

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE WAYTEMORE ROOM,
BISHOP'S STORTFORD ON WEDNESDAY
10 FEBRUARY 2010, AT 7.30 PM

PRESENT: Councillor W Ashley (Chairman)
Councillors M R Alexander, S A Bull,
A L Burlton, Mrs R F Cheswright,
R N Copping, J Demonti, R Gilbert,
G E Lawrence, D A A Peek, Rutland-Barsby,
J J Taylor, A L Warman and M Wood

ALSO PRESENT:

Councillors D Andrews, P R Ballam,
M Pope, G D Scrivener and V Shaw

OFFICERS IN ATTENDANCE:

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

546 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A F Dearman, Mrs M H Goldspink, R I Taylor

and B M Wrangles. It was noted that Councillors R N Copping, A L Warman and M Wood were substituting for Councillors B M Wrangles, A F Dearman and R I Taylor respectively.

547 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman apologised that there had been no training session prior to this evening's meeting of the Committee. He reminded Members that a training session would be held in the Council Chamber, Wallfields, Hertford, at 6.00 pm prior to the Development Control Committee meeting on 10 March 2010.

The Chairman advised that items 3/09/1620/FP and 3/09/1930/SV had been withdrawn.

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

548 DECLARATIONS OF INTEREST

Councillor A L Warman declared a personal interest in application 3/09/1878/FP, in that he often shopped at Pearces Farm Shop.

Councillor A L Warman declared a personal interest in application 3/09/1770/OP, in that a fellow Councillor lived on a nearby road.

Councillors M R Alexander, P R Ballam and J J Taylor declared personal interests in application 3/09/1770/OP, in that they were an acquaintance of the applicant and were acquainted with the local Member.

Councillor M Pope declared a personal and prejudicial interest in application 3/09/1770/OP in that he lived in an adjoining property to the applicant and on the grounds

that he would benefit from a restricted covenant as the adjacent landowner. He left the room whilst this matter was considered.

RESOLVED ITEMS

549 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 13 January 2010 be confirmed as a correct record and signed by the Chairman.

550 3/09/1370/FP - ERECTION OF 17 DWELLINGS INCLUDING 6 AFFORDABLE UNITS, NEW ROAD JUNCTION, LANDSCAPING AND ASSOCIATED WORKS AT LAND SOUTH OF GRAVELLY LANE, BRAUGHING FOR LANDRO LIMITED

Mr Williamson addressed the Committee in opposition to the application. Mr Abrams spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1370/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 advised that Officers had carried out a second round of consultation due to design changes and also as the number of units had increased to 17. He stated that 29 additional letters of objection had been received.

The Director commented that these letters had highlighted concerns relating to the impact of the application on the appearance of the area. Concerns had been expressed relating to the density of the proposed scheme as well as traffic and car parking.

Residents had also been concerned over the impact on

wildlife and the ability of local infrastructure to cope with the additional dwellings. Some residents had commented that there was already sufficient housing in Braughing due to the likelihood of development at Pentlows Farm.

The Director stated that some residents had commented that such development would be more sustainable in a town. Concerns had been expressed that the application would adversely affect the social character of the village.

The Committee was advised that correspondence from the Parish Council had expressed concerns similar to those of the objecting speaker. The Parish Council had also expressed concerns relating to the revised consultation.

The local history society requested that the Committee consider that there were a number of listed buildings in the area. The Campaign for the Protection of Rural England (CPRE) had expressed concerns that this scheme had not addressed their concerns over the previously refused application.

The County Archaeologist and the highway authority had no objections to the scheme. Environmental Health and Thames Water had no further comment to make on the application. The highway authority had also advised that the £13,000 section 106 obligation for public transport infrastructure improvements was no longer required. The Landscape Officer had requested conditions to protect the most significant tree on the site.

Councillor Mrs R F Cheswright, as the local ward Member, addressed the Committee in opposition to the application. She referred to an aerial photograph and stated that the application would have a negative impact on the landscape. She stressed that there were a number of listed buildings in the area included one that was designated as grade 2 star. She expressed concern that the application was out of keeping with the area.

Councillor Cheswright stated that the quality of the countryside was very important as was preserving the character of Braughing. She stated that Pentlows Farm was sufficient to meet housing demand in the village as 30 units had been approved on that site. Councillor Cheswright emphasised that there were new dwellings in Braughing and this application would set a dangerous precedent.

Councillor Cheswright concluded that the recent amendments to the application had left little time for the changes to be considered. She stated that the changes should have necessitated a fresh planning application being submitted to Officers.

Councillor R N Copping commented that it was crucial that the proposed garages must be wide enough to accommodate a car. Councillor A L Burlton expressed concern that the highway authority had withdrawn the request for the £13,000 for public transport infrastructure improvements.

In response to a query from a Member, the Director confirmed that the number of affordable housing units had increased to 6. He stressed that this equated to a significant increase from 13% to 36% of the total units proposed for the site. The Council's local plan policy HSG3 stipulated that 40% of units must be affordable housing.

Councillor S A Bull commented that although he opposed this application, he had not been able to relate it to any valid planning reasons for refusal. Councillor R Gilbert stated that policy OSV1 seemed to be the most relevant planning policy for refusing the application. Councillor J J Taylor commented that although the appeal for 30 units on this site had been rightly dismissed, she was concerned that refusing this scheme for 17 units could adversely affect the future growth of Braughing.

Councillor Cheswright commented that the village did not

need large 5 bedroom houses and stressed that Braughing needed smaller family homes. The Director advised against refusing the application in relation to policy OSV1 as this had not been a basis of objection to the previous scheme and it had now been reduced by nearly 50%. The Director advised that Members must be clear on how the substantial reduction in the number of units had not addressed the concerns of the local Member and residents if the same reasons for refusal were put forward.

Councillor Cheswright commented that the application failed to preserve or enhance the character or appearance of the conservation area and was contrary to policy BH6 of the East Herts Local Plan Second Review April 2007. She also emphasised that the site was within the Braughing conservation area and was in close proximity to a number of listed buildings.

The Director advised caution that the Committee must be able to justify this position at appeal. He commented that Members must articulate the precise harm the application would cause. In response to a query from Councillor M R Alexander, the Director advised that the issue of affordable housing being offered to local people first had not been raised in the process so far and it would be inappropriate to attach weight now unless there was an evidence base for doing so.

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 3/09/3/09/1370/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 £18,875 towards Sustainable Transport Programs;
2. A financial contribution of £34,919 towards Middle Tier Education, £28,343 towards Upper Tier Education, £2,405 towards Childcare, £832 Youth and £2,926 towards Libraries;
3. A financial contribution of £2,529 towards recreation facilities for children and young people;
4. 6 Affordable dwellings;
5. 15% lifetime homes;
6. Fire hydrant;
7. A detailed management scheme for the future maintenance of the proposed retention basin.

in respect of application 3/09/1370/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Samples of Materials (2E12)
3. Construction hours of working (6N07)
4. Boundary Walls and Fences (2E07)
5. Hard surfacing (3V213)
6. Landscape Design Proposals (4P12)
7. Landscape works implementation (4P13)
8. Tree retention and protection (4P053)
9. Hedge retention and protection (4P063)
10. Levels (2E051)
11. New Doors and Windows - unlisted buildings (2E342)

12. Wheel washing facilities (3V251)
13. Construction parking and storage (3V221)
14. Programme of archaeological work (2E023)
15. Prior to the commencement of the development details of the junction between the proposed estate road and the highway shall be submitted to and approved in writing by the Local Planning Authority, and no building shall be occupied until that junction has been constructed in accordance with the approved details.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the proposed estate road.

16. Prior to the first occupation of the dwellings hereby permitted, visibility splays of 4.5m x 70m shall be provided each side of the means of access to the site from Green End and within which there shall be no obstruction to visibility.

Reason: In the interests of Highway safety.

17. Prior to the commencement of the development hereby permitted detailed plans and sections of the proposed roads including gradients and method of surface water disposal shall be submitted to in writing and approved by the Local Planning Authority, and no building shall be occupied until the section of road which provides access thereto has been constructed (apart from final surfacing) in accordance with the approved details.

Reason: To ensure that the proposed road works are constructed to an adequate standard.

18. No dwelling shall be occupied until the existing footway along the entire B1368

frontage of the site has been widened to 1.8m in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Any Statutory Undertakers equipment or street furniture shall be resited to provide an unobstructed footway.

Reason: In the interests of road safety and pedestrian movement.

19. Existing access closure (3V051).
20. Prior to the commencement of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted to and approved in writing by the Local Planning Authority, and all construction vehicle movements shall accord with the agreed details.

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

21. Protection of bats (2E41).
22. Prior to the commencement of any works on the site and at an appropriate time of the year a survey of reptile activity, including details for their protection and any necessary mitigation measures shall be undertaken by a suitable specialist. This shall be submitted to and approved in writing by the Local Planning Authority and any subsequent mitigation shall be undertaken in accordance with the findings of this survey.

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

23. Prior to the commencement of the development, surface water drainage works shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, and in accordance with Policy ENV21 of the East Hertfordshire Local Plan Second review April 2007.

24. Prior to the commencement of the development, surface water source control measures shall be carried out in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding and to improve water quality in accordance with Policies ENV18 and ENV19 fo the East Herts Local Plan Second Review April 2007.

25. Prior to the commencement of the development hereby permitted details of cost effective energy efficiency measures to be carried out to the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The approved Energy Efficiency measures shall be implemented during the construction of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: These measures are required to mitigate the use of energy resulting from the development and in accordance with Policies SD1 and SD3 of the East Herts Local Plan Second Review April 2007.

26. Tree/natural feature protection fence (4P07).

Directives:

1. The applicant is advised that that work undertaken on the highway must be constructed to the current Highway Authority's specification, to an appropriate standard and by a contractor who is authorised to work in the public highway. All works to be undertaken on the adjoining highway shall be constructed to the satisfaction of the Highway Authority 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.
2. The applicant is advised that if it is the intention to request the Hertfordshire County Council as Local Highway Authority, to adopt the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations shall be submitted to the East Herts Highways Area Office, The Rotunda, Hertford. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.
3. Street Naming and Numbering (19SN4)

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, SD3,

SD4, OSV1, OSV4, TR1, TR7, TR8, ENV1, ENV2, ENV18, ENV21, BH1, BH2, BH3, BH6, BH12, IMP1, HSG1, HSG3, HSG4, HSG6, HSG7 and LRC3. The balance of the considerations having regard to those policies and the amendments made to the proposed development following the refusal of application reference 3/08/0763/FP and the appeal decision is that permission should be granted.

551 3/09/1878/FP - EXTENSION TO EXISTING BUILDING TO PROVIDE CAFÉ, TEA ROOMS, KITCHEN, STORE AND PORCH AT PEARCES FARM SHOP, STANDON, BUNTINGFORD FOR A.C. PEARCE AND SONS

Mr Fairbrass addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1878/FP, planning permission be refused for the reasons now detailed.

The Director advised that Braughing Parish Council had supported the principle of an extension to the café on this site. Officers had received a letter of support referring to issues of employment in the community. The letter had also stated that the application was a sound design.

Councillor Mrs R F Cheswright, as the local ward Member, addressed the Committee in support of the application. She commented that the application was in accordance with policies GBC3 and GBC8 of the East Herts Local Plan Second Review April 2007.

The Director commented that policy GBC3 referred to locations where development was not appropriate unless there was a proven need for essential small scale facilities. He reminded Members that local plan policies sought to restrict development to towns.

Councillor S A Bull welcomed the application and commented that this scheme should be approved. He stated that the Committee should support such applications in the rural areas. Councillor R N Copping spoke in support of the Officer's recommendation.

Councillor Cheswright proposed and Councillor A L Warman seconded, a motion that application 3/09/1878/FP be approved on the grounds that there was a local need and the application complied with policy GBC8 of the East Herts Local Plan Second Review April 2007.

In response to queries from Members, the Director confirmed that Officers could liaise with the applicant and the Committee Chairman to finalise the conditions and café opening hours.

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 3/09/1878/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1878/FP planning permission be granted subject to conditions to be agreed by Officers, in consultation with the Chairman.

DNS

552 3/09/1884/RP - ERECTION OF 40 DWELLINGS AND ASSOCIATED DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AT LAND EAST OF MILLFIELDS AND LAWRENCE AVENUE, SAWBRIDGEWORTH FOR BARRATT HOMES

Mr Manion addressed the Committee in opposition to the application. Mr Sutcliffe spoke for the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/09/1884/RP, planning permission be granted subject to the conditions now detailed.

The Director advised that Mark Prisk MP had taken an interest in the application and had requested that all residents' views be taken into account. Sawbridgeworth Town Council had declared a personal and prejudicial interest in the application and Town Council Members had made no comment.

The Director reported that British Waterways had welcomed the retention of landscaping. This organisation had also reiterated that all the necessary consents should be secured from British Waterways.

In response to a Member query, the Director confirmed that the application was for 40 dwellings and the reference to 6x 4 bed houses on page 103 of the report now submitted should have read 8x 4 bed houses.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/09/1884/RP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1884/RP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T121)
2. Samples of materials (2E123)
3. Lighting details (2E272)
4. Construction hours of working (6N072)
5. Prior to the commencement of the development hereby approved, reclamation of the site shall be carried out in accordance with the documents referenced SAW482/S/SI/001 and MS/001. Any amendments to those

approved details shall be submitted and approved in writing by the Local Planning Authority. On completion of the works for reclamation, a validation report shall be submitted to the Local Planning Authority.

Reason: To minimise and prevent pollution of the and water environment and in accordance with policy SD5 of the East Herts Local Plan Second Review April 2007.

6. The development hereby approved shall be carried out in accordance with plan reference 09-015-101 A, to limit the surface water run-off generate by the 100 year critical storm so that it does not exceed 8.2l/s/ha and not increase the risk of flooding off site.

Reason: To prevent flooding by ensuring satisfactory storage and disposal of surface water from the site, in accordance with policy ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

7. Tree retention and protection (4P053)
8. Hedge retention and protection (4P063)
9. 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.

10. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 9. The works shall be carried out prior to the first use 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 policy ENV2 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation.
2. Outline permission relationship (07OP1) (insert: 06 November 2008 and 3/07/1699/OP).
3. The badger sett should be monitored for activity and, should it become active again, it will need to be closed, under license from Natural England.
4. Street Name and Numbering (19SN4).

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 SD1, SD2, SD4, HSG2, HSG3, HSG4, HSG6, GBC14, TR2, TR7, TR8, ENV1, ENV2, ENV3, ENV16, ENV18, ENV19, BH1, BH2, BH3, BH6 and SA1. The balance of the considerations having regard to those policies and the grant of outline planning permission (reference 3/07/1699/OP) in 2008 is that permission should be granted.

553 3/09/1521/FP - CREATE GROOM'S LIVING ACCOMMODATION IN ROOF SPACE OF EXISTING STABLES BUILDING AND ERECT 4 NO. NEW LOOSE BOXES, HAY STORE AND TACK ROOM AT TUDOR MANOR, WHITE STUBBS LANE, BAYFORD, SG13 8QA FOR MR T WEDGE

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1521/FP, planning permission be refused for the reasons now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1521/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/09/1521/FP, planning permission be refused for the following reasons:

DNS

1. Within MGB – EHLP (R021).
2. The proposed stables, by reason of their scale and siting, would intrude into the rural qualities of the surrounding area and impact on the openness of the Green Belt contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The District Council is not satisfied that a residential use is the only means to secure the retention of the existing stable building. The

proposal is therefore contrary to policy GBC9 of the East Herts Local Plan Second Review April 2007.

554 3/09/1753/FO - VARIATION OF CONDITION 10 OF LPA REF 3/08/0884/FP TO COMBINE PLOTS 87 AND 90 INTO ONE SINGLE DWELLING AT AREA A, BALLS PARK, HERTFORD, FOR EXPLORE LIVING PLC

The Director of Neighbourhood Services recommended that, provided no significant new issues were raised in respect of application 3/09/1753/FO, planning permission be granted following the expiry of the consultation period on 11 February 2010.

The Committee supported the recommendation of the Director of Neighbourhood Services that provided no significant new issues were raised in respect of application 3/09/1753/FO, planning permission be granted following the expiry of the consultation period on 11 February 2010.

RESOLVED - that provided no significant new issues were raised in respect of application 3/09/1753/FO, planning permission be granted following the expiry of the consultation period on 11 February 2010.

DNS

555 3/09/1937/FP - VARIATION OF CONDITION 5 OF PERMISSION 3/05/0316/FP - TO ALLOW 10 NO. HGV MOVEMENTS OVER SPENCER STREET FOR A 3 DAY PERIOD (DATES TO BE AGREED) TO REMOVE CONTAINERS AT TXU SITE, MEAD LANE, HERTFORD FOR WESTON HOMES PLC

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1937/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that Hertford Town Council had

raised no objections.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/09/1937/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1937/FP planning permission be granted subject to the conditions now detailed:

DNS

1. Details of the dates and times of vehicular movements shall be submitted to and approved in writing by the Local Planning Authority prior to the vehicular movements taking place.

Reason: To minimise impact on the local road network and occupiers of neighbouring residential properties.

Directives:

1. Other legislation (01OL).
2. The granting of this permission does not convey or imply any consent to access land not within the ownership of the applicant, without the approval of the landowner.

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 TR2 and ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

556 (A) 3/09/1892/FP - CONVERSION OF EXISTING BUILDING TO 12 RESIDENTIAL UNITS (AMENDED SCHEME); AND (B) 3/09/1893/LB - CONVERSION OF EXISTING LISTED MALTINGS BUILDING TO 12 RESIDENTIAL UNITS (AMENDED SCHEME) AT 16 NEW ROAD WARE SG12 7BS FOR GOLDSTAGE LTD

Mr Allan addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/09/1892/FP and 3/09/1893/LB, subject to the applicants entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 by 9 February 2010, planning permission and listed building consent be granted subject to the conditions now detailed.

The Director also recommended that where the legal agreement referred to in the recommendation was not completed by 19 February 2010, the Director of Neighbourhood Services be authorised to refuse planning permission for the reasons now detailed.

Councillor J J Taylor commented that when the previous application had been dismissed at appeal, the Inspector had referred to the sub standard access arrangements to vehicles using New Road. She stated that these buildings were visually and architecturally important and an appropriate surface should be applied to ensure a suitable standard of access roadway.

Councillor Taylor requested that a condition be attached to prevent occupancy of the residential units until there was agreement between the owners of all three maltings and East Herts Council over the width and safety of the access onto New Road.

The Director advised that such a condition would be likely to fail the standard tests that were applied to planning conditions. He stressed that access arrangements were

outside of the control of the local planning authority in this case, given the decision of the previous appeal Inspector. An acceptable access was something that Officers would normally seek to achieve.

Councillor Taylor emphasised that the access would be used by ambulances, beer delivery vehicles and fire engines. She questioned whether a refuse vehicle would be able to negotiate the turn into the site and how far into the site such vehicles could drive. She stressed that the access should be seriously considered and resolved.

The Director confirmed that Officers were aware of the shortcomings of the access. He confirmed that the appeal Inspector would have considered the full range of likely users of the access when delivering her report. Councillor M R Alexander queried whether the access would be improved if no development took place on the middle malting. The Director confirmed that the improvements were only associated with that development.

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 by 19 February 2010, applications 3/09/1892/FP and 3/09/1893/LB be granted planning permission and listed building consent subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by 19 February 2010 to cover the following matters:

DNS

1. Herts County Council £11,625 towards Sustainable Transport Schemes.
2. Herts County Council £1,935 towards Childcare.

3. Herts County Council £756 towards Youth Services.
4. Herts County Council £2,575 towards Libraries.
5. Herts County Council Provision of a fire hydrant within the site.
6. East Herts Council £1,481 towards open space provision for Children/Young People.
7. East Herts Council £864 towards Recycling Facilities.
8. Herts County Council £8000 towards Second Strand accessibility measures.

in respect of application 3/09/1892/FP, planning permission be granted subject to the following conditions:

1. Three Year time Limit (1T12)
2. Archaeological work (2E02)
3. Samples of materials(2E12)
4. Lighting details (2E27)
5. Communal TV facilities (2E28)
6. Contaminated land survey and remediation (2E33)
7. Hard surfacing (3V21)
8. Provision and retention of parking spaces (3V23)

9. Landscape design proposals (4P12)
10. Landscape works implementation (4P13)
11. Landscape maintenance (4P17)
12. Construction hours of working –plant & machinery (6N07)
13. Prior to the commencement of development further details showing proposals for adequate surface water drainage shall be submitted to and approved in writing by the local planning authority. Once agreed they shall be implemented as such and be available for use prior to the first occupation of any of the units of the redevelopment.

Reason: To avoid the risk of surface water flooding and in accordance with policy ENV21 of the East Herts Local Plan.

14. Prior to the commencement of building works a scheme for the insulation of the proposed units against the transmission of noise and vibration between the units shall be submitted to and approved in writing by the Local Planning Authority. Any works which form part of the scheme shall be completed to the satisfaction of the Planning Authority before any of the permitted units are occupied.

Reason: To ensure that adequate precautions are implemented to avoid nuisance and disturbance to adjoining occupants of the proposed units.

Directives:

1. Other legislation (01OL).

2. Ownership (02OW).
3. Planning Obligation (08PO).
4. Listed building advice (25LB).
5. Groundwater protection Zone (28GP)
Insert 'Musley Lane'.
6. Street Naming and Numbering (19SN4).

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 SD1, EDE2, HSG1, HSG3, HSG6, TR7, TR14, ENV1, ENV2, ENV21, BH6 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

(B) where the legal agreement referred to in recommendation (A) is not completed by 19 February 2010, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

DNS

1. The development fails to make the appropriate financial provision for infrastructure improvements considered necessary to support the proposed development. As such, it would be contrary to the provisions of policy IMP1 of the East Herts Local Plan Second Review April 2007.

(C) in respect of application 3/09/1893/LB, listed building consent be granted subject to the

DNS

following conditions:

1. Listed Building Three year limit (1T14).
2. Samples of materials (2E12).
3. Listed Building: new windows (8L03)
4. Insert 'replacement windows and roof lights'.
5. Listed Building: new doors (8L04).
6. Listed Building: new rainwater goods (8L09).
7. Listed Building: making good (8L10).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies BH10, BH11 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

557 3/09/1849/SV - MODIFY SECTION 106 AGREEMENT TO PLANNING PERMISSION LPA REF: 3/96/0813/FP TO REMOVE THE CLAUSE RESTRICTING THE AGE OF OCCUPANCY TO THAT OF PERSONS OF AT LEAST 55 YEARS, AT 15 FINCHES END, WALKERN FOR SANDIE BRENT

Mr Wakeley addressed the Committee in opposition to the application. Mrs Brent spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1849/SV, the variation of the Section 106 agreement dated 10 March 1997

pursuant to planning application 3/96/0813/FP, to allow for the deletion of Clause 2 (c) be granted.

The Director reported that 11 further letters of representation had been received. The issues raised had included comments that the section 106 agreement should be retained due to the ageing population. Comments had also been made referring to the fact that the property was compliant with the provisions of the Disability Discrimination Act. These representations had stated that the dwelling was too small to be used as a family home.

Councillor G D Scrivener, as the local ward Member, addressed the Committee in opposition to the application. He commented that the application had not changed since it had been refused by the Committee in April 2009. He acknowledged the demand for affordable housing for young people. He stated however, that such dwellings were essential as Walkern had a strong over 60s population.

Councillor Scrivener requested that the Committee refuse the application and instigate legal action to enforce the section 106 agreement to planning permission 3/96/0813/FP.

Councillor S A Bull commented that he was concerned over changing the section 106 agreement. He stated that the Committee should overturn the Officer's recommendation as this was an ideal location for elderly people to live.

Councillor J J Taylor expressed concern in respect of the Officer's recommendation for approval. In response to a query from Councillor J Demonti, the Director advised that there had been no comment from Walkern Parish Council.

Councillor M R Alexander commented on how Officers could enforce the section 106 agreement if the Committee

refused this application. The Director advised that Officers could not instigate enforcement action but would have to commence legal proceedings which could result in a resident having to leave their home.

The Director referred to the costly and very significant legal action that would have to be commenced. He stated his concern over whether there was sufficient evidence that the local need required the section 106 agreement to remain.

The Director urged the Committee to give this course of action careful consideration as to pursue this section 106 agreement would require a civil county or high court action that could result in a significant cost implication to the Authority.

Councillor D A A Peek expressed concern that this was not an isolated case and approving the application could set a dangerous precedent. The Director commented that Officers had not been concerned that the application would set a precedent given that each had to be considered individually and that control mechanisms were normally in place through the involvement of registered social landlords.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that application 3/09/1849/SV be refused on the grounds that there was a continuing need for the provision of accommodation for elderly persons within the village of Walkern and also that legal proceedings be commenced in respect of the breach of the agreement at 15 Finches End.

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, in respect of application 3/09/1849/SV, the variation of the Section 106 agreement dated 10 March 1997 pursuant to planning

application 3/96/0813/FP, to allow for the deletion of Clause 2 (c) be granted.

RESOLVED - that (A) the variation of the section 106 agreement be refused for the following reason: DNS

1. the need for the provision of accommodation for elderly persons within the village of Walkern.

(B) legal proceedings be commenced in respect of the breach of the agreement at 15 Finches End, Walkern. DNS

Note - Councillors W Ashley and S Rutland-Barsby requested that their dissent from this decision, be recorded.

558 3/09/1770/OP - ERECTION OF DWELLING WITHIN GARDEN AT 22 MYDDLETON ROAD, WARE, SG12 9JT FOR MR BRIAN DONOGHUE

Mr Cable addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1770/OP, outline planning permission be granted subject to the conditions now detailed.

Councillor M Pope, as the local ward Member, addressed the Committee in objection to the application. He commented that the application constituted overdevelopment and would set a dangerous precedent.

Councillor Pope expressed concern that the application would adversely affect the quality of life of neighbouring residents and was contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007.

Councillor Pope emphasised that the application would

exacerbate problems of student and commuter parking in this part of Ware. He stated his concern that the application would further reduce the availability of off-street parking. Councillor Pope left the room for the duration of the debate.

Councillor M R Alexander commented that this was an unusual application for outline planning consent. He expressed concerns in respect of highways safety and sewage capacity. He also stated that the application constituted overdevelopment and was contrary to policy ENV1.

The Director advised caution against refusing an outline application due to the impact on neighbour amenity and infrastructure issues unless a specific harm could be identified.

In response to a further query from Councillor Alexander, the Director advised that a condition to restrict the size of a dwelling at the outline stage was something that could be imposed and officers had suggested a height limit condition. Care had to be exercised to ensure that any condition met the normal tests.

In response to comments from Councillor R Gilbert in relation to the application being out of keeping and constituting overdevelopment, the Director advised caution given that the scale of the property intended and the plot size were not dissimilar to others in the vicinity.

Councillor J J Taylor expressed concern that the application would be detrimental to neighbouring properties and would have an adverse impact in respect of car parking. Councillor Mrs R F Cheswright commented on whether the Committee could impose conditions to control the risk of overlooking of neighbouring properties.

The Director reminded Members they must consider the harm that could result from the application. He stated that

outline applications for single dwellings were not unheard of.

In response to a query from Councillor Gilbert in respect of the impact on neighbour amenity, the Director advised that the matter could be considered further when reserved matters details came forward.

Councillor D A A Peek commented on whether Members could attach conditions to restrict the size and height of the proposed dwelling. The Director commented that the conditions detailed in the report now submitted had been as extensive as Officers felt could be applied to an outline application.

Councillor S Rutland-Barsby proposed and Councillor S A Bull seconded, a motion that application 3/09/1770/OP be approved subject to the conditions detailed in the report now submitted.

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 outline application 3/09/1770/OP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1770/OP, planning permission be granted subject to the following conditions:

DNS

1. Outline permission time limit (1T13)
2. Details of the access, appearance, landscaping, layout and scale (the “reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with those approved details

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

3. The height of the building hereby permitted shall be restricted to a maximum of 6m, measured externally from ground level.

Reason: To protect the character and appearance of the street in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007. In the particular circumstances of this case, a building of greater height is likely to have a significant and detrimental impact on the surrounding area.

4. Contaminated land survey and remediation (2E33)
5. Tree Survey (4P01)

Directives:

1. Other legislation.
2. Street Naming and Numbering (19FS4).
3. The submitted drawings are indicative only, and will not prejudice the decision of the Council on any application for reserved matters that may be submitted.

Summary of Reasons for Decision

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

Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, HSG7, TR2, TR7, ENV1, ENV2, ENV10, ENV11. The balance of the considerations having regard to those policies is that permission should be granted.

559 3/09/1856/FP - CHANGE OF USE TO 7 BEDROOM HOUSE OF MULTIPLE OCCUPATION AT 35 CLEMENTS STREET, WARE, SG12 7AG FOR MR BANCROFT

Mr Lee addressed the Committee in opposition to the application. Mr Bancroft spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1856/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that Environmental Health had pointed out that the applicant hoped to close off the second floor and reduce the number of occupants to 7. Environmental Health Officers considered this to be an acceptable situation.

The Committee was advised that letters of representation had expressed concern in respect of monitoring the occupancy of the dwelling. Concerns had been expressed in respect of car parking obstructing the front of the property in the event of a fire.

In response to a query from Councillor V Shaw, the Director confirmed the information on licensing provided by the Councils Environmental health officers.

Councillor Shaw, as the local ward Member, addressed the Committee in opposition to the application. She commented that the property was in a scruffy and run down condition. She referred to the peeling window paintwork and refuse being blown into the road as refuse bins had not been closed.

Councillor Shaw expressed concern that even with 7 bedrooms, there was the potential for disturbance for neighbouring residents. She also commented that there was no indication of who was going to police the occupancy of the dwelling.

Councillor Shaw requested that conditions be attached to ensure the front of the house was brought up to an acceptable standard. She also stated that conditions should cover refuse being securely placed in the bins and the applicant having an annual HMO licence.

Councillor P R Ballam referred to the planning history of the site. She commented that the site was located in a small well laid out cul-de-sac. Councillor Ballam referred to the planned layout of the dwelling. She also stressed that the living conditions may not be up to the standard of what was expected in the modern world. Councillor Ballam commented that an adjacent driveway giving access to the rear garden could allow the occupants to put the bins in the back garden. She expressed concern that the applicant had not considered the concerns of the neighbours.

Councillor R Gilbert expressed concern that Environmental Health Officers had been satisfied with the current situation for the occupants of the dwelling. The Director also emphasised but indicated that if it met the appropriate Environmental Health standards it was not a matter on which the committee should place great weight.

In respect of parking concerns, the Director commented that the two spaces did comply with the Authority's standards on parking provision given that they are expressed as maximum standards.

In response to the Members concerns in relation to the bins and a possible condition, the Director stressed that those suggested would require an enclosure to the front of the property for the bins. The Committee could not

attach conditions in relation to the use of the bins.

Councillor S A Bull proposed and Councillor S Rutland-Barsby seconded, a motion that application 3/09/1856/FP be approved subject to the conditions detailed in the report now submitted.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that outline application 3/09/1856/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1856/FP, planning permission be granted subject to the following conditions:

DNS

1. Within 3 months of the date of this permission, the internal accommodation and external layout of the site, including construction of the front boundary wall, shall be amended in accordance with approved drawing 0832 EP01 rev D, and shall thereafter be retained in that form.

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

2. Refuse disposal facilities (2E24) – change to ‘Within 3 months of the date of this permission...’
3. Landscape design proposals (4P12 i,j,k,l) – change to ‘Within 3 months of the date of this permission...’
4. Landscape works implementation (4P13)

5. Retention of landscaping (4P21)
6. Following 3 months from the date of this permission, the occupancy of this building shall be restricted to 8 people at any one time and in accordance with the layout shown on approved drawing 0832EP01 rev D.

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

Directives:

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 policies SD2, HSG9, TR7, ENV1, ENV2. The balance of the considerations having regard to those policies is that permission should be granted.

560 3/09/1993/FP - SINGLE STOREY GARDEN ROOM AT GREENLANDS, WOOD END, ARDELEY SG2 7AZ FOR MR AND MRS ROBERT JAMESON

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1993/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 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 3/09/1993/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 matter:

DNS

1. Upon the date of the grant of planning permission, to abandon and forego any permitted development rights which would otherwise have accrued by virtue of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2 Part 1 Class A as amended.

in respect of application 3/09/1993/FP, planning permission be granted subject to the following conditions:

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

Directives:

1. Other legislation (01OL).
2. This permission is subject to the provision of the Section 106 dated.

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, ENV6 and BH5. The balance of considerations, having regard to those policies, together with planning refusal 3/08/2101/FP and the associated Planning Inspectorate's Appeal Decision, is that permission should be granted.

561 E/09/0152/B - UNAUTHORISED ERECTION OF FENCE AND CHANGE OF USE OF AMENITY LAND TO RESIDENTIAL CURTILAGE AT THE REAR OF 12 HAREBELL CLOSE, HERTFORD, SG13 7TF

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0152/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0152/A on the basis now detailed.

RESOLVED – that in respect of E/09/0152/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised fence and the reinstatement of the amenity land.

DNS/
DIS

Period for compliance: 1 Month

Reasons why it is expedient to issue an enforcement notice:

1. The enclosure of the amenity land to the rear of the property is detrimental to the open, landscaped character of the surrounding area. It is therefore contrary to policy ENV7 of the East Herts Local Plan Second Review April

2007.

562 E/09/0305/A - UNAUTHORISED ERECTION OF NEW SINGLE STOREY GARAGE AT 17 HOLLAND'S CROFT, HUNSDON, WARE, HERTS, SG12 8NR

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0305/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/07/0325/A on the basis now detailed.

RESOLVED – that in respect of E/07/0325/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such steps as may be required to secure the removal of the unauthorised garage.

DNS/
DIS

Period for compliance: 4 Months

Reasons why it is expedient to issue an enforcement notice:

1. The garage by reason of its siting, scale, design and height appears unduly prominent in relation to No. 1 Wheatsheaf Road and within the Wheatsheaf Road street scene to the detriment of the character and appearance of the area. The development is contrary to policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review April 2007.

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

The Director of Internal Services submitted a report

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

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

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following 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. Land to South of Station Road, Watton at Stone
Residential development, community uses (doctor's surgery and early years and associated parking).
2. Land West of Sele Farm Estate, Welwyn Road, Hertford
Tennis centre incorporating indoor courts; pool; gym and outdoor facilities including outdoor swimming pool; tennis courts and golf range.
3. Land off Tylers Close, West of Greenways, Buntingford

Outline application for erection of 50 dwellings.

4. Two Acres, Barkway Road, Anstey.
Demolition of existing chicken farm buildings and associated agricultural bungalow and construction of 4 detached houses, terrace of 3 affordable dwellings.

(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

564 UPDATE ON ENFORCEMENT STATISTICS AND AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

565 ITEMS FOR REPORT AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 10.10 pm

Chairman
Date