

# Public Document Pack



Chairman and Members of the  
Council

Your contact: Martin Ibrahim  
Ext: 2173  
Date: 28 June 2012

cc. All other recipients of the Council  
agenda

Dear Councillor

## **COUNCIL - 4 JULY 2012: SUPPLEMENTARY AGENDA 1**

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

### 8. Executive Report - 19 June 2012 (Pages 125 - 128)

*To receive a report from the Leader of the Council and to consider Executive recommendations on the matters below.*

#### (A) Parking and Transport Strategy

*Minute 74 refers*

#### (B) Economic Development Strategy Revisions

*Minute 75 refers*

*Note – Members are asked to bring their copy of the Executive agenda to the meeting.*

### 13. Development Control Committee: Minutes - 20 June 2012 (Pages 129 - 158)

*Chairman: Councillor S Rutland-Barsby*

Please bring these papers with you to the meeting next Wednesday

Yours faithfully

Martin Ibrahim  
Democratic Services Team Leader  
Democratic Services  
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**MEETING** : COUNCIL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 4 JULY 2012  
**TIME** : 7.00 PM

MINUTES OF AN INQUORATE MEETING  
OF THE EXECUTIVE HELD IN THE  
COUNCIL CHAMBER, WALLFIELDS,  
HERTFORD ON TUESDAY 19 JUNE 2012,  
AT 6.00 PM

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PRESENT: Councillor A Jackson (Chairman/Leader)  
Councillors L Haysey and P Phillips.

ALSO PRESENT:

Councillors E Buckmaster and  
Mrs D Hollebon.

OFFICERS IN ATTENDANCE:

Martin Ibrahim	- Democratic Services Team Leader
Alan Madin	- Director of Internal Services
Paul Pullin	- Manager of Economic Development
George A Robertson	- Chief Executive and Director of Customer and Community Services

72 APOLOGIES

Apologies for absence were submitted on behalf of  
Councillors M Alexander, M Carver and M Tindale.

73 LEADER'S ANNOUNCEMENTS

The Leader advised that, as the meeting was inquorate, no  
decisions could be taken. Recommendations arising from the  
two substantive agenda items (see Minutes 74 – 75 below)

would be referred onto Council for decision and the remaining business would be deferred until the next Executive meeting.

#### 74 **PARKING AND TRANSPORT STRATEGY**

**The Executive Member for Economic Development submitted a report seeking support for a number of policy statements drawn from the Parking and Transport Strategy. The Executive recalled that, at its previous meeting, it had considered the Strategy and requested Officers to formulate these statements.**

**The Executive Member commented that the proposed statements, as now detailed, if adopted, would shape the development of the Parking Service and the Council's wider approach to transportation issues across the District.**

- **We will seek to maintain car parking income at current levels in real terms.**
- **We will seek to ensure that users pay for the parking service rather than the council tax payer.**
- **We will promote existing and explore new technologies to improve the overall convenience of parking in East Herts.**
- **We will seek where possible and appropriate to match parking capacity with demand.**
- **We will seek to develop and implement parking solutions that reflect local needs.**
- **We will make the economic vitality of East Herts a core consideration when developing parking services.**

**Councillor E Buckmaster commented on the order of the statements and wondered whether the last statement on**

economic vitality should appear at the top of the list. He also suggested strengthening one or two, by for example, including reference to reducing traffic congestion and air pollution. Finally, he commented that cooperation with other bodies on transport strategies should be included.

The Leader commented that the Executive would look at these suggestions further and tweak the proposals as necessary when determined by Council.

The Executive recommended the policy statements.

**RECOMMENDED** – that the policy statements as now detailed, be approved.

75

### **ECONOMIC DEVELOPMENT STRATEGY REVISIONS**

The Executive Member for Economic Development submitted a report proposing four new strategic themes as a revision of the Council’s Economic Development Strategy. He also identified specific projects and their funding that would deliver these themes. The four themes were:

- **Create a more business friendly environment in our towns and town centres and deliver targeted initiatives to support the viability of employment land in the district.**
- **Contribute to the competitiveness and survival rates of local business.**
- **Encourage and support resilience and growth in the rural economy.**
- **Develop a coordinated and targeted approach to the “Get Britain Working” agenda and to skills, training and advice programmes.**

The Executive Member reminded the Executive that the

**Council had previously agreed to commit 25% of New Homes Bonus funding in 2012/13 to support economic development initiatives. He detailed the specific projects that would utilise this funding.**

**The Executive supported the proposals as now detailed.**

**RECOMMENDED - that (A) a revision of the Economic Development Strategy to incorporate amended strategic themes that will extend the timeframe of the strategy for another five years, be approved;**

**(B) the proposed key activities be noted; and**

**(C) the projects to be supported be funded by priority spend from the New Homes Bonus.**

76 MINUTES

It was noted that the Minutes of the Executive meeting held on 22 May 2012 would be submitted to the next meeting for approval as a correct record.

The meeting closed at 6.20 pm

Chairman	.....
Date	.....

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 20 JUNE 2012, AT 7.00 PM

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PRESENT: Councillor S Rutland-Barsby (Chairman).  
Councillors M Alexander, D Andrews, S Bull,  
A Burlton, Mrs R Cheswright, G Jones,  
G Lawrence, P Moore, M Newman, T Page  
and N Symonds.

ALSO PRESENT:

Councillors W Ashley and M Tindale.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

77 APOLOGY

An apology for absence was submitted on behalf of Councillor E Bedford. It was noted that Councillor N Symonds was in attendance as substitute for Councillor E Bedford.

78 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 Localism training due to take place in the Council Chamber from 6 pm on the 21 June 2012, and emphasised the importance of Members attending to keep their training up to date.

The Chairman advised that the following application had been withdrawn from the agenda:

- 3/12/0424/FP – Closing of railway foot-crossing and construction of a new footbridge with ramped accesses at Johnsons Railway Crossing, Bishop's Stortford.

The Chairman advised that applications 3/11/2209/FP and 3/11/2210/LB would be determined first, prior to application 3/12/0259/FP.

## 79 DECLARATIONS OF INTEREST

Councillor A Burlton declared a personal interest in application 3/12/0495/FP, in that he was a trustee of Bishop's Park Community Centre and the proposed ATM Machines would impinge on land where the Community Centre might have a planning application for a fence.

Councillor Mrs R Cheswright declared a personal interest in applications 3/11/2209/FP and 3/12/2210/LB, in that she lived near to the site.

Councillor G Lawrence declared a personal and prejudicial interest in applications 3/12/0542/FP and 3/12/0543/LB, in that he was a personal friend of the applicant. Councillor Lawrence left the chamber during the determination of this matter.

Councillor T Page declared a personal interest in application 3/12/0495/FP, in that he was a Member of Bishop's Park Community Association.



80 MINUTES - 23 MAY 2012

RESOLVED – that the Minutes of the meeting held on 23 May 2012 be confirmed as a correct record and signed by the Chairman.

81 A) 3/11/2209/FP – DEMOLITION OF EXISTING FARM BUILDINGS, CONVERSION AND EXTENSION OF LISTED BARN TO FORM 1 NO. DWELLING, ERECTION 27NO. DWELLINGS AND ASSOCIATED DEVELOPMENT AT PENTLOWS FARM, BRAUGHING FOR LINDEN HOMES; AND B) 3/11/2210/LB – DEMOLITION OF EXISTING FARM BUILDINGS, CONVERSION OF LISTED BARN TO PART DWELLING AT PENTLOWS FARM, BRAUGHING FOR LINDEN HOMES

Parish Councillor Martin Slack addressed the Committee against the application. Mr Trevor Dodkins spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of applications 3/11/2209/FP and 3/11/2210/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Director referred to the additional representations summary and reiterated a number of points that had already been commented on in detail by the public speakers.

Councillor Mrs R Cheswright stated that Braughing had been designated a category 1 village, against the wishes of many residents. She commented that this application was wholly inappropriate in Braughing and expressed concerns that more development tended to take place in category 1 villages.

Councillor Mrs R Cheswright referred to the character of

Braughing and suggested that the proposed development did nothing to benefit this. She reminded the Committee that the East Herts Local Plan Second Review April 2007 stipulated that developments in category 1 villages should be sensitively designed.

Councillor Mrs R Cheswright stated that one size did not fit all and such large scale modern developments should not be imposed on the villages of East Herts. She commented that the application would have a devastating impact on the village, particularly as Braughing's streets were very narrow. She was also concerned in respect of the anticipated 35 – 50 vehicle movements passing many listed buildings and pubs on the only appropriate route through the village.

In response to a query from Councillor A Burlton, the Director confirmed that the Council's Solicitor was now comfortable with all aspects of the Section 106 legal agreement. Councillor S Bull commented that he was of the opinion that Braughing had taken its fair share of development and he had every sympathy with the residents but could not think of any planning policies for refusing the applications.

The Director stressed that it would be wholly inappropriate for the Committee to draw a line and say no more development in any location in the District.

In response to queries from Councillor S Bull and N Symonds, the Director stated that the density of this development would be approximately 33 dwellings per hectare and the details of the colours of building materials was open for agreement with the developer.

Councillor M Newman commented that pragmatism was key to approaching this application. He stated however, that the planning conditions should be rigidly enforced and commented on whether more could be done by Officers in that respect.

The Director advised that the Authority could take enforcement action but was not legally obliged to do so. Officers had to make a judgement on the harm that would be caused and whether it was appropriate to take enforcement action. Officers had to weigh up all the relevant issues as the Authority was not able to enforce against every transgression.

In response to queries from Councillor N Symonds regarding construction materials being in keeping with the village, the Director stated that Officers had attached conditions and were satisfied that sufficient controls were in place regarding construction materials. Members could attach specific controls but the applicant might, in any event, subsequently apply to vary such conditions if further changes were required.

In response to concerns from Councillor Mrs R Cheswright about the large size of the proposed dwellings which she felt were not needed in the village, the Director stated that developments across the District in previous years had been weighted in favour of smaller developments, particularly flats in the main towns such as Bishop's Stortford. There was therefore a District-wide need for this form of accommodation. As regards planning conditions, the Director stressed that any conditions must meet the standard tests such as enforceability.

Members were advised that very little weight should be given to the size of the dwellings in this case. The Director stressed that the Committee must be thinking in terms of a longer term view in respect of housing delivery across the District.

The Committee accepted the recommendations of the Director of Neighbourhood Services that, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, applications 3/11/2209/FP and 3/11/2210/LB be granted subject to the conditions now detailed. The Committee also agreed that Councillor Mrs R Cheswright be

consulted in considerations regarding materials of construction and the views of local people.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of applications 3/11/2209/FP and 3/11/2210/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted and consultation with Councillor Mrs R Cheswright in considerations regarding materials of construction and the views of local residents.

- 82 3/12/0259/FN - DEMOLITION OF EXISTING OUT BUILDINGS AND ERECTION OF NEW 40 BEDROOM WING, TOGETHER WITH CHANGE OF USE OF 5 NO. ASSOCIATED COTTAGES FROM CLASS C2 (RESIDENTIAL INSTITUTIONS) TO C3 (DWELLING HOUSES) AT LIBURY HALL, GREAT MUNDEN, SG11 1JD FOR LIBURY HALL RESIDENTIAL HOME

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0259/FN, planning permission be granted subject to the conditions detailed in the report now submitted.

In response to a query from Councillor P Moore, the Director confirmed that the condition covering hours of work related to the standard hours of no works before 7.30 am Monday to Saturday or after 6.30 pm weekdays and until 1 pm on Saturday with no works permitted on Sundays or Bank Holidays.

Councillor P Moore commented on the significant noise that could result from piling works. The Director confirmed that Environmental Health Officers had powers to act if building works were causing a statutory noise nuisance.

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 3/12/0259/FN, planning permission be granted subject to the conditions detailed in the report now submitted.

- 83 3/12/0495/FP - SINGLE STOREY EXTENSION, 2 X TIMBER WALLS FOR SIGNAGE, 1X LARCH TIMBER SLATTED 'HELLO' WALL, NEW ATM POD AND REMOVAL OF EXISTING ATMS. REPLACEMENT TIMBER TROLLEY BAYS, INCLUDING 2 NEW BAYS AT TESCO STORES, BISHOP'S PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD FOR TESCO STORES LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0495/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds stated that these works had been completed for 2 weeks and this was a retrospective application. The Director confirmed that the works had been carried out during the application process although no work had been carried out before the application had been submitted.

Members were advised that condition 1 was no longer required in respect of a 3 year time limit for implementing the proposed development. Councillor G Jones expressed his concerns that a major organisation had not been sufficiently organised to achieve planning permission before starting work. Councillors A Burlton and G Jones were supportive of the application.

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

3/12/0495/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

84 3/12/0596/FP - CHANGE OF USE OF LAND FOR THE GRAZING OF HORSES AND THE ERECTION OF 4 STABLES INCORPORATING FEED/ TACK ROOM AND HAY STORE ON A CONCRETE BASE AT LAND OFF BOURNE LANE, MUCH HADHAM, SG10 6ET FOR MRS C BETTS

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0596/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor G Jones referred to the mobile stable that was already in place on the site. He commented that the location and visibility of the proposed development did not give him any cause for concern. Councillor M Alexander commended the precise and technical nature of the comments from Much Hadham Parish Council.

Councillor A Burlton stated that applications should not be approved in rural areas beyond the Green Belt on the grounds that hedgerows and trees acted to conceal the proposed development from view. Councillor T Page commented that approving this application would set a precedent for other similar applications.

The Director stated that a balance must be struck when considering small scale recreational use and the extent to which such development was integrated into the surrounding countryside. Officers were of the opinion that the proposals under reference 3/12/0596/FP would be unduly prominent and detrimental to the surroundings.

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

3/12/0596/FP, planning permission be refused for the reasons detailed in the report now submitted.

- 85 3/12/0661/FP - RESIDENTIAL DEVELOPMENT OF 2 NO 4 BEDROOM DETACHED DWELLINGS TOGETHER WITH 3 NO 2 BEDROOM TERRACED DWELLINGS (2 DWELLINGS AS SHARED OWNERSHIP VIA HOUSING ASSOCIATION) AT NEW MEAD NURSERY, WALKERN ROAD, BENINGTON, SG2 7LS FOR PAGE AND WATTS LTD

Mrs Amelia Grace addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/0661/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that the Landscape Officer had not raised any objections to the proposed development with regard to trees and hedgerows. Members were reminded of the significant planning history of the site, which Officers had considered, particularly the delivery of affordable housing as well as financial contributions which did not result in direct delivery of such housing.

The Director acknowledged that, whilst the proposed terraced dwellings were adjacent to detached dwellings, the nearby Walkern Road had a mix of terraced and semi-detached dwellings which were not wholly unusual in the village. Members were advised of the affordable housing that this application would deliver, and were reminded that whilst this was a rural area, it was not within the Green Belt.

Councillor Mrs R Cheswright referred to the serious concerns of Benington Parish Council, and commented that the application was overdeveloped and inappropriate in this location.

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 entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/12/0661/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/0661/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

86 3/12/0574/FP - CHANGE OF USE OF BED AND BREAKFAST ANNEX TO 1NO. TWO BEDROOM DWELLING WITH ASSOCIATED PARKING AND AMENITY SPACE AT THE BLIND FIDDLER PUBLIC HOUSE, ANSTEY, SG9 0BW FOR MS Z BOOSEY

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, requiring the finance raised by the conversion of the bed and breakfast building into a dwelling to be reinvested in the public house business in accordance with details to be agreed in the agreement, in respect of application 3/12/0574/FP, planning permission be granted subject to the conditions now detailed.

The Director stated that the Council's Solicitor had commented that the terms of the Section 106 legal agreement detailed in the report now submitted fell outside of the scope of the Act. Consequently, it was suggested that any legal agreement was worded on the basis that, prior to the commencement of development, a viability scheme should be prepared and agreed by the Council.



Members were advised that this agreement would set out proposals for the application of the proceeds from the potential sale of the property. The implementation of the agreement would require the formulation of a trust or management body.

The Committee was advised that the Officer's recommendation remained unchanged. However, Members were asked, for the avoidance of doubt, to delegate the matter of the detail of the legal agreement to the Council's Legal Service Manager, on the basis that the most appropriate format of agreement was put in place to ensure that funds from the potential sale of the residential property were invested in the public house business.

The Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, requiring the finance raised by the conversion of the bed and breakfast building into a dwelling to be reinvested in the public house business in accordance with details to be agreed in the agreement, application 3/12/0574/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/0574/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 87      3/12/0076/FP - RETROSPECTIVE CONSENT FOR THE ERECTION OF OUTDOOR PLAY EQUIPMENT WITHIN THE EXISTING PUB GARDEN AND EXTERNAL ALTERATIONS TO PUB BUILDING INCLUDING AN OUTDOOR STORAGE BUILDING AT THE CATHERINE WHEEL, GRAVESEND, ALBURY, SG11 2LW FOR MR S HASLAM

Mr Salvatore Amico addressed the Committee against the

application. Mr Steve Haslam spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0076/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Moore commented that the pub's play area was situated some 50 metres back from the pub so any patrons of the pub would suffer minimal disturbance. She stated however, that the play equipment was substantially taller than the fence between the pub garden and nearby dwellings.

Councillor P Moore emphasised that children standing on play equipment platforms would easily be able to see over the fences in neighbouring gardens, thereby compromising the privacy of residents enjoying their gardens during the summer months.

Councillor P Moore further stated that no amount of trees or foliage would prevent noise nuisance for neighbours. She queried what would be the outcome if, after a period of 3 months, the conditions on this application had not been adhered to.

Councillor Mrs R Cheswright stated that the balance was wrong between the provision of a pub or a children's play area. Councillor N Symonds commented on the likely noise impact resulting from this application. Councillor G Lawrence queried whether it would be realistic for Officers to effectively police the hours of use of the play equipment.

Councillor M Tindale, as the local ward Member, stated that this application had caused significant controversy for sometime with strong opinions for and against the application. He referred to the importance of ensuring the survival of rural village pubs where possible, whilst also protecting the character of rural areas.

Councillor M Tindale commented that Officers had successfully captured the balance of the issues relevant to this application, although he was surprised with the recommendation to grant planning permission. He emphasised the key issue remained the size and scale of the play equipment and this had not changed since the previous application. Councillor M Tindale stressed that the concessions from the applicant since the previous application had been very modest.

Councillor M Tindale further commented on whether the application could be deferred so that genuine concessions could be made by the applicant regarding the size and scale of the play equipment. He stated that an approval at this stage would be wholly inappropriate, although he did not want to see the pub close, if a refusal resulted in a lost appeal and enforcement action.

The Director stated that the applicant had confirmed that the use of the equipment would cease at 8.30 pm. Members were advised that Officers had acknowledged the harm to the rural area and the potential for noise and disturbance that could result from this application. Officers had tried to strike a balance of the issues when completing the report.

The Director stated that a key issue was the viability of the public house. The applicant had pointed out that a key income for the pub was the summer visitors, whose children frequently used the play equipment on offer.

Officers had judged the application to be acceptable but Members could ultimately make a judgement for themselves regarding the balance of issues. The Director concluded that a decision to defer the application to seek additional mitigation measures would be appropriate.

Councillor D Andrews commented that supporting rural pubs was important, but he was concerned that a number of residents would be alienated by this application and there were 4 or 5 properties that were actually closer to

the play equipment that the pub itself.

Councillor D Andrews acknowledged that the play area was well laid out and of high quality. He stated however, that the play equipment was out of scale with the location and would attract far too much attention and create too much noise.

Councillor A Burlton commented on whether the application could be deferred so that Officers could negotiate with the applicant for a lower height for the play equipment. He stated that if no negotiation was possible then the application should be refused. Councillors S Bull, G Jones and T Page all addressed the Committee in support of a deferral of the application.

The Director stated that, as this was a retrospective application, any deferral should be subject to a specific timescale and Officers were of the opinion that 3 months would be a reasonable time period.

In response to a query from Councillor D Andrews, the Director stressed that, if the amended scheme remained unacceptable to Members after the deferral period, then they would be able to refuse the application and, if necessary, enforcement action could follow in the usual manner.

Councillor A Burlton proposed and Councillor M Newman seconded, a motion that application 3/12/0076/FP be deferred to enable the Applicant to come forward with a revised scheme that reduced the scale and extent of the play equipment and the revised scheme should be submitted to the 20 July 2012.

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

3/12/0076/FP, planning permission be deferred to enable the Applicant to come forward with a revised scheme that reduced the scale and extent of the play equipment and the revised scheme should be submitted by the 20 July 2012.

- 88 3/11/0370/FP - SEPARATION OF PLOTS 7 AND 8 (RETROSPECTIVE) SHOWN AS A PAIR OF SEMI-DETACHED DWELLINGS ON THE APPROVED SCHEME UNDER REF 3/09/1370/FP TO PROVIDE 2 NO DETACHED DWELLINGS, ALTERATIONS AND EXTENSIONS TO ENABLE USE OF ROOF SPACES FOR ADDITIONAL ACCOMMODATION TO INCLUDE 2 NO ADDITIONAL BEDROOMS FOR EACH DWELLING AT LAND AT GRAVELLY LANE, BRAUGHING FOR LINDEN HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0370/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director stated that this application sought to amend the planning conditions for an application that Members had already indicated they were minded to approve.

Councillor Mrs R Cheswright stated that this application was another example of an applicant taking little notice of the wishes of Braughing's residents for smaller 3 bedroom dwellings.

After being put to the meeting and a vote taken, there being an equality of votes, the Chairman exercised her casting vote in support of the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/0370/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 89 A) 3/12/0587/FP - CHANGE OF USE OF AGRICULTURAL LAND TO FORM A VEHICULAR CAR PARK FOR EMPLOYEES AND EXTENSION TO YARD AREA (PART RETROSPECTIVE) AND 3/12/0588/FP - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF AGRICULTURAL LAND TO FORM EXTENSION TO EXISTING SCAFFOLDING YARD AND TWO TEMPORARY STRUCTURES AT CONNECT SCAFFOLDING, HADHAM PARK, HADHAM ROAD, BISHOP'S STORTFORD, CM23 1JH FOR MR C OLIVER OF CONNECT SCAFFOLDING
- 

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/0587/FP and 3/12/588/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull praised the applicant and stated that the application should be supported as the outcomes for the rural area could only be positive. Councillor G Jones was also supportive of the application. He expressed concerns however, relating to the extent of the incursion into the rural area beyond the Green Belt.

Councillor G Jones commented on whether permission could be approved either on a temporary basis or specifically on the basis that the occupant of the site was Connect Scaffolding. Councillor N Symonds stated that such applications were needed on the outskirts of Bishop's Stortford and approving this application would ease problems of unemployment and youth unemployment in East Herts.

The Director advised that government guidance stipulated that personal permissions should not be granted to businesses, on the grounds that businesses often changed hands which would undermine the planning conditions.

Members were advised that a temporary permission could be applied so long as the time period was a reasonably long timescale, such as 5 years, which would allow a

degree of clarity for the operation of the business.

Councillor M Newman proposed and Councillor S Bull seconded a motion that applications 3/12/0587/FP and 3/12/0588/FP be approved for a temporary period of 10 years.

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

The Committee supported the recommendations of the Director of Neighbourhood Services, subject to the planning permission being for a temporary period of 10 years.

RESOLVED – that (A) in respect of application 3/12/0587/FP, planning permission be granted subject to the following amended conditions:

1. The use hereby permitted shall cease on or before 25<sup>th</sup> June 2022 and any structure and engineering works hereby permitted shall be removed on or before that date and, the land shall be reinstated to its former condition or in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: The development is a temporary expedient only having regard to the viability and operation of the business.

2. Approved Plans (2E10) Insert 211211DWG007 Rev A and 211211DWG008 Rev A.
3. Within 3 months of the date of this permission, full details of soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, as appropriate: (a) Planting plans; (b)

Written specifications (including cultivation and other operations associated with plant and grass establishment); (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

4. Within 6 months of the date of this permission the area of land used for the parking of cars shall be hard surfaced in materials to be previously agreed in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. The car park shown hatched in green on plan ref. 211211DWG007 Rev. A shall be used solely for the parking of vehicles and not for the storage of scaffolding or machinery.

Reason: In the interests of the appearance of the site, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Groundwater Protection Zone (28GP)

Summary of Reasons for Decision



The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC1, TR7, TR8, ENV1 and ENV2) and the National Planning Policy Framework. The balance of the considerations having regard to those policies, the viability and operation of the business and mitigation measures available to limit visual impact, is that permission should be granted.

(B) in respect of application 3/12/0588/FP, planning permission be granted subject to the following amended conditions:

1. The use hereby permitted shall cease on or before 25<sup>th</sup> June 2022 and any structure and engineering works hereby permitted shall be removed on or before that date and, the land shall be reinstated to its former condition or in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: The development is a temporary expedient only having regard to the viability and operation of the business.

2. Approved Plan (2E10)Insert 211211DWG003 Rev A; 211211DWG004 Rev A; 211211DWG005 Rev A; 211211DWG006 Rev A and 211211DWG009 Rev B.

#### Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of

England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007 and in particular policies GBC3, ENV1 and ENV2) and the National Planning Policy Framework. The balance of the considerations having regard to those policies, the viability and operation of the business and the limited visual impact caused is that permission should be granted.

90 3/11/1874/FP - CONSTRUCTION OF CAR PARK AT BUNTINGFORD RESERVOIR, BALDOCK ROAD, BUNTINGFORD SG9 9DW FOR VEOLIA WATER CENTRAL

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1874/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 3/11/1874/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

91 3/12/0506/FP - REPLACEMENT DWELLING INCORPORATING A REAR EXTENSION AT 42 ORCHARD ROAD, TEWIN, HERTS AL6 0HN FOR MR D CONNOLLY

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0506/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 3/12/0506/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 92 3/12/0529/FP - CHANGE OF USE FROM CLASS A1 (RETAIL) TO PART A2 (FINANCIAL AND PROFESSIONAL SERVICES) AND PART B1 (BUSINESS) WITH ALTERATIONS TO FENESTRATION AT GROUND FLOOR, SWORDERS COURT, NORTH STREET, BISHOP'S STORTFORD, CM23 2NA FOR AQUASTRIDER AND PEARSONS
- 

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0529/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 3/12/0529/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 93 3/12/0461/FP - CHANGE OF USE OF RESIDENTIAL OUTBUILDING TO HOLIDAY/ SELF CATERING ACCOMMODATION AT BROADEAVES, SOUTH END, PERRY GREEN, MUCH HADHAM, SG10 6EP FOR MR R ROBERTS
- 

Mr Furze addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0461/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to the additional representations schedule, which detailed the additional suggested conditions referred to by the public speaker. Members were advised that Officers considered that these conditions were not enforceable and would not therefore be in accordance with the advice given in Circular 11/95.

In response to a query from Councillor M Newman, the Director gave a more detailed explanation as to why these extra conditions would not be enforceable. Councillor M Alexander was pleased to see conditions 3 and 4 as detailed in the report and he stressed that the Authority must ensure these conditions were enforced for the duration of the proposed use.

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 3/12/0461/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

94     A) 3/12/0542/FP AND B) 3/12/0543/LB - SINGLE STOREY REAR ORANGERY EXTENSION AT NEW HALL FARMHOUSE, FANHAMS HALL ROAD, WARESIDE, SG12 7SD FOR MR AND MRS CLAYTON

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

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/0542/FP and 3/12/0543/LB, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that English Heritage had recently commented on the application, recommending that it should be refused. Members were reminded that the building was

Grade II\* Listed and as English Heritage had objected to the proposal, any grant of consent would first require a referral to the Secretary of State.

Councillor D Andrews stated that he would be prepared to support the application at this stage, particularly as there was the added protection of the referral to the Secretary of State. He commented that a refusal would perhaps be a little harsh and requested that Officers drill down on the specific concerns that lead to the recommendation for refusal.

Councillor M Newman, as the local ward Member, stated that the application should be considered on its merits and the issue of the Secretary of State referral should not influence the Committee's decision. He commented that the aesthetics of the proposed lantern roof and the overall proposed works was not out of character with the form of the property.

Councillor T Page commented that the National Planning Policy Framework (NPPF) stipulated that Members should be mindful to consider the particular significance of heritage assets. He stressed that the affected area of the listed building was of a lesser significance and the proposed orangery would provide a viable use in that extra sunlight would be provided into the main building.

Councillor S Bull stated that he did not agree with the previous comments of Members and he was of the view that the proposed development was out of keeping with the existing Grade II\* Listed Building.

Councillor Mrs R Cheswright referred to the changes made by the applicant to the application following discussions with Officers. She commented that the suggestion of a flat roof was clearly a step too far for the applicant and would not suit the style of the proposed development.

The Director referred to the nature of the planning

process in that comments trickled in during the formal consultation process, sometimes very close to when a decision was taken. Members were reminded that Grade II\* Listed Buildings were limited in number and tended to be the more unusual buildings across the District.

The Director stated that the view of the Conservation Officer was that the building was simple in form and design and Officers felt that the proposed development was out of keeping in that the orangery was more grand in design. The Committee was reminded that the referral to the Secretary of State was a procedural matter and should not be taken into account by Members when making their judgement on this application.

Councillor D Andrews proposed and Councillor M Newman seconded, a motion that applications 3/12/0542/FP and 3/12/0543 be granted planning permission and listed building consent on the grounds that that the aesthetics of the proposed lantern roof and the overall proposed works was not out of character with the form of the Grade II\* Listed Building.

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

The Committee rejected the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/0542/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10) insert (1, 2, 7559A, 75591, 75592, 75593)

Directives:

1. Other Legislation (010L)

2. Relationship with Listed Building Consent  
(26LB)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the “saved” policies of the East Herts Local Plan Second Review April 2007 and in particular policies ENV1, ENV5, ENV6 and guidance in the National Planning Policy Framework. The balance of considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/12/0543/LB, listed building consent be granted subject to the following conditions:

1. Three Year Listed Building Time Limit (1T14)
2. Listed Building (new windows) (8L03)
3. Listed Building (new doors) (8L04)
4. Listed Building (making good) (8L10)

Directives:

1. Other Legislation (010L)
2. Listed Building Advice (25LB)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County

Structure Plan, Minerals Local Plan, Waste Local Plan and the “saved” policies of the East Herts Local Plan Second Review April 2007 and guidance in the National Planning Policy Framework. The balance of considerations having regard to those policies is that consent should be granted.

95 3/12/0620/FP - REAR EXTENSION AND RAISED ROOF FOR FRONT AND REAR DORMERS FOR FIRST FLOOR ROOMS AT HIGH HEDGES, THE STREET, HAULTWICK SG11 1JQ FOR MR JOHN DORAN

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0620/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 3/12/0620/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

96 E/12/0054/B - UNAUTHORISED EXTENSIONS AND ALTERATIONS TO THE DWELLINGHOUSE AT PARK FARM HOUSE, ASTON LANE, ASTON, HERTS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0054/B, enforcement action be authorised on the basis now detailed.

The Committee accepted the Director’s recommendation for enforcement action to be authorised in respect of the site relating to E/12/0054/B on the basis now detailed.

RESOLVED – that in respect of E/12/0054/B, the



Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

97 E/12/0137/B – THE RESIDENTIAL OCCUPATION OF A DWELLINGHOUSE IN BREACH OF AN AGRICULTURAL OCCUPANCY CONDITION, AT BROOKFIELD FARM, WEST END ROAD, WORMLEY WEST END, EN10 7QN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0137/B, enforcement action be authorised on the basis now detailed.

The Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0137/B on the basis now detailed.

RESOLVED – that in respect of E/12/0137/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

98 E/12/0156/A - UNAUTHORISED ENGINEERING OPERATIONS TO REDUCE SITE LEVELS AND CREATE ADDITIONAL ACCESS/PARKING AREA AT THE NORTHERN SIDE OF HADHAM INDUSTRIAL ESTATE, LITTLE HADHAM, HERTS, SG11 2DY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0156/A, enforcement action be authorised on the basis now detailed.

Councillor G Jones sought extra information regarding the need for enforcement action on this site. The Director stated that Officers felt there was insufficient justification for the development.

Members were advised that the unauthorised works were contrary to the aims and objectives of rural area policies and would result in harm to the rural and agricultural character and appearance of the surroundings.

The Director stated that it was expedient to take enforcement action as a retrospective planning application to regularise this development had been refused. The harm caused to the character of the area was felt to be significant in this case and the site owner had not put forward any material considerations as to why a departure from policy should be permitted in this case.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0156/A on the basis now detailed.

RESOLVED – that in respect of E/12/0156/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

- 99 A) E/12/0154/A - STATIONING OF A MOBILE HOME AND THE INSTALLATION OF A SEWERAGE TANK AT PLOTS 32 – 35 ESBIES ESTATE OFF STATION ROAD, SAWBRIDGEWORTH, CM21 9JY AND B) E/12/0155/A - THE LAYING OF HARD SURFACING AND THE RAISING OF LAND LEVELS AT PLOTS 26-28 ESBIES ESTATE OFF STATION ROAD, SAWBRIDGEWORTH, CM21 9JY
- 

The Director of Neighbourhood Services recommended that, in respect of the sites relating to E/12/0154/A and E/12/0155/A, enforcement action be authorised on the basis now detailed.

The Director advised Members that enforcement and stop notices had already been issued on plots 32 to 35 and 26 to 28 on the Esbies Estate. The mobile home had been moved from plots 32 – 35 as required by the stop notice.

Members were advised however that the mobile home was now located on plots 26 – 28.

The Director stated that Officers had written to the owners of plot 26 – 28 reminding them that, whilst a single caravan was permitted on plot 28, there should be no caravans or mobile homes on plots 26 – 27 and there should be no hard standing on the whole of 26-28 as this would be in breach of the recently issued stop notice.

In response to a query from Councillor Mrs R Cheswright, the Director said that it was not possible to enforce all the sites on the Esbies Estate 'en bloc' as each plot had a different owner and a different planning history. Councillor M Alexander thanked Officers for their prompt action when issuing the stop notices.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/12/0154/A and E/12/0155/A on the basis now detailed.

RESOLVED – that in respect of E/12/0154/A and E/12/0155/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

## 100 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and

(D) Planning Statistics.

The meeting closed at 9.40 pm

Chairman .....

Date .....