

2007.

3. The area of the building designated as 'workshop' in drawing number 102 shall only shall be used for mechanical car repairs and servicing ( that does not involve welding, body repairs or spraying) and for no other purposes including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987. No mechanical car repairs or servicing shall take place anywhere on the site, other than within the building.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to the occupants of adjoining premises, in accordance with policies ENV24 and ENV25 of the East Herts Local Plan Second Review April 2007.

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 SD2, EDE1, BIS9, ENV1, ENV24, ENV25 and PPG24. The balance of the considerations having regard to those policies is that permission should be granted.

55 3/10/0512/OP - DEMOLITION OF ALL EXISTING STRUCTURES AND RESIDENTIAL REDEVELOPMENT AT BIRCH FARM AND HUNT KENNELS, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA FOR MR AND MRS L BARNES

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Mr Barnes addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0512/OP, outline planning permission be refused for the reasons now detailed.

The Director advised that an additional 11 letters of support had been received. The Broxbourne Woods Area Conservation Society supported the redevelopment of the site, particularly as there were few houses in the area. The Society had referred to the little real harm that would result from the application. The Society had also emphasised the derelict nature of the site and had referred to the possibility of commercial activities on the site should this application be refused.

Brickendon Liberty Parish Council was supportive of the application subject to the provision of affordable housing. The Director stressed that the Council's Housing Officer had commented that the site was unsuitable for affordable housing.

The Director stated that should Members be minded to approve the application, a deferral could be appropriate to facilitate the conduct of a bat survey on the site. Councillor R Gilbert commented on whether the application was contrary to ENV1 and GBC14 of the East Herts Local Plan Second Review April 2007.

Councillor Gilbert stressed that the local plan sought to protect, enhance and preserve the quality of the Green Belt. He stated the current buildings on the site were derelict and dangerous and did not enhance the area.

Councillor K A Barnes commented that there were special reasons for approval this outline application. He stated that the buildings currently on the site were an eyesore.

Councillor J J Taylor summarised the detailed site history prior to this application. She stressed that this was an outline application and the proposed layout was capable of amendment for a larger number of units. She also stated that the site could be enhanced by the painting of the barns, a general tidy up as well as the removal of plant equipment.

Councillor Taylor stated that the application could result in a development almost the size of a hamlet in the Green Belt. She referred to comments of the Council's Landscape Officer in that the application should be refused as the change of use would have a negative impact on the value and character of the area.

Councillor R N Copping acknowledged the special circumstances referred to by the public speaker but stressed that this application was against policy. He expressed concern in respect of an outline application leading to a full permission application for a larger number of units.

Councillor Mrs M H Goldspink was supportive of the application on the grounds that the site was derelict and unsightly. She stressed that the applicant had made significant efforts to improve the site through the planning process.

The Director advised Members that the application was contrary to policy and Officers had not been convinced that special circumstances existed for departing from policy. The Committee was advised that if permission were to be granted in this case, this would establish the principle of development which could be followed by further planning applications for a greater number of units on the site.

The Director confirmed that Officers could attach conditions to restrict the overall footprint of the development. However, such conditions are difficult to impose precisely and the principle of development

remains established.

The Director reported that Members must carefully weigh up any special circumstances for approving such an application in the Green Belt. He also advised that any conditions must meet the standard tests in terms of being reasonable.

The Committee was advised that, if Members were supportive in principle, a deferral could be a way forward to enable the applicant to submit a full application giving greater certainty in relation to the final extent of development. The applicant may be confident to do so having heard the Member debate at the Committee. This did not remove the applicant's ability to pursue the outline application, if that was the applicant's preferred approach.

Councillor D A A Peek proposed and Councillor D Andrews seconded, a motion that application 3/10/0512/OP be deferred to enable the applicants to undertake bat survey work and in order for Officers to invite the applicant to submit a full detailed application to establish greater certainty with regard to the extent of development proposed.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/0512/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/0512/FP, planning permission be deferred to enable the applicants to undertake bat survey work and in order for Officers to invite the applicant to submit a full detailed application to establish greater certainty with regard to the extent of development proposed.