councillor M R Alexander emphasised that the Committee should approve the application for all the points referred to by Councillor Carver. Councillor R N Copping commented that the scale and location of the dwelling was entirely in keeping in with this site. The Director commented that the local plan policies sought to restrict extensions of this nature in rural areas.

Councillor M R Alexander proposed and Councillor S A Bull seconded, a motion that application 3/09/1739/FP be approved on the grounds that the application would not have a detrimental effect on the rural character of the area.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/09/1739/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1739/FP planning permission be granted subject to the conditions now detailed:

DNS

1. Three year time limit (1T121)
2. Matching materials (2E133)

#### Summary of Reasons for Decision

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

476 3/09/1610/FP - FIRST FLOOR FRONT EXTENSIONS, PITCHED ROOF TO EXISTING FRONT AND SIDE GROUND FLOOR STRUCTURES, NEW PORCH AND GABLE FEATURE TO FIRST FLOOR FRONT WINDOW, AND ENLARGED FIRST FLOOR SIDE WINDOW AT 36 CHAPEL LANE, LETTY GREEN, SG14 2PA FOR MR MILTON NUTT

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Mr Bryant addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1610/FP, planning permission be granted subject to the conditions now detailed.

Councillor L O Haysey, as the local ward Member, addressed the Committee in opposition to the application. She cited the concerns of the Parish Council and the residents of Chapel Lane. She also expressed concerns that the development would intrude upon the openness of Chapel Lane.

Councillor Haysey stated that her concerns over the visual dominance of this development had not been addressed in the report. She commented on the potential for unacceptable levels of overlooking and the potential for a significant visual impact on Letty Green.

Councillor J Demonti sought and was given clarification in respect of the cumulative % floor increase over and above the size of the existing dwelling. Councillor Haysey emphasised that a % increase of 84% was excessive in this location.

In response to a query from Councillor R N Copping, the Director stressed that the details of the external finish and materials of construction were covered by the conditions detailed in the report now submitted.

The Director referred to the extensive planning history of the site. He emphasised that a number of previous applications for first floor front extensions had either been refused or withdrawn.

Councillor M R Alexander commented on whether Officers were concerned that the application would extend the property too far beyond the existing building line.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1610/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1610/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Materials of construction (2E11)

Directive:

1. Other legislation.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD2, GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

477 3/09/1635/FP - EXTENSIONS TO SIDE AND REAR OF EXISTING DWELLING AT 95 PYE CORNER, GILSTON, HARLOW, HERTS, CM20 2RD FOR MR W KING

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1635/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1635/FP be granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1635/FP, planning permission be granted subject to the following conditions:

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1. Three Year Time Limit (1T121)
2. Matching materials (2E133)
3. No development shall take place until full details of on-site parking provision, including levels and method of surface water disposal, have been submitted to and approved in writing by the local planning authority. Such parking provision shall be made prior to the first occupation of the extension hereby permitted and shall thereafter be retained in accordance with the approved details.

Reason: To ensure the provision of appropriate off-road parking in the interests of highway safety.

4. No further windows (2E175)

Directive:

1. Where works are required within the public highway the highway authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, The Rotunda, 1 Old London Road, Hertford, SG13 7XP (Telephone 01992 526900) for further information and to determine the necessary procedures.

### 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, ENV5, ENV6 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

478 E/06/0155/A – VARIOUS UNAUTHORISED STRUCTURES; CHANGES OF USE AND UNTIDY SITES AT ESBIES ESTATE, OFF STATION ROAD, SAWBRIDGEWORTH

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/06/0155/A, enforcement action be authorised on the basis now detailed.

The Director advised that an e-mail had been received from an adjacent landowner referring to the serious condition of parts of the Esbies Estate. The e-mail had expressed support for the proposed action.

Members were advised that Officers had visited the site and there were now only two mobile homes on plot 1.



The Director stated that Officers were seeking delegated authority to make minor changes to authorised enforcement notices, to keep on top of the frequent changes in circumstances prior to the serving of these notices.

Councillor M R Alexander commented that he hoped that the Committee would continue to support Officers in attempting to address the constantly changing situation with breaches of planning control on the Esbies Estate.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/06/0155/A on the basis now detailed.

RESOLVED – that (A) in respect of E/06/0155/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action to issue enforcement notices under section 172 and “untidy land” notices under section 215 of the Town and Country Planning Act 1990 and any other steps as may be required to secure the action identified on each plot as set out in section 3.0 of the report now submitted.

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Period for compliance:

1. Removal of mobile homes and/or cessation of permanent residential use - 6 Months.
2. Other operation development e.g. hard surfacing etc - 2 Months.

(B) authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to take any further or amended enforcement action under Section 172 of the Town and Country Planning Act 1990, where additional but similar unauthorised

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development occurs on the estate, or where circumstances relating to those unauthorised developments identified in this report change, provided that this delegated authority is only taken on development occurring within six months of the date of this resolution, and it is considered expedient in the public interest to take action.

Reasons why it is expedient to issue and serve enforcement notices:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan wherein permission will not normally be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to the rural area. No such very special circumstances are apparent in this case. The unauthorised developments and uses are detrimental to the character, appearance and openness of the area and thereby contrary to Metropolitan Green Belt policy as expressed in PPG2 and also in policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The mobile homes and caravans are sited within Flood Zones 2 and 3 and as such the development is at risk of flooding to the detriment of the safety of future occupiers. In addition, the unauthorised hard surfacing on the site exacerbates the risk of flooding and the developments are thereby contrary to the advice given in PPG25 and to policy ENV19 of the East Herts Local Plan Second Review April 2007.

479 E/08/0588/B - UNAUTHORISED ERECTION AND DISPLAY OF ADVERTISEMENT AND THE UNAUTHORISED ERECTION OF 5 SILVER FLUTED PILASTERS AND ASSOCIATED CORNICE AT SUGAR HUT, 11 OLD CROSS, HERTFORD, SG14 1RE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0588/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0588/B on the basis now detailed.

RESOLVED – that in respect of E/08/0588/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Sections 172 and 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 advertisements and development from the land.

DNS/  
DIS

Period for compliance: 28 days.

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

Operational development:

1. The unauthorised pilasters and associated cornice are detrimental to the character and appearance of the building itself, the surrounding Conservation Area, and the setting of the Listed Building at 13 Old Cross,

Hertford. They are, therefore, contrary to policies ENV1, BH5, BH14 and BH12 of the East Herts Local Plan Second Review April 2007.

Unauthorised advertisement:

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

480 E/09/0085/B - UNAUTHORISED CHANGE OF USE OF UNIT TO CLASS A1 (RETAIL) USE AND THE DISPLAY OF SIGNAGE WITHOUT CONSENT AT NO. 3 SWAINS MILL, CRANE MEAD, WARE, SG12 9PY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0085/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0085/B on the basis now detailed.

RESOLVED – that (A) in respect of E/09/0085/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the unit.

DNS/  
DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised use has resulted in the loss of a B1 and B2 unit contrary to policies EDE1 and WA8 of the East Herts Local Plan Second Review April 2007, which seeks to retain a suitable employment base.

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence legal proceedings under s.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 advertisements.

DNS/  
DIS

Reason why it is expedient to commence legal proceedings:

1. The unauthorised advertisements, by reason of their size, scale, siting, design and illumination are considered to be unduly prominent and visually intrusive to the detriment of the appearance of the building and its surroundings. As such, they are contrary to Policy ENV29 of the East Herts Local Plan Second Review April 2007.

481 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 application and, if an obligation was completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the

planning application 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

Planning  
Reference

Site and Proposals

- |              |   |
|--------------|---|
| 1. 04.06.619 | Trinity Centre, Fanhams Hall Road, Ware – residential development of 11 dwellings and deed of release to section 106 agreement (schedule 2) relating to community use land. |
| 2. 04.06 702 | Seven Acres 48,54 and 56 Upper Green Road, Tewin 18 dwellings, associated paving and other works  |

(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

482 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 9.17 pm.

Chairman	.....
Date	.....