

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 12 JANUARY 2011, AT 7.00
PM

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

ALSO PRESENT:

Councillors P R Ballam, J O Ranger and
V Shaw.

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

484 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A L Burlton, Mrs R F Cheswright, D A A Peek
and B M Wrangles. It was noted that Councillors D
Andrews, P A Ruffles and A L Warman were substituting

for Councillors D A A Peek, B M Wrangles and A L Burlton respectively.

485 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman advised that the item relating to application 3/10/1865/FP – Erection of 3 two storey offices and 6 detached 4-bedroom houses with access road at Land at Jeans Lane, Bishop's Stortford for Arlberg Properties Ltd had been withdrawn.

486 DECLARATIONS OF INTEREST

Councillor M R Alexander declared a personal interest in application 3/10/2027/FP in that he was an acquaintance of the applicant.

Councillors S Rutland-Barsby and W Ashley declared personal interests in application 3/10/1890/FP in that they were acquainted with the public speaker in objection to the application.

487 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 15 December 2010 be confirmed as a correct record and signed by the Chairman.

488 3/10/1598/FP - FARM BASED ANAEROBIC DIGESTER AT BUTTERMILK HALL FARM, BALDOCK ROAD, BUNTINGFORD, SG9 9RH FOR HALLWICK LTD

Mr Pitman and Mrs Snell addressed the Committee in objection to the application. Mr Fenwick spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1598/FP, planning

permission be granted subject to the conditions now detailed.

The Director referred to the late representations schedule that had been circulated to the Committee. In reference to government guidance in PPS22, he advised that Officers always encouraged consultation with local residents. Members were advised that any lack of consultation in itself was not a planning issue, but a procedural matter. Additional consultation may not have raised any new issues.

Members were advised that Officers had suggested an additional condition, as detailed in the late representations schedule.

Councillor J O Ranger, as the local ward Member, suggested that condition 16 be amended as follows:

‘The anaerobic digester plant hereby permitted shall use only whole crops grown on the land identified within the application as ‘Buttermilk Farm Land’ as shown on Plan SD1 which falls within a six mile radius of the Scott and Scotts site. The plant shall be operated in accordance with the details contained within the submitted application. No additional crops shall be brought onto the site for use within the digester unless otherwise agreed in writing by the local planning authority.’

Councillor Ranger suggested an additional condition in that no vehicles used for the transportation of crops to the digester shall be routed through the village of Aspenden to allay the concerns of residents. He suggested a similar condition be applied to Buntingford High Street.

Councillor Ranger requested a condition stating that waste heat must be used within the site of the Hallwick Ltd Plant or for agricultural purposes on the Scott and Scotts site. He referred to the possibility of the heat being converted to electricity via technology being tested in Germany. He stated that the waste heat could also be used to produce fertiliser or to dry grain.

Councillor Ranger stated that there was a concern that the waste heat should not be used for industrial purposes or for housing. Councillor S A Bull stressed that traffic from the site should be made to use the Buntingford bypass rather than coming through the High Street. He referred to the significant local objections that had been raised against the application.

Councillor Bull referred to the need to reduce the bunding close to the site access. He expressed concerns in relation to the impact of the application on the countryside and also the traffic implications of extra vehicles exiting onto the A507. He expressed concerns in relation to the sustainability of the application, which was more of a commercial use than farm diversification.

Councillor R N Copping stated that this application had national policy support via policy SD3, a renewable energy policy that had been set by the previous government. He objected in principle to an application that resulted in the loss of valuable food producing land.

Councillor R Gilbert stated that this application did not satisfy the policies or aspirations of the East Herts Local Plan Second Review April 2007. He emphasised that this application was not an appropriate use for 450 hectares of agricultural land.

Councillor Mrs M H Goldspink stated that Members should treat this application as agricultural diversification. She stated that the project would be generating electricity from renewable sources and was in line with government policies on farm diversification.

Councillor Goldspink emphasised that the scheme would generate electricity from the anaerobic digestion of maize and any carbon dioxide would be reabsorbed by subsequent crops of maize, making the scheme carbon neutral.

Councillor Goldspink stressed that there were many

similar sized agricultural buildings in East Herts and these buildings would be set down in a natural hollow and would be screened by a coppice and nearby trees. The buildings would subsequently be no higher than existing buildings on the site.

Councillor Goldspink commented that the colour of silage clamps could be changed from black and this could be controlled by conditions. She stressed that the plant would produce minimal noise and no smell.

Councillor Goldspink emphasised that lorry movements would be at a minimum as all the crops were grown and processed on the one site. She stated that there were be a reduction in fertiliser requirements as the slurry would return nutrients to the soil.

The Director reminded Members that this application was in the rural area beyond the green belt. He advised that the policies sought to restrict development in the green belt and the rural area beyond it. He commented however, that policy SD3 sought to encourage in principle renewable energy projects, in particular the cultivation of biomass fuels.

The Director stressed that although the application did not sit comfortable with policy GBC3, Members should not consider this policy in isolation and should take into account the wider planning considerations related to this application.

The Director advised that although the proposed buildings were large, the applicant had sought to take advantage of the best possible location of these on the site and Officers felt that, on balance, the scheme was acceptable in the rural area.

In response to a query from Councillor S A Bull, the Director summarised the provisions of policy GBC8 of the East Herts Local Plan Second Review April 2007.

Councillor R Gilbert proposed and Councillor J J Taylor

seconded a motion that application 3/10/1598/FP be refused due to visual impact of the application and also on the grounds that the application did not comply with green belt policy generally and in particular, did not comply with policy GBC3 of the East Herts Local Plan Second Review April 2007.

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

In response to a query from Councillor D Andrews in relation to the condition on wheel washing facilities being made permanent, the Director reminded the Committee of government guidance on the tests that should be met for planning conditions. Members were advised that conditions must be reasonable, precise and enforceable and must also relate to appropriate planning issues.

The Director accepted Councillor Ranger's amendment to condition 16, so long as it was understood what was meant by the term whole crops. He stressed that the amendment in relation to the Scott and Scotts site and the 6 mile radius be amended to 'the application as 'Buttermilk Farm Land', as shown on Plan SD1, which fell within a six mile radius of the application site', as this was a clearly identifiable area and land could change ownership over time.

The Director stated that a condition of no traffic associated with the proposed travelling through Aspenden was entirely reasonable. He stressed that a similar restriction for Buntingford High Street was less appropriate as this was a through route to other locations where as Aspenden High Street was not.

The Director cast doubt on whether a condition in relation to the reuse of the waste heat for agricultural purposes and also in respect of future uses would meet the tests for conditions. He advised the concerns in relation to bunding and the highways issues was covered by condition 7. Members were reminded that planning conditions on a new development could not be applied to

solve existing problems.

Councillor Bull expressed further concerns that a condition for Buntingford High Street should be applied. The Director reiterated that this was a condition which was unenforceable and could be judged to be unreasonable.

In response to a query from Councillor M R Alexander in respect of the condition on external lighting, the Director stressed that this did not prohibit external lighting and this meant no lighting without the prior agreement of Officers.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded a motion that application 3/10/1598/FP be granted.

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 3/10/1598/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1598/FP, planning permission be granted subject to the following conditions:

1. Three year Time limit (1T12)
2. Levels (2E05)
3. Approved Plans (2E10) L10414-LV1A Report Appendix 1-01, L10414-LV1A Report Appendix 1-02, L10414-LV1A Report Appendix 1-03, L10414-LV1A Report Appendix 1-04, L10414-LV1A Report Appendix -05, L10414-LV1A Report Appendix 1-06, P10-BMLK-001, P10-BMLK-002, P10-BMLK-003, P10-BMLK-004, P10-THFB-005, P10-BMLK-006, TCP-01, SD1.

4. Materials of Construction (2E11)
5. No external lighting (2E26)
6. Notwithstanding the details shown on the approved plans, and prior to the commencement of the development, details of additional noise attenuation measures for the exhaust stack, together with its siting within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented, retained and maintained in accordance with those details to the satisfaction of the Local Planning Authority.

Reason: To safeguard the amenities of residents of nearby properties in accordance with Policy ENV25 of the East Herts Local Plan second review April 2007.

7. No development shall take place until a scheme for the improvement of the access has been submitted to and approved in writing by the local planning authority and an agreement under s.278 of the Highways Act signed, for Highways works to the carriageway of the A507 abutting the access to the site at Buttermilk Hall Farm. The highway works shall thereafter be completed in accordance with the approved scheme prior to the first use of the development hereby permitted.

Reason: To ensure that the improvements to the carriageway at the point of access to the site is constructed to the specification of the Highway Authority as required by the Local Planning Authority.

8. Hard Surfacing (3V21)

9. Construction Parking and Storage (3V22)
10. Wheel Washing facilities (3V25)
11. Hedge protection and retention (4P06)
12. Tree/natural feature protection: fencing (4P07)
13. Landscape design proposals (4P12) l, j, k, l.
'Adapt 'to include landscaping in the form of hedgerows for the bunds at the main access to the site from the A507'
14. Landscape works implementation (4P13)
15. Prior to the commencement of the development hereby permitted, details of the management of surface water to include sustainable drainage systems shall be submitted to and approved in writing by the Local planning Authority.

Reason: In the interests of the management of surface water on the site and in accordance with Policy ENV21 of the East Herts Local Plan Second Review April 2007

16. The anaerobic digester plant hereby permitted shall use only whole crops grown on the land identified within the application as 'Buttermilk Farm Land' as shown on Plan SD1 which falls within a six mile radius of the application site. The plant shall be operated in accordance with the details contained within the submitted application. No additional crops shall be brought onto the site for use within the digester unless otherwise agreed in writing by the local planning authority.

Reason: To prevent an unacceptable increase in traffic to and from the site in the interests of amenity and highway safety and in

accordance with policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007.

17. Notwithstanding the details shown on the approved plans, and prior to the commencement of the development, the precise siting of the gas flare in relation to the adjoining trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented, retained and maintained in accordance with those details to the satisfaction of the Local Planning Authority.

Reason: To safeguard the health of the adjoining trees in the interests of amenity in accordance with policies ENV1; ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007”

18. No vehicles used for the transportation of crops to the digester hereby permitted shall be routed through the village of Aspenden.

Reason: In order to ensure an acceptable level of residential amenity is maintained in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Highway Works (05FC)

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 SD3, GBC3, ENV1, ENV2, ENV11, ENV21, ENV25, LRC9 and national planning guidance PPS22. The balance of the considerations having regard to those policies is that permission should be granted.

489 3/10/1968/FP - ERECTION OF 76 DWELLINGS, OPEN SPACE, LANDSCAPING, PARKING AND ACCESS FROM WIDBURY HILL AT THE DEPOT AND COACHWORKS, LEASIDE DEPOT, WIDBURY HILL, WARE, SG12 7QE FOR TAYLOR WIMPEY NORTH THAMES

Mr Lambert addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1968/FP, subject to the applicant entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director referred to the late representations schedule and advised Members that condition 13 had been removed. Members were advised that clauses 9 and 11 of the section 106 obligation had been reworded as detailed in the schedule now submitted.

Councillor P R Ballam, as the local ward Member, expressed concerns in relation to the lack of an equipped play area in the plans for this application. She stressed that the King George Road playing fields were a considerable distance away and there was not a footpath for part of that walk and the speed of traffic made this dangerous.

Councillor V Shaw, as the local ward Member, referred to the Local Development Framework (LDF) Core Strategy and the reference to the inappropriate provision of flats

which were unsuitable for families with young children. She stressed that more one and two bed houses were needed in Ware.

Councillor Shaw commented that 3 and 4 bed houses were out of reach to many potential householders. She stated that there were no play facilities in the vicinity of this site and the area close to the river was unsuitable. She expressed concern that the section 106 contributions would not benefit Ware.

Councillor Mrs M H Goldspink expressed concerns in relation to the lack of a children's play space. The Director stressed that Officers considered a play space close to the semi wild area adjacent to the Lea Valley Park as inappropriate.

Councillor R I Taylor referred to the tiny gardens in the plans, which could be judged to be inadequate for three and four bed family houses. He stated that the developer could consider some provision of play space as a gesture of goodwill for the residents. The Director referred to potential nature and conservation issues of converting part of a semi wild area in to play space.

The Director commented that incorporating play space raised the issue of separation distances between such provision and the proposed dwellings. Such separation was essential to protect resident's amenity, and the developer might well be unwilling to reduce the number of dwellings in order to incorporate a designated play area.

Councillor D Andrews expressed concerns relating to the parking provision proposed in this application. Councillor Mrs Goldspink commented on whether a condition could be applied to secure the provision of children's play space. The Director considered that this would be unreasonable as it would change the nature of an application.

Councillor A L Warman proposed and Mrs M H Goldspink seconded a motion that application 3/10/1968/FP be

deferred to enable Officers to seek the agreement of the applicant to include the provision of an equipped children's play space within the site, to seek an amendment to the design of the properties to include energy efficiency measures, increasing parking provision at the site and to enable Officers to seek the views of the County Architectural Liaison Officer.

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 3/10/1968/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1968/FP, planning permission be deferred to enable Officers to seek the agreement of the applicant to include the provision of an equipped children's play space within the site, to seek an amendment to the design of the properties to include energy efficiency measures, increasing parking provision at the site and to enable Officers to seek the views of the County Architectural Liaison Officer.

- 490 (A) 3/10/1959/FP - CONVERSION OF GRADE II LISTED BARNs TO OFFICE AND RESIDENTIAL USE AND THE ERECTION OF FIVE RESIDENTIAL DWELLINGS AS ENABLING DEVELOPMENT; (B) 3/10/1960/LB – REPAIR AND CONVERSION OF GRADE II LISTED BARNs TO OFFICE AND RESIDENTIAL USE AT WICKHAM HALL, HADHAM ROAD, BISHOP’S STORTFORD, CM23 1JQ FOR MR DAVID HARVEY
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The Director of Neighbourhood Services recommended that, in respect of application 3/10/1959/FP, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 by midday on 2 February 2011, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1960/LB, listed building consent be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Director of Neighbourhood Services that, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 by 2 February 2011, application 3/10/1959/FP be granted subject to the conditions now detailed and, in respect of application 3/10/1960/LB, listed building consent be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matter:

1. The provision of a phased schedule of repairs for the listed central barn, the first phase of which will be undertaken before the occupation of any of the residential units. The second phase shall be undertaken before the

occupation of the second dwelling. The final 4 dwellings shall not be occupied before the completion of all the agreed repairs.

in respect of application 3/10/1959/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved plans (2E10)
209187DWG001B, 209187DWG002A,
209187DWG003A, 209187DWG004A,
209187DWG005A, 209187DWG006A,
209187DWG007A, 209187DWG008A,
209187DWG009A, 209187DWG010A,
209187DWG011B, 209187DWG012A,
209187DWG013D, 209187DWG014C,
209187DWG015C, 209187DWG016C,
209187DWG017C, 209187DWG018C,
209187DWG019B, 209187DWG020D,
209187DWG021C, 209187DWG022C,
209187DWG023A
4. Samples of materials (2E12)
5. Withdrawal of PD (unspecified) (Part1, Classes A, B and E)
6. Refuse disposal facilities (2E24)
7. Lighting details (2E27)
8. Materials arising from demolition (2E32)
9. Contaminated land survey and remediation (2E33)
10. Hard surfacing (3V21)

11. Provision and retention of car parking spaces (3V23)
12. Wheel washing facilities (3V25)
13. Green travel plans (3V27) delete 'new building' insert 'new office units'
14. Tree retention and protection (4P05)
15. Landscape design proposals (4P12)
Include b, c, d, e, f, h, i, j, k, l
16. Landscape works implementation (4P13)
17. Landscape maintenance (4P17)
18. No infiltration of surface or foul water drainage into the ground is permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the ground water is properly protected as the site is located within a source protection zone around a portable public water abstraction borehole, in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review 2007

19. Measures for the protection of great crested newts, their habitats and access points and necessary compensatory measures, shall be carried out in accordance with the recommendations set out in the approved Great Crested Newt Survey received on 4 November 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of great crested newts 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.

20. Measures for the protection of bats, their roosts and access points and necessary compensatory measures, shall be carried out in accordance with the recommendations set out in the approved Bat Report received on 4 November 2010, unless otherwise agreed in writing by the Local Planning Authority.

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.

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, GBC1, GBC9, TR7, ENV1, ENV2, ENV11, ENV16, ENV20, ENV21, BH1, BH2, BH3 and BH17 and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies and the need to repair and retain the 17th century central barn is that permission should be granted.

(B) where the legal agreement referred to in (A) above is not completed by midday on 2 February 2011, the Director of Neighbourhood Services be authorised to

refuse planning permission for the following reason:

1. The proposal fails to securely and enforceably link the proposed enabling development to the repair and preservation of the listed barns on the site via an appropriate legal agreement. The development would thereby be contrary to policy BH17 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS5.

(C) in respect of application 3/10/1960/LB, listed building consent be granted subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Listed Building (timber structure) (8L01)
3. Listed Building (new timber frame) (8L02)
4. Listed Building (new window) (8L03)
5. Listed Building (new doors) (8L04)
6. Listed Building (new brickwork) (8L06)
7. Listed Building (new boarding) (8L07)
8. Listed Building (new external rendering) (8L08)
9. Listed Building (new rainwater goods) (8L09)
10. Listed Building (making good) (8L10)
11. Listed Building (repairs schedule) (8L11)
12. Prior to the commencement of works investigative structural surveys which shall include a report outlining the findings and any repair works required shall be submitted to

and approved in writing by the Local Planning Authority for all the listed buildings. The approved repair works shall thereafter be carried out as part of the Repairs schedule.

Reason: To ensure the historic and architectural character of the buildings are properly maintained in accordance with PPS5: Planning for the Historic Environment.

Directive:

1. Listed Building advice (25LB)

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 PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

491 3/10/1866/LC - ERECTION OF 3 TWO STOREY OFFICES AND 6 DETACHED 4-BEDROOM HOUSES WITH ACCESS ROAD AT LAND AT JEANS LANE, BISHOP'S STORTFORD FOR ARLBERG PROPERTIES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1866/LC, conservation area consent be granted subject to the conditions now detailed.

In response to concerns from Councillor Mrs M H Goldspink in respect of the loss of buildings with no planning application for replacement structures, the Director stressed that Officers felt that the buildings had no architectural merit and the demolition would not have a detrimental impact on the surrounding area.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1886/LC be granted conservation area consent subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1866/LC, conservation area consent be granted subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Conservation Area (clearance of site) (8L13)

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 PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

492 3/10/1458/FP - REPLACEMENT DWELLING AT EDGEWOOD FARM, BROXBOURNE COMMON, BROXBOURNE, EN10 7QS FOR MR D FELTHAM

Mr Howard addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1458/FP, planning permission be refused for the reasons now detailed.

Councillor W Ashley summarised his reasons for requesting that this application be reported to the Committee. He stated that it was acknowledged that the

current dwelling offered poor living conditions for the applicant. Councillor Ashley commented that Officers had no objection in principle to a replacement dwelling.

Councillor Ashley emphasised that Officers considered the design and appearance of the proposed dwelling to be acceptable. He stressed however, that Officers were concerned that the replacement dwelling was more visually intrusive than the dwelling that was to be replaced.

Councillor Ashley stated that the application would enhance the area and would improve health and safety in relation to the busy nature of Cock Lane. He referred in particular, to the proposed two entrances, one for the dwelling and the other for the equestrian centre. The applicant would also be able to ensure enhanced monitoring of security on the site.

Councillor M R Alexander commented that he was at a loss to see why this application had been recommended for refusal. He stated that this application proposed a small dwelling on what was a very large site. He referred to the landscaping and screening that should shield the building from the road. He stressed that motorists would be concentrating on the road so would not be aware of the height of the proposed dwelling close to the hedgerow.

Councillor Alexander stressed that the existing building was not fit for purpose and no applicant would spend many thousands of pounds on a new replacement dwelling unless this was really necessary.

Councillor R I Taylor stated that Officers had generally accepted that this application did not comply with all the provisions of policy HSG8 of the East Herts Local Plan Second Review April 2007. He commented that the Officers had accepted that the application was generally appropriate.

Councillor R I Taylor referred to a number of

developments in the area that were very large and he did not see how this application could be judged as inappropriate in this location.

The Director stated that the fundamental issue was that this was a green belt location and applications for new properties in the green belt were clearly against policy. The policy was very clear in stating that new dwellings were harmful to the greenbelt, irrespective of the physical manifestations of the development.

The Director stressed that Members must consider the impact of the proposed application on the openness of the green belt. He commented however that green belt policy did allow for some form of development as a replacement dwelling.

Members were reminded that such replacements should not be unreasonably large, particularly where the existing property was small to start with. The Director stated the importance of a condition that defined the residential curtilage of the proposed development, as well as a condition stating that the existing dwelling must be demolished.

Councillor Mrs M H Goldspink proposed and Councillor M R Alexander seconded, a motion that application 3/10/1458/FP be granted on the grounds that the proposed development was not any larger than the existing dwelling and the planning conditions be delegated to Officers in consultation with the Chairman of the Development Control Committee.

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

Councillor A L Warman requested that his vote against the motion be recorded.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1458/FP be refused planning permission for the

reasons now detailed.

RESOLVED – that in respect of application 3/10/1458/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T21)
2. Approved plans (2E102) HI1, 615-2-COM-01 and 615-2-PLN 01 C
3. Programme of archeological work (2E023)
4. Landscape design proposals (4P124)
5. Landscape works implementation (4P133)
6. Within 3 months of first occupation of the new dwelling hereby approved, the existing dwelling shall be demolished and all rubble and debris removed from the site. The land shall be re-landscaped in accordance with details pursuant to Conditions 4 and 5 of this permission.

Reason: The construction of a new dwelling would otherwise be inappropriate development in the Green Belt.

7. Prior to first occupation of the dwelling hereby permitted, the modified vehicular access shall be constructed to the specification of the Highway Authority and surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of at least 6m into the site measured from the carriageway edge, and arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To ensure that the access is satisfactorily constructed in the interests of highway safety and convenience.

8. Withdrawal of P.D (Part 1 Class A) (2E203)
9. Withdrawal of P.D (Part 1 Class E) (2E223)
10. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority, and appropriate mitigation measures implemented as approved in writing.

Reason: To ensure adequate protection of human health and the environment in accordance with PPS23 'Planning and Pollution Control'.

11. Prior to the commencement of development, a drawing indicating the proposed residential curtilage of the dwelling shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with this approved drawing.

Reason: For the avoidance of doubt and to ensure that the residential curtilage does not encroach into the Green Belt.

Directives:

1. Other legislation (01OL1)
2. The applicant is advised to contact Kirsty Gilmour at the Environment Agency on 01707 632566 as the development will require an Environmental Permit under the Environmental Permitting Regulations 2010, unless an exemption applies.

3. Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) for further information and to determine the necessary procedures.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, GBC1, GBC14, HSG8, TR2, TR7, ENV1, ENV2, ENV11, BH1, BH2 and BH3. The balance of the considerations having regard to those policies is that permission should be granted.

493 3/10/1890/FP - REPLACEMENT TWO-STOREY DWELLING
AT 232 HERTINGFORDBURY ROAD,
HERTINGFORDBURY, SG14 2LB FOR MJL
DEVELOPMENTS LIMITED

Mr Brewer addressed the Committee in objection to the application. Mr Ledger spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1890/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that comments had now been received from the Landscape Officer which had stressed the need for additional landscaping conditions for additional landscaping for the frontage of the site.

The Director stated that Officers would apply a condition to remove the permitted development rights on this site to control any further development of this property. Councillor S Rutland-Barsby, as the local ward Member, commented on whether the permitted development rights extended to the provision of garages and boundary treatments.

The Director stated that class E permitted development rights related to garages and outbuildings. Members were advised that a garage could not be constructed to the front of this property but this could be done to the side or rear. Officers however had considered it unreasonable in relation to the planning tests for conditions to remove the permitted development rights on this new application.

The Director stated that walls and fences up to one metre in height would be covered by permitted development rights in any event.

In response to comments from Councillor P A Ruffles, the Director stressed that whilst Officers felt that the application was on balance acceptable, there was the possibility of an improved design.

Councillor P A Ruffles proposed and Councillor D Andrews seconded a motion that application 3/10/1890/FP be deferred to enable Officers to seek improvements to the design and appearance of the proposed dwelling.

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 3/10/1890/FP be granted subject to the conditions now

detailed.

RESOLVED – that in respect of application 3/10/1890/FP, planning permission be deferred to enable Officers to seek improvements to the design and appearance of the proposed dwelling.

494 3/10/1905/FP - SINGLE STOREY REAR EXTENSION AT 58 BAYFORD GREEN, BAYFORD, HERTFORD, SG13 8PU FOR MR P BENSTED

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1905/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1905/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1905/FP, planning permission be granted subject to the following conditions:

1. Three Year time limit (1T12)
2. Approved plans (2E10) – 2010/58/1, 2010/58/2, 6009/3, 6009/4
3. Matching materials (2E13)

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 that the proposed extension would not result in significant harm to the character or appearance of the dwelling itself or the open rural character of the site is that permission should be granted.

495 3/10/1999/FP - CHANGE OF USE OF FIRST FLOOR FROM B1 (BUSINESS) TO D2 (ASSEMBLY AND LEISURE) AT UNIT 3, MIMRAM ROAD, HERTFORD FOR MR GEORGE ANTONIOU

Mr Antoniou addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1999/FP, planning permission be granted subject to the conditions now detailed.

Councillor S Rutland-Barsby expressed a certain sympathy with the applicant, in that this unit had been unoccupied for some time. She commented on whether conditions in the event of a future change use should be applied in relation to the hours of operation and to prevent the overlooking of the gardens of neighbouring properties.

The Director stated that any such conditions must meet the standard tests referred to previously throughout this meeting. Members were advised that details such as the hours of operation and opaque windows could be delegated to Officers to liaise with the applicant with any such details being agreed in writing.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1999/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1999/FP, planning permission be granted subject to the following conditions:

1. Temporary permission – buildings and use (1T07) amended to read:-

This permission shall be for a limited period only, expiring 12th January 2014 and the use hereby permitted shall cease on or before that date.

Reason: The development is a temporary expedient only, having regard to the amenities of the area and in accordance with Policies EDE2 and HE8 of the East Herts Local Plan Second Review April 2007.

2. Approved plans (2E10) – 1306/A1/100
3. Provision and retention of parking spaces (3V23)
4. Prior to the commencement of the use hereby permitted details of the proposed hours of opening shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: To protect the amenities of nearby residential properties in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the use hereby permitted details of the treatment of the first floor windows to the east elevation of the property shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: To prevent any overlooking of or loss of amenity to adjacent residential properties in accordance with policy ENV1 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 EDE1, HE8, ENV1 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

496 3/10/1932/FP - FIRST FLOOR SIDE AND REAR EXTENSION AT WELLBURY, DASSELS, BRAUGHING SG11 2RP FOR SILVERLINE PROPERTY DEVELOPMENTS

Mr Argent addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1932/FP, planning permission be granted subject to the conditions now detailed.

Councillor S A Bull proposed and Councillor R N Copping seconded a motion that application 3/10/1932/FP be approved subject to the conditions now detailed.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1932/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1932/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Matching materials (2E133)
3. Approved Plans (2E102) (insert 01, WELBREXT1, WELBREXT1A)

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 GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and that the proposed extensions would not result in significant harm to the character or appearance of the dwelling or the open rural character of the site is that permission should be granted.

497 3/10/2027/FP - TWO STOREY SIDE EXTENSION AT 47 AMWELL END, WARE, HERTS SG12 9JE FOR COUNCILLOR T MILNER

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2027/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2027/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2027/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) TM/10/PL/01 A; TM/10/PI/02
3. Matching Materials (2E13)
4. Replacement Tree planting (4P15)

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 ENV1, ENV2, ENV5, ENV6, ENV11 and BH5. The balance of the considerations having regard to those policies and the previous appeal decisions on LPA refs: 3/95/1683/FP, 3/95/1684/FP and refs: 3/00/0073/FP and 3/0074/LB is that permission should be granted.

498 3/10/1931/FP - FIRST FLOOR FRONT EXTENSION, GROUND FLOOR REAR EXTENSION, CONSERVATORY AND NEW PITCHED ROOFS TO REAR AT CARDINALS RISE, 18 HAY STREET, BRAUGHING, SG11 2RQ FOR MR LONGTHORPE

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1931/FP, planning permission be granted subject to the conditions now detailed.

Councillor Mrs M H Goldspink commented on whether Officers could advise on the ridge height of the roof of the proposed development and whether there would be an adverse impact on the neighbours to the north of the site. She commented on whether this could be controlled by condition.

The Director referred to the plans and advised that the roof height was shown as being very similar to nearby properties and certainly would not be any higher. Councillor Goldspink requested that Officers attach a condition that there be no roof lights in the proposed development.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded a motion that application 3/10/1931/FP be approved subject to a condition that there be no roof lights installed as part of the extensions to the dwelling.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1931/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1931/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102) (insert A1, A2, A3 and 66-04.1 Rev F)

3. Withdrawal of P.D. (2E233)
"Part 1, Class B and C"

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 GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and the decision within LPA reference 3/04/1866/FP and that the proposals would not result in significant harm to the character, appearance or openness of the dwelling or rural area is that permission should be granted.

- 499 E/10/0212/A - THE UNAUTHORISED REPLACEMENT OF WINDOWS IN A GROUND FLOOR FLAT FROM BROWN WOOD TO WHITE UPVC AT 5 HERON COURT, BISHOP'S STORTFORD, HERTS, CM23 2AY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0212/A, enforcement action be authorised on the basis now detailed.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded a motion that no action be taken in respect of the site E/10/0212/A on the grounds that the white UPVC windows are better than brown examples in neighbouring properties and the white UPVC significantly added to the attractiveness of the property.

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

The Committee rejected the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/00212/A on the basis now detailed.

RESOLVED – that in respect of E/10/0212/A, no further action be taken.

500 E/10/0125/A - UNAUTHORISED ERECTION OF TWO POLE MOUNTED CCTV CAMERAS, AT BURTON HOUSE, BURTONS MILL, MILL LANE, SAWBRIDGEWORTH, CM21 9PL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0125/A, enforcement action be authorised on the basis now detailed.

The Director advised that following discussions with the owner and/or agent for the property, they had offered to paint the poles a dark green colour or black. The owner had also undertaken to add landscaping in the form of evergreen style plants that would grow up around the CCTV poles.

Members were advised that Officers considered that these measures would overcome the second reason for issuing the enforcement notice. In respect of the first reason for taking action, Officers had been advised that it was technically possible to block the views of neighbouring buildings.

Officers had also been advised that a website link could be made available to the Authority so that Officers could view the CCTV footage from each camera. The Director advised however that it was impractical from an enforcement perspective and also for the neighbours to avoid the perception of residents being overlooked.

The Director stated that visual screening and cowling could block the views of the cameras from outside any given property. The Police and the site owner/agent had expressed a positive view of this suggestion of a solution.

Members were asked to still approve enforcement action as a fall back position for Officers, in case the aforementioned amendments failed to materialise. The Committee was reminded that this case had been subject of planning application that had been submitted and refused.

Councillor R Gilbert stated that at least one of the CCTV poles was already shielded by vegetation. He stressed the importance of CCTV in being particularly helpful in deterring and detecting crime.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0125/A on the basis now detailed.

RESOLVED – that in respect of E/10/0125/A, 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 poles and cameras.

Period for compliance: 2 months.

Reasons why it is expedient to issue an enforcement notice:

1. The pole mounted cameras result in an unacceptable loss of privacy to residents of adjoining dwellings, in particular, 15 and 32 Burtons Mill, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The pole mounted cameras are of a height, siting and design that is unduly conspicuous and dominant within the street scene, to the detriment of the character and appearance of

the locality and the Sawbridgeworth Conservation Area, contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 5: Planning for the Historic Environment.

501 E/10/0369/B - UNAUTHORISED SHOPFRONT AND UNAUTHORISED ADVERTISEMENTS ON A GRADE II LISTED BUILDING AT 8 THE WASH, HERTFORD, HERTS, SG14 1PX

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0369/B, legal proceedings and enforcement action be authorised on the basis now detailed.

The Director advised that Officers were working with the agent to secure a replacement shop frontage. Members were advised that Officers had sought to take enforcement action and commence legal proceedings as the previous shop frontage had been ripped out of what was a listed building opposite Hertford Theatre.

In response to a query from Councillor R Gilbert, the Director detailed his recommendations and the reasons for them. Officers were in discussions with the applicant to secure the removal of the unauthorised shop front and banner fascia.

The Committee supported the Director's recommendation to commence legal proceedings and take enforcement action to be authorised in respect of the site relating to E/10/0369/B on the basis now detailed.

RESOLVED – that (A) in respect of E/10/0369/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to commence legal proceedings in respect of the alteration of a listed building in a manner adversely affecting its character as a building of special architectural or historic interest

under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 by the removal of the original shop front and the display of advertisements without consent under section 224 of the Town and Country Planning Act 1990.

(B) in respect of E/10/0369/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/or Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised shopfront and unauthorised banner fascia sign.

Period for compliance: 2 months.

Reasons why it is expedient to take legal action and/or issue an enforcement notice:

1. The unauthorised shopfront and banner advertisement on the front elevation are detrimental to the historic and architectural character of the Listed Building and fail to sustain and enhance the significance of this designated heritage asset. The harm caused to the listed building is not outweighed by the criteria detailed in policy HE9 of PPS5 and the development is therefore contrary to policies HE7 and HE9 of PPS5.
2. The shopfront by reason of its materials and detailed appearance is of a poor standard of design, unsympathetic to the context of the site and fails to take the opportunities available for improving the character of the area. It is thereby contrary to saved policies ENV1 and BH14 of the East Herts Local Plan Second Review April 2007 and national planning guidance in PPS1 'Delivering

Sustainable Development' para 34.

3. The unauthorised signage by reason of its size, siting, materials of construction is detrimental to both the character of the Grade II listed building and the visual amenities and character of the area. It is thereby contrary to saved policy BH15 of the East Herts Local Plan Second Review April 2007.

502 E/10/0330/A - UNAUTHORISED INSTALLATION OF AIR
CONDITIONING UNIT AT 92 SOUTH STREET, BISHOP'S
STORTFORD, HERTS, CM23 3BG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0330/A, enforcement action be authorised on the basis now detailed.

Councillor R Gilbert stated that he had not initially been able to locate the unauthorised air conditioner unit, but that when he had returned on foot he had felt that the ground level unit did not adversely affect the building.

Councillor Gilbert disagreed that the unauthorised unit adversely affected the street scene when considering the near derelict South Street Commercial Centre and nearby derelict houses and former petrol station. He stated that approving the Officers' recommendation would be an unreasonable course of action.

Councillor S A Bull expressed concerns relating to noise and health and safety if children could put their hands through gaps in the exposed unit. He stated that the unit should be boxed in and concealed as it was currently dangerous.

Councillor Mrs M H Goldspink stated that the unit could be boxed in with a brick enclosure in keeping with the building. The Director stressed that an application for a protective cage had been refused. He stated that Officers would like authority to take enforcement action as a fall

back position in case it was not possible to regularise the air conditioning unit.

Councillor R Gilbert proposed and Councillor Mrs M H Goldspink seconded a motion that application E/10/0330/A be deferred to enable Officers to seek alternative proposals in respect of the siting and/or appearance of the unauthorised development.

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

Councillors M R Alexander, S A Bull and A L Warman requested that their votes against this decision be recorded.

The Committee rejected the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0330/A on the basis now detailed.

RESOLVED – that in respect of E/10/0330/A, enforcement action be deferred to enable Officers to seek alternative proposals in respect of the siting and/or appearance of the unauthorised development.

503 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 9.27 pm

Chairman

Date