

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 15 DECEMBER 2010, AT
7.00 PM

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

ALSO PRESENT:

Councillors J O Ranger, P A Ruffles,
V Shaw, A L Warman and N Wilson.

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Huw Williams - Chase and Partners

445 APOLOGY

An apology for absence was submitted on behalf of Councillor Mrs R F Cheswright.

446 CHAIRMAN'S ANNOUNCEMENTS

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

He reminded Members that, "purdah" rules applied until the Sawbridgeworth by-election was held on 23 December 2010. Purdah rules existed to ensure that there was no risk of public funds being used and/or actions undertaken to support one particular political party or individual.

The Chairman advised that he had agreed to accept two urgent items of business onto the agenda in respect of E/10/0416/A – Urgent works to a Grade II* Listed Building at 30 High Street, Bishop's Stortford, Herts, CM23 2LX to avoid undue delay in determining this matter in the interests of the structural integrity of a listed building. This item would be determined as Agenda Item 5p, following the other enforcement matters.

The Chairman also advised that the item relating to application 3/10/1746/SV – Modification of Section 106 Unilateral Undertaking (ref 3/07/1546/FO) to omit clause 5.1 removing the requirement to provide a Car Club at Former TXU Site, Mead Lane, Hertford, SG13 7AH for Weston Homes Plc had been withdrawn.

The Chairman further advised that the item relating to application 3/10/1574/FP – Change of Use of land to Horse Keeping. Erection of Cattle Shed and Stable Block. Re-Establishment and Upgrading of Existing

Access and Driveway at Land at Sacombe Corner Wood, Frogmore Hill, Watton at Stone for Mr Gary Madgin had been withdrawn.

The Chairman invited the Head of Planning and Building Control to provide Members with a further update in respect of the East of England Plan.

447 DECLARATIONS OF INTEREST

Councillors R I Taylor declared a personal interest in application 3/10/1728/FP in that he was a police community volunteer.

Councillor M R Alexander declared a personal and prejudicial interest in application 3/10/1774/FP in that he used to work for the company that was the applicant and he also received a pension from that company. He left the room during consideration of this matter.

Councillors B M Wrangles declared a personal interest in application 3/10/0619/FP in that she was an acquaintance of the applicant.

Councillors R N Copping declared a personal interest in application 3/10/0619/FP in that he often was a customer of the garden centre.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/10/0619/FP in that her house overlooked the site and she was a customer of the garden centre.

448 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 17 November 2010 be confirmed as a correct record and signed by the Chairman.

449 3/10/0386/FP - REDEVELOPMENT OF 2.15HA BROWNFIELD SITE TO INCLUDE NEW ASDA FOODSTORE (2601 SQM NET); 13 DWELLINGS (5 AFFORDABLE) WITH 21 CAR PARKING SPACES; RETENTION AND REDESIGN OF CHILDREN'S NURSERY; RETENTION AND REFURBISHMENT OF KILN AND MALTINGS BUILDINGS TOGETHER WITH ASSOCIATED ACCESS, 283 CAR PARKING SPACES (INCLUDING 10 SPACES FOR NURSERY), SERVICING AND LANDSCAPING, ASSOCIATED HIGHWAYS AND PEDESTRIAN IMPROVEMENTS (AS AMENDED) AT CINTEL SITE, WATTON ROAD, WARE SG12 OAE FOR ASDA STORES

Mr Robeson addressed the Committee in objection to the application. Mrs Scholey and Mrs Fish spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0386/FP, planning permission be refused for the reasons now detailed.

The Director reminded Members of the recent planning history of the application. He stressed that no decision had been reached on these proposals and it was entirely appropriate for Members to consider all the information before them and then reach a decision.

The Director referred to the planning documents Members should take into account when determining this application. He referred, in particular, to East Herts Local Plan national planning guidance in PPS4 and the sequential test considerations. He stressed that Members should not directly compare sites but should consider the availability, suitability and viability of sites to determine which was sequentially preferable.

In response to a query from Councillors M R Alexander and R Gilbert, the Director detailed the land ownership arrangements on the Crane Mead site.

The committee were in agreement with the view of the Chairman that, in this case, there was an alternative site, the Crane Mead site, which could be identified as a well connected 'edge of centre' site. The application site is an 'out of centre' site. It was necessary therefore for the committee to consider that alternative site to establish whether it was sequentially preferable. He indicated that the committee should consider separately the issues of availability, suitability and viability.

In relation to the first of these, availability, Councillor J J Taylor proposed and Councillor R N Copping seconded a motion that the Crane Mead site was available for development.

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

Councillors M R Alexander, K A Barnes, S A Bull, A L Burlton, D A A Peek and R I Taylor requested that their abstention from voting be recorded.

With regard to suitability, Councillor J J Taylor stated that the Crane Mead site was within a short walking distance of the edge of Ware town centre and was suitable. Councillor R Gilbert sought and was given clarification in respect of local plan policies in relation to the Crane Mead site.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that the Crane Mead site was suitable to meet the needs of improved choice in Ware and on the grounds that the site did not have to be of the same scale and form as the applicant's proposal and the onus was on the applicant to demonstrate that development on the more central site could not meet the same or similar need as the site for application 3/10/0386/FP.

After being put to the meeting and a vote taken, this

motion was declared CARRIED.

Councillors M R Alexander, A L Burlton, S A Bull, J Demonti, G E Lawrence, D A A Peek, R I Taylor and B M Wrangles requested that their abstention from voting be recorded.

With regard to viability, Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that the Crane Mead site was a viable location for a supermarket in Ware.

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

Councillors M R Alexander, K A Barnes, A L Burlton, S A Bull, J Demonti, R Gilbert, G E Lawrence, D A A Peek, R I Taylor and B M Wrangles requested that their abstention from voting be recorded.

The Chairman invited Members to consider the issue of any impact that the proposed development would have in terms of the guidance in PPS4. The Director stressed that given that Members had determined that the Crane Mead site was sequentially preferable, the expectation would now be that the application detailed in the report would be refused. However, it remained appropriate to consider impact to ensure that if this was unacceptable, it was also taken account of in any decision.

Councillor R Gilbert proposed and Councillor M R Alexander seconded, a motion that the proposals would result in no unacceptable impact.

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

Councillor W Ashley reminded Members that, given the decisions that the committee had taken, it would now be expected that the proposals would be refused. There had to be clear and cogent reasons for doing otherwise.

The Director stated that exceptions to policy, particularly where another site had been judged to be sequentially preferable, would be few and far between. He stressed that any exception to policy would very likely be subject to challenge. This required the Council to be clear about the reasons for its decision and would be likely to result in delay to any final decision.

Councillor R Gilbert proposed and Councillor M R Alexander seconded, a motion that application 3/10/0386/FP be approved. It was considered that the issues now detailed outweighed the guidance to ensure that such development takes place on sequentially preferable sites. It was considered appropriate to support the proposals due to the regeneration and reuse of the currently derelict brownfield site for a development ready to go ahead on a site in single ownership, due to the restoration and reuse of historical assets in particular the Kiln and Malting's Building located on the site, bringing forward an opportunity for the provision of private and affordable housing with particular emphasis on securing affordable housing sooner rather than later, bringing forward an employment generating development opportunity sooner rather than later and the provision of a mixed use development by virtue of the nursery provision.

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 3/10/0386/FP be refused planning permission for the reasons now detailed.

RESOLVED - that, subject to referral to the Secretary of State, in respect of application 3/10/0386/FP, planning permission be granted and authority delegated to Officers, in consultation with the Chairman, to finalise conditions and appropriate planning obligations broadly in line

with those set out in Appendix 'B' to the report now submitted.

450 3/09/1728/FP - DEMOLITION OF EXISTING POLICE STATION BUILDINGS AND CONSTRUCTION OF NEW MIXED USE DEVELOPMENT COMPRISING 90 RESIDENTIAL FLATS, 36 HOUSES, 80 BED HOTEL, 60 BED NURSING HOME, 2 RETAIL UNITS AND NURSERY TOGETHER WITH UNDERGROUND AND OFF STREET PARKING FOR 258 CARS AND 107 CYCLE SPACES AT HERTFORD POLICE STATION, WARE ROAD, HERTFORD, HERTS, SG13 7HD FOR ZBV AND HERTFORDSHIRE POLICE AUTHORITY

Mr Apostolos addressed the Committee in opposition to the application. Mr White spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1728/FP, planning permission be refused for the reasons now detailed.

Councillor N Wilson, as the local ward Member, urged the Committee to uphold the Officer's recommendation for refusal. He referred to two public consultations arranged to address public demand. Neither meeting had resulted in an assurance in relation to the continuance of the only school in this ward if this school was unable to expand.

Councillor Wilson commented that an application for an 80 bedroom hotel adjacent to a school was inept in planning terms. He stressed that the application had not addressed local concerns and would result in serious community problems.

Councillor Wilson stated that residents accepted that development would occur on this site. He commented however, that priority must be given to educational and community need in what was the largest residential ward in Hertford.

Councillor W Ashley sought and was given assurance

that Members were satisfied with how Officers had reached their recommendation in relation to the sequential test. Councillor B M Wrangles stated that this was not a high quality layout and the application was out of keeping with the locality of the surrounding area.

Councillor Wrangles also stated that, in relation to the proposed retail provision, there were already two excellent local shops. She expressed concerns that the application made insufficient provision for children's play space and landscaping. She also referred to the busy nature of Stanstead Road and Ware Road, with both roads suffering from tailbacks during rush hour periods.

Councillor Wrangles commented that Stanstead Road had a weight restriction and a speed limit of 30 mph. She stated that the hotel was the greatest concern for residents and the application was contrary to policy STC6 of the East Herts Local Plan Second Review April 2007. She also stated that she would have preferred a section 106 obligation for a residents parking scheme. She stressed that residents of this ward were against the application and had the support of Mark Prisk MP. Councillor Wrangles acknowledged that some form of development would occur on this site, however, this application was detrimental to residents and the surrounding area.

The Director stated that any section 106 obligation would have to be reasonable and must meet the appropriate tests for such obligations. In relation to parking, Members were advised that a section 106 obligation could not seek to solve an existing parking problem. An obligation could however, seek to address problems if these would be exacerbated by a planning application.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1728/FP be refused planning permission for the reason now detailed.

RESOLVED - that in respect of application 3/10/1728/FP, planning permission be refused for the following reason:

1. The applicant has failed to prove that there are no sequentially more suitable sites in Hertford or Ware likely to be capable of meeting the same requirements, in respect of the hotel use, as the application is intended to meet. The proposal does not therefore meet the tests of national planning policy in PPS4 and is contrary to Policy STC6 of the adopted East Herts Local Plan Second Review April 2007.

451 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 opposition to the application. Mr Fenwick and Mr Bayles 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 stated that Officers had requested an additional condition to ensure that the proposed gas flare did not result in any damage to existing trees on the site.

Councillor J O Ranger, as the local ward Member, commented that there was nothing wrong with anaerobic digesters so long as these were provided in the right location and in the right way.

Councillor Ranger stressed that the crucial issue was the location. He commented that a key problem was that the buildings would make the site more industrial. He also stated that the buildings themselves would not look like

normal farm buildings.

Councillor Ranger expressed concerns that many of the measurements in relation to the size of the structures were inaccurate in the report now submitted. He provided a number of examples of incorrect measurements.

Councillor Ranger stated that the residents were particularly concerned in relation to the potential loss of heat from the site. Residents were concerned in relation to potential future developments that could make use of the lost energy, such as further industrial buildings of residential development.

Councillor Ranger stressed that Members might wish to consider deferring the application to clarify details of the measurements of the proposed development. He suggested that some of the conditions should be reworded if the Committee was minded to approve the application.

Councillor S A Bull expressed concerns in relation to the highways impact of the application. He suggested that a condition be added to ensure that the bunding close to the site access track was removed due to the size of vehicles using the surrounding roads.

Councillor Bull expressed concerns in relation to the wildlife implications of the proposals and stated that he would be voting against the application. Councillor R N Copping commented that he was going to suggest the application be refused for lack of information.

Councillor R Gilbert suggested that this application did not comply with policy SD3 of the East Herts Local Plan Second April 2007. He expressed concerns in relation to the emissions of methane and carbon dioxide.

Councillor Mrs M H Goldspink proposed and Councillor R N Copping seconded a motion that application 3/10/1598/FP be deferred to enable Officers to seek

further information in relation to the issues raised by Cottered Parish Council, to confirm the reported dimensions of the development and to investigate possible alternative siting options to reduce visual impact on the countryside.

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

RESOLVED – that in respect of application 3/10/1598/FP, planning permission be deferred to enable Officers to seek further information in relation to the issues raised by Cottered Parish Council, to confirm the reported dimensions of the development and to investigate possible alternative siting options to reduce visual impact on the countryside.

452 3/10/1758/FP - ADDITIONAL 6 NO. MOBILE HOMES PITCHES WITH PARKING SPACES, ACCESS ROAD AND CHILDREN'S PLAY AREA AT NINE ACRES, HIGH ROAD, HIGH CROSS, SG11 1BA FOR MR BOLESWORTH

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1758/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1758/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1758/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E102) – ‘LP1; SLP2; PGY2; RLSP3; RLSP3a’.
3. The site shall not be permanently occupied by any persons other than Gypsies and Travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: To ensure that the caravans are occupied by Gypsy and Travellers in accordance with policy GBC3 of the East Herts Local Plan Second Review April 2007.

4. A detailed internal layout plan of the site, including the precise siting of caravans, details of the children’s play equipment, hardstanding, access roads, parking and amenity areas; and tree, hedge and shrub planting and where appropriate earth mounding including details of species, plant sizes and proposed numbers and densities shall be submitted at a scale of 1:500 or 1:200, for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation. The approved scheme shall thereafter be carried out and completed in accordance with the approved timetable.

Reason: To ensure the provision of amenity afforded by appropriate layout and landscape design, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

5. The development hereby permitted shall not commence until a scheme to dispose of foul and surface water has been submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To protect the site which is within a Source Protection Zone 3, an area vulnerable to groundwater contamination, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1)
2. You are advised of the need to apply for a site license under the Caravans and Control of Development Act 1960. You are advised to contact the Environmental Health Department on 01279655261.

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 GBC2, HSG10, ENV1 and TR7. The balance of the considerations having regard to those policies and the amendments to the scheme following application reference 3/10/0156/FP is that permission should be granted.

453 3/10/1774/FP - ERECTION OF TWO-STOREY BUILDING FOR STABILITY CHAMBERS FOR RESEARCH AND DEVELOPMENT PURPOSES AT GSK RESEARCH AND DEVELOPMENT SITE, PARK ROAD, WARE, SG12 0AE FOR GLAXO SMITH KLINE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1774/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had been particularly concerned in relation to pre commencement conditions as they wanted to commence development sooner rather than later, in order to replace outdated buildings on the site.

Members were advised that Officers had tried to meet the applicant's requirements where possible. The Director stated that the County Archaeologist had stressed the need for pre commencement archaeological works.

The applicant had stated a preference that they would prefer to avoid such works but Officers felt that a condition should be applied to meet this requirement.

Councillor J J Taylor stated that she regretted the loss of car parking spaces resulting from this application and the subsequent risk of overspill parking in surrounding residential areas. She commented that she had received no objections from residents of her ward.

Councillor J J Taylor also expressed concerns in relation to the loss of trees and requested that Officers liaise with the Arboricultural Officer to supervise the replacement of the lost trees.

The Director advised that the landscaping included in the application to offset the loss of trees was the main cause of the loss of car parking referred to by the local Member. He commented that the landscaping was more than an adequate replacement for the loss of trees.

The Director referred to the loss of 43 parking spaces and stated that, given the employment benefits of the application and the improvements on the site, this was an acceptable loss.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1774/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1774/FP, planning permission be granted subject to the following conditions:

1. Three Year Time limit (1T121)
2. Unless otherwise agreed in writing with the Local Planning Authority the external surface of the building shall be clad in powder coated metal boarding as specified in the application and all exposed steel, rainwater goods, external doors, window frames and roof sheeting shall be finished in Kingspan Goosewing Grey (RAL 080 70 05).

Reason: To ensure an appropriate appearance to the development in accordance with 'saved' policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. The approved development shall not be occupied until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority and these works have been carried out as approved. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables.

Reason: To ensure the provision of amenity

afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review, April 2007.

4. Landscape works implementation (4P133)
5. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 1136729v1 dated 1st July 2010 and the following mitigation measures detailed within the FRA:
 1. Finished floor levels are set no lower than 35.57m above Ordnance Datum (AOD) as set out in the FRA.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with 'saved' policy ENV19 of the East Herts Local Plan Second Review April 2007.

6. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is located in a very sensitive location with respect to the potential contamination of groundwater and any subsequent contamination identified will need to be addressed with extreme care in accordance with 'saved' policy ENV20 of the East Herts

Local Plan Second Review April 2007.

7. Approved plans (2E102; 200361-48-DR-0030, 200361-48-DR-0031, 200361-48-DR-0032, 200361-48-DR-0034, 200361-48-DR-0070, 200361-48-DR-0080, 200361-48-DR-0081, 200361-48-DR-2000, 200361-48-DR-2100 and 200361-48-DR-2200 received on the 7th October 2010).
8. No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. No use or occupation shall take place until the approved written scheme of investigation for archaeological works has been implemented in full, and the planning authority has received and approved an archaeological report of all the required works, and if appropriate a commitment to publication has been made.

Reason: To ensure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL1).
2. Groundwater protection zone (28GP1, Musley Lane Pumping Station).

Summary of Reasons for Decision

The proposal has been considered with regard to

the policies of the Development Plan (East of England Plan 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, ENV19, ENV20, ENV21, EDE1, WA8 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

454 3/09/1405/OP - DEMOLITION OF 39 AND 41 HAYMEADS LANE TO PROVIDE ACCESS AND RESIDENTIAL DEVELOPMENT AT LAND AT 37-57 HAYMEADS LANE, BISHOP'S STORTFORD, CM23 5JJ FOR EUROPEAN LAND HOLDINGS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1405/OP, planning permission be refused for the reasons now detailed.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1405/OP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/10/1405/OP, planning permission be refused for the following reason:

1. The proposal fails to make adequate provision for affordable housing on the site or financial provision for infrastructure improvements to support the proposed development and mitigate against its impact on the area. It is thereby contrary to policies IMP1 and HSG3 of the East Herts Local Plan April 2007.

455 3/07/0822/FP - ERECTION OF 29 RETIREMENT DWELLINGS INCLUDING 10 AFFORDABLE 2 BED UNITS PLUS A MANAGER'S FLAT, GARAGING AND MANAGEMENT FACILITIES AT PENTLOWS FARM, BRAUGHING, SG11 2QR FOR ENGLISH COURTYARD DEVELOPMENTS

The Director of Neighbourhood Services recommended that, in respect of application 3/07/0822/FP, planning permission be refused for the reasons now detailed.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/07/0822/FP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/07/0822/FP, planning permission be refused for the following reason:

1. The proposal fails to make adequate provision for affordable housing or adequate financial provision for infrastructure improvements to support the proposed development and mitigate against its impact on the area. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

456 3/10/0619/FP - ERECTION OF A HORIZONTAL CLOSE BOARDED FENCING AND PLANTER WITH ROOF EXTENSION TO REAR (RETROSPECTIVE) AT RIVERSIDE GARDEN CENTRE FOR MR RUSSELL JEFFREY

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0619/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the

Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/0619/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/0619/FP, planning permission be granted subject to the following conditions:

1. Approved plans(2E102) - 'HD09014/40 B'
2. Within 1 month of the date of this permission, details of measures to provide permeability to flood water within the side (west) fencing of the structure, shall be submitted to and approved in writing by the local planning authority. The measures shall thereafter be implemented within 3 months of the date of this decision unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of flood water management and to ensure the development does not obstruct flood water flows from the Bayford Brook and increase the risk of flooding in accordance with Policy ENV19 of the adopted East Herts Local Plan 2007.

3. Notwithstanding any notation shown on drawing HD09014/40 B, details of any external lighting to be fixed to the structure shall be submitted to and approved in writing by the local planning authority within 1 month of the date of this decision. Such lighting shall be provided in accordance with those agreed details within 3 months of the date of this decision unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the appearance of the development and the visual amenity of the Green Belt and in accordance with policy

ENV1 of the adopted East Herts Local Plan 2007 and national planning guidance in PPG2.

4. The structure created by the fence and roof hereby permitted shall be used for storage purposes ancillary to the Riverside Garden Centre only and for no other purpose, including any additional sales space.

Reason: Having regard to the inappropriateness of the development within the Metropolitan Green Belt in accordance with policy GBC1 of the East Herts Local Plan 2007 and the justification for the building.

Directive:

1. Other legislation

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 and ENV19. The balance of the considerations having regard to those policies and the other material considerations in this case is that permission should be granted.

457 3/10/1601/FP - MAINTENANCE AND MATERIAL STORAGE COMPOUND INCLUDING METAL CONTAINERS AND COVERED MAINTENANCE VEHICLE STORAGE AT HARWOOD PARK CREMATORIUM, STEVENAGE, SG2 8XT FOR HARWOOD PARK CREMATORIUM LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1601/FP, planning permission be granted subject to the conditions now

detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1601/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1601/FP, planning permission be granted subject to the following conditions:

1. Approved Plans (2E10 - 6038 A900, 6038 A901, 6038 A902 A).
2. A planted screen to the east and south of the compound fence shall be retained for the lifetime of the development, and full details shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this decision, including (a) Planting plans (b) Written specifications (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities, where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

3. All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out in accordance with a timetable to be agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning

Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. This permission relates solely to the land edged in red on the site plan. Any storage of materials or equipment beyond the site boundary would also require planning consent, and the applicant is advised that the Council would be concerned over further encroachment into the countryside.

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 GBC1, GBC14, ENV1, ENV2 and BH1. The balance of the considerations having regard to those policies is that permission should be granted.

458 3/10/1901/FP - CAR PARK EXTENSION AND RE-GRADE
EARTH MOUND AT HARTHAM LEISURE CENTRE,
HARTHAM LANE, HERTFORD, SG14 1QR FOR SPORTS
AND LEISURE MANAGEMENT LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1901/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1901/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1901/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 – ARCH/2008-214/(-0)003/A, ARCH/2008-214/(-0)004/A, ARCH/2008-214/(-0)005/A, ARCH/2008-214/(-0)006/A, ARCH/2008-214/(-0)007/A, BGC1/HARTHAM/TCP Rev 0, BGC1/HARTHAM/TPP Rev 0)
3. No further external lighting shall be provided without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

4. All existing trees and hedges shall be retained, and protected from damage as a result of works on the site in accordance with

drawing BGC1/HARTHAM/TPP Rev 0 and relevant British Standards for the duration of the works on site. In the event that trees become damaged or otherwise defective within five years following contractual practical completion of the development, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 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 SD2, TR7, ENV1, ENV2, ENV11, ENV19 and ENV23. The balance of the considerations having regard to those policies is that permission should be granted.

459 3/10/1742/FP - CHANGE OF USE FROM RETAIL (A1) TO RESTAURANT (A3), NEW SHOP FRONT AND PLANT EQUIPMENT TO REAR AT 16 NORTH STREET, BISHOP'S STORTFORD, CM23 2LL FOR CAFÉ ROUGE RESTAURANTS

Mr Thackeray addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1742/FP, planning permission be refused for the reasons now detailed.

Councillor R Gilbert stated that he did not feel that the reason for refusal was valid as the number of retail units would remain the same. He emphasised that this was a large unit that had been divided to facilitate a retail unit and a café or restaurant. He commented that this would create more vitality in North Street.

Councillor J Demonti stressed that although she would like the unit to remain in retail use, she would prefer to see the unit in use rather than remaining empty.

Councillor K A Barnes expressed concerns in relation to the parking situation in North Street in the evenings, as this was getting worse by the day. He commented that there were free car parks in the town in the evenings after a certain time but people seemed unwilling to get out of their cars and walk.

The Director confirmed that this was primary shopping frontage and the policy position was very clear in that a change of use from A1 retail to A3 restaurant should not be permitted. The Committee was advised that this policy sought to maintain an appropriate number of retail units and Members must consider the mix of uses in the overall town centre.

Councillor D A A Peek sought and was given clarification

as to whether approving this application would weaken the Council's policy position on similar applications in future.

Councillor Mrs M H Goldspink proposed and Councillor A L Burlton seconded a motion that application 3/10/1742/FP be granted on the grounds that the application would enhance the vitality and viability of the town centre.

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 3/10/1742/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1742/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E102) FM1, 184/00-10 A, 184/00-11 A, 184/00-12 C, 184/00-13 B, 184/00-20 A, 184/00-21 A, 184/00-22 A, 184/00-23 D, 184/00-30 A, 184/00-31 A
3. Materials of construction (2E11)
4. External Timber Work (2E16) – delete 'development' and replace with 'shopfront'.

Reason: In the interests of the appearance of the development, and in accordance with policy BH14 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the use hereby permitted a scheme for the ventilation of the

premises, including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the commencement of the use hereby permitted.

Reason: In the interests of the appearance of the building and the amenities of nearby occupiers in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. You are advised that advertisement consent is required for the proposed signage that has neither been sought nor granted.

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 STC2, ENV1 and BH14. The balance of the considerations, having regard to these policies; the large size of the unit and its sub-division thus enabling some element of retail use to be retained in the shopping frontage, is that planning permission should be granted.

460 E/09/0443/A - UNAUTHORISED ERECTION OF RESIDENTIAL OUTBUILDING, AT HIGHLANDS, FRIARS ROAD, BRAUGHING FRIARS, CM23 3JH

The Director of Neighbourhood Services recommended

that, in respect of the site relating to E/10/0443/A, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0443/A on the basis now detailed.

RESOLVED – that in respect of E/10/0443/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 building from the land.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The cumulative effect of the outbuilding, together with the extensions previously added to the property and other outbuildings erected at the site, has disproportionately altered the size of the original dwelling to the detriment of the character and appearance of the dwelling and the rural character of the area. It is therefore contrary to saved policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007.
2. The application 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 this policy, set out at policies GBC2 and

GBC3 within the East Herts Local Plan
Second Review April 2007.

461 E/10/0269/B - UNAUTHORISED ATTACHMENT AND
DISPLAY OF ADVERTISEMENTS ON A LISTED BUILDING
AT MONEY MATTERS WORLDWIDE, 8 MARKET PLACE,
HERTFORD, SG14 1DF

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0269/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0269/B on the basis now detailed.

RESOLVED – that in respect of E/10/0269/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under 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 advertisements from the land.

Period for compliance: 14 days.

Reasons why it is expedient to issue an enforcement notice:

1. The advertisements attached to both the exterior and interior of the building are detrimental to the historic character and appearance of the Listed Building, a designated heritage asset. The unauthorised advertisements are therefore contrary to policy HE9 of PPS5.

462 E/10/0416/A - URGENT REPAIRS TO A GRADE II* LISTED BUILDING AT 30 HIGH STREET, BISHOP'S STORTFORD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0416/A, enforcement action be authorised on the basis now detailed.

Councillor A L Burlton stressed that the fabric of the building was falling into disrepair prior to a recent decision of a Licensing Sub-Committee to reduce the permitted hours of operation.

Councillor R Gilbert stated that the recommendation should relate to 30 - 34 High Street, Bishop's Stortford. He also commented on whether the enforcement notice could request that the rendering be put back once the building had been weatherproofed.

The Director stressed that an urgent works notice was only aimed at securing the weatherproofing of the building. Members were advised that Officers would be working with the owners to secure proper repairs in due course.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0416/A on the basis now detailed.

RESOLVED – that in respect of E/10/0416/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to serve an urgent works notice under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the implementation of urgent works required in order to protect the building from further decline.

Period for compliance: 14 Days

Reason why it is expedient to issue an Urgent Works notice:

1. The exposed condition of parts of the building is damaging to its historic fabric and threatens its long term retention. The building is at such risk from further decline that, should the owner fail to comply with the Notice, the Council will be required to carry out works in default.

463 PLANNING APPEALS PERFORMANCE: APRIL - SEPTEMBER 2010

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering April to September 2010.

The Director stated that appeal performance was once of the worst figures for a number of quarters. He stressed that Officers had not been able to identify any particular reason for the drop in performance in relation to appeals.

Councillor D A A Peek stated that he felt that the Council was doing a good job and commented on whether Officers could liaise with other local authorities in relation to appeals performance.

The Committee noted the report as now detailed.

RESOLVED – that the performance of the Council in relation to planning appeal decisions be noted.

464 PROPOSED SHELTERED HOUSING DEVELOPMENT 135 STANSTED ROAD, BISHOP'S STORTFORD: PLANNING APPEAL

The Director of Neighbourhood Services submitted a report inviting the Committee to reconsider its position in relation to the refusal of the proposals now detailed,

which were now the subject of an appeal.

The Committee was advised that an informal appeal hearing was due for late March 2011. The Director advised that Officers felt that the Authority was vulnerable in respect of the second reason for refusal on the adequacy of car parking provision. Members were advised that Officers felt that the second reason for refusal should not be pursued.

The Committee received the report.

RESOLVED - that the Council does not continue to contest the issue of parking provision for the development proposal at appeal and confirms to the Planning Inspectorate that it will be offering no evidence in relation to this matter.

465 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 9.50 pm

Chairman
Date