

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 22 SEPTEMBER 2010, AT
7.00 PM

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

ALSO PRESENT:

Councillors K Darby and R A K Radford

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	- Committee Secretary
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

ALSO IN ATTENDANCE:

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267 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A L Burlton and G E Lawrence. It was noted that Councillors A L Warman and D Andrews were in attendance as substitutes for Councillors A L Burlton and G E Lawrence respectively.

268 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that application 3/10/1235/FP had been withdrawn; that application 3/10/1152/FP had been deferred for further consideration of Traffic Regulation Order issues and that application E/10/0156/ had been deferred by Officers.

The Chairman reminded Members regarding the arrangements for training on 29 September 2010.

269 DECLARATIONS OF INTEREST

Councillor B M Wrangles declared a personal interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B in that she was a personal friend of the applicant.

Councillor D Andrews declared a personal interest in application 3/10/1334/FP in that he had a working relationship with the applicant's wife.

Councillor R N Copping declared a personal and prejudicial interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B in that he was a regular customer of the garden centre. He left the room during consideration of these matters.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in applications 3/10/1227/FO, 3/10/1226/FO and E/10/0126B. She left the room during consideration of these matters.

Councillors Mrs R F Cheswright declared a personal interest in applications 3/10/1227/FO, 3/10/1226/FO and

E/10/0126B in that she was a customer of the garden centre.

Councillor A L Warman declared a personal interest in application 3/10/1198/FP in that he knew the objector representing Molewood Residents' Association.

270 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 25 August 2010 be confirmed as a correct record and signed by the Chairman.

271 3/10/1198/FP - ERECTION OF 97 RESIDENTIAL UNITS AND ASSOCIATED CAR PARKING, ACCESS, AMENITY SPACE AND LANDSCAPING AT LAND AT SACOMBE ROAD, HERTFORD FOR FAIRVIEW NEW HOMES.

Mr Lupton spoke addressed the Committee in opposition to the application. Mr Gough spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/10/1198/FP, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 planning permission be granted subject to the conditions now detailed.

The Director provided Members with a summary of additional representations received after completion of the report and a list of proposed amendments to the report now presented.

Councillor K Darby stated that she did not support the proposal adding that the application did not fit with the character of the area and referred to the considerable number of letters submitted objecting to the proposal. She referred to the lack of community facilities and the difficulties in relation to traffic into and out of the development. She queried how the community would be

integrated with its neighbours. In summary she stated that there were too many units, it was incompatible with the area, the traffic issues and the danger of it becoming a “poor” neighbour with the character of the area.

Councillor R N Copping referred to the design of the garages and issues relation to social housing. The Director provided clarification on these issues and stated that on balance with a number of “tweaks” officers were able to recommend approval of the scheme.

Councillor R Gilbert referred to the density of the development and of the traffic issues difficulties which would be created in Bullsmoor Lane and Vicarage Lane. The Director stated that the traffic issues relating to the scheme had been taken into account as part of a traffic assessment undertaken by the applicant and endorsed by Hertfordshire Highways. He suggested that a Directive be added to the conditions relating to Bullsmoor and Vicarage Lane.

Councillor K Barnes was concerned that 127 Bengoe residents had been consulted and that the proposals should have required a consultation for the whole of Bengoe. He was concerned at the loss of a green field site and of the fact that Bengoe was a rat run. He felt that the development was “huge”, that local people were not happy with the proposal and the traffic issues.

Councillor D Andrews felt that flats were inappropriate in that part of Bengoe and was very concerned about parking and a possible shortfall in the Council’s policy. He stated that 97 units was too large.

The Director addressed Members’ concerns regarding the traffic aspects, parking policies and the size of the development.

Councillor S A Bull felt that the application was out of keeping with the area, the density of the units and the need to challenge highways officers on their views.

Councillor Mrs M H Goldspink accepted that the area was designated for housing but was concerned about the adequacy of the parking and stated that Officers should ask for something closer to its maximum parking standards. She queried parking provision for visitors given that there was no outside provision.

The Director assured the Member that the Council's Policies in terms of parking had been met. He stated that given the site's location had been designated for residential development. He acknowledged that over spills did occur if inadequate parking was available but that this would be at the less busy time for highway use of evening and at weekends.

Councillor S Rutland-Barsby queried what the Council's position might be if Members refused the application based on density. The Director explained that it would be inappropriate to refuse permission solely on the basis of an identified density number. It would be necessary to articulate what it is about that density that the Council finds unacceptable.

Councillors Mrs R Cheswright referred to the fact that even the County Council did not support this type of development. She stated that Highways Officers comments about only 10% of cars would drive north were wrong. It was a busy area.

Councillor B M Wrangles and Councillor D A A Peek acknowledged Members comments adding that no one had put forward a planning reason for refusal.

Councillor R I Taylor suggested that rather than cramming as many homes on the site, the developers should be considering the amenity of people who will live on the site.

Councillor J J Taylor stated that at the last Highways Joint Member Panel half of the meeting was taken up discussing unresolved traffic issues in this area. She

suggested that traffic issues must be a viable reason to refuse the application.

The Director assured Members that the transport and traffic issues that been assessed and that it was not reasonable to now suggest that it had not been taken into account.

Members noted the summary of representations provided by the Director of Neighbourhood Services and supported the inclusion of a Directive in relation to Bullsmoor Lane and Vicarage Lane.

After being put the to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/10/1198/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title varying the legal agreement signed under application 3/10/1198/FP pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. To provide 39 units of affordable housing with tenure and mix to be agreed. If grant funding of up to £25,000 is received per unit then the breakdown shall be 54% rented 46% intermediate housing. If more than £25,000 is received per unit, then the proportion of rented units shall increase as agreed in writing with the Local Planning Authority.
2. To provide 15% Lifetime Homes;
3. £128,375 towards Sustainable Transport initiatives;

4. £254,830 towards Primary Education;
5. £226,531 towards Secondary Education;
6. £34,140 towards Nursery Education;
7. £13,679 towards Childcare;
8. £4,398 towards Youth facilities;
9. £17,222 towards Libraries;
10. To revamp and improve the existing equipped area of play, and playing fields in accordance with a specification to be agreed plus up to £60,000 for future maintenance;
11. To establish management arrangements for private roads and landscaped amenity areas within the development site; and
12. £300 standard monitoring fee per obligation, therefore 11 x £300 = £3,300.

In respect of application 3/10/1198/FP planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Levels (2E05)
4. Boundary walls and fences (2E07)
5. Samples of materials (2E12)
6. Refuse disposal facilities (2E24)
7. Cycle Parking Facilities (2E29)

8. New Doors and Windows – unlisted buildings (2E34)
9. Carried Out in Accordance (2E92)
10. Wheel washing facilities (3V25)
11. Tree retention and protection (4P05)
12. Hedge retention and protection (4P06)
13. Landscape design proposals (4P12 e,i,j,k)
14. Landscape works implementation (4P13)
15. Vehicular use of garage (5U10)
16. Solar thermal and photovoltaic panels shall be installed prior to occupation in accordance with details to be submitted and approved in writing by the Local Planning Authority and shall be implemented as agreed.

Reason: In order to achieve the sustainable use of resources in accordance with policies SD1 and ENV1 of the East Herts Local Plan Second Review April 2007.

17. Prior to the commencement of development, a site waste management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to minimise and re-use/recycle construction waste, and to use recycled materials in the construction of the development.

Reason: To promote sustainable waste management in accordance with policies 3, 7 and 8 of the Waste Local Plan.

18. The development hereby permitted shall only be carried out in accordance with the submitted Flood Risk Assessment, and in particular that the surface water run-off generated by the 1 in 100 year critical storm event, accounting for the effects of climate change, shall not exceed the existing greenfield run-off rate from the undeveloped site or increase the risk of flooding off-site.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

19. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include surface water run-off management through soakaways and how surcharge water will be contained within the site boundary. The scheme shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To minimise the risk of flooding in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

20. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

21. No dwelling shall be occupied until visibility splays have been provided at the junction of the estate road with the public highway. The splays shall measure a minimum of 2.4m measured along the centre line of the proposed estate road from its junction with the channel of the public highway and 70m measured from the centre line of the proposed estate road along the line of the channel of the public highway. The vision splays required shall be provided and defined on the site by or on behalf of the developers and be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the access and to make the access safe and convenient for the traffic that is likely to use it.

22. Before first occupation of each new dwelling, the access roads and parking areas serving that dwelling shall be provided in accordance with the approved plans.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles.

23. Construction of the development hereby approved shall not commence until details of construction vehicle movements and construction access arrangements have been submitted to and approved by the local planning authority.

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

24. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures shall be submitted to and approved in writing.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with PPS23 'Planning and Pollution Control'.

25. Any clearance of vegetation carried out between 1st March and 30th September shall be supervised by a suitably qualified ecologist and preceded by a nesting bird survey which shall be submitted to and approved in writing by the Local Planning Authority.

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.

Directives:

1. Other Legislation (01OL)
2. The applicant is advised that in order to comply with this permission it will be necessary for the developer to enter into an agreement with the Highway Authority to ensure satisfactory completion of the access and associated road improvements. The applicant is advised to contact the Eastern

Herts Highways Area Officer, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (Tel 01438 757880) to obtain the requirements on the procedure to enter into the necessary S278 agreement with the Highway Authority prior to the commencement of development.

3. Planning Obligation (08PO)
4. Street Naming and Numbering (19SN)
5. The applicant is advised that should reptiles be found during development, works must stop immediately and professional ecological advice taken on how to proceed. Natural England may need to be contacted on 01206 796666.
6. The Council advises that the applicant shall formulate a traffic management scheme relating to the delivery of construction plant and materials to the site and the removal of waste materials from the site. Once formulated, the scheme shall be submitted to the Council and be thereafter implemented.

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR13, ENV1, ENV2, ENV3, ENV9, ENV10, ENV16, ENV21, BH1, BH2, BH3, LRC3, HE2 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

272 3/10/1377/FP - DEMOLITION OF EXISTING STRUCTURES AND HARD STANDINGS AND REDEVELOPMENT WITH FOUR DWELLINGS AT BIRCH FARM, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA FOR MR AND MRS L. BARNES.

Mr Barnes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1377/FP planning permission be refused for the reasons now detailed.

The Director explained that there was no in principle decision to grant planning permission for a residential development at this site. At the meeting in June 2010, some Members had expressed support but there were concerns about the lack of detail and the amount of development proposed. The application was then deferred to allow the applicant the opportunity of submitting a detailed application to address concerns with regard to the lack of detail and for a bat survey to be undertaken. The Director explained that the application site was on Metropolitan Green Belt land and that any decision to approve the application must have very special circumstances.

Councillor J J Taylor stated that at the meeting on 2 June 2010 the applicant was under the impression that outline permission had been granted. She felt that a residential development on Green Belt land was not appropriate as there were no special circumstances. She acknowledged that the land was an "eye-sore" and that this would tidy up the area but this did not constitute planning permission. Councillor Taylor felt that acceptance of the application would encourage further development on green belt sites.

Councillor R Gilbert confirmed that the application was deferred on 2 June 2010 for the application to undertake a bat survey and for him to submit a full application. He felt that the aim of green belt was to protect and enhance the quality of the countryside and that the proposal would

enhance the area acknowledging that the existing buildings could not be refurbished. Councillor Gilbert suggested that the application should be supported under Policies GBC14 and ENV1. Councillor Gilbert reminded Members that they had gone against Policy before citing the Paradise Wildlife Park as an example.

Councillor K A Barnes suggested that the application had a lot of merit adding that he thought that the majority of Members in June were in favour of the application. He referred to supported of the application by Brickendon parish Council and 17 other letters of support.

The Director stated that Members needed to be mindful of approving an application in the green belt on the basis of tidying up the area. There should be sufficient very special circumstances to outweigh the clear national and local policy of development restraint in the green belt.

Councillor R I Taylor referred to the fact that the whole curtilage was not going to be developed and that the previous attempts to sell the land for equestrian uses had not been successful. He referred to asbestos being removed and felt that these were good reasons to allow planning permission.

Councillor M R Alexander queried whether the application, if approved would be referred to the Secretary of State for decision. The Director confirmed that it would be as it was a departure from Policy.

The Director stated that the main purposes of green belt was to retain the open character of the area. He felt that Members were being overly concerned about tidying up the site reminding Members that there did not appear to be sufficient very special circumstances to approve the application.

After being put the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1377/FP

be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1377/FP, planning permission be refused for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case that clearly outweigh the harm, and the proposal is therefore contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development, by reason of its scale, height and layout, would be out of keeping with the form and grain of development in the surrounding area, and the landscape character of the area contrary to policies ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

273 3/10/1227/FO - VARIATION OF CONDITION 9 (3/09/0939/FP) WHICH STATES 'THE USE OF THE PREMISES SHALL BE RESTRICTED TO THE HOURS 08.00 TO 23.00 MONDAY TO SATURDAY AND 10.00 - 22.00 ON SUNDAYS AND BANK HOLIDAYS' TO READ 'THE USE OF THE RESTAURANT BY CUSTOMERS SHALL BE RESTRICTED TO THE HOURS 08:00-23:00 MONDAY-SATURDAY AND 10:00-22:00 ON SUNDAY AND BANK HOLIDAYS' AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, BAYFORD, HERTFORD, HERTS, SG13 8XX FOR RIVERSIDE GARDEN CENTRE LTD.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1227/FO, planning permission be granted subject to the conditions now detailed. The Director explained that the application to vary condition 9 would remove the restrictive requirements of the condition in relation to the garden centre use.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1227/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1227/FO planning permission be granted and the condition be varied as follows:

1. 'The use of the restaurant by customers shall be restricted to the hours 08:00-23:00 Monday-Saturday and 10:00-22:00 on Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.'

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application.

274 3/10/1226/FO - VARIATION OF CONDITION 9 (3/09/0939/FP) WHICH STATES 'THE USE OF THE PREMISES SHALL BE RESTRICTED TO THE HOURS 08.00 TO 23.00 MONDAY TO SATURDAY AND 10.00 - 22.00 ON SUNDAYS AND BANK HOLIDAYS' TO READ 'THE USE OF THE RESTAURANT BY CUSTOMERS SHALL BE RESTRICTED TO THE HOURS 08:00-23:00 MONDAY-WEDNESDAY, 08:00-00:00 THURSDAY-SATURDAY AND 10:00-22:00 ON SUNDAY AND BANK HOLIDAYS UNLESS OTHERWISE AGREED IN WRITING WITH THE COUNCIL' AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD,

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1226/FO planning

permission be granted subject to the conditions now detailed.

Councillor M R Alexander stated that the applicant could apply to vary the application for special events such as New Year and suggested that a restriction should be placed on this i.e. between 4-6 requests to vary. This was supported.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1226/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1226/FO, planning permission be granted subject to the following condition:

1. The use of the restaurant by customers shall be restricted to the hours 08:00 – 23:00 Monday – Wednesday, 08:00 – 00:00 (midnight) Thursday –Saturday and 10:00 – 22:00 on Sunday and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority. The number of amendments to be up to a maximum of 6 occasions within any calendar year.

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application.

275 3/10/1178/FP - AMENDMENT TO LPA REFERENCE 3/09/0118/FP TO PROVIDE 2 INDUSTRIAL/WAREHOUSE UNITS (B1C, B2, AND B8) WITH ANCILLARY OFFICE AND AMENITY ACCOMMODATION AT 4 - 6 RAYNHAM ROAD INDUSTRIAL ESTATE, RAYNHAM ROAD, BISHOP'S STORTFORD, CM23 5PB FOR HOWARD STANSTED LIMITED.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1178/FP planning

permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1178/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1178/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Levels (2E05)
3. Materials arising from demolition (2E32)
4. Provision and retention of parking spaces (3V234)
5. Wheel Washing Facilities (3V25)
6. Prior to the commencement of the development hereby approved, details of noise attenuation measures to be used in the design and construction of the building shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: In the interests of the amenities of nearby residents, in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of works on site, details of the design of building foundations shall be submitted to and approved in writing by the Local Planning Authority, in consultation with

the Environment Agency, and thereafter implemented in accordance with the approved details.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. Prior to the commencement of the development, a surface water drainage plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency, and thereafter implemented in accordance with the approved details.

Reason: To ensure the protection of groundwater from contamination in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. No external working (6N06)
10. Construction hours of working- plant & machinery (6N072)
11. Tree retention and protection (4P053)
12. Tree planting (4P154)
13. No external loudspeakers (2E253)
14. The buildings hereby permitted shall be used for Class B1c, B2 and B8 and for no other purposes including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987.

Reason: To ensure that no alternative use is made of the premises which would be likely to result in a need for additional parking.

Directives:

1. Other legislation (01OL1)
2. In relation to condition 7 piling or other foundation designs using penetrative methods are unlikely to be deemed acceptable.
3. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
4. If the site is known to be contaminated you should be aware that the responsibility for safe development and secure occupancy of the site lies with the developer.

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 April 2007), and in particular saved policies ENV1, ENV2, ENV20, ENV23, ENV24, EDE1, EDE4, BIS9 and TR7. The balance of the considerations having regard to those policies and approval of planning permission within LPA reference 3/09/0118/FP is that permission should be granted.

276 3/10/1209/FP - ERECTION OF FENCING AND GATES TO FRONT AND FLANK BOUNDARIES AT HIGH WYCH JMI PRIMARY SCHOOL, HIGH WYCH ROAD, SAWBRIDGEWORTH, CM21 0JB FOR HIGH WYCH SCHOOL.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1209/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1209/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1209/FP, planning permission be granted subject to the following conditions:

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

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 April 2007), and in particular ‘saved’ policies GBC1, ENV1, BH6 and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

277 A) 3/10/1095/FP AND B) 3/10/1096/LB - PART SINGLE AND PART TWO STOREY SIDE EXTENSIONS, INTERNAL ALTERATIONS AND DEMOLITION OF EXISTING SIDE EXTENSION AT 1, BURY GREEN COTTAGE, BURY GREEN, LITTLE HADHAM, SG11 2EY FOR MR FANKHAM.

The Director of Neighbourhood Services recommending that, in respect of application 3/10/1095/FP planning permission be granted subject to the condition now detailed. The Director also recommended that, in respect of application 3/10/1096/LB listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1095/FP and 3/10/1096/LB be granted subject to the

conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1095/FP, planning permission be granted subject to the following condition:

1. Three year time limit (1T12).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV5, ENV6 and BH6. The balance of the considerations having regard to those policies and the limited harm to the character, appearance or openness of this rural area is that permission should be granted.

(B) in respect of application 3/10/1096/LB, listed building consent be granted subject to the following conditions:

1. Listed building three year time limit (1T14)
2. Samples of Materials (2E12)
3. Listed building (New Windows) (8L03)
4. Listed Building (New Doors) (8L04)
5. Listed Building (New Brickwork) (8L06)
6. Listed Building (New External Rendering) (8L08)
7. Listed Building (Rainwater Goods) (8L09)

8. Listed building (Making Good) (8L10)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that consent should be granted.

278 3/10/1252/FP - 1 ½ STOREY REAR EXTENSION WITH NEW RAISED ROOF AND PROVISION OF DORMER WINDOWS AT LOWER FARM BUNGALOW, EAST END, FURNEUX PELHAM, SG9 0JT FOR MRS ELLIMAN.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1252/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1252/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1252/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)

Directive:

1. Other legislation (01OL1)

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 April 2007), and in particular policies GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and the limited

harm to the character and appearance or openness of this rural site from the development, is that permission should be granted.

279 3/10/1334/FP - REAR CONSERVATORY AT BARN COTTAGE, DASSELS, BRAUGHING, SG11 2RW FOR MR LANGLEY.

The Director of Neighbourhood Services recommended that in respect of planning application 3/10/1334/FP, planning permission be refused for the reason now detailed.

Councillor Mrs R Cheswright stated that the conservatory was modest and that the proposal was in keeping with the character of the area and should be approved.

Councillor R N Copping stated that the conservatory was not large and supported approval of the application.

Councillor D Andrews supported the application.

After being put to the vote, the Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1334/FP be refused and granted planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1334/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

280 3/10/0917/FP - SINGLE STOREY FRONT AND SIDE EXTENSION AT 1 BLUE HILL FARM COTTAGES FOR MR COLIN STANLEY.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0917/FP planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0917/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0917/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Matching Materials (2E13)

Directive:

1. Other legs (010L).

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

281 E/10/0126/B - A) BREACH OF CONDITION 11 OF PLANNING PERMISSION 3/09/0939/FP IN RESPECT OF FLOOD RISK ASSESSMENT AND B) UNAUTHORISED ERECTION OF A MARQUEE AT RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, HERTFORD, SG13 8XX.

The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0126/B no further action be taking in respect of the breach of condition 11 and that 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 marquee from the land.

The committee noted that no further action being proposed in relation to condition 11 of 3/09/0939/FP was in reflection of further work that had been undertaken by the applicant and Officers to ensure that the issues addressed by that condition were satisfactorily dealt with.

After being put to the meeting and a vote taken the Committee supported the recommendation of the Director of neighbourhood Services that, no further action be taken in relation to the breach of condition 11 on planning permission reference 3/09/0939/FP and that enforcement action be taken be authorised in respect of the site relation to E/10/0126/B on the basis now detailed.

RESOLVED – that (A) no further action be taken in relation to the breach of condition 11 on planning permission reference 3/09/0939/FP; and

(B) that in respect of application E/10/0126B 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 marquee from the land.

Period for compliance: 28 days.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the development is therefore be contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to national policy contained in paragraph 3.4 of PPG2.
2. The marquee, by reason of its size, siting and detailed appearance is detrimental to the openness and character of the surrounding area and is therefore contrary to saved policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering Sustainable Development' para 34.

(Councillors R N Copping and S Rutland-Barsby left the room during consideration of this application.

282 E/10/0072/B - UNAUTHORISED EXTENSIONS TO DANES LODGE, 36 LITTLE BERKHAMSTED LANE, LITTLE BERKHAMSTED, SG13 8LU.

The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0072/B enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relation to E/10/0072/B on the basis now detailed.

RESOLVED – that in respect of E/10/0072/B the Director of Neighbourhood Services in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 712 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development from the land.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation; limited extensions to existing dwellings or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the development is not considered to constitute a limited extension. It is therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.
2. The extensions are of an excessive size in relation to the original dwelling, and of a scale and design that is out of keeping with its character and appearance as a lodge house and to the character of the area as a whole. It is therefore contrary to saved policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007 and to National policy contained in paragraph 3.4 of PPG2.

283 E/10/0209/A-UNAUTHORISED WORKS TO THE FRONT GARDEN AT 7 WINDMILL WAY, MUCH HADHAM, HERTS,SG10 6BG.

The Director of Neighbourhood Services recommended that, in respect of the site relation to E/10/0209/A enforcement action be authorised on the basis now detailed.

The Director explained that he had been in contact with Circle Anglia Officers explaining their responsibilities to advise tenants in relation to planning issues.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relation to E/10/0209/A on the basis now detailed.

RESOLVED – that in respect of E/10/0208/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 reinstatement of the front garden it its former condition.

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised development, by reason of the loss of soft landscaping within the site and the extent of hard landscaping carried out is detrimental to the verdant character and appearance of the locality and is thereby contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

284 ITEMS FOR REPORTING 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 Chairman, on behalf of Members thanked the officers for their continuing efforts in achieving positive performance.

The meeting closed at 8.59 pm

Chairman
Date