

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 9 FEBRUARY 2011, AT 7.00
PM

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

ALSO PRESENT:

Councillors D Andrews, M G Carver, V Shaw
and M J Tindale.

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

541 APOLOGY

An apology for absence was submitted on behalf of
Councillor D A A Peek. It was noted that Councillor A L
Warman was in attendance as substitute for Councillor D

A A Peek.

542 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 application 3/10/2019/FP would be determined after application 3/10/1851/FP.

The Chairman advised that the meeting of the Committee due to be held on Wednesday 6 April 2011 had been rearranged for Thursday 24 March 2011 to take account of the purdah period prior to the District and Parish Elections in May.

543 DECLARATIONS OF INTEREST

Councillor S Rutland-Barsby declared a personal interest in application 3/10/2019/FP in that she was an acquaintance of the applicant.

Councillor W Ashley declared a personal and prejudicial interest in application 3/10/2019/FP in that he was an acquaintance of the applicant and his mother in law and brother in law owned the closest properties to the lake. He left the room whilst this matter was considered and Councillor S Rutland-Barsby chaired the meeting for this item.

Councillor Mrs R F Cheswright declared a personal interest in application 3/10/2019/FP in that she used to be a neighbour of the applicant.

Councillors S A Bull and J Demonti declared personal interests in application 3/10/2110/FP and enforcement item E/10/0254/A, in that they were the Authority's representatives on Circle Anglia Housing Association.

Councillors R Gilbert and J J Taylor declared personal interests in application 3/10/1968/FP in that they were the

Authority's representatives on Lea Valley Regional Park Authority.

544 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 12 January 2011 be confirmed as a correct record and signed by the Chairman.

545 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.

Councillor Mrs M H Goldspink thanked Officers for negotiating with the applicant on the provision of a children's play space. She stressed that although she was disappointed there was to be no traditionally equipped play area, what had been achieved was better than nothing.

Councillor Goldspink expressed concerns in relation to the renewable energy requirements. She stated she was keen for such requirements to be included. She commented on whether the section 106 obligation for sustainable transport could be scrapped and the contribution towards outdoor sports facilities reduced so this money could be used to ensure that at least 10% of the energy supply of the development was supplied by

decentralised and renewable or low-carbon sources.

Councillor V Shaw, as the local ward Member, stated that she had visited the proposed play space. She commented that as this was the best that could be achieved for the site, she had no problem with the proposed provision.

Councillor Shaw expressed concerns that the site was to be so intensely built that the dwellings would not be attractive or individual. She expressed a continued hope that she would be able to have some input into the visual appearance of the development.

Councillor Shaw highlighted the importance of long term sustainable buildings on the site. She commented that the £101,500 for sustainable transport measures was in addition to what was required for the site and should be put back into the build to support sustainable buildings.

In response to a query from Councillor A L Burlton, the Director advised that this Committee was the decision making body so, although Hertfordshire County Council had requested the section 106 contributions, it was for Members to decide where the greatest priority lay for the allocation of section 106 funding.

The Director reminded Members that developers may take notice of any decision around section 106 contributions and adjust priorities on future applications. He stressed that contributions for sustainable transport were allocated for the area a particular local plan was intended to serve.

The Director advised that the government's approach on sustainable building was very much being driven by building control regulations. Members were advised that requests for support from the Lea Valley Regional Park could not be reasonably supported by Officers.

In response to a query from Councillor Burlton on car

parking ratios, these had changed very slightly but the percentage change was very marginal.

The Director stated that the details of building materials would be submitted to and agreed by Officers prior to the commencement of a development. Members were reminded that the overall scale of the properties would not change at this stage.

Councillor J J Taylor expressed concerns in relation to the flood risk for this site. She stated that not all of the Ware Members supported this application and she was not in support of the proposed development.

The Director stated that if Members were minded to change the section 106 contribution, Officers would attach an additional condition stating that prior to the commencement of development, a scheme for the implementation of energy efficiency measures should be submitted to and approved in writing by the Local Planning Authority.

Councillor Mrs M H Goldspink proposed and Councillor J Demonti seconded, a motion that application 3/10/1968/FP be approved subject to the deletion of the £101,400 towards sustainable transport measures and reduction by £13,000 of the contribution towards outdoor sports facilities to enable the developer to secure at least 10% of the energy supply of the development from decentralised and renewable or low-carbon sources and also subject to an additional condition stating that prior to the commencement of development, a scheme for the implementation of energy efficiency measures should be submitted to and approved in writing by the Local Planning Authority.

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

The Committee accepted the recommendation of the

Director of Neighbourhood Services that application 3/10/1968/FP be granted subject to the conditions now detailed and the amended section 106 legal agreement.

RESOLVED – that subject to the applicant entering into a Section 106 legal agreement of the Town and Country Planning Act 1990 to cover the following matters:

1. To provide 30 units of affordable housing with a tenure mix of 75% social rented and 25% intermediate affordable housing or, subject to the availability of grant funding, as otherwise agreed with the Council to a minimum mix of 50% social rented and 50% intermediate affordable housing;
2. To provide 15% Lifetime Homes;
3. £154,737* towards Secondary Education;
4. £3,050* towards Youth;
5. £12,864* towards Libraries;
6. £58,404 towards Outdoor Sports Facilities;
7. To establish a management company for the future maintenance of roads, communal areas and public open space within the development site and a scheme to ensure the maintenance of public access to the open space;
8. To provide fire hydrants;
9. To submit full details on the location and specification of the pedestrian route and play space for written approval from the Local Planning Authority, including the footbridge over the River Lee to Tumbling Bay, and not to occupy more than 50% of the units until the footpath, bridge and play space are brought

into use;

10. £300 standard monitoring fee per obligation.

* The contributions marked with an asterisk are subject to re-calculation through the legal agreement depending on the exact tenure split provided under obligation (1), and in accordance with the figures set out in the Hertfordshire Planning Obligations Toolkit.

in respect of application 3/10/1968/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 – 061001-WIM.NT.01 B, 02 A, 03, A-E1, A-E2, A-P1, B-E1 A, B-P1, C-E1, C-E2, C-P1, D-E1, D-P1 A, E-E1 A, E-P1 A, AA-E1 A, AA-E2, AA-P1, AB-E1, AB-P1, AC-E1, AC-P1, ABS-AC-E1, ABS-P1, AD-E1, AD-P1 A, AE-P1, AE-E1, B1-E1, B1-E2, B1-P1, B1-P2, B1-P3, B2-E1, B2-E2, B2-E3, B2-E4, B2-P1, B2-P2 A, B2-P3 A, B3-E1, B3-E2, B3-P1, B3-P2, B3-P3, B4-E1, B4-E2, B4-P1, B4-P2, B4-P3, GAR1, BS1, BCS1, SHED 1, SS-AA, SS-BB, SS-CC, TWNT 17471-01, TWNT 17474-03, TWNT 174747-11 Sheet 1 B, TWNT 174747-11 Sheet 2 B, TWNT 174747-11 Sheet 3 B, TWNT 174747-12)
3. Programme of archaeological work (2E02)
4. Boundary walls and fences (2E07)
5. Materials of construction (2E11)
6. Lighting details (2E27)
7. Wheel washing facilities (3V25)

8. Tree retention and protection (4P05 – please add ‘and hedges’)
9. Landscape design proposals (4P12 - amended see AUT4)
10. Landscape works implementation (4P13)
11. Tree Planting (4P15)
12. Vehicular use of garage (5U10)
13. The development shall be carried out in accordance with the recommendations and mitigation measures set out in the Ecological Update report dated October 2010, and prior to the construction of the footbridge further ecological surveys shall be carried out to identify the presence of any reptiles, water voles, otters or amphibians and submitted to and approved in writing by the Local Planning Authority, including details of any necessary mitigation measures.

Reason: To protect the ecological value of the site and protected species in accordance with policies ENV14, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007.

14. No development shall take place until details of the lighting scheme and details of the management of the public open space have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

Reason: In the interests of the appearance of the development in accordance with policy

ENV1 of the East Herts Local Plan Second Review April 2007.

15. No development shall take place until a scheme providing for the insulation of the proposed dwellings against the transmission of noise and vibration from the neighbouring commercial premises, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before any of the dwellings hereby permitted are first occupied.

Reason: To ensure a satisfactory living environment for future residential occupiers in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

16. Prior to the commencement of development (or other such date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
 - a. A site investigation scheme, based on the preliminary risk assessment by CARD Geotechnics dated January 2008, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - b. The site investigation results and the detailed risk assessment (a), and based on these an options appraisal and remediation strategy giving full details of

the remediation measures required and how they are to be undertaken.

- c. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant leakages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

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

17. 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 protection of human health and the environment in accordance with PPS23 'Planning and Pollution Control'.

18. The development shall be carried out in accordance with the approved Flood Risk Assessment by Halcrow dated June 2008 and the mitigation measures contained within it, including finished floor levels set no lower than 31.94m above Ordnance Datum (AOD).

Reason: To minimise the risk of flooding to people and property in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

19. No building hereby permitted shall be occupied until a sustainable urban drainage system has been implemented in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b. include a timetable for its implementation; and,
 - c. provide a management and maintenance plans for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements for adoption by any public authority or statutory undertaker and any other arrangements s to secure the operation of the scheme throughout its lifetime.

Reason: To ensure satisfactory management of surface water drainage in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

20. Before first occupation of any of the buildings hereby permitted foul drainage works shall have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority

Reason: To ensure satisfactory management of foul drainage in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

21. Piling or any other foundation design using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater on site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

22. No development shall be carried out until full details of the estate road junction onto Widbury Hill, including visibility splays, have been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until such time as the access has been constructed in accordance with the approved details.

Reason: To ensure satisfactory access to the site and highway safety.

23. No development shall begin until details of the proposed service roads, including sections, gradients and method of surface water disposal have been approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure satisfactory access to the site and highway safety.

24. Construction of the development hereby approved shall not commence until details of construction vehicles movements and construction access arrangements are submitted to and approved by the Local Planning Authority.

Reason: To ensure satisfactory access to the site and highway safety.

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

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

Directives:

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN)
3. Groundwater protection zone (28GP – insert Musley Hill)
4. The site has a public sewer running across or

close to it which may be affected by the proposed building works. It may be necessary to divert the sewer and water course and carry out other works to protect it and the proposed building works. You should contact Thames Water Developer Services on 0845 8502777 about this matter before any site works are commenced.

5. The applicant is advised that in order to comply with conditions of this permission it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure satisfactory completion of the access and associated road improvements including street lighting, footway and safety barriers. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Tel 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.
6. The applicant is advised that if it is the intention to request Hertfordshire County Council as Local Highway Authority to adopt any of the proposed highways as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run-off calculations must be submitted to Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Tel 01438 757880). No development shall commence until the details

have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place.

7. The applicant is advised to contact third party works engineer, Hilton Guerra (07710 733353) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways 'Code of Practice for Works affecting British Waterways.'
8. The applicant is advised that under the terms of Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8m of the top of the bank of the River Lee, designated a 'main river'. If there is to be increased access to the river, interpretation boards should be considered to increase awareness of the river corridor and its wildlife. This could be achieved through the Hertford's River Corridors Partnership Interpretation Project.

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 SD1, SD2, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR14, EDE1, ENV1, ENV2, ENV3, ENV11, ENV14, ENV19, ENV20, ENV21, ENV25, LRC3, LRC9, WA8, WA10 and IMP1, and PPS1, PPS3, PPS4, PPS9, PPG13, PPG17, PPS23, PPG24 and PPS25. The balance of the considerations having regard to those

policies, and permission 3/08/1399/OP, is that permission should be granted.

546 3/10/0512/OP - DEMOLITION OF ALL EXISTING STRUCTURES AND RESIDENTIAL REDEVELOPMENT AT BIRCH FARM AND HUNT KENNELS, WHITE STUBBS LANE, BROXBOURNE, EN10 7QA FOR MR AND MRS L BARNES

Jane Orsborn addressed the Committee in support of the application.

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

Councillor J J Taylor stressed that this application was once again before the Committee as inappropriate development in the green belt. She referred to the planning history of the application and stated that should this application be approved, a very dangerous precedent would be set.

Councillor J J Taylor referred to the comments of the Broxbourne Woods Society that this application, if approved, would result in a creeping urbanisation of the countryside. She reminded Members that this site was within the metropolitan green belt where planning permission for new buildings would not be approved except in very special circumstances. She stated that there were no apparent special circumstances in this case so this application was contrary to policies GBC1 and GBC14 of the East Herts Local Plan Second Review April 2007.

Councillor R Gilbert commented that there was no hope of the derelict buildings being reused on this site. He referred to the case officer's point that this application was an improvement on the previous applications.

Councillor Gilbert referred to the 19 letters of support that had been received. He also referred to the continuous efforts by the applicant to make this scheme acceptable to Officers.

Councillor Gilbert stressed that the existing buildings were derelict and this application was essentially to demolish structures that were a blot on the landscape. He stated that this small development was not contrary to policy GBC14 of the East Herts Local Plan Second Review April 2007.

Councillor K A Barnes stated that the concerns of Officers were contrary to the views of the Parish Council and 19 local residents. He referred to the continued views of the National Farmers Union in support of the application.

Councillor Barnes referred to the likely improvements to what was a brownfield site. The application would reduce the roof height of buildings on the site and return 50% of the site to the green belt following implementation of landscaping works. He stressed that some of the visual aspects of the existing buildings would also be retained.

Councillor Barnes stated that refusing the application could leave the Authority open to accusations that it was acting unfairly and inconsistently with resolutions on planning applications in this area. Councillor S A Bull expressed concerns that, although he had sympathy with the applicant, approving this application could open the floodgates for inappropriate green belt development.

Councillor J Demonti stated that this site was not pristine green belt, but a mix of dangerous and derelict buildings. She commented that special circumstances existed for approving the application, which sought to demolish the above buildings and return 70% of the site to the green belt.

Councillor M R Alexander stated that the Officer who wrote the report had recommended refusal due to the policy presumption against new development in the greenbelt. He stated however, that the report contained numerous caveats suggesting the Officer was unsure whether to recommend refusal but had to do so due to the planning policies.

Councillor Alexander referred to the likely planning gain

resulting from this application. He stated that the Officer had acknowledged the improvements to this scheme when compared to previously refused applications on the site.

The Director reminded Members of the planning history and stated that this site was within the green belt and the policies around the green belt were widely known. Members were also reminded of the policy presumption against development unless there were very special circumstances. The Director stated that Officers had not been satisfied that such special circumstances had been put forward by the applicant.

In response to a number of queries from Members on the way forward if this outline application was approved, the Director advised that Officers would not necessarily be constitutionally required to report it back to Committee but Members and the Chairman could request that it come back to Members.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that the Committee accept the Officer's recommendation for refusal.

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

Councillor R Gilbert proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/10/0512/OP be approved on the grounds that the application conserves, enhances and creates a landscape that enhances the character and appearance of a brownfield site to the benefit of the green belt and was not contrary to policies GBC1 and GBC14 of the East Herts Local Plan Second Review April 2007, subject to conditions and/or legal agreement, the details of which to be formulated by Officers and agreed in consultation with Councillors W Ashley and M R Alexander.

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

3/10/0512/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/0512/OP, planning permission be granted subject to conditions and/or legal agreement, the details of which to be formulated by Officers and agreed in consultation with Councillors W Ashley and M R Alexander.

547 3/10/0761/FP - NEW CLUB HOUSE AND SHOWER FACILITIES FOR FISHING LAKES - RETROSPECTIVE AT REDRICKS LAKES, REDRICKS LANE, SAWBRIDGEWORTH, HERTS, CM21 0RL FOR MR MITCHELL EDWARDS

Mr Edwards addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/0761/FP, planning permission be refused for the reason now detailed.

Councillor K A Barnes stated that he had observed that the facilities were both small scale and in keeping with the rural conservation aspect of the area. He commented that the application did not adversely affect the openness of the green belt. He referred to the fact that Sawbridgeworth Town Council had not objected to the application.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded, a motion that application 3/10/0761/FP be approved on the grounds that this was an essential small scale sporting facility and the planning conditions be delegated to the Director of Neighbourhood Services and also that no enforcement action be taken in respect of the site relating to 3/10/0761/FP.

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 3/10/0761/FP be granted subject to the conditions now detailed. The Committee also rejected the Director's recommendation for enforcement action on the basis now detailed.

RESOLVED – that in respect of application 3/10/0761/FP, planning permission be granted subject to the following conditions:

1. The use of the buildings hereby permitted shall only be used in conjunction with and ancillary to the authorised recreational use of the land.

Reason: To ensure that the use of the buildings remains appropriate to the location of the site within the Green Belt in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

2. No external lighting shall be provided at the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenity and rural character of the surrounding area in accordance with the provisions of PPG2 and policies ENV23 and GBC1 of the East Herts Local Plan Second Review April 2007.

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, ENV23. The balance of the

considerations having regard to those policies is that permission should be granted.

548 3/10/2110/FP - DEMOLITION OF EXISTING BUILDINGS, ERECTION OF 6 NO. 2 BEDROOM, 2 STOREY HOUSES AND 6 NO. 3 BEDROOM, 2 AND A HALF STOREY HOUSES (IN THE FORM OF 4 TERRACES AND 1 NO. DETACHED HOUSE), 15 CAR PARKING SPACES, 12 SECURE CYCLE SPACES AND LANDSCAPED FORECOURT AT FIRLANDS HOUSE, FIRLANDS, BISHOP'S STORTFORD, HERTS, CM23 3TD FOR CIRCLE ANGLIA

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2110/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.

Councillor K A Barnes referred to the concerns of the parish council in respect of the loss of a warden controlled sheltered housing complex and an associated social meeting room. He stated that 15 car parking spaces for 12 dwellings was insufficient, which would exacerbate existing problems with parked cars in Firlands.

Councillor Barnes expressed a hope that this application would be considered more carefully in relation to the loss of amenities for the elderly and car parking.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/2110/FP be granted subject to the conditions now detailed.

RESOLVED – that subject to the applicant entering into a Section 106 legal agreement of the Town and Country Planning Act 1990 to cover the following matters:

1. Financial contributions towards:

- Primary education of £30,731;
- Secondary education of £14,516;
- Nursery education of £4,178;
- Childcare of £1,569;
- Youth services of £274;
- Libraries of £694;
- Sustainable transport of £2,500;
- Community Facilities of £2628;
- Open Space- Provision for Children and Young People and Outdoor Sports Facilities of £9906.43;
- Recycling facilities of £864; and

2. The provision of fire hydrants;

in respect of application 3/10/2110/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)
3. Approved plans (2E10)
PI001A, PL002A, PL003A, PL004A, PL005A,
PL006A, EX002, EX003, EX004, S01, Site
Location Plan
4. Samples of materials (2E12)
5. Existing access closure (3V05)
6. Construction parking & Storage (3V22)
7. Provision and retention of parking spaces (3V23) Insert *'and all access and junction arrangements shall be completed'* and *'and in the interests of highway safety'*

8. Tree retention and protection (4P053)
9. Landscape design proposals (4P124 – a, b, d, e, i, j, k, l)
10. Landscape works implementation (4P133)
11. Construction hours of working- plant & machinery (6N07)
12. Measures to ensure that the development does not adversely impact upon bats or their roosts shall be carried out in accordance with the recommendations set out in the approved Bat Report received on 14 January 2011, 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. You are advised that the presence of any significant unsuspected contamination that becomes evident during the development of the site including asbestos should be brought to the attention of the Local Planning Authority as soon as possible.

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, ENV3, ENV16, HSG1, HSG3, HSG4, HSG6, IMP1, TR7, TR14 and of the Local Plan and PPS1 – Delivering Sustainable Development and PPS3 – Housing. The balance of the considerations having regard to those policies is that permission should be granted.

549 3/10/1152/FP - CHANGE OF USE OF LAND TO ALLOW MARKET STALLS TO BE POSITIONED IN THE CENTRE OF NORTH STREET ON THURSDAYS AND SATURDAYS AT NORTH STREET, BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

Mr Heath addressed the Committee in objection to the application. Mr Rospo spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1152/FP, planning permission be granted subject to the conditions now detailed.

Councillor A L Warman expressed concerns in relation to what would happen should the fire service need access to North Street in an emergency. Councillor R Gilbert expressed concerns in relation to the traffic implications of the application. He commented that larger vehicles might find it impossible to turn into Barrett Lane off North Street if the market was extended opposite this junction.

The Director advised that considerations such as emergency vehicle access, pedestrian safety and vehicle safety must be taken into account when setting up a market. He stressed that a granting a planning application would not preclude such safety arrangements being effected in North Street by the market operator.

Councillor Mrs M H Goldspink expressed concerns that there were conflicting views in relation to the traffic study and whether there would be traffic problems. She also expressed concern over the loss of parking spaces, particular for the disabled. Councillor Goldspink stressed that she was glad the

application was only for a year so that the effects could be very closely monitored.

Councillor K A Barnes commented on whether the 5 am to 4 pm operating times applied for, included the setting up and clearing up time required to operate the market. The Director stated that the hours in the conditions were for the operation of the market, i.e. the selling of goods. Officers could adjust this condition so that all stalls were cleared away by 4 pm if that was what Members would prefer.

Councillor Barnes stated his concern that stall holders clearing away stalls before 4 pm in North Street could prove to be dangerous for pedestrians using the shops in that area. Councillor A L Burlton expressed a concern that water main works resulting in long term closures of Market Street, Potter Street and South Street could be problem if this planning permission was implemented prior to 24 May 2011. He expressed concerns that implementing this permission prior to the conclusion of the water works would result in the whole town centre being closed and subject to gridlock.

The Director stressed that the operation of the market and the implementation of this permission was within the control of the Authority as the market operator. He stated however, that this was beyond the remit of the Development Control Committee. He suggested that this concern be relayed to the Officers with the responsibility for the markets.

Councillor M G Carver stated that this was very much a trial and Officers were already in liaison with the Highway Authority and the Water Companies. He emphasised that existing market stalls would remain as this application was very much seen as an expansion trial to raise the market gain and raise the profile of Bishop's Stortford.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1152/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1152/FP, planning permission be granted subject to the following conditions:

1. The use hereby permitted shall cease on or before 28th February 2012.

Reason: To allow the impact of the proposed road closure on the free flow of traffic in the area to be monitored and assessed in the interests of highway safety.

2. The use of the market hereby permitted shall be restricted to the hours of 0500 to 1600 on Thursdays and Saturdays only.

Reason: In the interests of highway safety.

3. The use of the site as a market, in accordance with the plans hereby approved, shall only occur when a Traffic Regulation Order prohibiting driving in North Street between Bridge Street and Barrett Lane on Thursdays and Saturdays, or as may otherwise be agreed in writing by the Local Planning Authority, has been approved, implemented and is in place.

Reason: In the interest of highway safety

Directive:

1. You are advised to contact the Hertfordshire County Council Passenger Transport Unit in order to consider bus diversion routes.

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 and STC1. The balance of the considerations having regard to those policies is that permission should be granted.

550 3/10/2079/FP - DEMOLITION OF EXISTING BUNGALOW AND ASSOCIATED OUT BUILDINGS AND ERECTION OF TERRACE OF THREE 'AFFORDABLE' AND FOUR DETACHED OPEN MARKET HOUSES WITH A RELOCATED VEHICULAR ACCESS AT DOVEDALE, HIGH WYCH LANE, HIGH WYCH, CM21 0JJ FOR GRANGE BUILDERS LLP

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2079/FP, planning permission be granted subject to the conditions now detailed.

Councillor M G Carver, as the local ward Member reiterated the comments of High Wych Parish Council in relation to the affordable housing on what had been a contentious site in the past. He emphasised the importance of achieving the proportionality that was stated in the report now submitted prior to any development on this site.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2079/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2079/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. No development shall take place until a scheme for the provision of affordable housing

as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:

- a) The numbers, type, and location on the site of the affordable housing provision to be made;
- b) The timing of the construction of the affordable housing;
- c) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing and;
- d) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To ensure that an appropriate level of affordable housing is provided in accordance with policies HSG3 and OSV2 of the East Herts Local Plan Second Review April 2007.

3. Levels (2E051)
4. Samples of materials (2E123)
5. Boundary walls and fences (2E073)
6. Hard surfacing (3V213)
7. Tree retention and protection (4P075)
8. Hedge retention and protection (4P063)
9. The proposed development shall be undertaken in accordance with the Tree

survey, arboricultural impact assessment, method statement and landscape proposals (reference 203.10) and related plans 203.10.1 Appendix E and 203.10.2 Appendix F.

Reason: To ensure the provision of appropriate soft landscaping within the development site and to ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity and in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

10. Construction hours of working – plant and machinery (6N072)
11. Prior to the commencement of development, details of storage, parking and wheel washing facilities during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in accordance with the approved details and all building, storage and parking operations associated with the development shall be contained within the site.

Reason: To ensure adequate off-street parking and storage facilities and to prevent the tracking out of materials onto the highway in the interests of highway safety.

12. Withdrawal of PD (Part 1 Class A)(2E203)
13. Withdrawal of PD (Part 1 Class E)(2E223)
14. Prior to first occupation of the development, the car parking spaces and/or garage(s)

serving the development shall be completed in accordance with the approved plans and any such spaces shall be kept available for the parking of cars in connection with the use of the dwelling, at all times.

Reason: To ensure the provision of appropriate off street parking space.

15. Prior to the commencement of development, full details, including drawings and specification of the footway and layby fronting the site shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details, prior to the occupation of the development.

Reason: To ensure the provision of an appropriate pedestrian footway and layby in the interests of highway and pedestrian safety.

16. Approved plans (2E102) (insert:- 01, BRD/10/068/1 A, BRD/10/068/2 A, BRD/10/068/3 A, BRD/10/068/4 A, BRD/10/068/5 A, BRD/10/068/6 A, BRD/10/068/7, BRD/10/068/8 A, 203.10.1 Appendix E, 203.10.2 Appendix F, 203.10.3A)

Directives:

1. Other legislation (01OL1)
2. 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.
3. You are advised that in order to comply with the planning conditions set out in this permission that it will be necessary to enter

into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access, closure of the existing access and TRO to restrict long term parking within the lay-by along High Wych Lane. You are advised to contact the Eastern Herts Highways Area Officer, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL (01438 757880) to obtain the requirements of the procedure to enter into the necessary agreement with the Highway Authority prior to the commencement of development.

4. Street name and numbering (19SN4)

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 SD1, HSG1, HSG3, HSG4, GBC3, TR1, TR7, ENV1, ENV2, ENV9, ENV11 and OSV2. The balance of the considerations having regard to those policies and the Planning Inspectorates decision to allow an appeal against LPA reference 3/07/0592/FP is that permission should be granted.

551 3/10/1838/FP - DEMOLITION OF DUTCH BARN AND ERECTION OF THREE DWELLINGS AT LAND AT TINKERS HILL, THE STREET, FURNEUX PELHAM, SG9 0LJ FOR AD AND SF COLLINS

Mr Smart addressed the Committee in objection to the application. Mr Collins spoke for the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/10/1838/FP, planning permission be refused for the reasons now detailed.

Councillor M J Tindale, as the local ward Member, referred to his concerns on the previous application and the reasons for the refusal of that application in April 2010. He stated that, unusually, the applicant had managed to overcome all of the previous reasons for refusal.

Councillor Tindale stated that this current application was significantly more appropriate for the site. He commented that aside from the location of the site within the village, all of the objections had been overcome. He emphasised that the proposed buildings were appropriate and sympathetic to the site.

Councillor Tindale stressed that the case officer considered that the neighbours would not be adversely affected by the application. He stated his view that the application was ideally suited to this site. He stressed that none of the key stakeholders had objected to the application and that there had also been very few neighbour objections.

Councillor Tindale commented that the Officers' concerns over the location of the site within the village was very much a matter of judgement. He stated that Furneux Pelham was not two separate villages and such villages had been identified in the housing needs survey as in need of the style of housing proposed by this application.

Councillor Tindale commented that should one of the proposed dwellings be affordable, this would be good addition to the village. He again refuted the judgement that Furneux Pelham was two distinct villages. He stated that this seemed to be the principal judgement that had lead to the Officers' recommendation for refusal.

The Director advised that the principal judgement centred on policy OSV2 of the East Herts Local Plan Second

Review April 2007 in relation to whether this site was within the built up part of the village.

The Director stressed that Officers remained of the view that this application did not comply with policy OSV2 as the site was not located in the built up area of the village. Members were advised that the dwelling the applicant had indicated would be affordable could be secured via a section 106 legal obligation.

Councillor J Demonti stated that she had viewed the application site from the nearby brewery tap and she considered that the proposed dwellings would be very visually prominent on the horizon. She commented that 4 local residents had spoken to her expressing opposition to the application, even if all of the proposed units were affordable.

Councillor S A Bull highlighted the importance of affordable housing so that young people could continue to live in such villages. Councillor R N Copping emphasised that area policy GBC3 stated that only affordable housing should be built on this site. He commented however, that he would be supporting the Officers' recommendation for refusal.

The Director advised that policy OSV2 did make provision for development within category 2 settlements such as Furneux Pelham. He stated that Officers had been concerned that development on this site would consolidate a finger of development in this location.

Members were advised that unless there was full control of the site by a registered social landlord (RSL), the proposed dwellings would very likely fetch a premium price in this location.

The Director stressed that if Members were minded to support the application contrary to policy OSV2 of the East Herts Local Plan Second Review April 2007, other local plan policies stipulated that all of the units must be

affordable. He advised caution as the policy approach was restrictive towards development in such locations and Officers had felt unable to support this application.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1838/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1838/FP, planning permission be refused for the following reason:

1. The application site lies within the Rural Area beyond the Green Belt as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than that required for agriculture, forestry, small scale local community facilities, limited infill development in Category 2 Villages or other uses appropriate to a rural area. The proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007 and would be harmful to the open rural character and appearance of the area.

552 3/10/1773/FP - CHANGE OF USE OF GROUND AND PART OF FIRST FLOOR FROM RETAIL (A1) TO WINE BAR (A4), CONVERSION OF FIRST FLOOR TO 5 NO.2 BEDROOM FLATS AND USE OF SECOND FLOOR FOR 1 NO. 2 BEDROOM MANAGERS FLAT AND 1 NO.2 BEDROOM FLAT FOR STAFF ACCOMMODATION, INSERTION OF NEW WINDOWS AND ROOFLIGHTS AND CANOPY OVER REAR ACCESS DOOR TO FLATS AND MODIFICATIONS TO MARKET SQUARE ELEVATION TO INCLUDE INSERTION OF NEW DOORWAY WITH CANOPY ABOVE AND GROUND FLOOR WINDOWS AT 16, MARKET SQUARE, BISHOP'S STORTFORD

Mr Furness-Smith addressed the Committee in support of

the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1773/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that comments had now been received from Environmental Health and two additional conditions had been added to the report in respect of premises ventilation and refuse disposal.

Councillor J Demonti commented on the unclear extent of the decking detailed on the plans for the entrance to the building.

Councillor K A Barnes proposed and Councillor R I Taylor seconded, a motion that the Committee accept the Officers' recommendation that application 3/10/1773/FP be approved.

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 3/10/1773/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1773/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Approved Plans (2E102)
3. Following completion of the building operations for which consent is hereby granted, all 'making good' of the existing building shall be carried out in materials which

closely match those used in the existing building to the satisfaction of the Local Planning Authority.

Reason: To ensure the character and appearance of the building is properly maintained, in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. 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.

5. Refuse disposal facilities (2E243)

Directive:

1. Street Naming and Numbering (19SN4)

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 HSG1, HSG7, ENV1, BH5, BH6, ST2, TR7

and PPS 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

553 3/10/1851/FP - ERECTION OF 1 THREE BED DWELLING AT THE WALLED GARDEN, HIGH WYCH LANE, HIGH WYCH, FOR MR K MILES

Mr Miles addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1851/FP, planning permission be refused for the reasons now detailed.

Councillor M G Carver, as the local ward Member, stated that this application for residential development in the green belt was a difficult and balanced judgement in policy terms. He acknowledged the importance of protecting an important listed walled garden.

Councillor Carver stated that the proposed development was set well back from High Wych Lane and would be well screened. He stated that the development was far enough away from the listed buildings at the Manor of Groves so as to not cause any problems to the setting of these buildings.

Councillor Carver stressed that this was a sealed site containing a listed building in need of protection. He stated that this application provided a unique opportunity to protect the setting of this important listed building. He commented that the application would not affect the green belt and would actually enhance this particular area.

Councillor Carver emphasised that the applicant could work with Officers to ensure the protection of the walled garden. He stated that the application should not set a precedent and there had been no objections from the surrounding area. He concluded that appropriate

conditions could further ensure the protection of the walled garden and listed buildings.

The Chairman reminded Members that overturning the Officers' recommendation for refusal would require very special circumstances as there were grade II listed buildings close to the site, which was located in the metropolitan green belt.

Members were reminded that the Council's Conservation Officer had recommended refusal of the application due to the impact on the adjacent grade II listed building. The Director acknowledged the unusual nature of the site and referred to a number of similar situations with walled gardens across the District.

The Director stated that Members must consider the application very carefully and referred to English Heritage advice in respect of enabling development. He stressed that the proposed development should not detract from the very features Members sought to secure.

The Director referred to the clear advice of the Council's Conservation Officer in that one would not normally find a property of this style and design so close to an adjacent listed building. He stated Members might cause significant harm to the surrounding area by seeking to protect the walled garden.

The Director stressed that Officers had considered the price that would be paid for protecting the walled garden was too great. He stated that the proposed development would encroach into the green belt countryside and, although this did not introduce sprawl, the openness of the green belt was being adversely affected by the proposed residential curtilage.

Councillor R Gilbert sought and was given clarification in relation to the comments of the Council's Conservation Officer, in relation to the associated structures of the walled garden. Councillor J Demonti stated that she

could not support this application due to the visual prominence of the proposed development and the likely impact on the openness of the green belt.

Councillor Carver expressed concerns as to how features such as this walled garden could be protected in a meaningful way, along with the listed building stock in general. He stated this application was a sensible way of achieving such protection. He stressed that he did not see how the application would encroach onto the green belt.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1851/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1851/FP, planning permission be refused for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development by reason of its size, siting and design would be detrimental to the setting of the adjacent Grade II Listed Building known as 'The Manor of Groves'. The proposed development would therefore be contrary to PPS5: Planning for the Historic

Environment.

554 3/10/2019/FP - USE AS RECREATIONAL FISHING LAKE -
RETROSPECTIVE APPLICATION FOR MR ROBERT
SHERIFF AT BAYFORD HALL FARM, BAYFORD LANE,
BAYFORD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2019/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor R Gilbert in relation to the introduction of non-native species, the Director referred to controls that were often put in place to prevent the migration of such species into surrounding watercourses. He also referred to licensing controls and stocking limits, as well as fishing methods, all of which could control the spread of non-native species.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2019/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2019/FP, planning permission be granted subject to the following conditions:

1. No external lighting shall be provided at the site without the prior written permission of the Local Planning Authority.

Reason: In the interests of the visual amenity and rural character of the site and surroundings within the Green Belt and in accordance with the provisions of PPG2 and Policies ENV23 and GBC1 of the East Herts Local Plan Second Review April 2007.

2. Within two months of the date of this

permission, detailed plans shall be submitted to and approved in writing by the local planning authority to show the existing car parking areas, toilet and any other ancillary storage facilities to be made available for users of the fishing lake. The use of the lake for fishing shall thereafter only proceed on the basis that these facilities remain available for its users.

Reason: To ensure the associated needs for facilities are met without harm to the visual amenity and rural character of the site and surroundings within the Green Belt and in accordance with the provisions of PPG2 and Policy GBC1 of the East Herts Local Plan Second Review April 2007.

3. Approved Plans (2E10) 100701-01, 100701-02.

Directive:

1. The applicant is reminded that planning permission would be required for development of buildings, access or car parking areas that support the approved use, although the use is approved on the basis that these are satisfactorily provided for already as stated in the applicant's submissions.

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, ENV2, ENV23 and PPG2. The balance of the considerations having regard to

those policies and the other material considerations in this case is that permission should be granted.

555 E/10/0254/A - THE UNAUTHORISED EXTENSION OF CAR PARKING INTO GRASS ISLAND AND RETAINING WALL AT WINDMILL WAY, MUCH HADHAM, HERTS, SG10 6BG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0254/A, enforcement action be authorised on the basis now detailed.

The Director advised that Officers had received an e-mail from Adrian Green, Head of Environment at South Anglia Housing Association, stating that the Housing Association would not be appealing the decision to refuse the planning application.

The Director stated that contractors had been instructed to return the land to its original state and residents would be advised prior to the commencement of these works. The e-mail had stated that Officers would be advised when the works had been completed.

Councillor M G Carver, as the local ward Member, stressed the importance of housing association partners adhering to the requirements of planning law.

Councillor Mrs M H Goldspink stated that she could not see any problems with the extension to the car park and the retaining wall. She commented that these works seemed to be very sensible.

Councillor Goldspink referred to about 10 properties in the area that had no parking meaning that these were only accessible on foot. She stated that it should have been possible for Officers to negotiate some landscaping to soften the impact of the retaining wall. She commented on whether such discussions could take place between Officers and the appellant.

After being put to the meeting and a vote taken, the Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0254/A on the basis now detailed.

RESOLVED – that in respect of E/10/0254/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 newly formed parking area and retaining wall.

Period for compliance: 4 months.

Reason why it is expedient to issue an enforcement notice:

1. The retaining wall and parking bay has resulted in the loss of a landscaped area which is important to the character and appearance of the area. The parking area and retaining wall are an incongruous feature in the street scene and are detrimental to the verdant character of the area. This development is therefore contrary to policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

556 E/10/0415/A - UNAUTHORISED INSTALLATION OF GREEN TELECOMMUNICATIONS EQUIPMENT CABINET ON A CONCRETE PLINTH OUTSIDE THE GRANARY, WINDHILL, BISHOP'S STORTFORD, CM23 2ND

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0415/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 site relating to E/10/0415/A on the basis now detailed.

RESOLVED – that in respect of E/10/0415/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 telecommunications cabinet.

Period for compliance: 2 months.

Reason why it is expedient to issue an enforcement notice:

1. The cabinet by reason of its siting and appearance appears as a prominent addition to the street scene and intrudes into the historic streetscape to the detriment of the visual amenities, character and appearance of the street scene and the character and appearance of the Bishops Stortford Conservation Area wherein the site is located. The development is thereby contrary to Policy ENV28 and BH6 of the East Herts Local Plan Second Review April 2007.

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

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

Services be authorised to grant permission in respect of the planning applications detailed in the report now submitted.

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

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

<u>Planning Reference</u>	<u>Site and Proposals</u>
1. 04.06.619	Trinity Centre, Fanhams Hall Road, Ware residential development of 11 dwellings and deed of release to section 106 agreement (schedule 2) relating to community use land.
2. 04.06.702	Seven Acres, 49, 54 and 56 Upper Green Road, Tewin, 18 Dwellings, Associated Parking and other works.

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

sooner.

558 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 9.37 pm

Chairman
Date