

MINUTES OF A MEETING OF
THE DEVELOPMENT CONTROL
COMMITTEE HELD AT CASTLE HALL,
THE WASH, HERTFORD ON
WEDNESDAY 14 JANUARY 2009 AT
7.30 PM

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

ALSO IN ATTENDANCE:

Councillors D Andrews (for minute 515), M G Carver,
A D Dodd, P Grethe, L O Haysey, J Hedley,
A P Jackson, J Mayes, N C Poulton, J O Ranger,
P A Ruffles, G D Scrivener.

OFFICERS IN ATTENDANCE:

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

ALSO IN ATTENDANCE:

Rob Jepson - Hertfordshire Highways

512 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

513 DECLARATIONS OF INTEREST

Councillor Mrs R F Cheswright declared a personal and prejudicial interest in respect of applications 3/08/1944/FP and 3/08/1945/LB, on the grounds that she was the applicant. Councillor Cheswright left the room prior to consideration of these applications.

Councillor J Mayes declared a personal interest in respect of application 3/08/1752/FP, although the nature of this interest was not stated.

Councillor R N Copping declared a personal interest in application 3/08/1100/FP, as he was an acquaintance of the applicant.

Councillor J Demonti declared a personal interest in application 3/08/1823/FP, as she was acquainted with a number of parties involved with the application.

Councillor L O Haysey declared a personal interest in applications 3/08/1528/FP, 3/08/1529/LB and 3/08/1530/LC, on the basis that she was a Member of Hertford Civic Society.

Councillor A L Burlton declared a personal and prejudicial interest in respect of applications 3/08/1528/FP, 3/08/1529/LB and 3/08/1530/LC, although the nature of this interest was not stated. Councillor Burlton left the room prior to consideration of these applications.

RESOLVED ITEMS

ACTION514 MINUTES

RESOLVED – that the Minutes of the meeting held on 17 December 2008 be confirmed as a correct record and signed by the Chairman.

515 3/08/0889/FP – 3 NO. WIND TURBINES OF UP TO 119M IN HEIGHT, A PERMANENT METEOROLOGICAL MAST, SUBSTATION, ACCESS TRACKS AND ANCILLARY INFRASTRUCTURE AT LAND EAST OF WALKERN ROAD AND NORTH AND WEST OF HIGH ELMS LANE, BENINGTON FOR R H BOTT AND SON

Mr Godlee addressed the Committee in opposition to the application. Mr Bott spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0889/FP, planning permission be refused for the reasons now detailed.

The Director reported that the British Wind Energy Association had scaled down estimates of Carbon Dioxide emissions offset to 5,484 tonnes per annum. Members were advised this equated to 860 tonnes per kilowatt hour (kw/h).

The Committee was advised that the British Horse Society had objected on the grounds of unacceptable impact on bridleways in the vicinity of the turbines. The Director also advised that 3 further letters of support and a further letter of objection had been received.

Councillor N C Poulton, as local ward Member for Watton-at-Stone, addressed the Committee in opposition to the application. He expressed strong concerns in respect of construction traffic and huge lorries required to transport the turbines resulting in disruption and chaos on the narrow streets of Watton-at-Stone. He also cited the dangers of such traffic using narrow and dangerous sections of road

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between Watton-at-Stone and Benington and made particular reference to an ancient and narrow bridge at Lammas Road.

Councillor Poulton referred to the immense detrimental impact on the countryside resulting from the proposed turbines, which he described as large moving structures equivalent in size to the London Eye. He referred to the potential for a severe and detrimental impact on the countryside of East Herts. He commented that the likely impact would severely impact on a defining amenity of East Herts and would contravene the key aim of the Government in protecting the countryside.

Councillor Poulton concluded by expressing his concern that the visual impact and loss of tranquillity would have a severe impact on an area of high landscape value devoid of such development. He commented that no special circumstances existed for approving the application and urged Members to support the Director's recommendation for refusal.

Councillor J O Ranger, as local ward Member for Mundens and Cottered, commented that offshore wind farms operated at 27% of rated capacity and onshore wind farms often operated at only 14% of rated capacity. He stated that standby facilities had to be provided to cover periods when rated capacity was not met.

Councillor Ranger commented that the turbines could not be justified due to the detrimental visual impact of the wind farm. He also commented that onshore wind farms failed to deliver value for money and huge Government subsidies made them an attractive proposition to landowners.

Councillor G D Scrivener, as local ward Member for Benington, summarised local opinion as not being against the principle of wind turbines but strongly in objection to a wind farm in this location. He commented that views of local objectors should be considered above representation received that reflected national opinion in support of wind

ACTION

farms.

Councillor W Ashley emphasised that all statutory consultees had not objected to the application. He stated that Environmental Health had commented that the proposal would not adversely affect residential amenity by way of noise disturbance. He commented that the Council's Landscape Officer was of the view that the wind farm would not adversely affect listed buildings close to the site.

Councillor Ashley cited a number of examples of wind farms that had been approved in green belt locations. He commented that the wind farm should be approved as the turbines would contribute 15 % towards the 3% target for renewable energy in Hertfordshire.

Councillor R N Copping commented that there was insufficient wind in this location and the turbines would pose a hazard to aircraft.

Councillor Mrs M H Goldspink commented that sound arguments had been made for and against the application. She stated that the Committee must consider whether the green belt issue outweighed any special circumstances for approving the application.

Councillor Goldspink commented that Benington was located on the edge of an area identified as suitable for wind turbines. She commented that Hertfordshire Highways, the Environment Agency and Natural England had raised no objections to the application. GO East had made no comment in case the application came before the Secretary of State.

Councillor S A Bull commented that he had visited the site and was very concerned in respect of the adverse impact on the surrounding area from construction traffic and the transport of the turbine equipment to the site.

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Councillor W Quince commented that he was not against the principle of wind energy or farmers diversifying. He stated his concerns over significant detriment to the landscape of the green belt, should the application be approved. Councillors R N Copping and J J Taylor urged the Committee to support the Officer's recommendation for refusal.

The Director advised that a reason for refusal covering the issue of disruption caused by construction was not appropriate as any impact would be of a temporary nature. He also advised that the issue of visual impact, along with all the main points raised by Members, were covered in the report.

After being put to the meeting and vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/0889/FP be refused planning permission for the reasons now detailed.

RESOLVED - that in respect of application 3/08/0889/FP, planning permission be refused for the following reasons:

DNS

1. The application site partly 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 the material change of use of the land or engineering operations unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. No very special circumstances are apparent in this case that clearly outweigh the harm to the Green Belt, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and national planning guidance, PPG2 'Green Belts'.

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2. The application site lies partly 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 proposed development would be prejudicial to this policy, set out at policies GBC2 and GBC3 within the East Herts Local Plan Review April 2007.

3. The proposal would introduce tall moving structures into a landscape void of such development and would result in significant harm to the landscape character of the surrounding area. The Local Planning Authority are not satisfied that the environmental benefits of these turbines clearly outweighs this harm, and as such the application is considered to be contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007, and the adopted Landscape Character Assessment SPD.

516 (A) 3/08/1528/FP – MIXED USE REDEVELOPMENT OF PART OF THE MCMULLEN'S BREWERY SITE, COMPRISING A FOODSTORE AND CONVERSION OF THE FORMER BREWERY BUILDING TO PROVIDE ELEMENTS OF THE FOODSTORE, INCLUDING CAFE, OFFICES AND COMMERCIAL SPACE, COMMUNITY SPACE, ASSOCIATED CAR PARKING AND LANDSCAPING, RIVERSIDE WALK, RE-NATURALISATION OF RIVER BANK, BRIDGE LINK TO TOWN CENTRE, RE-ROUTING OF HARTHAM LANE AND ASSOCIATED PROVISION OF NEW ACCESS AND SERVICING POINTS, AMENDED DESIGN AND ADDITIONAL INFORMATION; (B) 3/08/1529/LB – ALTERATIONS TO LISTED BUILDING TO ACCOMMODATE ANCILLARY ELEMENTS OF THE PROPOSED FOODSTORE, BUSINESS/OFFICE SPACE AND COMMUNITY SPACE, INCLUDING AN

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INTERPRETATION CENTRE; AND (C) 3/08/1530/LC – DEMOLITION OF BUILDINGS INCLUDING LAGER BUILDING, FORMER DERELICT PUBLIC HOUSE AND FORMER DERELICT COTTAGES AND TRUNCATION OF WAREHOUSE IN CONSERVATION AREA TO ALLOW FOR COMPREHENSIVE REDEVELOPMENT AT MCMULLEN'S BREWERY SITE, HARTHAM LANE, HERTFORD, HERTS FOR SAINSBURY'S SUPERMARKETS LTD

Mr Oxley and Mr Barber addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1528/FP, planning permission be refused for the reasons now detailed. The Director also advised that, in respect of applications 3/08/1529/LB and 3/08/1530/LC, listed building consent and conservation area consent be granted subject to the conditions now detailed.

The Director advised that County Highways had expressed concerns in respect of the proposed mitigation measures and contributions offered of £0.53 million. He stated that County Highways had sought a contribution of £1.1 million.

The Committee was advised that a letter had been received from the applicant's agent, expressing concerns in respect of the emphasis of the Officer's report. The Committee was updated in respect of the overall section 106 contributions.

The Director reported that the architect panel had expressed concerns relating to levels of car parking offered on the site. The Committee was advised that Hertford Civic Society was not convinced that the new store would take a significant amount of trade from Tesco.

Members were advised that Hertford Town Council supported its original position and in particular, a concern that the carbon footprint of the new store had not been assessed. The Landscape Officer was concerned over the

ACTION

lack of landscaping around the car park and access road.

The Committee was advised that the Council's Parking Manager was happy to consider a shoppers car park for up to 5 hours on the site. Chase and Partners, as the retail expert engaged by the Council, had cast doubt on whether the retail need for a Tesco and Sainsbury's in Hertford had been identified.

The Director stated that objector's concerns centred around light pollution, the lack of a retail need and concern over the impact of the application on Hertford Town Centre.

Councillor S Rutland-Barsby commented that traffic would always be an issue at the junction used to access the site. Councillor S A Bull stated that the site was ideal for this application, as it was within walking distance to the town centre. He commented that the application was good for competition.

Councillor Mrs R F Cheswright expressed concerns over whether there was a retail need for another supermarket and that the access to the town for vehicles would only further exacerbate the problem of congestion clogging up roads in the area.

Councillor W Ashley commented that the application would link this end of Hertford with the other side of the town. He commented that Sainsbury's had offered to bring lorries to the site at night and that local traders supported the application. Councillor Ashley praised the application as important in securing the reuse of a listed building.

Councillor D A A Peek commented that addressing potential traffic problems as early as possible was a sensible approach so that a repeat of the problems at Jackson Square could be avoided. The Director commented however that, due to the configuration of the junctions in the vicinity of the site, very little could be done to mitigate highways issues resulting from the application. If Members were mindful to support the proposals therefore

ACTION

it had to be in recognition that it may not be possible to mitigate highway impacts.

Rob Jepson, Hertfordshire Highways, commented that the section 106 agreement would ensure that works identified in the Transport Plan could be completed.

Councillor W Ashley proposed and Councillor S A Bull seconded, a motion that application 3/08/1528/FP be approved in principle, on the grounds that the application would benefit the town centre, be good for competition and would ensure the reuse of a listed building.

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 3/08/1528/FP be refused planning permission for the reasons now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/08/1529/LB and 3/08/1530/LC be granted listed building consent and conservation area consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of 3/08/1528/FP, subject to details of a section 106 planning obligation agreement and appropriate conditions, permission be granted in principle and a further report on the outcome of discussions with the applicants to resolve the above details be submitted;

DNS

(B) in respect of application 3/08/1529/LB, listed building consent be granted subject to the following conditions:

DNS

1. 3 year time limit (1T12).

ACTION

2. Samples of materials (2E12).
3. New Brickwork (8L06).
4. New Rainwater Goods (8L09).
5. New Windows (8L03).
6. New Doors (8L04).
7. Making Good (8L10).
8. Schedule of Repairs (8L11).

(C) in respect of application 3/08/1530/LC, conservation area consent be granted subject to the following conditions:

DNS

1. Five year time limit.
2. Conservation Area (demolition) (8L12).

517 3/08/1752/FP – ERECTION OF NEW DETACHED STABLE BLOCK AND MANÈGE AT LAND AT CAUTHERLY LANE, GREAT AMWELL, HERTFORDSHIRE FOR MR MARTIN BERRY

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1752/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that an additional letter of representation had been received raising concerns in respect of Japanese knotweed on the site. Councillor R N Copping commented that the applicant had indicated that the presence of Japanese knotweed was being addressed.

Councillor J Mayes, as the local ward Member, addressed the Committee in opposition to the application. She

ACTION

expressed a particular concern in relation to the presence of Japanese knotweed impinging on the foundations of her property.

The Chairman commented that Officers had made the point that the presence of Japanese knotweed would be controlled in this location.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1752/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1752/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (IT12).
2. Samples of Materials (2E12).
3. External Timberwork (2E16).
4. Lighting Details (2E27).
5. Tree Retention and Protection (4P05).
6. Hedge Retention and Protection (4P06).
7. Landscape Design Proposals (4P12).
8. Landscape Works Implementation (4P13).
9. Private Use of Stables (5U11).
10. Conservation Area (Clearance of Site) (8L13).
11. Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the local planning

ACTION

authority of the measures to be taken in the treatment and/or disposal of any soil or waste materials arising from the construction of the development. The measures shall thereafter be implemented in accordance with the approved details.

Reason: In order to accord with the Hertfordshire Waste Local Plan policies 7 and 8.

Directives:

1. Other Legislation (01OL).
2. You are advised to contact the Environmental Health Unit at Wallfields, Pegs Lane, Hertford. Tel: 01279 655261 with regard to the storage and disposal of stable waste.

Summary of Reasons for Decision:

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV2, BH4 and BH6. The balance of the considerations having regard to those policies is that permission should be granted.

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518 3/08/2032/SV – MODIFICATION TO CLAUSE 1.1 OF SCHEDULE 3 AND ANNEXE C PARAGRAPH 2.1 OF THE SECTION 106 AGREEMENT RELATING TO APPLICATION 3/07/2516/FP, TO DELETE REFERENCE TO 'DESIGN AND QUALITY STANDARDS' AT LAND ADJACENT TO YEW TREE PUBLIC HOUSE, HIGH STREET, WALKERN, FOR RIVERSMEAD HOUSING ASSOCIATION

The Director of Neighbourhood Services recommended that, subject to no substantive comments being received within the consultation period (by 9 January 2009), he be authorised to grant the variation of the Section 106 agreement dated 3 March 2008 pursuant to planning application 3/07/2516/FP, to allow for the deletion of reference to Design and Quality Standards in Schedule 3, Clause 1.1 and Annexe C, Paragraph 2.1.

The Director advised that Hertfordshire Constabulary was concerned over a reduction in the security of affordable housing on the site.

In response to a query from Councillor Mrs M H Goldspink, the Director advised that the deletion of the reference to design and quality standards allowed lower levels of insulation and more simple arrangements for securing the locks in a property. Councillor Goldspink expressed concerns over reductions in levels of insulation on the site.

The Director commented that Housing Associations frequently insisted on higher than standard levels of insulation and noise attenuation in properties. He commented that any reduction would equate to standards normally found in open market housing.

It was noted that no substantive comments within the consultation period that had now ended, had been received. The Committee supported the recommendation of the Director of Neighbourhood Services that he be

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authorised to grant the variation of the Section 106 agreement dated 3 March 2008 pursuant to planning application 3/07/2516/FP, to allow for the deletion of reference to Design and Quality Standards in Schedule 3, Clause 1.1 and Annexe C, Paragraph 2.1.

RESOLVED – that the Director of Neighbourhood Services be authorised to grant the variation of the Section 106 agreement dated 3 March 2008 pursuant to planning application 3/07/2516/FP, to allow for the deletion of reference to Design and Quality Standards in Schedule 3, Clause 1.1 and Annexe C, Paragraph 2.1.

DNS

519 3/08/1854/FP – ERECTION OF 2 DETACHED, 4 BEDROOM DWELLINGS AT BONKS HILL HOUSE, BONKS HILL, SAWBRIDGEWORTH FOR MR O HOOKWAY

Mr Hammans addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1854/FP, planning permission be granted subject to the conditions now detailed.

The Director referred to a late representation that comprised a version of the Case Officer's report which had been extensively annotated. He commented that the issue of land ownership was not one the Committee could consider. Officers had not been concerned in respect of neighbour privacy issues resulting from the application.

Councillor A D Dodd, as a local ward Member, addressed the Committee in opposition to the application. He expressed concerns relating to the impact on the listed building. He also referred to the dangerous and narrow entrance to the site, which was in close proximity to the main road through Sawbridgeworth between Bishop's Stortford and Harlow. He commented that Bonks Hill Road

ACTION

was used by up to 29,000 vehicles a day.

Councillor N P Clark, as a local ward Member, also addressed the Committee in opposition to the application. He supported Councillor Dodd's concerns and commented that the application was out of keeping with the rest of the site. He stated that all 3 local Members opposed the application and had been concerned in respect of the highways issue adversely affecting highways safety on Bonks Hill Road.

Councillor K A Barnes expressed concerns in respect of the representation from Hertfordshire Highways. He commented that the strongest reason for refusing the application was concerns over the highways access close to a dangerous junction. He stated that the application would be detrimental to the character of the area.

Councillors R N Copping and A L Burlton cited highways and access as of particular concern. Councillor Mrs M H Goldspink commented that parking provision proposed on the site was inadequate.

The Director commented that concerns over highways and access would be difficult to sustain in the face of support from Hertfordshire Highways. He advised that the two proposed parking spaces on the site were adequate in relation to the Councils policy. If Members did feel that additional parking should be provided there was potential to do so, given the proposed layout on the site.

Councillor R N Copping proposed and Councillor K A Barnes seconded, a motion that application 3/08/1854/FP be refused on the grounds that the application would be detrimental to the setting of the listed building and to the character of the area.

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

ACTION

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1854/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1854/FP, planning permission be refused for the following reasons:

DNS

1. Detriment to setting of LB (B1633).
2. The proposed development by virtue of the design and appearance of the dwelling would be out of keeping with and therefore detrimental to the existing character of the site and surrounding area contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

520 3/08/1908/FP – DEMOLITION OF EXISTING DWELLING AND ERECTION OF A REPLACEMENT DWELLING AT CHASE HOUSE, PERRY GREEN FOR MR AND MRS POPE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1908/FP, planning permission be refused for the reasons now detailed.

Councillor M G Carver, as the local ward Member, addressed the Committee in support of the application. He referred to high levels of energy efficiency of the replacement dwelling. He urged the Committee to support the application as the new dwelling would achieve an energy rating as high as band C or even band B.

The Director advised that the Council's policy on replacement dwellings centred on structural integrity and visual appearance. Councillor R N Copping commented that the Committee should approve the application due to the levels of energy efficiency proposed by the application.

ACTION

Councillor Carver commented that the footprint of the replacement dwelling was no greater than the existing property and there would be a reduction in energy usage. He referred to significant improvements in sustainable building materials and energy efficiency.

In reference to building regulations, the Director commented that older buildings could only meet certain standards in respect of energy. However, steps could be taken to raise the standards of existing dwellings.

Councillor R N Copping proposed and Councillor D A A Peek seconded, a motion that application 3/08/1908/FP be approved, due to the superior energy efficiency and sustainability of the new dwelling.

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

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1908/FP be refused planning permission, for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1908/FP, planning permission be refused for the following reason:

DNS

1. The Local Planning Authority is not satisfied from the information submitted that the existing dwelling is either of poor construction or appearance, not capable of retention, to justify its demolition. As such the proposal is contrary to Policy HSG8 of the East Herts Local Plan Second Review April 2007.

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521 3/08/1100/FP – USE OF LAND AS A PRIVATE GYPSY CARAVAN SITE (TOTAL OF 5 MOBILE HOMES AND 1 TOURING CARAVAN) AT THE STABLES, BAYFORD LANE, HERTFORD FOR MR J. ROBB

Mr Wainwright addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1100/FP, planning permission be granted subject to the conditions now detailed.

The Director commented that two additional letters of objection had been received, raising concerns similar to those covered in his report. Particular concerns had been raised in respect of the site being unsuitable and unsustainable as a Gypsy Caravan Site.

The Chairman commented that no decision had been taken on how many pitches East Herts would have to accommodate on the outturn of the review of the Regional Spatial Strategy (RSS). In response to a query from Councillor W Quince, the Director reported that there had been no material change between the current situation and a previous appeal decision in terms of the characteristics of the site, but that the review of the RSS had advanced.

Officers commented that the Regional Spatial Strategy (RSS) Single Issue Review was currently being undertaken as the original RSS Policy H4 was considered inadequate by the Government. The Committee was advised that this emerging policy would identify the number of pitches to be provided by each local authority in the regions and that provision for Gypsy and Traveller sites would be incorporated in the Council's Local Development Framework (LDF).

Members were also advised that, in accordance with the

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need identified in the Northern and Eastern Hertfordshire Partnership Gypsy and Traveller Accommodation Assessment published by ORS in 2006, provision for at least 5 pitches would need to be made in East Herts by 2011 and that this level of need was accepted. However, EERA's submitted draft policy recommended that East Herts should make provision for at least 15 pitches across the district by 2011. An Examination in Public had been held in October 2008 where Officers had argued on behalf of the Council for the lesser number of pitches to be allocated to East Herts.

Officers stated that a recommendation of the Examination in Public Panel Report, published in December 2008, was that a revised figure of 20 pitches for East Herts be included in the policy. The Committee was advised that the Government would have to consider the Panel's report and its findings would form part of a further public consultation in spring 2009 to which this Council would have opportunity to respond.

Councillor W Quince accepted the need for provision of sites for Gypsies. He expressed concerns over an unelected regional assembly advising on the number of pitches that should be provided in East Herts.

Councillor L O Haysey, as the local ward Member expressed concerns that the site was unsustainable and that national policy was forcing a proposal in a location where there was a poor bus service and few facilities. She commented that the application was premature and should be refused until it was known how many pitches East Herts should provide.

Councillor A L Burlton commented that sites available before the formal allocation to each local authority area would may not count towards the total allocation for that area. Councillor W Ashley supported the views of the local Member and the Parish Council.

ACTION

Councillor Ashley commented that the RSS policy was a developing policy and this site was an unsuitable location in the green belt. He stated that the application conflicted with green belt policy.

Councillor S Rutland-Barsby expressed concerns that the site was located on a dangerous junction in an unsustainable location that was against travel policy.

Councillor W Ashley proposed and Councillor S Rutland-Barsby seconded, a motion that application 3/08/1100/FP be refused on the grounds that the site was an inappropriate location within the metropolitan green belt.

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 3/08/1100/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that in respect of application 3/08/1100/FP, planning permission be refused for the following reasons:

DNS

1. Within MGB (RO212).
2. The site is poorly located in relation to local services and facilities with limited public transport provision and poor pedestrian and cycling links. Travel to and from the site will be largely reliant on private vehicle use. The location therefore is poor in sustainability and transport terms and thereby contrary to policy SD2 of the East Herts Local Plan Second Review April 2007.

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522 (A) 3/08/1944/FP – AMENDMENT TO LPA REFERENCE 3/08/1133/FP INVOLVING ALTERATIONS TO THE PREVIOUSLY APPROVED EXTENSIONS AND ALTERATIONS; AND (B) 3/08/1945/LB – AMENDMENT TO LPA REFERENCE 3/08/11134/LB INVOLVING ALTERATIONS TO THE PREVIOUSLY APPROVED EXTENSIONS AT 17 CHURCH END, BRAUGHING FOR MRS R CHESWRIGHT

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1944/FP, planning permission be granted subject to the conditions now detailed. The Director also recommended that, in respect of application 3/08/1945/LB, listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/08/1944/FP and 3/08/1945/LB be granted planning permission and listed building consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of 3/08/1944/FP, planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12).
2. Samples of materials (2E12).

Directives:

1. Other Legislation (01OL1).
2. The development hereby approved should proceed with caution, particularly demolition works. If the presence of bats is found work should stop immediately and Natural England contacted on 01206 796666.

ACTIONSummary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV2, ENV5, ENV6, BH1, BH4, BH6, BH12 and OSV1. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/08/1945/LB, listed building consent be granted subject to the following conditions:

DNS

1. Listed Building Three Year Time Limit (1T141).
2. Samples of materials (2E12).
3. Listed Building (New Windows) (8L033).
4. Listed Building (New Doors) (8L043).
5. Listed Building (New External Rendering) (8L083).
6. Listed Building (New Rainwater Goods) (8L093).
7. Listed Building (Making Good) (8L103).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policy BH10. The balance of

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the considerations having regard to this policy is that permission should be granted.

523 E/08/0501/A - THE UNAUTHORISED STORAGE OF MATERIAL ON LAND AT THE REAR OF BARLEYCROFT WORKS, BARLEYCROFT END, FURNEUX PELHAM, HERTS, SG9 0LL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0501/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/08/0501/A on the basis now detailed.

RESOLVED – that in respect of E/08/0501/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised material and the restoration of the land.

DNS/
DIS

Period for compliance: 28 days.

Reason why it is expedient to issue an enforcement notice:

1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the material change of use of the agricultural land, which is contrary to the aims and objectives of policy GBC3 of the East Herts Local Plan Second Review April 2007.

ACTION

2. The unauthorised piles of stored material, with the associated loss of open land, have a detrimental impact upon the character and appearance of the area and causes loss or damage to important landscape features. Accordingly the development is contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

524 E/08/0364/B – UNAUTHORISED CHANGE OF USE FROM SINGLE FAMILY DWELLING HOUSE TO A 9 BEDROOM DWELLING IN MULTIPLE OCCUPATION AT 35 CLEMENTS STREET, WARE, HERTS, SG12 7AG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/07/0364/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 site relating to E/07/0364/B on the basis now detailed.

RESOLVED – that in respect of E/07/0364/B, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the property.

DNS/
DIS

Period for compliance: 6 months.

Reason why it is expedient to issue an enforcement notice:

1. The change of use of the dwelling has resulted in unsatisfactory living conditions for the intended occupiers, by reason of the small size of bedrooms and kitchen facilities contrary to

ACTION

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

2. The development has resulted in an adverse impact upon the amenities of neighbouring properties, by virtue of increased activity and noise disturbance from the comings and goings of occupiers and has created an adverse visual amenity impact from inadequate facilities for the storage and disposal of refuse. The development is therefore contrary to Policies ENV1 and HSG9 of the East Herts Local Plan Second Review April 2007.

3. The development, by reason of inadequate parking provision within the site, results in pressures for additional on street parking, which creates an adverse highway safety impact by restricting access of vehicles associated with refuse collection, deliveries and emergency services which is contrary to Policy TR7 of the East Herts Local Plan Second Review 2007.

525 (A) 3/08/1823/FP; AND (B) 3/08/1824/LC – DEMOLITION OF EXISTING RETAIL AND COMMERCIAL PREMISES, CONSTRUCTION OF 103 BED HOTEL WITH RETAIL USE TO GROUND FLOOR INCLUDING ANCILLARY WORKS AND CAR PARKING AT 71-77 SOUTH STREET, BISHOP'S STORTFORD FOR DOMLAND LIMITED

Mr Shepherd addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1823/FP, planning permission be refused for the reasons now detailed. The Director also recommended that, in respect of application 3/08/1824/LC, conservation area consent be granted subject to the conditions now detailed.

ACTION

Councillor A L Burlton commented that the estimate of 15 additional vehicle movements in the morning rush hour was inaccurate and the actual increase would be more than 20%.

Councillor K A Barnes supported the concept of a new hotel in Bishop's Stortford. He commented that this location on South Street was inappropriate for a hotel and a better solution could be achieved adjacent to the River Stort.

Councillor Barnes highlighted concerns that deliveries to a new hotel and taxis dropping off guests in this location could result in town centre traffic grinding to a halt. He commented that a hotel in this location would be of detriment to the town centre.

Councillor Mrs M H Goldspink strongly supported the Officer's recommendation for refusal. She had concerns that the proposed hotel was too large and was out of keeping with neighbouring buildings in the conservation area.

Councillor J Demonti commented that 59 parking spaces was inadequate for a 103 room hotel. The Director commented that the provision was lower than parking standards as policies were driving parking standards down not up.

Councillor Demonti commented that more parking was needed not less and requested whether this could be included as a reason for refusal. The Director advised that a case could be made on the issue of parking provision. He commented however, that a case would not be supported by national or local policy. Members were also advised it was not unreasonable to expect some guests to use public transport.

Councillor W Quince expressed concern on the ratio of car parking spaces to the number of rooms. He commented

ACTION

that the Committee should consider how much weight to add to a reason for refusal in respect of parking provision. He stated that all reasons for refusal, or any conditions if the application was approved, would be tested for their soundness.

The Committee supported the recommendations of the Director of Neighbourhood Services that application 3/08/1823/FP be refused planning permission and application 3/08/1824/LC be granted conservation area consent subject to the reasons and conditions now detailed.

RESOLVED – that (A) in respect of 3/08/1823/FP, planning permission be refused for the following reasons:

DNS

1. The proposed development by reason of its size, scale, massing and design does not relate well to adjacent buildings and to the surrounding townscape, and would result in a development which would be out of keeping with, and detrimental to the character and appearance of the area and the Conservation Area, and its setting. The proposed development would thereby be contrary to policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.
2. Inadequate parking (MO812).

(B) in respect of application 3/08/1824/LC, conservation area consent be granted subject to the following conditions:

DNS

1. Listed Building three year time limit (1T14).
2. Conservation Area (demolition) (8L12).
3. Conservation Area (clearance of site) (8L13).

ACTION

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policy BH4. The balance of the considerations having regard to this policy is that permission should be granted.

526 ITEMS FOR REPORT 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 10.20 pm

| | |
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| Chairman | |
| Date | |

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