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Chairman and Members of the
Development Control Committee

cc. All other recipients of the
Development Control Committee
agenda

Your contact: Peter Mannings
Ext: 01279 655261
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Our ref: PM
Date: 7 November 2011

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE - 9 NOVEMBER 2011

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting:

4. Minutes (Pages 3 - 12).

To confirm the Minutes of the meeting of the Committee held on Wednesday 26 October 2011.

7. Items for Reporting and Noting (Pages 13 - 16).

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics.

Please bring these papers with you to the meeting next Wednesday,

Yours faithfully

Peter Mannings
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MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 9 NOVEMBER 2011
TIME : 7.00 PM

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 26 OCTOBER 2011, AT 7.00
PM

PRESENT: Councillor S Rutland-Barsby (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton, J Demonti,
G Jones, G Lawrence, M Newman, J Taylor
and B Wrangles.

ALSO PRESENT:

Councillors P Ballam, K Crofton, L Haysey,
M McMullen, N Poulton, P Ruffles and
G Williamson.

OFFICERS IN ATTENDANCE:

Fiona Brown	- Planning Technician
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Hazel Izod	- Senior Planning Officer
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Barbara Sylvia	- Planning Admin
Alison Young	- Development

Control Manager

384 APOLOGIES

Apologies for absence were submitted on behalf of Councillors W Ashley and Mrs R Cheswright. It was noted that Councillors D Andrews and E Bedford were substituting for Councillors Mrs R Cheswright and W Ashley respectively.

385 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman reminded the Committee of the Members' Code of Conduct Training due to be held at 5.15 pm in the Council Chamber prior to the 9 November 2011 meeting of the Committee.

386 3/11/1190/FP - ERECTION OF A SINGLE WIND TURBINE OF UP TO 86.5M IN HEIGHT, SUBSTATION, ACCESS TRACKS AND ANCILLARY INFRASTRUCTURE AT LAND EAST OF WALKERN ROAD AND NORTH AND WEST OF HIGH ELMS LANE, BENINGTON FOR MR ANDREW BOTT

Professor Sandra File addressed the Committee in objection to the application. Mr Andrew Bott and Mrs Natalie Clennell spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1190/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to the late representations schedule as being extensive in light of the strength of feeling regarding this application. He also stated that comments from Councillor N Poulton had been inadvertently omitted from the report. Therefore, he detailed these verbally.

The Director also referred to comments received from Councillor J Ranger, who was concerned that the report lacked balance between the pros and cons of the scheme. Councillor Ranger was fully supportive of the comments of the Parish Councils and commented on the low electricity generation, casting doubt on the applicant's claim of 26% efficiency in a low wind area such as Hertfordshire. He believed that this could be as low as 18% or less.

Councillor N Poulton, as a local ward Member, addressed the Committee in opposition to the application. He commented that the proposed turbine would have a greater impact on Watton at Stone than for residents of Benington.

Councillor Poulton stressed that the turbine would dominate the skyline and would be totally out of proportion to the natural surrounding landscape. He referred to the planning history of the previously refused application for 3 turbines and he summarised the comments of the planning inspector in rejecting the appeal.

Councillor Poulton stated that it was widely believed all the points raised by the inspector could also be applied to this application. He referred to the many historic buildings close to the site, in particular Gregory's Farm. He summarised the inspector's comments in relation to this historic building.

Councillor Poulton stressed that the only suitable access for lorries was through Watton at Stone and such movement would cause inconvenience and financial hardship to residents and shop owners. He commented that traffic would have to negotiate a dangerous narrow lane towards Benington, in particular, a narrow ancient bridge over the River Beane where traffic could only flow in a single direction.

Councillor Poulton emphasised that all the comments of

the inspector on the previous scheme were still relevant. He referred to the Localism Bill and the weight of local objection and requested that Members refuse the application out of hand.

Councillor K Crofton, as the local ward Member, addressed the Committee in opposition to the application. He summarised the decision facing Members as one that would affect the future of residents 10 km or more from the site in Benington, Watton at Stone and Aston. He stated that this whole area was special in that it was devoid of any development or man made structures.

Councillor Crofton stated that this turbine would be totally out of character in a landscape conservation area. He stressed that there were alternatives to such an intrusive structure, for example, ground heat source energy and solar power. He commented that efforts should be directed at reducing energy usage rather than increased power generation.

Councillor Crofton emphasised that the proposed turbine would generate more energy than the needs of the applicant's farm. He stated that the applicant should follow the example of other farmers and install 20 metre turbines to support their farms.

Councillor Crofton referred to Hertfordshire as one of the least windy counties in the UK and stressed that the turbine would not produce more than 20% of its rated capacity. He referred to the process by which the turbine would be installed and the concrete base that would be in place after the turbine was decommissioned.

Councillor Crofton stated that wind turbines in Germany and Holland needed conventional power station back up for when there was insufficient wind. He stressed that during the severe UK winter in 2010/11, little or no energy was generated by the 3,000 turbines around the country. He referred to the impact of the application on Gregory's farm and also commented on the effects of the sheer size

of the turbine, in particular the effects of blade swish resulting in acoustic vibrations.

Councillor Crofton referred to the weight of local objection and the objections of local Members and MPs. He reminded the Committee of the Green Belt issues and stated that the application should be rejected as it was contrary to Regional Spatial Strategy (RSS) Policy ENV6 and Local Plan Policies BH12 and BH16 and was also in conflict with policies GBC2, GBC3, GBC12 and GBC14 of the East Herts Local Plan Second Review April 2007

Councillor J Taylor stated that this application was wholly inappropriate in the rural area beyond the Green Belt. She stressed that Policy GBC3 made no provisions for wind turbines as an acceptable form of development in such locations. She expressed concern that the need to combat climate change was taking precedence over the preservation of one of the most beautiful locations in East Herts.

Councillor Taylor commented that although this application was for one turbine only, it was to be located closer to Gregory's Farm than any of three turbines previously refused. She summarised the comments on the appeal inspector in relation to Gregory's Farm. Councillor Taylor referred in detail to the feed in tariffs in place for the type of turbine due to be installed should this application be approved.

Councillor Taylor requested that Officers comment on the documented problems with noise in relation to the Enercon E53 800 kilowatt turbine. She stated that far more homes would be adversely affected by loss of amenity by the application than the 345 who could benefit from the power generated by the turbine. She stressed that the power would be fed directly into the national grid so would not benefit local homes.

Councillor Taylor emphasised that Members must listen to the concerns of the 6 Parish Councils. She stated that

the applicant should listen to local opinions and embrace other green solutions such as solar power. She stressed that irreparable damage would be caused to a lovely area of East Herts, which must be protected for the enjoyment of future generations.

Councillor M Newman acknowledged the expertise reflected by the case officer in the report. He referred to the shortfall of electricity supply from locally sourced fuels in relation to demand. He stressed that the costs of fossil fuels was spiralling and the supply from abroad was increasingly at risk of being unreliable.

Councillor Newman referred to the 7 year UK energy strategy as being reliant on renewable energy solutions, in particular wind power. He stated that it was more efficient to generate electricity close to where it was needed and reasoned and ethical consideration must be given to any suitable site proposed for the installation of wind turbines.

Councillor Newman cast doubt on whether it was justifiable to allow new power stations at Sizewell or in the Trent Valley whilst turning down wind turbines in East Herts. He queried whether it was appropriate to sit back and wait for large national schemes for energy generation to come forward.

He acknowledged that a single turbine was a drop in the ocean of the UK energy needs. He stated however that any sustainable project should be supported. He referred to electricity pylons as having the same level of acceptability as the proposed turbine. He emphasised that the public would get used to seeing wind turbines pretty quickly if they were installed in the numbers that were suggested by the Government.

Councillor D Andrews commented that the national wind speed data implied that this site was at the low end of acceptability for a wind turbine. The wind speed was 5.8 to 6.2 metres per second and 6 metres per second was

recognised as the minimum average at 45 metres above ground. He stressed that a time of peak demand would be cold, frosty and foggy evenings when there was often no discernable wind.

Councillor Andrews stated that this application should be refused as there was inadequate energy return for the harmful impact on the Beane Valley. He stressed that the application must be refused as it was contrary to policies GBC2, GBC3, GBC12 and GBC14 of the East Herts Local Plan Second Review April 2007.

Councillor M Alexander stated that the Committee often had significant concerns in relation to the visual impact of 15 metre high phone masts close to town locations. He compared this to the very high levels of concern for a wind turbine of 86.5 metres in height.

Councillor Alexander stressed that the 6 Parish Councils had objected to the application for some very valid reasons and the Committee should listen to these concerns. He stated that the application would result in very little benefit and a lot of harm.

Councillor G Jones commented that the visual impact of the proposed turbine was very much in the eye of the beholder and he was minded to support the Officers' recommendation.

In response to a query from Councillor Taylor in relation to noise and the Enercon E53 800 Kilowatt turbine, the Director stressed that the appeal inspector had not attached any significant weight to such concerns.

The Director advised the balance argument in relation to the harm of development in the Green Belt was not relevant as this application site was not located in the Green Belt. He stressed that Members must weigh up all the issues in reaching a balanced decision on this application.

The Director acknowledged that the roadway would be in the Green Belt but would be level with the landscape and unobtrusive. He stated that the ancillary structures were modest in nature when compared to the wind turbine.

Councillor Alexander stressed that many local residents would not be able to distinguish between what was Green Belt and what was not. He stated that the public would see the general landscape and this would undoubtedly change.

In reference to the reasons for refusal and associated planning policies suggested by Councillor Taylor earlier in the debate, the Director advised that loss of amenity was not an issue on the larger application for three turbines. The Director stated that policies GBC12 and BH12 were not saved policies so could not be applied to this application.

The Director advised that policies GBC2 and GBC3 were not given any particular weight by the appeal inspector for the previous application for three turbines. The Committee should be cautious about applying these policies should Members resolve to refuse this application for a single turbine.

The Director stressed that the issues relevant to policy BH16 and RSS policy ENV6 were valid but had been judged to be acceptable in relation to this application in terms of the impacts of the single smaller turbine.

The Director advised that GBC14 and landscape character was an issue where Members could exercise some judgement when determining this application. Members were reminded that the landscape officer felt this application for a single turbine could be supported in the rural area beyond the Green Belt.

Councillor J Taylor proposed and Councillor S Bull seconded, a motion that application 3/11/1190/FP be refused on the grounds that the proposal would introduce

a tall moving structure into a landscape void of such development and would result in significant harm to the landscape character of the surrounding area and the Local Planning Authority is not satisfied that the environmental benefits of the turbine outweigh this harm and as such the proposals are 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 September 2007.

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 as now submitted.

RESOLVED – that in respect of application 3/11/1190/FP, planning permission be refused for the following reason:

1. The proposal would introduce a tall moving structure 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 is not satisfied that the environmental benefits of the turbine outweigh this harm and as such the proposals are 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 (Sept 2007).

The meeting closed at 8.45 pm

Chairman
Date

Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries

None

Informal Hearings

None

Enforcement Appeals (where the matter does not relate to an associated planning or similar application which are set out above):

Ref number	Location	Development	Date
E/06/0155/A	Esbies Estate, Station Road, Sawbridgeworth	Various unauthorised developments and changes of use of land	Reconvenes on 22 November 2011, sitting up to 5 December 2011.

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DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance for
September 2011

(calculated from April 2011)

	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
Total Applications Received	191	397	612	790	972	1181	1340					

Percentage achieved against Local and National Targets	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	0%	50%	33%	45%	42%	50%	60%						Major %	69%	60%
Minor %	96%	87%	86%	86%	84%	82%	72%						Minor %	80%	65%
Other %	97%	95%	94%	93%	94%	93%	89%						Other %	92%	80%

Appeals	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
Total number of appeal decisions (Monthly)	6	7	8	3	8	5	4					
Number Allowed against our refusal (Monthly)	2	4	5	0	4	1	0					

Total number of appeal decisions (Cumulative)	6	13	21	24	32	37	41					
Number Allowed against our refusal (Cumulative)	2	6	11	11	15	16	16					

AGENDA ITEM NO. 7D

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