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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 13 December
2011

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 14 DECEMBER 2011: SUPPLEMENTARY AGENDA 2

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

7. Members' questions (Pages 163 - 164)
10. Executive Report - 6 December 2011 (Pages 165 - 176)

To receive a report from the Leader of the Council and to consider the following recommendations:

- (A) Replacement Gym Equipment at Fanshawe and Leventhorpe pools
(1)

Minute 462 refers.

- (B) Review of Discretionary Rate Relief (1)

Minute 463 refers.

- (C) Strategic Land Availability Assessment (SLAA) Next Steps

Minute 464 refers.

(D) Hertfordshire Strategic Employment Sites Study (April 2011)

Minute 465 refers.

(E) Local Development Framework - Evidence Base - Technical studies 2010/11 and 2011/12

Minute 466 refers.

(F) Annual Monitoring Report 2010/11

Minute 467 refers.

(G) Interim Planning Guidance Note (November 2011)

Minute 468 refers.

(H) Monthly Corporate Healthcheck - October 2011 (1)

Minute 469 refers.

11. Minutes of Committees

(K) Development Control Committee - 7 December 2011 (Pages 177 - 200)

Chairman: Councillor W Ashley

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

Yours faithfully

Martin Ibrahim
Senior Democratic Services Officer
Democratic Services
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MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 14 DECEMBER 2011
TIME : 7.00 PM

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COUNCIL – 14 DECEMBER 2011

MEMBERS' QUESTION

Question 1

Councillor M Wood to ask the Leader of the Council:

During the past 18 months I have asked questions about the suitability of the new premises in Bishop's Stortford being able to host Committee meetings and I received the assurance that the new meeting rooms when linked together would in fact be large enough. Could the Leader explain why therefore no meetings have taken place in Stortford and seemingly none are scheduled to take place there?

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MINUTES OF A MEETING OF THE
EXECUTIVE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 6 DECEMBER 2011, AT 7.00 PM

PRESENT: Councillor A Jackson (Chairman/Leader)
Councillors M Alexander, M Carver,
L Haysey and M Tindale

ALSO PRESENT:

Councillors W Ashley, R Beeching,
E Buckmaster, S Bull, Mrs R Cheswright,
J Demonti, J Mayes, M McMullen, T Page,
N Poulton, J Ranger, N Symonds, J Wing,
M Wood, C Woodward and J Wyllie

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Martin Ibrahim	- Senior Democratic Services Officer
Alan Madin	- Director of Internal Services
George A Robertson	- Director of Customer and Community Services

461 DECLARATIONS OF INTEREST

A number of Members declared personal interests in the matter referred to at Minutes 463 and 474 – Review of Discretionary Rate Relief, as follows:

Councillor W Ashley – Director of Wodson Park.

Councillor S Bull – member of Buntingford Town Council and

local community centre.

Councillor N Poulton – Director of Wodson Park, Trustee of Hertford Museum and two Parish Council halls.

Councillor J Wing – Director of Wodson Park and trustee of Ware Museum and Ware Priory.

Councillor R Beeching declared a personal interest in the matter referred to at Minutes 462 and 473 – Replacement Gym Equipment at Fanshawe and Leventhorpe Pools, in that he was a governor of Leventhorpe school.

Councillor E Buckmaster declared a personal interest in the matter referred to at Minutes 462 and 473 – Replacement Gym Equipment at Fanshawe and Leventhorpe Pools, in that he used the gym at Leventhorpe.

Councillor M Carver declared a personal interest in the item referred to at Minute 464 – Strategic Land Availability Assessment (SLAA) Next Steps, in that he was Chairman of the Board of Governors at Hertford Regional College.

Councillor J Wing declared a personal interest in the item referred to at Minute 464 – Strategic Land Availability Assessment (SLAA) Next Steps, in that his wife was Vice-Chairman of the Board of Governors at Hertford Regional College.

462 **REPLACEMENT GYM EQUIPMENT AT FANSHAWE AND LEVENTHORPE POOLS (1)**

The Executive Member for Health, Housing and Community Support submitted an “invest to save” proposal for capital expenditure to fund the replacement of gym equipment at Fanshawe and Leventhorpe gyms. She proposed that the Council’s Procurement Regulations be waived so that SLM Ltd could purchase the equipment on the Council’s behalf. This would deliver better value for money and would generate a revenue saving over the remaining seven years of the

leisure contract.

The Executive recommended the proposal as now detailed.

RECOMMENDED - that a £113,000 Capital Expenditure bid to fund the replacement of gym equipment at the Fanshawe Pool & Gym and Leventhorpe Pool & Gym on an 'invest to save' basis, be approved, £84,000 to be spent at Fanshawe Pool & Gym in the current year 2011/12 and £29,000 at Leventhorpe Pool & Gym in 2012/13.

(see also Minute 473 below)

463 **REVIEW OF DISCRETIONARY RATE RELIEF (1)**

The Executive Member for Finance submitted a report reviewing the Discretionary Rate Relief policy, with view to reducing the budget by £30,000, in line with the Medium Term Financial Plan (MTFP).

The Corporate Business Scrutiny Committee, at its meeting held on 29 November 2011, had made some recommendations on areas where discretionary relief could be reduced. The Executive Member commented that these, broadly, were in line with his proposal. He proposed reducing top up relief from 20% to 10% except for Citizens Advice Bureaux and SLM Ltd, withdrawing rural relief for pubs and petrol filling stations, and withdrawing sports clubs with or without bars from charitable relief. He did not propose any changes to post offices and shops.

The Executive Member also suggested that a clearer definition of national charities was needed. In response to questions raised on village halls, the Executive Member undertook to review their position and provide clarification at the Council meeting on 14 December 2011.

The Executive Member acknowledged that his proposals

might result in some hardship cases, for which, he suggested a safety net, by way of representation being made, via the local member, to him for consideration in consultation with the Director of Internal Services.

In response to concerns raised in respect of museums, it was suggested that Members might wish to utilise their grants budget to fund any revenue gaps.

The Executive recommended the proposals as now detailed.

RECOMMENDED – that (A) Discretionary Rate Relief be amended as follows:

- (1) Discretionary Charitable (Top Up) Relief be reduced from 20% to 10%, except for Citizens Advice Bureaux and SLM Ltd, subject to a clearer definition of national charities and a further review of village halls;
- (2) Discretionary Rural Relief be withdrawn for pubs and petrol filling stations;
- (3) Discretionary Charitable Relief be withdrawn for sports clubs with or without a bar.

(B) in cases of extreme hardship at (2) above, applications via a local Member may be made for consideration by the Executive Member for Finance in consultation with the Director of Internal Services.

(see also Minute 474 below)

464 **STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA)
NEXT STEPS**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 24

November 2011, in respect of Strategic Land Availability Assessment (SLAA) Next Steps. Additional minor amendments tabled at the Executive meeting were also supported.

RECOMMENDED - that (A) the information received in respect of the SLAA sites, attached at Essential Reference Papers 'B' and 'C' of the report submitted and revised at the meeting, be noted; and

(B) the SLAA Next Steps, Assessment Criteria and Fact Sheet, attached at Essential Reference Papers 'D', 'E' and 'F' of the report now submitted, be agreed.

(see also Minute 475 below)

465 **HERTFORDSHIRE STRATEGIC EMPLOYMENT SITES STUDY (APRIL 2011)**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 24 November 2011, in respect of Hertfordshire Strategic Employment Sites Study (April 2011).

RECOMMENDED – that the Hertfordshire Strategic Employment Sites Study (April 2011) be agreed and published as a technical study, forming part of the evidence base to inform and support the East Herts Local Development Framework.

(see also Minute 475 below)

466 **LOCAL DEVELOPMENT FRAMEWORK - EVIDENCE BASE - TECHNICAL STUDIES 2010/11 AND 2011/12**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 24

November 2011, in respect of LDF Evidence Base – Technical Studies 2010/11 and 2011/12.

RECOMMENDED- that (A) it be noted, or as appropriate agreed, that the technical studies listed in Essential Reference Paper 'B' to the report now submitted, which are due for completion, already underway or proposed to be undertaken during 2011/12, contribute to the Local Development Framework Evidence Base and be completed or undertaken by means of:

- (1) seeking competitive quotes or tenders, as appropriate, to engage consultants, with the costs being met from the 2011/12 Planning Policy / Local Development Framework budgets for such purposes; and/or
- (2) partnership working where appropriate, with neighbouring authorities and other relevant partners; and

(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Transport, be given authority to approve funding, within the limits of the 2011/12 Planning Policy/Local Development Framework budgets, for such other relevant planning policy studies, as may be deemed appropriate.

(see also Minute 475 below)

467 **ANNUAL MONITORING REPORT 2010/11**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 24 November 2011, in respect of Annual Monitoring Report 2010/11.

RECOMMENDED – that (A) the Annual Monitoring

Report 2010/2011 contained as Essential Reference Papers 'B' and 'C' to the report now submitted be approved for publication and submission to the Secretary of State by 31 December 2011; and

(B) the Head of Planning and Building Control, in consultation with the Executive Member for Planning Policy and Economic Development, be authorised to make any necessary amendments or corrections to the above document, which may be required or identified prior to publication and submission to the Secretary of State.

(see also Minute 475 below)

468 **INTERIM PLANNING GUIDANCE NOTE (NOVEMBER 2011)**

The Executive considered and supported the recommendations of the Local Development Framework Executive Panel made at its meeting held on 24 November 2011, in respect of Interim Planning Guidance Note (November 2011).

RECOMMENDED – that (A) the Interim Neighbourhood Planning Guidance Note (November 2011) contained at Essential Reference 'B' to the report now submitted be agreed and published;

(B) further consideration is given to the potential resource implications of Neighbourhood Planning; and

(C) communities be advised to wait before they do any substantive work on Neighbourhood Plans until the Localism Bill has been enacted, associated regulations published and the Council has progressed with its Core Strategy.

(see also Minute 475 below)

469 **MONTHLY CORPORATE HEALTHCHECK -
OCTOBER 2011 (1)**

The Leader of the Council submitted an exception report on the finance and performance monitoring of the Council for October 2011.

The Executive supported the proposals now detailed.

RECOMMENDED – that (A) a supplementary capital estimate of £38,900 for the Voice Recognition telephony system be approved, in accordance with Financial Regulations 4.62(c), as detailed at paragraph 2.26 of the report submitted;

(B) a supplementary capital estimate of £44,100 for professional fees associated with the Wallfields refurbishment be approved, in accordance with Financial Regulations 4.62(c) as detailed at paragraph 2.27 of the report submitted; and

(C) a supplementary capital estimate of £15,000 to replace the dosing equipment at Fanshawe Pool be approved, in accordance with Financial Regulations 4.62(c) as detailed at paragraph 2.29 of the report submitted.

(see also Minute 476 below)

470 **MINUTES**

RESOLVED that the Minutes of the Executive meeting held on 8 November 2011, be approved and signed by the Leader as a correct record.

471 **ISSUES ARISING FROM SCRUTINY**

The Executive received a report detailing those issues referred to it by the Scrutiny Committees. Issues relating to specific reports for the Executive were considered and detailed at the relevant report of the Executive Member.

RESOLVED – that the report be received.

472 FLYPOSTING POWERS FOR TOWN COUNCILS

The Executive Member for Community Safety and Environment submitted a report proposing a shared responsibility approach in dealing with flyposting. He reminded the Executive of the previous decision taken on this matter and the subsequent discussions held with Town Councils.

Various Members welcomed the proposal and thanked Officers for their efforts. The Executive approved the proposal as now detailed.

RESOLVED - that the Director of Neighbourhood Services be delegated authority to pursue an agreement, the purpose of which will be to enable Town Councils to take up fly-posting removal powers, generally in accordance with the suggestions set out in this report and in consultation with the portfolio holder for Community Safety and Environment.

473 REPLACEMENT GYM EQUIPMENT AT FANSHAWE AND LEVENTHORPE POOLS (2)

The Executive approved the waiver of Procurement Regulations as now detailed.

RESOLVED - that a waiver of the EHC Procurement Regulations [in accordance with PR 12.1] be approved, to allow SLM Ltd, the Council's contracted leisure management contractor, to purchase gym equipment and associated packages on the Council's behalf to secure better value for money than the normal purchasing process.

(see also Minute 462 above)

474 REVIEW OF DISCRETIONARY RATE RELIEF (2)

The Executive reviewed the Discretionary Rate Relief policy.

RESOLVED – that the comments of the Corporate Business Scrutiny Committee be received.

(see also Minute 463 above)

475 LOCAL DEVELOPMENT FRAMEWORK EXECUTIVE PANEL - MINUTES OF THE MEETING HELD ON 24 NOVEMBER 2011

RESOLVED – that the Minutes of the Local Development Framework Executive Panel meeting held on 24 November 2011, be received.

(see also Minutes 464 - 468 above)

476 MONTHLY CORPORATE HEALTHCHECK - OCTOBER 2011 (2)

The Leader of the Council submitted an exception report on the finance and performance monitoring of the Council for October 2011.

RESOLVED - that (A) the budgetary variances set out in paragraph 2.1 of the report be noted;

(B) £12,800 of the Automated Telling Machines capital budget be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.28 of the report submitted;

(C) £30k of the Hertford Theatre roof covering capital budget be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.30 of the report submitted;

(D) £57,800 be vired from the Disabled Facilities Grants Discretionary and £71,700 of the Decent Homes Grants capital budget to the Disabled Facilities Grants budget, in accordance with Financial

Regulations 4.5.6, as detailed at paragraph 2.31 of the report submitted;

(E) £40k of the Bourne Play Area Development capital budget be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.32 of the report submitted;

(F) £53,050 of the Apton Road Car Park resurfacing and lining capital budget be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.33 of the report submitted;

(G) £36k of the Grange Paddocks pay and display machine and £3k of the Grange Paddocks tariff board/signs capital budgets be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.34 of the report submitted; and

(H) £165k of the Hertford Theatre Micro Hydro Scheme capital budget be re-profiled from 2011/12 into 2012/13, as detailed at paragraph 2.35 of the report submitted.

(see also Minute 469 above)

The meeting closed at 8.11 pm

Chairman
Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 7 DECEMBER 2011, AT
7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M Alexander, S Bull, A Burlton,
Mrs R Cheswright, J Demonti, G Jones,
G Lawrence, M Newman, S Rutland-Barsby,
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors K Crofton, L Haysey, P Moore,
T Page and P Ruffles.

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

477 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman thanked Building Control Officers for a very good presentation prior to the meeting. Members were

reminded of the training session scheduled for 5.15 pm prior to the next meeting on 4 January 2012. The Chairman advised that the training would cover listed buildings, parking provision and conservation areas.

478 DECLARATIONS OF INTEREST

Councillor P Ruffles declared a personal interest in application 3/11/1373/FP, in that he had been closely involved in the development of the application in his capacity as a Member of the Hertfordshire Groundwork Trust.

Councillor B Wrangles declared a personal interest in application 3/11/1627/FO, in that she was an acquaintance of the applicant.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in application 3/11/1627/FO, in that she was a customer of Riverside Garden Centre and was acquainted with a number of objectors to this application. She left the room during consideration of this matter.

Councillor S Rutland-Barsby declared a personal interest in application 3/11/1373/FP, in that she frequently used the drive to the Bayfordbury Campus.

Councillor W Ashley declared a personal interest in application 3/11/1650/FP, in that he was an acquaintance of the applicant.

Councillor W Ashley declared a personal interest in application 3/11/1716/FP, in that he was acquainted with some of the members of the family that was the applicant.

Councillor W Ashley declared a personal and prejudicial interest in application 3/11/1808/FP, in that he was one of the partners of the firm that was the applicant. He left the room and Councillor S Rutland-Barsby chaired the meeting during consideration of this matter.

Councillors Mrs R Cheswright and J Taylor declared personal interests in application 3/11/1627/FO, in that they had both been customers at Riverside Garden Centre.

Councillor J Demonti declared a personal interest in application 3/11/1808/FP, in that she was an acquaintance of the applicant.

479 MINUTES - 9 NOVEMBER 2011

RESOLVED – that the Minutes of the meeting held on 9 November 2011 be confirmed as a correct record and signed by the Chairman.

480 3/11/1627/FO - VARY CONDITION 2 OF PLANNING PERMISSION 3/09/0939/FP RELATING TO THE EXTERNAL MATERIALS OF CONSTRUCTION TO ALLOW LANDSCAPING ALONG THE FRONT ELEVATION IN PLACE OF TIMBER CLADDING - RETROSPECTIVE, AT THE RIVERSIDE GARDEN CENTRE, LOWER HATFIELD ROAD, BAYFORD, HERTFORD, HERTS, SG13 8XX FOR RIVERSIDE GARDEN CENTRE LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1627/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor A Burlton commented that although he had nothing against the application, he was concerned that the applicant repeatedly submitted retrospective applications after work had been completed. He stated that Officers should advise the applicant that applications must be submitted before any work was carried out.

Councillor M Newman expressed concerns relating to the effectiveness of the proposed planting in providing adequate screening of the development. He stated that the use of deciduous trees provided little screening at the moment and the use of metal cladding was very evident.

He commented that there was no screening above the entrance door.

The Director advised that it was important to consider the extent to which landscaping softened the impact of the development. Members were advised that landscaping would be very unlikely to screen the development entirely but felt that an acceptable visual appearance would be achieved.

The Director commented that the landscaping had softened the impact of the development and had assisted with the assimilation of the building into the surrounding area. The Director stated that Members' concerns appeared to be more in relation to the appearance of the building rather than the landscaped screening.

Councillor M Newman proposed and Councillor A Burlton seconded, a motion that application 3/11/1627/FO be refused on the grounds that the proposed variation of condition would not allow sufficient control to be retained in relation to the appearance of the building to ensure that it does not have a harmful visual impact in accordance with policy ENV1 of the East Herts Local Plan Second Review April 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.

Councillor W Ashley requested that his dissent from this decision be recorded.

RESOLVED – that in respect of application 3/11/1627/FO, planning permission be refused for the following reason:

1. The proposed variation of condition would not allow sufficient control to be retained in

relation to the appearance of the building to ensure that it does not have a harmful visual impact in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

- 481 3/11/1650/FP - ERECTION OF SINGLE STOREY BUILDING TO REPLACE BUILDING DESTROYED BY FIRE AT CELTIC HARMONY CAMP, BRICKENDON LANE, BRICKENDON, HERTFORD, HERTS, SG13 8NU FOR MS C HOLT-PARRELLA
-

Claire Holt addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1650/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1650/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 482 3/11/1716/FP - USE OF LAND FOR THE SITING OF A RESIDENTIAL MOBILE HOME IN THE FORM OF A LOG CABIN FOR A TEMPORARY 3 YEAR PERIOD FOR OCCUPATION BY A STOCKMAN AT DALMONDS WOOD FARM, MANGROVE LANE, BRICKENDON, HERTFORD, HERTFORDSHIRE, SG13 8QJ FOR MR EAMON BOURKE

Mr Eamon Bourke addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1716/FP, planning

permission be refused for the reasons now detailed.

The Director referred Members to the additional representations schedule for Officers' comments relating to the financial test and in respect of the size of the proposed log cabin. Councillor S Bull commented that such applications should be welcomed in rural areas, particularly in light of the current financial climate.

In response to a query from Councillor M Newman, the Director confirmed that, according to the submitted plans, the size of the proposed development was 17 metres by 6.8 metres.

Councillor Newman commented on whether the proposed development could be classed as a mobile home. He queried whether there would be permanent foundations or wheels making the proposed development a true mobile home.

The Director stated that the proposed development appeared to have a fixed plinth and would also benefit from a fixed terrace on two sides. Officers were of the view that the log cabin could not be moved easily and the impact of the development on the green belt was a material consideration.

Councillor J Taylor commented that this area was a county wildlife site and stated that the site was in the metropolitan green belt. Councillor Taylor supported the Officer's recommendation for refusal and the reasons detailed in the report now submitted.

The Director commented that the financial case for the proposed development was very much based on an extrapolation of financial information from previous years trading but that those base figures had not been submitted. Officers felt that the recommendation in the report was the appropriate course of action for Members at this stage.

Councillor S Bull proposed and Councillor M Alexander seconded, a motion that application 3/11/1716/FP be deferred to allow the applicant to submit further information to prove that there was clear evidence that the proposed enterprise had been planned on a 'sound financial basis'.

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 accepted the recommendation of the Director of Neighbourhood Services that application 3/11/1716/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/11/1716/FP, planning permission be refused for the reasons detailed in the report now submitted.

- 483 3/11/1373/FP - PARTIAL DEMOLITION OF EXISTING BUILDINGS ASSOCIATED WITH THE PREVIOUS HORTICULTURAL EDUCATION AND RESEARCH ACTIVITIES OF THE UNIVERSITY OF HERTFORDSHIRE AND SUBSEQUENT DEVELOPMENT OF A BESPOKE SINGLE STOREY BUILDING OFFICE WORKSPACE FACILITY; CONVERSION OF EXISTING BOILER HOUSE TO PROVIDE ENVIRONMENTAL EDUCATION CENTRE; SUBSTATION AND ENERGY CENTRE; RE-USE OF EXISTING GLASSHOUSES; ACCESS AND PARKING; ENHANCED RESTORATION LANDSCAPING AT THE BAYFORDBURY CAMPUS, LOWER HATFIELD ROAD, BAYFORD
-

Mr Stephen Boffey addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application

3/11/1373/FP, planning permission be granted subject to the conditions now detailed.

The Director advised that the applicant had requested that, should Members be supportive of the proposed development, the time limit be altered from 3 to 5 years to give the applicants the opportunity to raise the finance to implement the proposed development. Officers considered this to be a reasonable request due to the unusual circumstances of the applicants and the need for funds to be generated.

Councillor L Haysey, as the local ward Member, addressed the Committee in support of the application. She endorsed the comments of the public speaker and referred to the Hertfordshire Groundwork Trust and the Hertfordshire and Middlesex Wildlife Trust as particularly compatible partners to the applicant.

Councillor Haysey stated that this application, if approved, would allow the three partners to share a vision for education and environmental regeneration. She also praised the work of Hertfordshire Groundwork Trust in working with young people and in particular with people who were disadvantaged in society.

Councillor Haysey urged the Committee to support the application with a sense of pride in terms of the benefits that would result for the District of East Herts.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/11/1373/FP be granted subject to a 5 year time limit and subject to the conditions now detailed.

RESOLVED – that, subject to the applicant or successor in title signing a legal agreement pursuant to S106 of the Town and Country

Planning Act 1990 in respect of application 3/11/1373/FP, planning permission be granted, subject to a 5 year time limit and subject to the conditions detailed in the report now submitted.

484 3/10/1968/FP - ERECTION OF 76 DWELLINGS, OPEN SPACE, LANDSCAPING, PARKING AND ACCESS FROM WIDBURY HILL AT THE FORMER DEPOT AND COACHWORKS SITE, LEASIDE DEPOT, WIDBURY HILL, WARE, SG12 7QE FOR TAYLOR WIMPEY NORTH THAMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1968/FP, planning permission be granted subject to the conditions detailed in the report now submitted. The Director also recommended that authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member, to make further minor changes to the details of the conditions, directives and summary of reasons detailed in the report now submitted.

The Director stated that all of the section 106 legal obligations from the previous planning permission would still apply. Members were advised that the report was to reconsider the issues raised by the application now that development had commenced. Members would also have to consider the issue of enforcement action.

The Director stressed that Officers considered the scheme to be acceptable and had recommended approval with no need for any enforcement action. The Director advised that Officers felt it necessary to request that authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member to make further appropriate minor changes to the details of the conditions, directives and summary of reasons now detailed.

In response to a query from Councillor A Burlton, the

Director confirmed that all of the elements of the previous section 106 legal agreement would be included should this application be approved. The Director stressed that the applicant had halted all development work and had entered into a dialogue with Officers so that all outstanding issues could be resolved.

After being put to the meeting and a vote taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/11/1968/FP, planning permission be granted subject to the completion of a legal agreement containing the elements previously agreed by the committee at its February 2011 meeting and the conditions detailed in the report now submitted.

(B) authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member, to make further minor changes to the details of the conditions, directives and summary of reasons now detailed.

485 3/11/1742/FP - RESIDENTIAL DEVELOPMENT OF 3 NO. DETACHED DWELLINGS AT NEW MEAD NURSERY, WALKERN ROAD, BENINGTON, SG2 7LS FOR PAGE AND WATTS LTD

Mr Barker addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1742/FP, planning permission be refused for the reasons now detailed.

The Director referred Members to the substantial amount of additional information detailed in the late representation schedule. The Committee was advised that the Council's planning policies favoured the direct provision of

affordable housing.

The Committee was further advised that Members must weigh up whether the harm caused by the development was outweighed by the potential benefits. In the case of the initial recent application, Members had taken the view that the proposals could be supported because of the direct provision of two affordable homes.

The Director advised that the next application had been refused by Officers as insufficient information had been submitted to justify the claim that the scheme was, by then, unviable. Members were advised that, whilst sufficient information had now been submitted, this did not mean that automatic approval should be forthcoming as Members must still weigh up the balance of harm and benefit.

The Director stressed that, whilst a financial contribution of £100,000 had been offered, there was no justification for this figure. Members were advised that it was unlikely that any provision would be achieved because of the lack of an alternative development to which the contribution could be put towards. Officers had been of the view that, taking into account the lack of government grant, financial provision of at least £200,000 would have to be made to enable the provision of two affordable units.

The Director reiterated that to accept a financial contribution would be contrary to the relevant policies in the East Herts Local Plan Second Review April 2007 and in the supplementary planning documents. Members would have to demonstrate very clear and cogent reasons for departing from policy.

The Director also advised that the Council's Solicitor had stated that an additional reason for refusal should be applied in that, whilst financial provision was to be made as part of the proposals to support the provision of affordable housing, there had been no justification supplied in relation to the scale of that financial provision.

The Director stressed that no other steps had been taken to ensure that actual delivery of affordable housing could be achieved as a result of the financial provision and therefore the proposals were contrary to the requirements of policy HSG3 of the East Herts Local Plan Second Review April 2007 and were also contrary to the Affordable Housing and Lifetime Homes Supplementary Planning Document (SPD) January 2008.

Councillor K Crofton, as the local ward Member, addressed the Committee in support of the application. He stated that the volume of paperwork presented to Members had over complicated what was a very simple issue.

Councillor Crofton stressed that the applicant had sought to vary an existing planning permission for reasons beyond the applicant's control. He referred to a viability report that had been submitted to Officers and to the recent loss of public subsidy in the form of affordable housing grants.

Councillor Crofton commented that a volume of 5 affordable housing units would not prove to be an attractive proposition to any housing association. He stated that the Authority's own consultants had fully tested the viability report that had been sent to Officers.

Councillor Crofton referred to the delays on site resulting from the current uncertainty in respect of this application. He advised that this was previously a derelict and nasty site and development was long overdue in this location, which was well within the boundaries of the village. He urged the Committee to go against the Officer's recommendation and approve this application.

Councillor J Taylor stated that the need for a site to be tidied up had never been a prerequisite for approving a planning application. She concurred with the Officer's view that a financial contribution towards affordable

housing would not result in actual direct provision and the application should be refused.

Councillor M Newman queried whether the application had been viable a year ago, let alone in the current financial climate. He also commented on whether any houses on this site would remain 4 bedroom dwellings or end up being larger 6 bedroom houses.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/1742/FP be refused planning permission for the reasons now detailed and subject to the additional reason for refusal now detailed.

RESOLVED – that in respect of application 3/11/1742/FP, planning permission be refused for the following reasons:

1. Within Rural Area – EHLP (R031)
2. The proposed development, by reason of its scale, siting and overall domestication of the site would harm the rural character and appearance of the surrounding area. If permitted the proposal would therefore be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
3. Whilst financial provision is to be made as part of the proposals to support the provision of affordable housing, no justification has been supplied in relation to the amount of that financial provision. No other steps have been taken to ensure that actual delivery of affordable housing can be achieved as a result of the financial provision and therefore the proposals are contrary to the requirements of policy HSG3 of the East Herts Local Plan Second Review April 2007 and of the

Affordable Housing and Lifetime Homes SPD,
Jan 2008.

486 3/11/1637/FP - RETENTION OF ELEVATED PEDESTRIAN
WALKWAY AT PARADISE WILDLIFE PARK, WHITE
STUBBS LANE, BAYFORD, BROXBOURNE, HERTS, EN10
7QA FOR MR PETER SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1637/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1637/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

487 3/11/1712/FO - VARIATION OF CONDITION 3 OF
PLANNING REF 3/08/1402/FP TO AGREE A PROPOSED
MINOR MATERIAL CHANGE TO BUILDING APPROVED.
THE CHANGES ARE:-CHANGE FROM HIPPED TO GABLE
ENDS TO ROOF, BUILDING LENGTH REDUCE BY 3.85M
(REDUCTION OF TOTAL FLOOR AREA BY 37M²),
ELEVATION CHANGE TO INCLUDE EXTERNAL METAL
CLADDING AT PARADISE WILDLIFE PARK, WHITE
STUBBS LANE, BAYFORD, BROXBOURNE, HERTS, EN10
7QA FOR MR PETER SAMPSON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1712/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1712/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

488 3/11/1631/FP -REVISED ROUTE FOR MID SECTION OF PATH ALONGSIDE GRANGE PADDOCKS PLAYING FIELD (AMENDMENT TO APPROVED SCHEME GRANTED PLANNING PERMISSION UNDER REF: 3/11/0554/FP) AT LAND ADJACENT TO THE RIVER STORT (EAST SIDE FROM GRANGE PADDOCKS TO CASTLE GARDENS), BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1631/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

In response to a query from Councillor A Burlton, the Director confirmed that no comments had been received from Bishop's Stortford Town Council. Councillor J Demonti expressed concerns that the footpath lighting turn off time of 11 pm was too late and that 9 pm would be more appropriate. She requested that a condition be imposed to this effect.

The Director advised that Officers could go back to the applicant, which was the property section of the Authority, to seek a solution that was acceptable to Members. Councillor A Burlton requested that all of the Bishop's Stortford Members be consulted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1631/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

489 3/11/1508/FP - TIMBER FRAMED PLAY EQUIPMENT (RETROSPECTIVE) AT THE WHITE HART, HIGH STREET, PUCKERIDGE, SG11 1RR FOR MR J PUGH

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1508/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1508/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

490 3/11/1833/FP - CHANGE OF USE FROM RETAIL (KITCHEN/BEDROOM/BATHROOM SHOWROOM) TO MOTOR CYCLE REPAIRS/MOT/SERVICES AND SALES AT UNIT 3 TWYFORD ROAD BUSINESS CENTRE, LONDON ROAD, BISHOP'S STORTFORD, CM23 3YT FOR MR P SELF

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1833/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman commented on whether a noise condition should be applied as a motorcycle repair business would be substantially more noisy than the current use of a furniture show room.

The Director advised that the majority of this industrial estate was made up of general B2 industrial uses and it would be reasonable to assume there would be some noise in that respect.

Members were advised that Officers had not applied a noise condition as this had not been requested by Environmental Health. Officers felt that a condition was not required as Environmental Health had powers to tackle any noise problems under Environmental Health legislation.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1833/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 491 (A) 3/11/1520/FP – NEW DWELLING LAND ADJACENT TO 2 MAPLE AVENUE, BISHOP'S STORTFORD, CM23 2RR FOR MR AND MRS J SANDFORD; AND (B) 3/11/1521/FP - REPLACEMENT 6 BEDROOM DWELLING-2 MAPLE AVENUE, BISHOP'S STORTFORD, CM23 2RR FOR MR AND MRS J SANDFORD
-

Mr Cave addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/11/1520/FP and 3/11/1521/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones, as the local ward Member, endorsed the comments of the public speaker. He commented that Maple Avenue was characterised by large houses on large plots of land. Councillor Jones referred to instances where large houses had been demolished to make way for more than one dwelling on a single plot.

Councillor Jones stated that this application was not compatible with the structure and layout of the surrounding area. He commented that a smaller

subservient property was out of keeping with the taller larger dwellings in the area and would therefore be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

Councillor Jones referred to the orientation of the proposed development in that the property would face south towards 4 Maple Avenue whereas all existing properties faced the road. He commented on his concerns that there were 8 windows on the plans for the elevation that faced the adjacent existing property.

Councillor Jones stated that, as leaves had now fallen from the deciduous trees, the view between the properties was very much open and overlooking was much more likely to occur.

The Director advised caution in that Members should be aware that by refusing application 3/11/1520/FP and being supportive of application 3/11/1521/FP, the Committee would be implicitly supporting the subdivision of the plot of land at 2 Maple Avenue.

The Director read out the policy provisions in relation to the compatibility of neighbouring dwellings. Members were reminded that Maple Avenue contained a mix of properties on plots of land to which there was some variety in size.

The Director commented that the large plots did support some very substantial properties. Members were also advised that a number of properties were set well back from the road whilst others were very much closer.

The Director advised that if Members felt that the proposed development did not site well within Maple Avenue, the Committee must articulate clearly what Members felt would be the harm that would be caused. The Director commented that protecting the amenity of the frontage of a property was difficult as this aspect of many properties was very much more in public view.

Councillor Mrs R Cheswright commented that it seemed as if the new dwelling had been orientated in such a way so that the replacement dwelling would not be overlooked.

Councillor G Jones proposed and Councillor J Demonti seconded, a motion that application 3/11/1520/FP be refused on the grounds that the proposal would be out of keeping with and detrimental to the existing character and appearance of the surrounding area by reason of the scale and orientation of the proposed dwelling. The orientation of the proposed dwelling was such that a number of windows to main rooms face toward the currently largely private garden area of number 4 Maple Avenue and this therefore would have a harmful impact on the privacy and amenity of the occupier of number 4 Maple Avenue contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

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

Councillor G Jones proposed and Councillor M Alexander seconded, a motion that application 3/11/1521/FP be refused on the grounds that the proposed dwelling would, by reason of its size in relation to the proposed plot, result in a cramped form of development that would be out of keeping with and harmful to the character and appearance of the surrounding area, contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

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

In respect of applications 3/11/1520/FP and 3/11/1521/FP, the Committee rejected the recommendations of the Director of Neighbourhood Services as now submitted.

Councillors W Ashley and S Rutland-Barsby requested that their dissent from these decisions be recorded.

RESOLVED – that (A) in respect of application 3/11/1520/FP, planning permission be refused for the following reasons:

1. The proposal would be out of keeping with and detrimental to the existing character and appearance of the surrounding area by reason of the scale and orientation of the proposed dwelling and the subdivision of the plot at number 2 Maple Avenue. As such, it would be contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.
2. The orientation of the proposed dwelling is such that a number of windows to main rooms face toward the currently largely private garden area of number 4 Maple Avenue at close proximity. This therefore will have a harmful impact on the privacy and amenity of the occupier of number 4 Maple Avenue contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/11/1521/FP, planning permission be refused for the following reason:

1. The proposed dwelling would, by reason of its size in relation to the proposed plot, result in a cramped form of development that would be out of keeping with and harmful to the character and appearance of the surrounding area, contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007.

492 3/11/1808/FP - CONVERSION AND EXTENSIONS AND ALTERATIONS TO EXISTING SHEDS TO PROVIDE 6 LIVE WORK UNITS AT MONKS GREEN FARM, MONKS GREEN LANE, BRICKENDON FOR WILLIAM ASHLEY AND PARTNERS

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1808/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to the late representation schedule and stated that there had been no objections from Brickendon Parish Council.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1808/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

493 3/11/1628/FP - PROPOSED SINGLE GARAGE AT COW PASTURE, CHURCH END, ALBURY, SG11 2JQ FOR MR E DURING

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1628/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1628/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

494 E/11/0325/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/11/0325/A, court injunctions be authorised on the basis now detailed.

The Committee accepted the Director's recommendation for court injunctions to be authorised in respect of the site relating to E/11/0325/A on the basis now detailed.

RESOLVED – that in respect of E/11/0325/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to apply for court injunctions on the basis now detailed.

495 UPDATE ON ENFORCEMENT ACTION OF THE LAND NORTH OF THE OLD COACH ROAD, BIRCH GREEN, HERTFORD, SG14 2LP

The Director of Neighbourhood Services submitted a report that updated the Committee on current enforcement action at the land north of the Old Coach Road, Birch Green, Hertford, SG14 2LP.

The Committee supported the Director's recommendation as now detailed.

RESOLVED - that enforcement action taken to date in respect of this site, be endorsed.

496 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 8.30 pm

Chairman

Date

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