

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 31 MARCH 2010, AT 7.30 PM

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

ALSO PRESENT:

Councillors D Andrews, R N Copping,
G McAndrew, G D Scrivener and
A L Warman.

OFFICERS IN ATTENDANCE:

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

662 APOLOGIES

Apologies for absence were submitted from Councillor Mrs R F Cheswright and D A A Peek.

663 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. He stated that the next meeting of the Committee would be held on 13 May 2010.

The Chairman reminded Members and the public that the meeting would be webcast for training purposes. It was anticipated that the Council would webcast 'live' from May 2010.

The Chairman stated that a number of policies in the East Herts Local Plan would cease to have effect from 18 April 2010. A list of changes was circulated to Members with a request that Members delete those policies affected from their copies of the Local Plan. Kevin Steptoe provided background information as to why those policies were no longer required.

The Chairman commented that external training for Members was being progressed.

The Chairman further commented that he had accepted an urgent item onto the agenda in relation to the 15m Telecommunication column at Great Hadham Road / Oriole Way, Bishop's Stortford in order to facilitate the efficient business of the Council. He thanked the Officers for preparing the report so promptly.

With Members consent, the Chairman changed the order of the agenda.

664 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal interest in Minute 667 – Application 3/10/0326/PT Great Hadham Road /

Oriole Way, Bishop's Stortford in that he was a business user.

RESOLVED ITEMS

665 MINUTES

RESOLVED – that the Minutes of the Development Control Committee meeting held on 10 March 2010 be confirmed as a correct record and signed by the Chairman.

666 3/10/0279/FP - CHANGE OF USE OF A 204 SPACE CAR PARK FOR A TEMPORARY PERIOD TO PROVIDE LONG STAY PAY AND DISPLAY PARKING DURING THE REFURBISHMENT OF GASCOYNE WAY CAR PARK AT FORMER HERTFORD POLICE STATION, WARE ROAD, HERTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0279/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that a letter had been received from the Chairman of Governors of Wheatcroft School raising concerns regarding the two-way traffic on the driveway to the school; re-marking of the box junction markings and increased traffic movements. A letter had also been received from a resident about traffic delays and traffic congestion.

Councillor R L Gilbert referred to highways safety and queried why there was a need for improvements at the proposed car park when the car park would only be used by an additional 20-30 people per day. The Director clarified the position

Councillor S Rutland-Barsby commented that disabled parking should remain in a central location. The Director confirmed that there would be fewer places available generally including those for disabled parking. He explained that why refurbishments were being carried out

was not the issue relation to this application rather it was about an alternative level of provision.

Councillor B M Wrangles stated that Members were worrying unnecessarily and that there were spaces available for disabled parking.

Councillor A L Burton queried what might happen if the works took longer than six months. The Director explained that the permission was for three years and any extension would require a further decision by Development Control Committee.

RESOLVED – that in respect of application 3/10/0279/FP planning permission be granted subject to the following conditions:-

DNS

1. Three year time limit (1T12)
2. The applicant shall notify the Local Planning Authority in writing when public parking commences on the site edged red on the submitted drawings. The use shall then cease within 6 months of this date, or following completion of the refurbishment works at Gascoyne Way, whichever is sooner.

Reason: The proposed use does not represent the best use of this brownfield site and is only acceptable as a temporary expedient.

3. Prior to the commencement of development, specification details and locations of the proposed pay and display machines shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with those approved details.

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

Directives:

1. Other legislation (01OL)
2. The applicant is advised that they must seek the written approval of the Highway Authority before placing any signs within the public highway. The applicant will need to contact the Eastern Herts Highways Area Office (01438 757880) 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 policies SD1, SD2, TR2, TR5, TR7, ENV1, ENV2 and ENV11. The balance of the considerations having regard to those policies is that permission should be granted.

667 3/10/0326/PT - INSTALLATION OF A 15 METRE STREET FURNITURE TELECOMMUNICATION COLUMN REPLACING EXISTING 13 METRE MAST AND 1 ADDITIONAL GROUND BASED EQUIPMENT CABINET AT 02 CELL 37551, GREAT HADHAM ROAD/ORIOLE WAY, BISHOP'S STORFORD FOR TELEFONICA 02 UK LTD

Ms Walton addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0326/PT, planning permission be granted subject to the conditions now detailed. The Director reported the receipt of 102 letters of objection principally around issues already referred to in paragraph 5.1 of the Officer's report. Other comments included the proposed mast being taller than existing trees. Photographs and plans were circulated showing the relationship of the site to the Great Hadham Road, open spaces and play areas.

Councillor G A McAndrew supported the concerns made by Hilary Walton and residents. He requested Members refuse the application on the basis that the size of the mast was getting progressively larger, the appearance on the landscape, the results of a recent appeal and the need to move the mast to another location. He added that it was obtrusive and out of character with the area. He also referred to the fact that the play area was very close and not 100m and that the mast impacted on the landscaping and street clutter. Councillor McAndrew stated that the application had not been previously supported by Members.

Councillor R L Gilbert referred to the intense public objection to the application, adding that it was obtrusive and that the cabinet obstructed the footpath. He referred to the fact that the existing post had been agreed on appeal.

Councillor K A Barnes supported Councillor Gilbert's concerns. He commented that Bishop's Stortford Town Council had commented that, given the history of the site and the fact that the original mast had won on appeal, there was "no point in objecting". He added that if the Inspector was consistent in his approach, then the Council needed to be. He felt that the cabinets were "hideous" and that the mast was out of keeping with and would blight the area.

Councillor Mrs M H Goldspink commented that the

additional 2m would make the mast more visible and detrimental to the street scene. She further commented on the concerns of residents and the public's perception of the proposal. Councillor Goldspink referred to the health concerns regarding masts, citing the Stewart Report and suggesting that the Council apply a cautionary approach when dealing with children and schools.

Councillor R I Taylor concurred with the comments made. He referred to the Inspector's previous comments on appeal, in that the additional height was not significant. He stated that the 50% increase in size was significant.

Councillor M R Alexander referred to the need to look for alternative sites. He added that it was in the wrong place and that the mast needed to be redesigned.

The Director reminded Members of the need to take on board the latest information such as the appeal decision. The main reason for the additional height was that the mast was being shared by two operators. He stated that whilst public concerns about any possible health impact were understood and treated sensitively, Government advice had stated that the Council was not an arbiter in relation to safeguarding the health of the population. Accordingly the weight given to this issue should be limited. Public perception and health grounds were not appropriate grounds for refusal unless there was clear evidence on this matter and that the Council would be vulnerable to challenge on this issue as there was no firm evidence. He reminded Members to consider carefully whether the visual impact of the proposed mast would be unacceptable given the modest increase in height and referred to the fact that it was sited on a distributor road rather than a residential road and therefore would not have immediate impact on local residents.

In relation to the cabinets, the Director commented that he would hesitate in reaching a view that these were unacceptable, given that the Highways Authority had raised no objection. The Director summarised that given

the previous decision of the Inspector, it would be difficult to sustain a refusal of the application on the grounds of public perception and a cautionary approach to health. A view could be taken on obtrusiveness of the mast and any detrimental impact on the street scene.

Councillor McAndrew referred to the fact that the cabinet was placed where it was because the land behind it was private. He added that there were a lot of legitimate reasons to refuse the application.

Councillor Goldspink understood the advice in relation to objections on grounds of public perception, but felt that a cautionary approach needed to be adopted because of the Stewart Report and the location of the mast in relation to schools and play areas.

Councillor Gilbert added that the mast did not need to be located where it was because of people living close by.

The Director explained that whilst Officers had raised no dispute with regard to the need for the location it was understood to be a coverage issue. His understanding was that the greater demand placed on the cells, the less area each cell could cover.

Councillor R Gilbert proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/10/0326/PT be refused on the grounds of it being visually intrusive and detrimental and the need to adopt a precautionary principle.

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

DNS

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/0326/PT be granted for the reasons now detailed.

RESOLVED – that in respect of planning application 3/10/0326/PT planning permission be

refused for the reasons now detailed:

1. The proposed installation by virtue of the additional height over the current installation would be visually intrusive and detrimental to the character and appearance of the street scene, contrary to policy ENV28 of the East Herts Local Plan Second Review April 2007.
2. The proposed installation would be sited in close proximity to an area of public open space used by local children. Given considerable public concern in relation to the impact of telecommunication installations on health the Council is concerned that the proposed location fails to take into account the precautionary principle.

(Note - The Chairman requested that his contrary vote to the decision above be recorded. Councillor S Rutland-Barsby requested that her abstention from voting be recorded.)

668 3/10/0013/FP - CHANGE OF USE OF UNIT 3 TO RESIDENTIAL UNIT TO BE OCCUPIED ONLY IN ASSOCIATION WITH THE EXISTING DWELLING (RETROSPECTIVE) AT 80, HIGH STREET, WALKERN, STEVENAGE, HERTS, SG2 7PG FOR MR. PHILIP TAYLOR.

The Director of Neighbourhood Services recommended that, application 3/10/0013/FP be granted subject to the conditions now detailed.

The Director advised that a decision would enable the unit to be occupied independently from the main house, but that the amenities of the main house would be shared.

Councillor R Gilbert expressed concern that the application was essentially an 'annexe' and of previous decisions taken by the Council in relations to similar applications. The Director explained that the proposal

was not the creation of an annexe, in that the property could be occupied by either a family member or an independent person but they would have access to and share the amenity area of the main house.

Councillor G Scrivener supported the application stating that use of the property in conjunction with the main house would work.

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 3/10/0013/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

1. To require Unit 3 to remain occupied solely in conjunction with the existing dwelling, with the use of shared amenity space, and not to permit the unit to be sold, leased or otherwise disposed of separately from 80 High Street, Walkern.

in respect of application 3/10/0013/FP planning permission be granted subject to the following:-

Directives:

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

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, GBC3, TR2, TR7, ENV1, OSV1. The balance of the considerations having regard to those policies is that permission should be granted.

669 3/10/0122/FP - CHANGE OF USE FROM CLASS B1 (LIGHT INDUSTRY) TO B2 (VEHICLE SERVICING) AT UNIT 3 HASLEMERE INDUSTRIAL ESTATE, BISHOP'S STORTFORD, CM23 3HG FOR SEGRO

Mrs Lacey addressed the Committee in opposition to the application. Mr Meakins spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0122/FP, planning permission be granted subject to the conditions now detailed.

Councillor A L Burlton commented on the noise coming from the units, which he stated came through the roofs and walls. He did not support a change of use and was concerned about the effects of fumes on residents' back gardens. He stated that there could be conditions about soundproofing and keeping the doors closed. The Director explained that enforcing a condition to keep the doors shut would be difficult.

The Director confirmed that there had been no representations from Bishop's Stortford Town Council.

Councillor K A Barnes stated that he had sympathy with the applicant, but greater sympathy for the residents as the Council was encouraging this type of development in the area and in an inappropriate location.

Councillor Mrs M H Goldspink expressed concerns about the application. She was concerned that the units were

so close to residents' properties and their gardens. Councillor Goldspink sought a deferment of the application in order to seek the views of the Fire Authority.

The Chairman referred to the fact that Unit 2 had been allowed on appeal.

The Director addressed issues in relation to marketing and the fact that there would not be a loss of employment use as the application was for a change of use. He referred to the fact that an application adjacent to the site had been approved on appeal when the Inspector had acknowledged the impact on local residents but felt that this could be mitigated by conditions.

Councillor M R Alexander referred to the views of Environmental Health and their recommendations in relation to sound and vibration issues and the fact that the Inspector did not mention anything about vibration issues. The Director stated that the Inspector did not feel that some of the original conditions were relevant.

Councillor A F Dearman stated that if this was a different unit, then a condition about noise could be requested. Councillor B M Wrangles suggested that there should be no working on Sundays.

The Director urged Members to be cautious about additional conditions. Whilst an applicant may indicate acceptance to these, the Council must still consider the normal tests and could be challenged if conditions were found later to be unreasonable. Such an outcome had occurred in other cases. Health and safety concerns whilst important did not fall within the remit of this committee.

Upon a vote being taken and there being an equality of votes, the Chairman used his casting vote in support of the application. The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0122/FP be granted

planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0122/FP, planning permission be granted subject to the conditions now detailed.

DNS

1. Three year time limit (1T121)
2. No vehicle servicing or repairs nor the use of any power tools shall take place or be operated outside the building at any time and the use shall not operate outside the following hours: 08:00AM to 6:00PM on weekdays and 08:00AM to 2:00PM on Saturdays.

Reason: In the interests of the amenity of neighbouring properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

3. The premises shall be used for vehicle servicing and repairs including MOT testing and for no other purposes (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the amenity of neighbouring properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)

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, ENV24 and ENV25. The balance of the considerations having regard to those policies and the permission granted for a B2 (vehicle serving and repairs) at the adjoining site, unit 3 Haslemere Industrial Estate within LPA reference 3/07/1214/FP is that permission should be granted.

- 670 3/10/0032/FP - FIRST FLOOR EXTENSION TO ASSEMBLY HALL, INSERTION OF ROOF LIGHTS AND ENTRANCE CANOPY TO CREATE NEW RECEPTION AND NEW RAMP TO FRONT AT ST JOSEPHS IN THE PARK, ST MARYS LANE, HERTINGFORDBURY, SG14 2LX FOR MR PAUL CHAPPELL (HEAD OF GOVERNORS).

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0032/FP, planning permission be granted subject to the conditions now detailed.

Councillor S Rutland-Barsby spoke in support of the application. Councillor Rutland-Barsby proposed and Councillor S A Bull seconded a motion that application 3/10/0032/FP be granted.

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 application 3/10/0032/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application

DNS

3/10/0032/FP planning permission be granted subject to the conditions now detailed.

1. Three year time limit (1T12)
2. Matching materials (2E13)
3. Tree Retention Protection (4P05)
4. Tree Surgery (4P11)

Directives:

1. Other legislation (01OL)
2. The applicant is advised that all species of bat are European Protected Species. Development work should proceed with caution and in the event of any bats being found, work must stop immediately and Natural England informed on 01206 796666.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, ENV1, ENV11, ENV16, BH1 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

671 3/09/1889/FP - RETROSPECTIVE CHANGE OF USE FROM AGRICULTURAL TO STUD FARM AND TRAINING YARD WITH BARN/STORAGE (ALTERATION TO DESIGN AND LAYOUT TO THAT APPROVED UNDER 3/82/0907) AND PROPOSED MANEGE AT EDGEWOOD FARM, BROXBOURNE COMMON, EN10 7QS FOR MR DAVID

FELTHAM.

Mr Howard addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/09/1889/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that the application was for a change of use from agricultural to equestrian use with a limited collection of buildings. He stressed that such a use was considered acceptable development in the Green Belt.

Councillor S A Bull stated that the application would not be detrimental to neighbours and was in keeping with the area.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, application 3/09/1889/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/09/1889/FP planning permission be granted subject to the conditions now detailed.

DNS

1. Three year time limit (1T12)
2. Within 3 months of the date of this decision, the exterior of the barn shall be completed in accordance with external materials of construction and finish that shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan

Second Review April 2007.

3. Programme of archaeological work (2E02)
4. Lighting details (2E27)
5. Landscaping design proposals (4P12 – b,c,d,e)
6. Landscape works implementation (4P13)
7. Prior the commencement of development, a section drawing showing construction of the manege shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with those approved details.

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

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 policies SD2, GBC1, GBC11, GBC14, TR20, ENV1, ENV2, ENV11, BH1, BH2, BH3. The balance of the considerations having regard to those policies is that permission should be granted.

672 3/10/0255/FP - NEW PEDESTRIAN ENTRANCE WITH EXTERNAL CANOPY (OPPOSITE POST OFFICE WALK) AND CONVERSION OF REDUNDANT TOILET BLOCK INTO OFFICE AT EHDC CAR PARK, GASCOYNE WAY, HERTFORD, SG14 1LG FOR EAST HERTS DISTRICT COUNCIL.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0255/FP planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0255/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0255/FP planning permission be granted subject to the conditions now detailed:

DNS

1. Three year time limit (1T12)
2. Samples of Materials (2E12)

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, TR2, TR7, ENV1, ENV4. The balance of the considerations having regard to those policies is that permission should be granted.

673 3/10/0175/FP - INTERNAL AND EXTERNAL REFURBISHMENT OF ARTS PERFORMANCE BUILDING WITH EXTENSION TO MAIN ENTRANCE LOBBY AREA, NEW WINDOWS TO RIVERSIDE AND NEW WINDOWS

AND ROOF ATRIUM TO HEXAGONAL BUILDING, NIGHT TIME AMBIENCE LIGHTING, RIVERSIDE DECKING, RAILINGS AND ASSOCIATED LANDSCAPING AT CASTLE HALL, THE WASH , HERTFORD, SG14 1PS FOR EAST HERTFORDSHIRE COUNCIL

The Director of Neighbourhood Services recommended, that in respect of application 3/09/0175/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that the Council's Landscape Officer had requested some improvements to the landscaping and commented that hard and soft landscaping needed further consideration. It was noted that the objection from the Environment Agency had been withdrawn.

They had, however, requested that a condition be added to any approval in respect of details of ground levels. A revised drawing had been received in relation to the atrium roof which Officers considered to be a minor amendment to the scheme that did not require further consultation.

Councillor S Rutland-Barsby supported the application and looked forward to the improved facilities for the people of Hertford.

Councillor Mrs M H Goldspink welcomed the principle of the application and was pleased to see energy saving initiatives being used. Councillor Goldspink was concerned in respect of a number of flaws with the application. She referred to the issue of flood risk, the cycle racks obstructing pedestrians and that the building itself obstructing pedestrians. She felt that the application was 'very disappointing' and that it should be deferred.

The Director stated that the cycle racks were being relocated and that the 'pinchpoint' referred to by Councillor Goldspink was created by some of the hard landscaping proposals within the forecourt area. A

condition had been imposed to require further details of this hard landscaping to ensure that this “pinchpoint” did not occur.

After being put to the meeting and a vote taken, the Committee supported the Director’s recommendation that, in respect of application 3/09/0175/FP, planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of planning application 3/10/0175/FP planning permission be granted subject to the following conditions.

DNS

1. Three Year Time Limit (1T12)
2. Samples of materials (2E123)
3. Details of the Atrium Roof, louvre screens, and a schedule of windows and doors to be replaced within each of the main elevations to the riverside, The Wash and the Castle Grounds approach shall be submitted to and approved in writing by the Local Planning Authority. The external doors and windows shall be replaced in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

Reason: In the interests of the appearance of the development within the Conservation Area including the approach to and the setting of the Castle Grounds, a Scheduled Ancient Monument and in accordance with policies BH6, BH12 and ENV1 of the East Herts Local Plan Second Review April 2007.

4. Landscape design proposals (4P12 - b, e, i, k)

5. Landscape works implementation (4P13)
“The details for the area in front of the main entrance on The Wash shall be implemented in a phased programme as shall be approved in writing by the local planning authority”

6. Prior to the commencement of the development hereby permitted, details of the replacement cycle racks for the existing parking spaces at the site shall be submitted to and agreed in writing by the local planning authority. The cycle parking shall be provided prior to the first occupation of the approved development.

Reason: The alternative provision shown on the submitted schemes will obstruct pedestrian movement to the River Lee footbridges.

7. The permission granted shall not extend to the works within the public highway shown on plan 136902 Rev. D.

Reason: For the avoidance of doubt as to the scope of this permission in the interest of highway safety.

8. Prior to the commencement of the development, detailed drawings of the existing and proposed ground levels of the site shall be submitted to and approved in writing by the Local Planning Authority, and thereafter all works shall accord with the approved details.

Reason: To avoid any adverse impact on flood storage and to prevent increased risk of flooding due to impedance of flood flows in accordance with policy ENV19 of the East

Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, HSG6, ENV1, ENV2, ENV19, BH5, BH12, LRC4. The balance of the considerations having regard to those policies is that permission should be granted.

(Note - Councillor K A Barnes requested that his abstention from voting be recorded.)

674 3/10/0033/FP- EXTENSIONS TO BRICK BUILT 1960S BUILDING AND ERECTION OF NEW DWELLING TO REAR WITH ASSOCIATED ACCESS AND LANDSCAPING AT GREAT HORMEAD VILLAGE HALL, GREAT HORMEAD, BUNTINGFORD, SG9 0NR FOR HORMEAD VILLAGE HALL MANAGEMENT COMMITTEE

Mr Gearing addressed the Committee in opposition to the application. Ms Kilby spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0033/FP, planning permission be refused for the reasons now detailed.

The Director commented that 19 letters in support of the application had been received. A summary of the content of those letters was provided. He commented that the Landscape Officer was concerned about the loss of a holly tree. The Environment Agency had no objection to the application.

Councillor S A Bull referred to the strong community spirit in the area and to a recent application for extra sports in the area. He felt that a recommendation to refuse the application on the issue of car parking was a “red herring” as the road was straight and posed no dangers. He referred to the fact that half a mile up the road there was a school and that cars parked on the road.

Councillor R Gilbert commented that the village was Category 3 and was in the Green Belt. He felt that the building was inappropriate. He queried why an application for a larger property in the area was being sought, rather than building two-bed houses.

The Director stated that normally this type of community facility would be supported but what was being proposed was inappropriate in the Rural Area.

Councillor K A Barnes commented that Officers’ recommendations were based on shortages of car parking. He added that the area had not changed in 10 years. He stated that Brent Pelham had no parking at all but that it survived. Councillor Barnes further commented that the proposal was not near a junction and supported the application.

Councillor B M Wrangles stated that the new hall would support the community. Councillor Mrs J J Taylor referred to comments made by Highways Officers and could see no reason to go against their objections.

The Director confirmed that the site was located within the Rural Area rather than the Green Belt. He commented that Officers’ recommendation to refuse was based on a shortfall of car parking spaces and referred to the Council’s adopted car parking standards.

Councillor S Rutland-Barsby referred to the possibility of introducing a legal agreement regarding the provision of overflow car parking. The Director explained that if car

parking was used off site, this would need to be covered by a Section 106 Agreement. The Director urged Members to be cautious about approving the application without a Section 106 Agreement. He stated that if Members were minded to support the application it should be deferred to enable further negotiations in this respect.

Councillor S A Bull proposed and Councillor B M Wrangles seconded a motion to defer the application to enable Officers to undertake further discussions with the application.

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 3/10/0033/FP be refused.

RESOLVED – that in respect of application 3/10/0033/FP, the application be deferred to enable Officers to enter into discussions with the applicant regarding a Section 106 agreement to ensure that the funds raised from the sale of the proposed dwelling are used solely in connection with the extension and refurbishment of the Great Hormead Village Hall, and for the provision of additional parking on land adjacent to the site.

DNS

675 3/10/0011/FP - EXTENSION OF EXISTING CAR PARK AND ERECTION OF RAILINGS TO THE FRONT OF THE LEVENTHORPE SWIMMING POOL, CAMBRIDGE ROAD, SAWBRIDGEWORTH FOR THE LEVENTHORPE SCHOOL

Mr Engwell addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0011/FP, planning permission be granted subject to the conditions now detailed.

Councillor J Demonti stated that she had visited the site

and noticed flooding. She sought Officers' assurance that this would be resolved before the new car parking was put in.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation that, in respect of application 3/10/011/FP, planning permission be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0011/FP planning permission be granted subject to the conditions now detailed:

DNS

1. 3 year time limit (1T12)
2. Tree Retention and Protection (4P05)
3. Landscape Design Proposals (4P12) (insert e, i, j, k and l)
4. Landscape works Implementation (4P13)

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, ENV1, ENV2 and ENV11. The balance of the considerations having regard to those policies and the limited impact that the proposal would have on the Metropolitan Green Belt is that permission should be granted.

676 P/10/1004/A - UNAUTHORISED ERECTION AND DISPLAY OF ADVERTISEMENTS (FLYPOSTING) AT RYE STREET; ST JAMES' WAY; SOUTH STREET AND SOUTHMILL ROAD BISHOP'S STORTFORD BY SCORIA FIREPLACES, UNIT 7 SOUTHMILL TRADING CENTRE, SOUTHMILL ROAD, BISHOP'S STORTFORD, CM23 3DY

The Director of Neighbourhood Services recommended that, in respect of the site relating to P/10/1004/A, legal proceedings be authorised on the basis now detailed. The Director explained that signs at Rye Street and St James's Way had been removed by Officers.

Councillor R I Taylor stated that the signs were very obtrusive and obstructed the footpath.

The Committee supported the Director's recommendation for legal proceedings to be authorised in respect of the site relating to P/10/1004/A on the basis now detailed.

RESOLVED - that the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence action under Section 224 of the Town and Country Planning Act 1990 to prosecute the offender in respect of this unauthorised advertising and any similar or further unauthorised advertising carried out by this company within the District of East Hertfordshire.

DNS/
DIS

Reasons why it is expedient to commence legal proceedings:

1. The signs, by reason of their location adjoining Rye Street; St James' Way; South Street and Southmill Road Bishop's Stortford, together with their materials of construction and colour, are visually distracting to road users, thereby likely to create a danger and hazard to safety on these busy roads, and are therefore contrary to policy ENV29 of the East Herts

Local Plan Second Review April 2007.

2. The signs, by reason of their siting and materials of construction are detrimental to the visual amenity and character of the area, and are thereby be contrary to policy ENV29 of the East Herts Local Plan Second Review April 2007.

677 E/08/0557/A - UNAUTHORISED ERECTION OF 1.8 METRE HIGH LARCH LAP FENCE AT THE WELL HOUSE, THE CAUSEWAY, FURNEUX PELHAM, SG9 0LN.

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0557/A, enforcement action be authorised on the basis now detailed.

The Director advised that the issue in relation to the fence had been resolved.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/08/0051/B on the basis now detailed.

RESOLVED – that in respect of E/08/0557/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 fencing from the land.

DNS/
DIS

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice:

1. The fence is detrimental to the setting of the Listed Building, contrary to policy BH12 of the

East Herts Local Plan Second Review April 2007.

2. The fence is detrimental to the character and appearance of the Furneux Pelham Conservation Area wherein the site is situated, contrary to policy BH6 of the East Herts Local Plan Second Review April 2007.
3. The development by reason of its height, scale, materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character and quality of the area. The development is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

678 E/09/0275/A - UNAUTHORISED RESIDENTIAL USE OF LAND ADJACENT TO THE LITTLE THATCHED BARN, EAST END, FURNEUX PELHAM, SG9 0JT.

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0275/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/09/0275/A on the basis now detailed.

RESOLVED – that in respect of E/09/0275/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 cessation of the unauthorised use of the land for the

DNS/
DIS

siting of a caravan/mobile home used for permanent residential purposes and the removal of the caravan/mobile home from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The residential development is contrary to this policy, set out at policies GBC2 & GBC3 within the East Herts Local Plan Review April 2007.
2. The development is detrimental to the setting of the adjacent Listed Building, contrary to policy BH12 of the East Herts Local Plan Second Review April 2007.
3. The development by reason of its materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character and quality of the area. The development is thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

679 ITEMS FOR REPORTING AND NOTING

The Director of Neighbourhood Services circulated a list of Planning Statistics.

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 9.40 pm

Chairman

Date