

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 20 JULY 2011, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman)
Councillors M Alexander, S Bull,
Mrs R Cheswright, J Demonti, G Jones,
G Lawrence, M Newman, T Page, S Rutland-
Barsby, J Taylor and B Wrangles.

ALSO PRESENT:

Councillors D Andrews, P Moore, N Poulton
and P Ruffles.

OFFICERS IN ATTENDANCE:

Malcolm Amey	- Arboricultural Officer
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

184 APOLOGY

An apology for absence was submitted on behalf of
Councillor A Burlton. It was noted that Councillor T Page
was in attendance as substitute for Councillor Burlton.

185 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman reminded the Committee of the Planning Tour of the District due to take place on Friday 2 September 2011. He requested that Members e-mail him or the Head of Planning and Building Control as soon as possible as spaces were limited.

The Chairman advised that he had agreed to accept three urgent items of business onto the agenda in the interests of the efficient operation of the service and to avoid delay. The first related to 3/11/0544/FP - Re-surfacing of existing car park at Grange Paddocks for East Herts Council, which would be determined prior to the enforcement matters.

The second item concerned a Tree Preservation Order (No. 5) 2011 P/TPO 561 at Priory Farm, Hunsdon Road, Widford, Herts, which would be determined after the enforcement matters.

The third item concerned the Proposed Relocated Schools and Associated Development, Bishop's Stortford: Planning Appeals, which would be determined after the report on public speaking for the special Development Control Committee meeting.

186 DECLARATIONS OF INTEREST

Councillor M Alexander declared a personal interest in application 3/11/0993/FP in that he was an acquaintance of the applicant.

Councillor S Rutland-Barsby declared a personal interest in E/11/0077/B in that she was an acquaintance of the occupant of the house adjacent to the site that was the subject of the proposed action.

Councillors M Alexander, W Ashley and J Taylor declared personal interests in Tree Preservation Order (No. 5) 2011 P/TPO 561 at Priory Farm, Hunsdon Road, Widford, Herts in that they were acquainted with the objector to the TPO.

187 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 22 June 2011 be confirmed as a correct record and signed by the Chairman.

188 3/11/0872/RP - ERECTION OF 111 DWELLINGS AND ASSOCIATED DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE AT LAND SOUTH OF STATION ROAD, WATTON AT STONE FOR BARRATT HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0872/RP, planning permission be granted subject to the conditions now detailed.

The Director referred to an updated list of plan numbers as part of condition 3. Members were advised that Landscape Officers had identified no adverse consequences for significant trees. Officers had been concerned however, in relation to the layout and landscaping options for some parts of the site.

The Director advised that Officers had negotiated with the applicant in relation to the affordable housing units and were now satisfied to recommend that planning permission be granted, subject to the conditions now detailed. Officers felt that delegated authority for the Director to negotiate with the applicant was no longer required.

Councillor N Poulton, as the local ward Member, thanked Officers for meeting with him in relation a very significant

application. He also thanked the applicant for answering his questions prior to this application being reported to Members.

Councillor Poulton stressed that any application of this size would always be of concern to the local Member and to residents. He stated that considerable amount of consultation had taken place prior to the submission of the application. He urged Members to accept the Officers' recommendation for approval.

The Director advised that part (B) of the recommendation was no longer required as the matters referred to under part (A) had been resolved and Officers were simply recommending that the application be approved subject to the amended condition 3 and the rest of the conditions detailed in the report now submitted.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed that the application was for 111 units. He corrected the figures detailed in paragraph 1.4 on page 69 of the report now submitted.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0872/RP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0872/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Boundary walls and fences (2E07)
3. Approved plans (2E10) '011104/BAR.NL/01 D, 02A, 03A, 04B, 05, A/E1, A/P1 A, B/E1, B/P1, B1/E1, B1/P1, B2/E1, B2/P1, C/E1, C/P1, C1/E1, C1/P1, D/E1, D/P1, D1/E1, D1/P1, D2/E1, D2/P1, E/E1, E/P1, F/E1, F/P1,

G/E1, G/P1, G1/E1A, G1/P1, H/E1, H/P1, J/E1, J/P1, J1/E1, J1/P1, K/E1A, K/P1A, L/E1, L/P1, M/E1, M/P1, N/E1, N/P1, 2BH/E1, 2BH/P1, 2BH-A/E1, 2BH-A/P1, 3BH/E1, 3BH/P1, 1BFA/E1, 1BFA/E2, 1BFA/E3, 1BFA/P1, 1BFA/P2, 1BFA/P3, 1BFB/E1, 1BFB/E2, 1BFB/P1, 1BFC/E1A, 1BFC/P1A, 1BFD1/E1, 1BFD1/P1, 1BFD2/E1, 1BFD2/P1, GAR-1/EP1, GAR-3/EP1, GAR-4/EP1, GAR-5/EP1, CP-1/EP1. STORY1, STOREY2, SS01A, SS02, SS04, SS05A, VIEW3'.

4. Samples of materials (2E123)
5. Prior to the commencement of the development hereby permitted, details of facilities to be provided for the storage and removal of refuse from the site, in respect of Plots 4, 16-23, 36, 53, 59, 110 and 111, 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 amenity and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. Prior to the commencement of the development hereby permitted, details of the arrangements to be implemented to ensure the management and maintenance of any non-adopted common areas of the site, including the estate roads, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, those arrangements, which may constitute the formation of a Management Company, shall be implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter remain implemented in perpetuity unless

alternative arrangements are submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the long term maintenance of the common areas and estate roads and in the interest of safe access, residential and visual amenity.

7. Communal TV facilities (2E28) add 'for plots 16-23' after 'communal television reception facilities'.
8. Tree retention and protection (4P053)
9. Hedge retention and protection (4P063)
10. Landscape design proposals (4P12)
11. Landscape design implementation (4P13) Add "for 10 years".
12. Withdrawal of P.D. (Part 2 Class A) (2E21)
13. Vehicular use of garage (5U10) Amended to include "and car ports".
14. The internal space dimensions of new garages and car ports shall comply with the standards as set out at Appendix C within the Council's SPD Vehicle Parking Provision at New Development 2008.

Reason: To enable the convenient use of garages for vehicle parking in accordance with Policy TR7 of the adopted East Herts Local Plan Second Review 2007.

15. Prior to the first occupation of the development, detailed plans for the gating of private parking courts shall be submitted and

approved in writing by the local planning authority. The gates shall be implemented and thereafter retained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of “Secured By Design” considerations and in accordance with Policy ENV3 of the adopted East Herts Local Plan Second Review 2007.

16. Prior to the commencement of development, a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme.

Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation
2. Outline permission relationship (07OP1) (insert: 22 December 2010 and 3/08/2054/OP).
3. Street Name and Numbering (19SN4)
4. The applicant is advised that in order to comply with Conditions of this permission it

will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements including street lighting and Traffic Regulation Orders. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880).

5. The applicant is advised that no works to the adoptable estate road shall commence until 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 have been approved by the highway authority in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

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, OSV1, OSV4, HSG3, HSG4, HSG6, GBC14, TR2, TR7, TR8, ENV1, ENV2, ENV3, ENV11, ENV16, ENV18, ENV19, ENV20, ENV21, BH1, BH2, BH3 and BH6. The balance of the considerations having regard to those policies and the outline planning permission (reference 3/08/2054/OP) granted in 2010 is that permission should be granted.

189 3/11/0688/SV - REMOVAL OF ALL COMMUTED SUMS EXCEPT £125,000 TOWARDS COMMERCIAL HIGHWAYS CONTRIBUTION AT 95-97 LONDON ROAD, BISHOP'S STORTFORD, CM23 3DU FOR CALA HOMES LIMITED

Mr Gilbert addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0688/SV, the Section 106 legal agreement be varied to remove the financial contributions now detailed.

The Director referred Members to the additional representation schedule for the amended variation that the Committee was being asked to consider.

In response to a query from Councillor G Jones, the Director advised that the original contributions amounted to about £419,500. Members were advised that the amended application now meant the contributions would amount to £313,338.50, a reduction of £106,111.50. The Director stressed that £88,611 of the contributions were Hertfordshire County Council's with the remaining £17,500 being East Herts Council contributions.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that in respect of application 3/11/0688/SV, the S106 legal agreement be varied to remove the financial contributions now detailed.

RESOLVED – that in respect of application 3/11/0688/FP, the S106 legal agreement be varied to remove the following financial contributions:

1. Highways contribution of £80,000 towards the future Goods Yard/London Road Bishop's Stortford signalisation scheme and/or other highway improvements in the vicinity of the application site.

2. Youth and Child Care contribution of £8,611.50
3. Community contribution of £10,000
4. CCTV contribution of £7,500.

190 3/11/0599/FP - ERECTION OF A 2.4METRE HIGH TRANSVERSE CLIMBING WALL AND MULTI USE GAMES AREA (MUGA) FOLLOWING THE REMOVAL OF THE SURFACE MOUNTED SWIMMING POOL 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 3/11/0599/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0599/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0599/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved Plans (2E10) – PP-01445449; FM1; FM2; 1001

Directives:

1. Other legislation (01OL)
2. Ground Water Protection Zone (28GP1)

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 '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.

191 3/11/0686/FP - CHICKEN ENCLOSURE (RETROSPECTIVE) AT FOXES, 125 HIGH WYCH ROAD, SAWBRIDGEWORTH, CM21 0HH FOR PROFESSOR NEVILLE DAVIDSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0686/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0686/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0686/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (Plan No. 525901)

Directive:

1. Groundwater protection zone (28GP)

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, ENV6 and ENV19. The balance of the considerations having regard to those policies is that permission should be granted.

192 3/11/0730/FP - EXTENSION TO GARDEN ROOM TO PROVIDE ANNEX AND DEMOLITION OF GARAGE AT WIDFORD RISE, HUNSDON ROAD, WIDFORD, WARE, SG12 8RZ FOR MR AND MRS SCOTT DICKINSON

Mr Dickinson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0730/FP, planning permission be refused for the reasons now detailed.

In response to a query from Councillor M Newman, the Director stressed that Officers felt that should Members be supportive of the proposals, the Authority could reasonably control the future use of the residential annex without the need for a section 106 agreement or condition restricting its occupancy.

The Director advised that the Council's local plan policies sought to address the issue of annexes not being integral to the main residential dwelling.

Councillor Newman commented that there had been no third party objections to the proposed development, which was a relatively modest increase to the size of the dwelling. He stressed that the application would not be detrimental to neighbouring residents or to the surrounding street scene.

Councillor M Newman proposed and Councillor T Page seconded, a motion that application 3/11/0730/FP be approved on the grounds that the application would not be detrimental to neighbouring residents or to the

surrounding street scene.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/11/0730/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/11/0730/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Matching materials (2E133)
3. Approved Plans (2E102) 598/LP1, 598/SK01A, 598/SK02A, 598/SK03A, 598/SK04 and 59801.

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 GBC3 and ENV8. The balance of the considerations having regard to those policies and the modest increase in size of the building is that permission should be granted.

193 3/11/0993/FP - TWO STOREY FRONT AND SIDE EXTENSION, SINGLE STOREY REAR EXTENSION AND INSERTION OF DORMER WINDOW AT BOURNESIDE, BOURNE LANE, MUCH HADHAM, SG10 6ER FOR MR M TINDALE

The Director of Neighbourhood Services recommended

that, in respect of application 3/11/0933/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0933/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0933/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved plans (2E102)
 “567/1-00PA; 567/2-04PD; 567/2-05PD;
 567/1-05PA; 567/2-01PC; 567/1-01PA; 567/2-02PC; 567/2-03PC; 567/1-02PA; 567/1-03PA; 567/1-04PA.

Directive:

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 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.

194 3/11/0831/FP - TWO STOREY SIDE EXTENSION AT 2 TUDOR MANOR FARM COTTAGES, WHITE STUBBS LANE, BAYFORD, SG13 8QA FOR MR AND MRS N HOPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0831/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0831/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0831/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 – 300/SL1, 300/P1, 300/P2, 300/P3, 300/P4).
3. Materials as on plan (2E42)

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, ENV1, ENV2, ENV5, ENV6, ENV11 and PPS1 and PPG2. The balance of the considerations having regard to those policies, and permission 3/96/1032/FP granted at No. 1 Tudor Manor Farm Cottages, is that permission should be granted.

195 3/11/0782/FP - SINGLE AND TWO STOREY SIDE EXTENSIONS, SINGLE STOREY REAR EXTENSION AND 2NO DORMER WINDOWS TO FRONT ELEVATION AT 35 BISHOPS ROAD, TEWIN, HERTS, AL6 0NP FOR MR AND MRS BARRY ROCHE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0782/FP, planning permission be granted subject to the conditions now detailed.

Councillor T Page referred to the cramped appearance of the dwelling. He also referred to the concerns raised by Tewin Parish Council in respect of the loss of openness and overdevelopment of the green belt. He commented that the proposed development would be detrimental to the existing street scene.

In response to a query from Councillor Page, the Director detailed the site history prior to the submission of this application.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0782/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0782/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E102; MC1, MC2 and 2504-E01 received on the 6th May 2011 and 2504-P01 Revision F received on the 7th June 2011).
3. Matching materials (2E133)

Directive:

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6 and GBC1 and Planning Policy Statement 1 – Delivering Sustainable Development and Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies is that permission should be granted.

196 3/11/0802/FP - TWO STOREY SIDE EXTENSION, SINGLE STOREY SIDE EXTENSION, DORMER WINDOWS TO FRONT, SIDE AND REAR ELEVATIONS - THE RED HOUSE, FRIARS ROAD, HERTS, SG11 2NR FOR MR KEVIN WHITING

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0802/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed the increase in the floor area was 102%. Members were reminded that, notwithstanding this increase, the Committee must consider which aspects of any given application could be considered as harmful. The Director stressed that Officers did not consider that the application would have a significant impact on the surrounding area.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0802/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0802/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (SE1; E1; E2; E3;

E4; E5; P1; P2; P3; P4; P5; P6; P7; and P8).

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 GBC3, ENV1, ENV5, ENV6 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

197 3/11/0543/FP - CHANGE OF USE FROM B2 INDUSTRIAL UNIT TO D2 SPORTS HALL (CONTINUATION OF APPROVAL GRANTED UNDER LPA REF: 3/05/1199/FP) AT 3 TWYFORD INDUSTRIAL ESTATE, TWYFORD ROAD, BISHOP'S STORTFORD, CM23 3LJ FOR MISS HOLLY THOMPSON

Holly Thompson addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0543/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor M Alexander, the Director confirmed that condition 4 was personal to the current applicant. Members were advised that any new occupant would need to apply to vary this condition, thereby enabling Members to be satisfied that any subsequent use was appropriate in this location.

In response to a query from Councillor S Rutland-Barsby, the Director stated that Officers felt a temporary permission was appropriate to protect the longer term availability of commercial floor space should the

economic situation improve in the future.

The Director indicated however, that Members could approve a permanent permission if they felt this was appropriate in this location.

Councillor J Demonti proposed and Councillor G Jones seconded, a motion that application 3/11/0543/FP be granted a permanent planning permission, subject to the conditions now detailed.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0543/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0543/FP, planning permission be granted subject to the following conditions:

1. Approved plans: 1(2E10)
2. Retention of Parking Space (3V20)
3. Personal Permission (Holly Thompson) (5U01)
4. Restriction of use (buildings) (5U02) (gymnastics club) (Class D2).

Directive:

1. The applicant is advised that car parking should be carefully managed and monitored to ensure that parking conflicts do not arise with other commercial premises in the locality.

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 EDE2, TR7 and BIS9. The balance of the considerations having regard to those policies is that permission should be granted.

198 3/11/0775/FP - SINGLE-STOREY EXTENSION AT 33 HOLLYBUSH LANE, DATCHWORTH, SG3 6RE FOR MR AND MRS LAY

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0775/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0775/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0775/FP, planning permission be granted subject to the following conditions:

1. Time limit (1T121)
2. Approved plans (2E102)

Directive:

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 the 'saved' policies of the East Herts

Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6 and GBC1 and Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies is that permission should be granted.

- 199 3/11/0544/FP - RE-SURFACING OF EXISTING CAR PARK AT GRANGE PADDOCKS; TEMPORARY CAR PARK; NEW FOOTBRIDGE BESIDE VEHICLE BRIDGE; PEDESTRIAN AND CYCLE PATH ALONG RIVER STORT WITH LINK TO GRANGE PADDOCKS; LINKS TO EXISTING BRIDGES AND INSTALLATION OF LAMPPOSTS ALONG THE ROUTE FROM RYE STREET TO CASTLE GARDENS AT LAND ADJACENT TO THE RIVER STORT (EAST SIDE FROM GRANGE PADDOCKS TO CASTLE GARDENS), BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, subject to no new substantive issues being raised during the consultation period, in respect of application 3/11/0544/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the application had been reported back to Members, as the applicant, the property section of the Authority, was keen to complete the proposed works during the summer holiday period.

Councillor G Jones commented that he was pleased to see that the applicant had responded positively to the comments raised by Members when the application had been deferred.

Councillor Jones stressed that although he was not supportive of land being taken out of the Green Belt for car parking, he felt that the current application was an acceptable compromise.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director

of Neighbourhood Services that, subject to no new substantive issues being raised during the consultation period, application 3/11/0544/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to no new substantive issues being raised during the consultation period, in respect of application 3/11/0544/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E024)
3. Approved plans (2E10) 4156/01D, 4156/02D, 4156/03A, 4156/04D, 4156/05A,
4. Notwithstanding the details shown on the submitted plans, any external lighting at the site shall be provided in accordance with a detailed scheme, including hours of operation, that shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. No external lighting shall be provided without such consent.

Reason: In the interests of ecology and the visual amenities of the area in accordance with policies GBC1, ENV1, ENV16 and ENV23 of the East Herts Local Plan April 2007.

5. Tree retention and protection (4P05)
6. The use of the temporary car park as shown on plan no. 4156/05 shall cease upon the completion of the approved works to the car parks and the temporary surfacing shall be removed and the land reinstated within 1

month of that date.

Reason: This part of the proposed development is contrary to the provisions of the East Herts Local Plan Second Review April 2007 and is a temporary expedient only.

7. Prior to the commencement of development details of crime prevention measures for the car parks shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of crime prevention in accordance with Policy ENV1 and ENV3 of the East Herts Local Plan Second review 2007.

8. No removal of trees, scrub or hedgerow shall take place within the bird breeding season (1 March – 31 August), unless otherwise agreed in writing by the Local Planning Authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed.

Reason: To protect the habitats of breeding birds 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.

9. The soffit level of the new pedestrian and cycle bridge shall be set no lower than that of the existing vehicle bridge.

Reason: To prevent an increased risk of

blockages occurring during flood events in accordance with policy ENV19 of the East Herts Local Plan April 2007.

Directive:

1. Groundwater protection zone (28GP)

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 GBC1, ENV1, ENV2, ENV3, ENV16, ENV19, ENV23, LRC1, LRC5, BH1, BH2, BH3 and BH6. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

200 E/11/0077/B - THE UNAUTHORISED USE OF FORMER AGRICULTURAL BUILDINGS FOR VARIOUS COMMERCIAL USES AT POUND FARM, HOLLYBUSH LANE, DATCHWORTH, HERTS, SG3 6RE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0077/B, enforcement action be authorised on the basis now detailed.

The Director referred to the details in the late representation schedule, in particular the comments of Datchworth Parish Council and Woolmer Green Parish Council, as well as comments from the appellant's solicitor.

The Director advised that Officers were of the view that there were breaches of planning control at the site and that it was expedient to take enforcement action against

these. Any Enforcement Notices would be carefully drafted in consultation with the legal section of the Authority.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0077/B on the basis now detailed.

RESOLVED – that in respect of E/11/0077/B, the Director of Neighbourhood Services, in conjunction 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 unauthorised uses within various units/buildings as shown on the attached plan and detailed as follows:

Unit 3	Office and storage	The Fire Protection Company
Unit 4B	Storage of motor cycles	Predator Motorcycles
Unit 4C	Workshop for photography	Occupier unknown
Unit 9	Storage of furniture	Occupier unknown
Unit 9A	Storage of machinery	Gnat UK
Unit 10A	Storage of water	Aquastations
Unit 10B	Storage of carpets.	Home Call Carpets

Period for compliance: 2 Months

Reasons why it is expedient to issue an enforcement notice:

1. The re-use of the buildings for commercial purposes has resulted in an unacceptable increase in traffic generation to and from the site, including heavy goods and commercial

vehicles, accessing the site by very narrow country lanes with poor alignment and visibility. The development is therefore detrimental to highway safety in the area, contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.

2. The unauthorised uses, by reason of the additional comings and goings at the site, and the additional heavy goods and commercial traffic on the surrounding local road network, are detrimental to the amenities of nearby residential properties and to the rural character of the surrounding area. Furthermore, there is no evidence to suggest that the unauthorised uses are necessary to support the continuation of a farming enterprise in the area and no other material considerations are apparent which would outweigh this identified harm. As such, the development is contrary to policies ENV1, GBC8, GBC9, GBC10 and GBC1 of the East Herts Local Plan Second Review April 2007 and to the sustainability principles contained in PPS1.

201 E/10/0347/B - THE UNAUTHORISED ERECTION OF A FRONT BOUNDARY WALL, GATES AND PILLARS WITH LIGHTS AND A SINGLE STOREY FRONT EXTENSION AT 53 ORCHARD ROAD, TEWIN HERTS, AL6 0HL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0347/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0347/B on the basis now detailed.

RESOLVED – that in respect of E/10/0347/B, the Director of Neighbourhood Services, in conjunction 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 works.

Period for compliance: 3 months.

Reason why it is expedient to issue an enforcement notice:

1. The front canopy extension, by reason of its size, siting and design, is unduly dominant and out of keeping with the character and appearance of the existing dwelling, and together with the extensions previously added to the property, disproportionately alters the size of the original dwelling to the detriment of the rural character of the area and is thereby contrary to policies GBC1, ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.
2. The front boundary walls, piers and gates, by reason of their siting and height are unduly prominent and out of keeping with the character and appearance of this semi rural road contrary to policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.
3. The lanterns by reason of their siting, size and height result in light pollution to the detriment of the character and appearance of the Green Belt contrary to policy ENV23 of the East Herts Local Plan Second Review April 2007.
4. The gates by reason of their siting in relation

to the highway result in vehicles obstructing Orchard Road whilst waiting to enter the site, which is prejudicial to the free flow of traffic on the highway and causes an obstruction and danger to other road users contrary to policy TR2 of the East Herts Local Plan Second Review April 2007.

202 CONFIRMATION OF EAST HERTFORDSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER (NO. 5) 2011 P/TPO 561 TITLE 'PRIORY FARM, HUNSDON ROAD, WIDFORD, HERTS'

The Director of Customer and Community Services submitted a report recommending that a Tree Preservation Order (TPO) be confirmed as an opposed order to protect trees at Priory Farm, Hunsdon, Widford.

Councillor M Newman referred to the report as being comprehensive and factual. He urged Members to consider his concern that the business needs of the appellant had not been taken into account. He commented that although Widford Parish Council supported the TPO, the Parish Council also supported the genuine needs of the landowner.

Councillor Newman referred to the conflict between the business needs of the land owner and the business of the Authority in protecting the East Herts environment.

Councillor Newman referred to 3 trees on the plan included in the agenda, which he referred to as 901, 902 and 903. He stated that 901 was the tree that was the subject of the proposed TPO.

Councillor Newman commented that the TPO should perhaps be imposed on tree 902 instead of 901, with Officers given authority to impose conditions and minor alterations as appropriate.

Councillor M Alexander referred to farmers as being

custodians of the East Herts environment. He stated that, although losing a tree was regrettable, losing a food crop had greater implications. He stressed the need for a pragmatic approach and stated his support for the comments of the local Member.

The Arboricultural Officer advised that it was acceptable for the Committee to approve a TPO on some trees whilst excluding other trees. Councillor Newman stated that he felt it was appropriate to approve the TPO on tree 902 instead of 901, to enable the land owner to negotiate the entrance to his land for the purposes of harvesting.

The Director however, advised that it would not, in the Arboricultural Officer's view, be appropriate to include tree 902 in the order due to its condition. Members could however, choose to delete tree 901 from the Order if they felt this appropriate.

Councillor M Newman proposed and Councillor J Demonti seconded, a motion that East Hertfordshire District Council Tree Preservation (No. 5) 2011 P/TPO 561 be approved as an amended order in respect of tree 901 at Priory Farm, Hunsdon Road, Widford.

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

The Committee supported the Director's recommendation that Tree Preservation Order (No 5), Ref P/TPO 561 2011 be confirmed as an amended Order.

RESOLVED – that (A) Tree Preservation Order (No 5), Ref P/TPO 561 2011 be confirmed as an amended Order; and

(B) the Director of Neighbourhood Services be authorised to bring the order into operation.

203 SPECIAL DEVELOPMENT CONTROL MEETING TO DEAL WITH DEVELOPMENT PROPOSALS AT OLD RIVER LANE.

BISHOP'S STORTFORD: PUBLIC SPEAKING

The Head of Planning and Building Control submitted a report to enable the Committee to establish public speaking arrangements for the special Development Control Committee meeting due to be held on 25 August 2011.

The Committee was advised that the meeting was to be held in Bishop's Stortford due to the significance of the application and to allow local residents to attend. Members were further advised that, given the scale of the development, the usual rules for public speaking would be unreasonably restrictive.

The Director stated that Officers considered the most appropriate way forward was to allow multiple speakers of 3 minutes each and the applicant would be offered the same combined total time in support.

The Committee was advised that the Bishop's Stortford Civic Federation had been supportive of multiple speakers but had stated that 3 minutes was too short per speaker. The Civic Federation had further stated that 10 minutes per speaker was a more reasonable time.

The Civic Federation had undertaken to exert some influence to co-ordinate the speakers from their resident's association contacts to limit the number of speakers and to avoid repetition.

Councillor G Jones commented that the key issue was equality of time for the objectors and the applicant. He stated that a 10 minute slot could be offered to a major objector to the scheme then 6 x 3 minute slots for other objectors, giving a combined time of 28 minutes. The equivalent amount of time could then be offered to the applicant (subject to the amount taken up by objectors).

Councillor M Alexander stressed the crucial issue then would be who would determine who was to be the major objecting speaker. Councillor J Demonti stated that the main objector would most likely be the Bishop's Stortford Civic Federation.

The Director stressed that, to avoid any issues of unfairness, the Committee must ensure that irrespective of the number of speakers for and against, the total time must be equal for objectors and for the applicant.

Members were advised that Officers would offer the same total time to the applicant as was available to the objectors. Reasonable efforts would also be made to avoid any duplication in the public representations to the Committee.

Councillor M Alexander proposed and Councillor G Jones seconded a motion that a major objector be offered 10 minutes then there would be 6 x 3 minute slots available to other objectors. The applicant would then be offered the same combined total time of 28 minutes (or the equivalent of that taken up by the objectors).

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

RESOLVED – that (A) a major objector be offered 10 minutes and there would be 6 x 3 minute slots available to other objectors; and

(B) the applicant be offered the same combined total time of 28 minutes (or the equivalent of that taken up by the objectors).

204 PROPOSED RELOCATED SCHOOLS AND ASSOCIATED DEVELOPMENT, BISHOP'S STORTFORD: PLANNING APPEALS

The Head of Planning and Building Control submitted a report seeking a minor change to the delegation granted to Officers to assist with the efficient preparation of the Council's case in relation to the appeals for the relocation and associated redevelopment applications in Bishop's Stortford.

Members were requested to delegate authority to the Head of Planning and Building Control to make any further changes to

the case submitted by the Council, subject to the agreement of the Chairman of the Committee and two other Committee Members representing Bishop’s Stortford wards.

After being put to the meeting and a vote taken, the Committee supported the Director’s recommendation as now detailed.

RESOLVED – that in an amendment of the previously approved delegation, authority be delegated to the Head of Planning and Building Control to make any further changes to the case submitted by the Council as necessary and appropriate, subject to the agreement of the Chairman of the Committee and two other Committee Members representing Bishop’s Stortford wards.

205 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 meeting closed at 8.17 pm

Chairman
Date

