

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 30 JUNE 2010, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M R Alexander, K A Barnes,
S A Bull, A L Burlton, Mrs R F Cheswright,
R N Copping, J Demonti, R Gilbert,
Mrs M H Goldspink, G E Lawrence,
D A A Peek, P A Ruffles, S Rutland-Barsby,
J J Taylor and R I Taylor.

ALSO PRESENT:

Councillors D Andrews and A F Dearman.

OFFICERS IN ATTENDANCE:

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

104 APOLOGY

An apology for absence was submitted on behalf of Councillor B M Wrangles. It was noted that Councillor P A Ruffles was substituting for Councillor B M Wrangles.

105 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman reminded the Committee that the Planning Tour of the District would take place on 3 September 2010. He requested that Members inform him or the Head of Planning and Building Control of any sites they would like to be included in the tour.

The Chairman reminded the Committee of the external training due to be run by Linda Russell on 29 September 2010, from 10.00 am to 4.00 pm in the Council Chamber, Wallfields, Hertford.

Finally, the Chairman advised that he had agreed to accept an urgent item of business onto the agenda in respect of E/10/0192/A - Gabriels, Honey Farm, Widford Road, Much Hadham in the interests of the efficient operation of the service and to avoid delay. This item would be determined as Agenda Item 5m following the other Enforcement matters.

106 DECLARATIONS OF INTEREST

Councillor R N Copping declared a personal and prejudicial interest in application 3/10/0704/OP in that he was an acquaintance of the applicant. He left the room whilst this matter was being considered.

Councillor Mrs R F Cheswright declared a personal interest in application 3/10/0704/OP in that she was occasionally a customer of the garden centre.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/10/0704/OP in that she was an acquaintance of the applicant and the neighbours, a customer of the garden centre and her property overlooked the site. She left the room whilst this matter was being considered.

107 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 2 June 2010 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 55 – 3/10/0512/OP.

Delete in 19th paragraph –

‘....planning permission’ and insert ‘....planning decision.’

108 3/10/0704/FO - VARIATION OF CONDITION 9 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 RESTAURANT SHALL NOT BE OPEN FOR BUSINESS FROM 01.00 TO 08.00" AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, BAYFORD, HERTFORD, HERTS, SG13 8XX FOR RIVERSIDE GARDEN CENTRE LTD

Mr Taylor addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0604/FP, a variation of Condition 9 be refused for the reasons now detailed.

The Director advised that Hertford Town Council had raised no objections. There had also been 12 letters of support from residents of Hertford, Ware and Bayford. The employees of the garden centre had commented that the restaurant had previously operated unrestricted without any complaints being received. They had also expressed concerns about job losses as the restaurant might not survive if this application was refused.

The Director advised Members that representations had been received requesting a condition that doors must be closed to prevent noise and disturbance and to protect the amenity of nearby residents. The Committee was

also advised that Councillor P Grethe had written to Officers in support of the application.

The Director read out a statement of objection on behalf of Councillor L O Haysey, as the local ward Member, who was unable to attend the meeting. Councillor Haysey had strongly objected to any relaxation of the opening hours as this would result in an inappropriate use of the Green Belt. She had expressed concerns that the car park was often full and noise from live music travelled a significant distance in the valleys surrounding the site.

Councillor Haysey had stated that the application was contrary to policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

Councillor P A Ruffles sought clarification in respect of the options open to Members when determining this application. He sought clarification in respect of paragraph 7.2 of the report now submitted. He commented that he understood the site was within the boundary of Hertford and was not in Councillor Haysey's ward.

The Director advised Members that the site was predominantly within Councillor Haysey's ward of Hertford Rural South. The site was also immediately adjacent to Hertford Castle ward.

The Director stated that it was entirely appropriate for Members to consider alternative opening hours and approve the application on that basis. The Committee was reminded that the application did not relate to the premises as a whole.

The Director confirmed that this scheme was solely to extend the restaurant's opening hours. If approved, the effect would be to remove opening time restrictions from the remainder of operations at the site.

Councillor R Gilbert stated that the restaurant should not be permitted to remain open as late as had been applied for. Councillor Mrs M H Goldspink stressed the

importance of striking a balance between being fair and reasonable and protecting neighbour amenity.

Councillor Goldspink commented on whether the Committee should vary the condition to permit the restaurant to be open until midnight. She stated however that the hours for Sundays and Bank Holidays should remain unchanged.

Councillor A L Burlton supported the Officer's recommendation. He commented that it was completely unacceptable for an applicant to threaten Members with an immediate appeal to a refusal of planning permission. He took exception to this threat and commented that it was inappropriate.

He expressed concerns that the applicant might flout any conditions imposed by Members. He stated that 1am was too late for a restaurant to be open in this location on Sundays. He commented that the Committee should defer the application so Officers could work with the applicant to achieve an acceptable scheme.

Councillor J J Taylor stressed that she had taken note of the comments read out on behalf of Councillor Haysey. She stated that the Committee should accept the Officer's recommendation as detailed in the report now submitted.

Councillor M R Alexander referred to the comments of Bayford Parish Council. He commented on how the Committee could be sure that the applicant would adhere to any conditions imposed by Members. He sought an assurance that planning conditions would be complied with.

Councillor S A Bull referred to the Green Belt location and the issues with traffic leaving the site. He stated that it was possible for buildings to be muffled to prevent noise disturbance issues.

Councillor D A A Peek supported the recommendation as he felt it would be unacceptable for people to be leaving a

Green Belt location so late at night. Councillor R Gilbert commented on whether a condition could be imposed that restricted the opening hours except for agreed exceptions such as Christmas.

The Director commented that this was, in principle, an acceptable condition, providing that it was explicit with regard to any exemptions, to avoid a lack of clarity at a later date.

Councillor R Gilbert proposed and Councillor K A Barnes seconded, a motion that condition 9 of application 3/09/0939/FP be amended to state 'The use of the restaurant shall be restricted to 8 am to Midnight Monday to Saturday and 10 am to 10 pm on Sundays and Bank Holidays'.

After being put to the meeting and a vote taken, there being an equality of votes, this motion was declared LOST on the Chairman's casting vote.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0704/FO be refused planning permission for the reason now detailed.

RESOLVED – that in respect of application 3/10/0704/FO, planning permission be refused for the following reason:

DNS

1. The proposed extended hours of use of the restaurant would be detrimental to the amenities of the residents of nearby properties by reason of noise nuisance and disturbance contrary to policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

109 3/10/0735/FO - ALTERATIONS TO AND CONVERSION OF BALLS PARK MANSION AND COACH HOUSE TO PROVIDE 28 APARTMENTS; REDUCE SIZE OF AREA 'B' CAR PARK; PROVISION OF UNDERGROUND CAR PARKING; DEMOLITION OF STABLE YARD GARAGES ETC; ERECTION OF NEW GARAGES AND ENTRANCE TO WEST WING (VARIATION OF CONDITION 7 OF 3/09/0593/FP) AT BALLS PARK, MANGROVE ROAD, HERTFORD, HERTS, SG13 8AR FOR CITY AND COUNTRY RESIDENTIAL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0735/FO, subject to the applicant or successor in title varying the legal agreement signed under application 3/09/0593/FP pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 27 July 2010, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title varying the legal agreement signed under application 3/09/0593/FP pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 27 July 2010, application 3/10/0735/FO 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 3/09/0593/FP pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 27 July 2010 to cover the following matters:

DNS

1. To include this planning reference within the signed Section 106 agreement dated 5th February 2010;
2. To pay additional financial contributions of £513 in respect of affordable housing;
3. To pay additional financial contributions of £385 in respect of County Council education and community facilities;

in respect of application 3/10/0432/FP, planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun before 5th February 2013.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Programme of archaeological work (2E02)
3. Samples of materials (2E12)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Communal TV facilities (2E28)
7. Carried Out in Accordance (2E92)
8. Landscape design proposals (4P12 b,c,d,e,h,i,j,k)
9. Landscape works implementation (4P13)
10. Details of earthworks/mounding (4P16)
11. Mitigation measures for the protection of bats, their roosts and access points, shall be carried out in accordance with the submitted Bat Emergence and Activity Survey (dated 12th July 2008).

Reason: To protect the habitats of bats which are a protected species 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.

12. Prior to the commencement of development, a drawing of the proposed safety railings at Area B at a scale of not less than 1:20, and detailed specification including details of materials, shall be submitted and approved by the Local Planning Authority.

Reason: To preserve the setting of heritage assets in accordance with policy BH16 of the East Herts Local Plan Second Review April 2007 and PPS5 'Planning for the Historic Environment'.

13. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate parking provision for the development, and to preserve the setting of the listed building and historic park in accordance with policies TR7 and BH16 of the East Herts Local Plan Second Review April 2007 and PPS5 'Planning for the Historic Environment'.

14. Prior to the commencement of development, details of surface water drainage and surface water source control measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

15. Unless otherwise agreed in writing, the development of the site hereby permitted shall be carried out in accordance with the approved details/provisions for waste recycling, approved highways and access arrangements, and phasing of works as agreed pursuant to the relevant conditions for planning permission 3/02/2271/FP.

Reason: The development has been agreed as a variation of the approved planning permission 3/02/2271/FP and is therefore subject to the same approved details.

Directives:

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN)
3. Groundwater protection zone (28GP)
4. The developer is made aware that due to the presence of bats, a Natural England License will need to be obtained. Great crested newts may also be present on site and are a protected species under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitats etc) Regulations 1994. Further information is available from Natural England on 01992 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 saved policies SD1, GBC1, GBC4, GBC14, HSG3, HSG4, HSG6, TR7,

TR14, EDE2, ENV1, ENV2, ENV16, ENV17, ENV20, ENV21, BH1, BH2, BH3, BH16, LRC3 and LRC9 and National guidance PPS5 'Planning for the Historic Environment'. The balance of the considerations having regard to those policies, and permission 3/09/0593/FP, is that permission should be granted.

(B) where the legal agreement referred to in recommendation (A) is not completed by midday on 27 July 2010, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

1. The proposal fails to make adequate financial provision for infrastructure improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007.

110 3/10/0793/FP - DEMOLITION OF EXISTING REDUNDANT INDUSTRIAL BUILDING AND REPLACEMENT WITH A DEVELOPMENT OF 13 NO. TOWN HOUSES WITH ASSOCIATED PARKING AND GARDENS, ST JOHN'S STREET, HERTFORD SG14 1RX FOR BARBER HONEY LIMITED

Mr Bryant addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0793/FP, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of The Town and Country Planning Act 1990 by midday on 2nd August 2010, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink suggested an extra condition to facilitate the provision of a permanent turning area for the residents of St Johns Street, Hertford. The

Director cautioned Members that such a condition might not meet the standard tests that must be applied.

The Committee was advised that if the applicant was amenable to such a condition, Officers could draft one. However, Members were reminded that this condition might fail if it was judged to be unreasonable at a later date. The Director stated that Officers had not recommended such a condition.

Councillor R Gilbert expressed concerns that the garages might not be large enough for parking cars. The Director advised that the proposed development comprised garages of varying sizes. He also stated that there was sufficient parking outside of the garages.

Councillor M R Alexander expressed concerns in respect to the section 106 contributions not being spent locally. He stressed that it would be helpful if at least the final 4 contributions were spent locally.

Councillor S Rutland-Barsby welcomed the imaginative design of the application and stated that the development would look nice when it was completed. Councillor Mrs M H Goldspink commented on whether the courtyard paving would be permeable. The Director advised that details of materials to be used would be considered by virtue of the standard conditions that were applied by Officers.

In respect of paragraph 7.18 of the report now submitted, Councillor R N Copping commented on whether a condition should be added to protect the trees on the site. The Director confirmed that Officers had included standard conditions in respect of tree retention and protection and landscaping.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of The Town and Country Planning Act 1990 by midday on 2nd August 2010,

application 3/10/0793/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of The Town and Country Planning Act 1990 by midday on 2nd August 2010 to cover the following matters:

DNS

1. Financial contributions towards:
 - Primary education of £39,609
 - Nursery education of £5,134
 - Childcare of £2,160
 - Youth services of £842
 - Libraries of £2,832
 - Open spaces £24,701
 - Recycling facilities £936
 - Community facilities £3,970
 - Accessibility contribution (Highways) £13,000
2. A financial contribution to cover the cost of providing a fire hydrant at this site.
3. A financial contribution of £300 per clause of the obligation to cover the cost of monitoring.

in respect of application 3/10/0793/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (IT12)
2. Programme of Archaeological Work (2E024)
3. Samples of Materials (2E12)
4. Withdrawal of PD (Part 1 Class A)
5. Refuse Disposal Facilities (2E24)

6. Contaminated land survey and remediation (2E33)
7. New Doors and Windows – Unlisted Buildings (2E34)
8. Sample Brickwork Panel – Unlisted Buildings (2E35)
9. Completion of Roads (3V13)
10. Construction Parking and Storage (3V22)
11. Provision and Retention of Parking Spaces (3V23)
12. Wheel Washing Facilities (3V25)
13. Tree Retention and Protection (4P05)
14. Landscape Design Proposals (4P12 – a, c, e, i, j, k, l)
15. Landscape Works Implementation (4P13)
16. Vehicular Use of Garage (5U10)
18. Hours of Working – Plant and Machinery (6N05)
19. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved by the local planning authority of a) the proposed foundation specification of the buildings and b) a scheme to dispose of foul and surface water from the site. The development shall thereafter be carried out in accordance with those approved details.

Reason: To minimise and prevent pollution of the land and the water environment in

accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Planning Obligation (08PO)
4. Street Numbering (19SN)

(B) where the legal agreement referred to in recommendation (A) is not completed by midday on 2 August 2010 the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

1. The proposal fails to make adequate financial provision for infrastructure improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007.

111 3/10/0776/FP - REPLACEMENT SPORTS PAVILION, RESURFACE EXISTING CAR PARK WITH POROUS TARMAC AND OVERSPILL CAR PARK TO INCORPORATE A CELLULAR GRASS REINFORCEMENT SYSTEM FOR DURABILITY AT PRESDALES COMMUNITY SPORTS PAVILION, WALNUT TREE WALK, WARE FOR SPORTS AND LEISURE MANAGEMENT LTD (EAST HERTS COUNCIL)

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0776/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the Landscape Officer

supported the application subject to the conditions detailed in the report now submitted. Sport England had raised no objections subject to an additional condition to review the layout of the pitches.

Councillor R Gilbert expressed concerns that cellular grass reinforcement systems or grass crete was ineffective. He expressed concerns in respect of working hours and commented on whether Sunday working should be restricted.

The Director advised that working hours were covered by environmental health legislation. A condition could be applied but Members should consider that this had not been imposed on a previous application.

The Committee was advised that the Conservation Officer was not keen on a reinforced grass surface in this location. The Director emphasised that work was ongoing with contractors to secure a more appropriate solution.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0776/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0776/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Materials of construction (2E11)
3. Lighting details (2E27)
4. Tree retention and protection (4P05)
5. Landscape design proposals (4P12
b,c,d,e,f,i,j,k,l, add to start “The overflow parking area shall be enclosed by a new hedge with protective rail.”)

6. Landscape works implementation (4P13)
7. The use of the building shall be restricted to between the hours of 8am and 8pm.

Reason: In the interests of the amenities of the occupants of nearby properties.

8. Prior to the commencement of the development, the layout of the cricket pitch shall be implemented on site in accordance with drawing no. ARCH/2009-167/(90)004 and thereafter retained unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the satisfactory provision of sports facilities is maintained in accordance with policy LRC1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Public Rights of Way (18FD)

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, TR2, TR7, TR13, ENV1, ENV2, ENV4, ENV11 and LRC1. The balance of the considerations having regard to those policies, and permission 3/07/0837/FP, is that permission should be granted.

112 3/10/0792/FP - INSTALLATION OF FREE STANDING
MODULAR CLASSROOM UNIT AT SACRED HEART RC JMI
SCHOOL, BROADMEADS, WARE, SG12 9HY FOR THE
BOARD OF GOVERNORS, SACRED HEART RC JMI
SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0792/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that Sport England had expressed concerns relating to the possibility of the classroom units being a permanent use. This organisation had requested a condition to restrict the proposal to a temporary use. Councillor S A Bull commented on whether a 5 year restriction could be considered.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0792/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0792/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. Temporary permission – building (1T081) “30th June 2015”
3. Materials of Construction (2E11)
4. The development hereby permitted shall only be carried out in accordance with the approved flood risk assessment (Barker Associates, 3rd June 2010 4025.207/002CC), and finished floor levels shall be set no lower than 34.3m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the

development and future occupiers 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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, TR2, TR7, ENV1, ENV14, ENV19 and LRC1. The balance of the considerations having regard to those policies, and other material considerations, is that permission should be granted.

- 113 3/10/0800/FP - ALTERATION OF EXISTING KENNEL BLOCK TO FORM INDOOR BEHAVIOUR AREA FOR DOGS AT HIGHFIELD KENNELS, HARE STREET, NR BUNTINGFORD, SG9 0AD FOR MR FEHMI

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0800/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0800/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0800/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T121)

2. Materials as on plan (2E422)

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 and ENV24. The balance of the considerations having regard to those policies is that permission should be granted.

- 114 3/10/0785/FP - SINGLE STOREY CLASSROOM BLOCK TO REAR OF SCHOOL AT MANDEVILLE SCHOOL, WEST ROAD, SAWBRIDGEWORTH, CM21 0BL FOR THE CHAIR OF GOVERNORS, MANDEVILLE SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0785/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0785/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0785/FP, planning permission be granted subject to the following conditions:

DNS

1. Three year time limit (1T12)
2. 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, TR7, ENV1 and LRC1. The balance of the considerations having regard to those policies, and other material considerations, is that permission should be granted.

115 3/10/0109/FP - SINGLE STOREY MODULAR CLASSROOM AT ST JOSEPH JMI SCHOOL, GREAT HADHAM ROAD, BISHOP'S STORTFORD, CM23 2NL FOR ST JOSEPHS VA SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0109/FP, planning permission be granted subject to the conditions now detailed.

The Director confirmed that Sport England had commented that there would no detrimental impacts resulting from this application.

Councillor M R Alexander sought clarification in respect of the points raised in paragraph 3.1 of the report now submitted. The Director reported that due to the distance between the site and nearby dwellings, conditions relating to noise disruption and external lighting were not required.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0109/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0109/FP, planning permission be granted subject to the following conditions:

DNS

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

Directive:

1. Other legislation (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 GBC1 and ENV1. The balance of the considerations having regard to those policies, and the grant of LPA reference 3/88/2326/FP is that permission should be granted.

116 3/10/0604/FP - ERECTION OF SINGLE STOREY REAR AND SIDE EXTENSIONS AND ALTERATIONS TO EXISTING FRONT PORCH AT 36 BAYFORD LANE, BAYFORD, SG13 8PR FOR MRS S STOKES

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0604/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0604/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0604/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12)

2. Matching Materials (2E13)

Directive:

1. Other Legislation (01OL)

Summary of Reasons

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 PPG2. The balance of the considerations having regard to those policies is that permission should be granted.

117 3/10/0719/FP - TWO STOREY SIDE EXTENSION WITH REAR DORMER AT 3 THORLEY HIGH, BISHOP'S STORTFORD, CM23 4AR FOR MR S HORSPOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0719/FP, planning permission be granted subject to the condition now detailed.

Councillor A L Burlton agreed with the comments of Thorley Parish Council that the side window of No. 2 Thorley Hill should be obscured. Councillor R Gilbert sought and was given clarification as to whether Officers were happy with an 80% increase in size over the original dwelling on this site.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/0719/FP be granted planning permission subject to the condition now detailed.

RESOLVED – that in respect of application 3/10/0719/FP, planning permission be granted

DNS

subject to the following condition:

1. Three Year Time Limit (1T121)

Directive:

1. You are advised that the proposed window opening within the northern elevation of the original house as shown on the approved plans may only be installed as "permitted development" under Class A to Part of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) provided that it is obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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 and the decision within LPA reference 3/06/2085/FP is that permission should be granted.

- 118 E/09/0228/A - UNAUTHORISED MATERIAL CHANGE OF USE OF LAND FROM CAR DEALERSHIP TO (1) A PUBLIC CAR PARK AND (2) THE PARKING OF VEHICLES AS PART OF A BUSINESS PROVIDING "MEET AND GREET" CAR PARKING AT STANSTED AIRPORT AT THE FORMER LANCASTER GARAGE, 26 - 28 STATION ROAD, BISHOP'S STORTFORD, HERTS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/09/0228/A,

enforcement action be authorised on the basis now detailed.

The Director advised that an e-mail from the site owner had stated that car parking had been available on this site for many years and a certificate of lawfulness application would soon be submitted. Members were advised that this was a clear breach of greenbelt policy. The Director stated that car washing and vehicle valeting were also being offered from this site.

Councillor Mrs M H Goldspink expressed her concern that the site owner was flouting regulations by offering a remote parking operation for Stansted Airport.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/09/0228/A on the basis now detailed.

RESOLVED – that in respect of E/09/0228/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 and any such further steps as may be required to secure the cessation of the unauthorised use.

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Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The car park has resulted in the provision of long term car parking spaces in the town, which is contrary to the need to reduce long stay town centre parking to discourage car use and encourage modal transfer away from the car. The development is therefore contrary to national planning policy contained in PPG13 – Transport, Policy T14 of the East of England Plan May 2008, Hertfordshire's Local Transport Plan 2006/07 – 2010/11 and

the Eastern Herts Transport Plan April 2007.

2. The parking of vehicles as part of a long distance valet parking service from Stansted Airport also encourages car use to the airport and increases vehicular traffic within the town. The development not only fails to discourage car use and encourage modal transfer away from the car but also fails to ensure that airport surface access provision reinforces the shift to more sustainable travel. The development is therefore contrary to national planning policy contained in PPG13 – Transport, Policies T12 and T14 of the East of England Plan May 2008, Hertfordshire’s Local Transport Plan 2006/07 – 2010/11 and the Eastern Herts Transport Plan April 2007.

119 E/08/0320/B - THE UNAUTHORISED LAYING OF HARD SURFACING AND UNAUTHORISED USE OF THE LAND FOR THE STORAGE OF BUILDING MATERIALS, PLANT AND CONTAINER AT WOODLANDS, WEST END ROAD, WORMLEY, EN10 7QN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0320/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director’s recommendations for enforcement action to be authorised in respect of the site relating to E/08/0320/B on the basis now detailed.

RESOLVED – that (A) in respect of E/08/0320/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the hard surfacing, a metal frame base unit and large

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container from the site; and the cessation of the use of the land for the storage of building materials, plant and machinery; and

(B) the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to issue and serve a Notice under s.215 of the Town and Country Planning Act 1990 and such other steps as may be required to secure the improvement of the site by:

1. The removal of all the unauthorised hard surfacing material; building materials; items of refuse - including plastic containers, bags, and oil drums; plant and machinery; and a large container from the land.

Period for compliance:

- A) 1 month.
- B) 1 month.

Reasons why it is expedient to issue an enforcement notice:

1. The use of the land for the storage of building materials, plant and containers; the laying of unauthorised hard surfacing across a large area of the land and the laying of a metal frame base unit is detrimental to the openness of the area which is within the Metropolitan Green Belt and therefore contrary to saved policies GBC1 and ENV2 of the East Herts Local Plan Second Review April 2007.
2. The site falls within a Wildlife Habitat (71/049), a natural grass land meadow supporting a rich diversity of herb species dominated by Meadow Buttercup. The use of the land for the storage of building materials, plant and containers and the laying of the hard core will adversely affect the wildlife of this site and its

setting, contrary to saved policy ENV17 of the East Herts Local Plan Second Review April 2007.

Reason why it is expedient to issue a s.215 notice:

1. The condition of the land is detrimental to the character, appearance and amenity of the surrounding rural area.

120 E/10/0192/A - UNAUTHORISED CONVERSION OF THE FIRST FLOOR OF AN AGRICULTURAL BARN TO RESIDENTIAL ACCOMMODATION AT GABRIELS, HONEY FARM, WIDFORD ROAD, MUCH HADHAM, SG10 6EZ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0192/A, enforcement action be authorised on the basis now detailed.

Councillor Mrs M H Goldspink commented on whether the applicant had submitted a certificate of lawfulness application. She sought clarification as to whether approving enforcement action would prevent Members from approving an application to regularise the unauthorised conversion, if they were so minded.

The Director reported that Officers had been advised that a certificate of lawfulness application was due to be submitted. He advised that although Officers would serve this notice as soon as possible, it could be withdrawn should an application to regularise the development be submitted.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0192/A on the basis now detailed.

RESOLVED – that in respect of E/10/0192/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under

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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 residential use of the barn.

Period for compliance: 6 months

Reason 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 development is prejudicial to the aims and objectives of this policy, as set out at policies GBC2, GBC3, GBC9 and GBC10 of the East Herts Local Plan Review April 2007.
2. The creation of a dwellinghouse, away from established settlements and key services and facilities, or from areas allocated for housing in the development plan does not represent a sustainable form of development and is contrary to national planning policy contained in PPS3, PPG13 and PPS7.

121 PLANNING OBLIGATIONS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 - UPDATE AND RENEWAL OF AUTHORITY

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

submitted.

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

RESOLVED – that (A) an extension of time of six months from the date of this meeting be granted for the completion of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of the following application and, if an obligation is completed, the Director of Neighbourhood Services be authorised to grant permission in respect of the following applications:

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Planning Reference

Site and Proposals

- | | |
|--------------|---|
| 1. 04.06.619 | Trinity Centre, Fanhams Hall Road, Ware – residential development of 11 dwellings and deed of release to section 106 agreement (schedule 2) relating to community use land. |
| 2. 04.06.692 | Trinity Centre, Fanhams Hall Road, Ware – residential development of 11 dwellings and deed of release to section 106 agreement (schedule 2) relating to community use land. |
| 3. 04.06 702 | Seven Acres, 49, 54 and 56 Upper Green Road, Tewin - 18 Dwellings, |

Associated Parking and other works.

(B) the Director of Internal Services report back following the grant of planning permission, or within 6 months of this meeting, whichever is the sooner.

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122 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; and

(C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 8.26 pm

Chairman
Date