

# Public Document Pack



Chairman and Members of the  
Council

Your contact: Martin Ibrahim  
Ext: 2173  
Date: 11 December  
2012

cc. All other recipients of the Council  
agenda

Dear Councillor

## **COUNCIL - 12 DECEMBER 2012: SUPPLEMENTARY AGENDA NO 2**

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

6. Members' questions (Pages 145 - 146)

*To receive any Members' questions.*

8. Executive Report - 4 December 2012 (Pages 147 - 164)

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

- (A) Final Task and Finish report on Review of Grounds Maintenance Contract (Parks Open Spaces and Highways)

*Minute 451 refers*

- (B) Council Tax Discounts and Premium

*Minute 452 refers*

(C) Affordable Housing: Planning Policy Requirements

*Minute 453 refers*

(D) Sub-District Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2 (October 2012)

*Minute 454 refers*

(E) Strategic Land Availability Assessment (SLAA) - Round 2 Final Report and Windfall Analysis (October 2012)

*Minute 455 refers*

(F) Employment Forecasts and Strategic Economic Development Advice (October 2012)

*Minute 456 refers*

(G) District Plan: Evidence Base - Technical Studies 2011/12 and 2012/13

*Minute 457 refers*

(H) The Duty to Co-operate and East Herts District Plan

*Minute 458 refers*

(I) District Plan Part 1 - Strategy Supporting Document: Member Comments

*Minute 459 refers*

(J) District Plan Part 1 - Strategy Supporting Document: Update Report

*Minute 460 refers*

18. Development Control Committee: Minutes - 5 December 2012 (Pages 165 - 194)

*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  
[martin.ibrahim@eastherts.gov.uk](mailto:martin.ibrahim@eastherts.gov.uk)

**MEETING** : COUNCIL  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 12 DECEMBER 2012  
**TIME** : 7.00 PM

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COUNCIL – 12 DECEMBER 2012

MEMBERS' QUESTION

**Question 1**

Councillor J Wing to ask the Executive Member for Finance:

*To which Council Committee are proposed write-offs of uncollected Council Tax reported? If they are not, why not?*

**Question 2**

Councillor J Wing to ask the Leader of the Council:

*How many copies of the glossy version of the Council's Annual Report are produced? To whom is it sent? How much does it cost to publish?*

**Question 3**

Councillor J Wing to ask the Leader of the Council:

*In view of continuing efforts by ministers in the Department of Communities and Local Government to see an end to Alternate weeks refuse collection, will the Leader of the Council write to the Secretary of State pointing out the success of the Council's ARC scheme, its popularity with our electorate, and its very positive impact on recycling rates and consequent reduction in landfill locally?*

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MINUTES OF A MEETING OF THE  
EXECUTIVE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
TUESDAY 4 DECEMBER 2012, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Ballam, E Buckmaster, S Bull,  
Mrs R Cheswright, G Jones, J Mayes,  
G McAndrew, M McMullen, P Moore, T Page,  
M Pope, J Ranger, C Rowley, P Ruffles,  
S Rutland-Barsby, N Symonds and J Wing.

OFFICERS IN ATTENDANCE:

Cliff Cardoza	- Head of Environmental Services
Simon Drinkwater	- Director of Neighbourhood Services
Lorna Georgiou	- Communications Team Leader
Martin Ibrahim	- Democratic Services Team Leader
Marian Langley George A Robertson	- Scrutiny Officer - Chief Executive and Director of Customer and Community Services
Adele Taylor	- Director of Finance and Support Services
Trevor Watkins	- Waste Services Manager

449 LEADER'S ANNOUNCEMENTS

The Leader welcomed the press to the meeting. He also welcomed and introduced members of the LGA Peer Review team, who were visiting East Herts for three days.

450 APOLOGIES

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

451 FINAL TASK AND FINISH REPORT ON REVIEW OF GROUNDS MAINTENANCE CONTRACT

**The Chairman of Environment Scrutiny Committee submitted a report detailing the results of the review of the Grounds Maintenance contract by a task and finish group. He referred to the review process, aims and objectives and the findings that the existing contract represented good value for money. The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had endorsed the findings of the task and finish group and had recommended a five year extension of the current contract. Finally, the Chairman thanked Officers for their hard work in supporting the task and finish group's work.**

**The Executive Member for Community Safety and Environment thanked the Environment Scrutiny Committee and the task and finish group. He accepted their findings and proposed a five year extension to the existing contract.**

**The Executive considered the review findings and the conclusion that extending the existing contract with the enhancements detailed in the report submitted would be a more favourable option than retendering the contract.**

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



**RECOMMENDED** – that (A) the comments of the Environment Scrutiny Committee as detailed in the report submitted, be received; and

(B) taking into account the risks of a longer period against the greater financial benefits, and in the context of the Council's Medium Term Financial Plan objectives, the current grounds maintenance contract be extended for a period of 5 years.

#### 452 **COUNCIL TAX DISCOUNTS AND PREMIUM**

The Executive considered a report on the discretionary elements of council tax and premium to take effect from 1 April 2012. It was noted that as part of the localism agenda, the government now allowed local discretion to set discounts and to replace some currently prescribed exemptions and discounts.

The Executive noted the outcome of the government consultation paper and the purpose of allowing local authorities to keep the overall level of council tax down by adjusting tax relief on second homes and empty properties which did not merit special treatment.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** – that the following discounts in respect of council tax be approved with effect from 1 April 2013:

(A) a discount of 50% for any period of up to six months in respect of dwellings which become empty and unfurnished;

(B) a discount of 50% where a dwelling is empty undergoing major repair for such minimum period as prescribed by regulation; and

(C) a discount of nil in respect of second homes.

453 **AFFORDABLE HOUSING: PLANNING POLICY  
REQUIREMENTS**

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The Executive considered a report on the potential impact of a temporary relaxation in affordable housing provision requirements. This detailed the current policy position and outlined the potential benefits and risks of adjusting this. The Executive noted the current economic conditions and the potential for stimulating development activity by the proposal.

The proposals, if approved, would result in amendments to Affordable Housing Policy HSG3 as detailed in the report submitted.

Various Members commented on the potential impact.

The Executive supported the recommendations as now detailed.

**RECOMMENDED** - that the Council's policy requirement for the provision of affordable housing in category 1 and 2 Villages be amended and the revised wording for policy HSG3(II) and (III) as set out in paragraph 4.1 of this report submitted, be agreed, resulting in the threshold and requirement for provision of affordable housing as follows:

a) Main Settlements:

Threshold: Sites over 15 units or 0.5ha

Provision: Up to 40%

b) Category 1 and 2 Villages

Threshold: Sites of up to 3 units or 0.12ha

Provision: none

Threshold: Sites of 4-14 units or 0.12 – 0.5ha

Provision: Up to 25%

Threshold: Sites over 15 units or 0.5ha

Provision: Up to 40%

The time period for the commencement of development of any planning permissions that come forward as result of this policy change shall be one year.

454 **SUB-DISTRICT POPULATION AND HOUSEHOLD FORECASTS - PARISH GROUPINGS AND TOWNS: PHASES 1 AND 2 (OCTOBER 2012)**

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The Executive considered and supported the recommendation of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Sub-District 'Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2' (October 2012) technical study.

**RECOMMENDED** - that the Sub-District 'Population and Household Forecasts - Parish Groupings and Towns: Phases 1 and 2' (October 2012) technical study at Essential Reference Paper 'B' to the report submitted, be supported as part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 471)

455 **STRATEGIC LAND AVAILABILITY ASSESSMENT (SLAA) - ROUND 2 INITIAL REPORT AND WINDFALL ANALYSIS (OCTOBER 2012)**

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The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Strategic Land Availability Assessment (SLAA) Technical Study: Initial Report - Rounds 1 and 2 (October 2012) and the Windfall Analysis (October 2012).

**RECOMMENDED** – that (A) the Officer responses to the feedback received from stakeholders as part of Round 2: Stakeholder Engagement of the Strategic Land Availability Assessment (SLAA), be supported;

(B) the Strategic Land Availability Assessment (SLAA) Technical Study: Initial Report - Rounds 1 and 2 (October 2012), be supported as technical work to inform the preparation of the East Herts District Plan and for housing supply purposes;

(C) the district-wide SLAA Round 2 capacity of 2,350 dwellings be supported for informing ongoing work in developing the District Plan: Part 1; and

(D) the 'windfall' allowance of 1,700 dwellings be supported for informing ongoing work in developing the District Plan: Part 1.

(see also Minute 471)

456 **EMPLOYMENT FORECASTS AND STRATEGIC ECONOMIC DEVELOPMENT ADVICE (OCTOBER 2012)**

The Executive considered and supported the recommendation of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Employment Forecasts and Strategic Economic Development Advice (October 2012).

**RECOMMENDED** – that the Employment Forecasts and Strategic Economic Development Advice (October 2012) be supported and published as technical advice, forming part of the evidence base to inform and support the East Herts District Plan.

(see also Minute 471)

457 **DISTRICT PLAN: EVIDENCE BASE – TECHNICAL STUDIES 2011/12, 2012/13 AND 2013/14**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan Evidence Base – Technical Studies

2011/12, 2012/13 and 2013/14.

**RECOMMENDED** – that (A) it be noted, or as appropriate supported, that the technical studies listed in Essential Reference Paper ‘B’ to this report, which are due for completion, already underway or proposed to be undertaken during 2012/13, contribute to the District Plan Evidence Base; and

(B) the technical studies referred in (A) above be completed or undertaken by means of:

- (i) seeking competitive quotes or tenders, as appropriate, to engage consultants, with the costs being met from the 2012/13 or 2013/14 Planning Policy related budgets for such purposes; and/or
- (ii) partnership working where appropriate, with neighbouring authorities and other relevant partners; and

(C) the Head of Planning and Building Control, in consultation with the Executive Member for Strategic Planning and Transport, be given authority to approve funding, within the limits of the 2012/13 and 2013/14 Planning Policy budgets, for such other relevant planning policy studies, as may be deemed appropriate.

(see also Minute 471)

458 **THE DUTY TO CO-OPERATE AND EAST HERTS DISTRICT PLAN**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the Duty to Co-Operate.

**RECOMMENDED** – that (A) an approach to the Duty

to Co-Operate based on a clearly defined plan-making process, objective assessment, positive preparation, and serious consideration of cross-boundary strategic matters, be supported as the basis for continued work on the District Plan; and

(B) the Executive Member for Strategic Planning and Transport, or other nominated Executive Member, be authorised to attend meetings with Members from local planning authorities, Hertfordshire and Essex County Councils, and other relevant bodies as necessary, to demonstrate compliance with the Duty and further progress the District Plan.

(see also Minute 471)

459 **DISTRICT PLAN PART 1 - STRATEGY SUPPORTING DOCUMENT: MEMBER COMMENTS**

The Executive considered and supported the recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan: Part 1 - Strategy Supporting Document Member Comments.

**RECOMMENDED** – that (A) the responses made by Members in respect of agenda items 6 to 10 of the District Planning Executive Panel on 26 July 2012 be noted; and

(B) the Officer responses to the comments made and any consequent amendments to the District Plan: Part 1 - Strategy Supporting Document be supported.

(see also Minute 471)

460 **DISTRICT PLAN PART 1 - STRATEGY SUPPORTING DOCUMENT: UPDATE REPORT**

The Executive considered and supported the

recommendations of the District Planning Executive Panel meeting held on 28 November 2012, in respect of the District Plan Part 1 – Strategy Supporting Document Update.

**RECOMMENDED** – that (A) the proposed approach to the remainder of the strategy selection process for the District Plan, as illustrated in Essential Reference Paper ‘C’ of the report submitted, be supported; and

(B) Essential Reference Paper ‘D’ of the report submitted, including the first three sections of Chapter 5: Options Refinement, be supported, subject to a period of Member comment in respect of factual content until 21 December 2012.

(see also Minute 471)

461 MINUTES

**RESOLVED** – that the Minutes of the Executive meeting held on 6 November 2012, be approved and signed by the Leader as a correct record.

462 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.

463 CARDBOARD IN THE ORGANIC WASTE STREAM

The Head of Environmental Services gave a presentation on recycling which highlighted the problems associated with collecting and processing cardboard within organic waste. He advised that alternative collection and processing arrangements were needed. The Executive Member for Community Safety and Environment submitted a report

detailing these issues which set out a range of options to take the service forward. He emphasised that no decisions were sought at this stage, but to instruct Officers to bring forward fully costed options to the next meeting.

Various Members commented on the different options highlighted in the report and considered the implications and risks associated with them.

The Executive approved the recommendation as now detailed.

RESOLVED - that the issues associated with cardboard in the organic stream be noted and Officers be instructed to bring forward costed options for modifying recycling services in the new year.

#### 464 VEHICLE REMOVALS POLICY

The Executive Member for Economic Development submitted a report seeking approval of a policy framework and priorities for the operation of a vehicle removal service in East Herts and the mechanism by which associated charges would be set.

The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had recommended the adoption of the policy and priorities as now detailed.

The Executive recalled the letting of the current enforcement contract and the provision made for a vehicle removal service. The Executive Member emphasised that the policy would ensure that dangerous parking would be targeted and “hot spots” could be dealt with as a priority.

In response to Members’ comments, the Leader stated that the income from penalty charge notices could only cover the costs of the enforcement activity and could not generate a surplus. The Executive Member commented that Scrutiny might want to review the policy given a reasonable period of experience.



Officers confirmed that off-street contraventions would be classed as low priority unless they were persistent offenders and that an appeals procedure was included within the policy.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the comments of Environment Scrutiny Committee be received;

(B) the policy framework and priorities for the operation of the East Herts vehicle removal service as set out in Essential Reference Paper 'B' of the report submitted, be adopted; and

(C) the inclusion of the proposed removal, storage and disposal charges within the Council's forthcoming Fees and Charges report, be approved.

#### 465 POLICY ON MOBILE (ANPR) ENFORCEMENT

The Executive Member for Economic Development submitted a report seeking approval for a policy framework and priorities for the operation of a mobile Automatic Number Plate Recognition (ANPR) based parking enforcement service in East Herts.

The Environment Scrutiny Committee, at its meeting held on 13 November 2012, had supported the adoption of the policy and priorities as now detailed.

The Executive Member linked this item with the Vehicle Removal Policy (Minute 464 refers) and commented that enforcement would be focussed on "hot spots".

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the comments of Environment Scrutiny Committee be received; and

(B) the policy framework and priorities for the operation of the mobile ANPR based enforcement service as set out in Essential Reference Policy 'B' of

the report submitted, be adopted.

466 CAR PARK FEES AND CHARGES

The Executive Member for Economic Development submitted a report on options for changing the operating terms and charging structures of some car parks.

He referred to discussions with retail and business representatives and encouraged comments to be submitted via the formal Traffic Regulation Order consultation mechanisms. He reminded the Executive that the Council's policy towards car parks was based on the "user pays" principle and set out options for changes which might be considered appropriate. He stated the Executive's intention that any changes that might be agreed would be cost neutral.

The Leader commented that no decisions were being sought at this meeting and that other options might come forward as part of the budget consultation process.

Various Members commented on the options. The Executive Member took these on board and undertook to have conversations with all interested parties.

The Executive approved the proposals as now amended.

RESOLVED - that (A) it is the Executive's intention that the 2.5% uplift to the pay and display income budget required by the MTFP, be funded from elsewhere, subject to further consideration within the budget process;

(B) the options for change relating to 30 minute bandings, evening charges, a discounted 2 hour tariff and varying the Saturday charging regime as outlined in the report submitted, be explored further for consideration alongside other options that may come forward in the budget process;

(C) Officers be instructed to undertake further evidence gathering/research to inform decision making

and bring a further report to the Executive in the New Year;

(D) Officers be instructed to advertise separate Traffic Regulation Orders to facilitate each of the changes being considered; and

(E) Officers be instructed to promote a further Traffic Regulation Order to bring about the change to Gascoyne Way car park as proposed in this report.

#### 467 COMMUNITY RIGHT TO CHALLENGE

The Leader of the Council submitted a report proposing the arrangements which the Council should adopt in order to operate the new Community Right to Challenge.

The Executive noted that the Localism Act 2011, had introduced a right for Parish Councils, community and voluntary bodies, charitable trusts and 2 or more local Council employees to submit an Expression of Interest in taking over the provision of a service on behalf of the Council. Where a valid Expression of Interest is received, the Council would be required to undertake a procurement exercise for that service, which might lead to the Council awarding a contract for its provision.

In response to Members' comments, the Executive agreed an additional recommendation to the effect that local ward councillors would be informed in situations where an Expression of Interest relating to a particular locality, is received.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the Council appoints the Director of Neighbourhood Services to be the proper officer for the receipt, validation and acceptance or rejection of expressions of interest;

(B) the proper officer bring forward for approval by the Executive a timetable for the acceptance or

rejection of expressions of interest;

(C) the proper officer be authorised, after consultation with appropriate Heads of Service, to determine whether grounds exist to reject an expression of interest, and, subject to prior consultation with the appropriate Portfolio Holder, to accept or reject an expression of interest on behalf of the Council, with an instruction to refer sensitive expressions of interest to the Executive for consideration;

(D) the proper officer report quarterly to the Executive on any expressions of interest received;

(E) the Chief Executive Officer is appointed deputy for the proper officer to act in the situation where the proper officer is absent or if a conflict situation exists between the proper officer and the expression of interest submitted;

(F) discussions take place with the authorities with whom the Council has joint arrangements about how expressions of interest are to be handled;

(G) the Executive designate a procurement officer to act as the project lead for any procurement exercises;

(H) the procurement officer be instructed to propose to the Executive timescales for the period between acceptance of an expression of interest and start of the procurement exercise;

(I) the proper officer (or deputy) be responsible for managing each procurement exercise, subject to the settlement of the specification for the service and the evaluation of tenders being joint with the appropriate Head of Service or Director;

(J) the procurement officer be instructed, after consultation with appropriate officers, to propose a timetable of periods within which expressions of interest for specified services will be received;

(K) where a Head of Service, after consultation with the relevant Portfolio Holder, decides that an in-house bid will be prepared and submitted, he must agree with his Director arrangements for the identification of separate commissioning and bid preparation teams;

(L) the Executive take a policy decision on whether it wishes to encourage community and voluntary participation, and/or staff mutual participation, in the provision of services;

(M) if so, that officers be instructed to report to the Executive on how such participation may be encouraged; and

(N) where an Expression of Interest involving a particular locality is received, the local ward Member(s) be informed.

#### 468 COMMUNITY ASSETS

The Executive Member for Community Safety and Environment submitted a report on the provisions relating to the “Community Right to Bid” and the implications resulting from the requirement to hold the list of assets of community value.

The Executive noted that the Localism Act 2011, had put in place provisions to help community interest groups take over local amenities called “assets of community value” that were threatened with closure. Such assets could be nominated for inclusion on a list and the disposal of listed assets would be delayed to allow local groups time to put together a bid to acquire them.

In response to Members’ comments and questions, it was noted that a simple guide for the public would be uploaded onto the Council’s website and made available to Parish and Town Councils. Officers advised that some potential sites had already been identified and that the list of assets would be publicised.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the proposal that internal reviews of listing decisions and compensation decisions are undertaken by the Director of Finance and Support Services, be approved; and

(B) the proposed process for compiling the list of assets of community value involving the Director of Neighbourhood Services in consultation with Executive Member for Community Safety and Environment and ward Members be approved.

469 AREA DESIGNATION FOR NEIGHBOURHOOD PLANNING:  
BISHOP'S STORTFORD

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The Executive gave consideration to a report detailing an application by Bishop's Stortford Town Council for the designation of a Neighbourhood Area, as detailed on the plan attached to the report submitted. The area comprised the two wards of Bishop's Stortford Meads and Bishop's Stortford Silverleys.

The Executive considered the application and the consultation undertaken. The report submitted detailed the main areas of consideration in determining the application in accordance with Schedule 9 of the Localism Act 2011.

The Executive supported the application.

RESOLVED - that the application for the designation of a Neighbourhood Area, submitted by Bishop's Stortford Town Council, be supported.

470 BUILDING CONTROL SERVICE BUSINESS CASE

The Executive Member for Community Safety and Environment submitted a report concerning the future of the Building Control service. He outlined alternatives for delivering the service and setting up a separate entity for Building Control services as a mutual. He proposed further

work on this matter and developing a business case.

The Executive noted that the Building Control Service had provided a high standard of quality assured services for many years with a high level of customer satisfaction (98%). However, the current economic position had seen a significant reduction in income due to a reduced volume of work. Therefore, it was felt that the service needed to respond to the changing market place by competing for much of its work.

Councillor J Ranger suggested that the business case might need to look beyond East Herts in order to achieve more resilience.

The Executive approved the proposals as now detailed.

RESOLVED - that the Council seeks quotations from business advisors and appoints a business advisor to advise the Building Control Service and develop a business case for the creation of a mutual to deliver Building Control Services.

471 DISTRICT PLAN EXECUTIVE PANEL - MINUTES OF THE MEETING HELD ON 28 NOVEMBER 2012

RESOLVED – that the Minutes of the District Planning Executive Panel meeting held on 28 November 2012, be received.

(see also Minutes 453 – 460)

472 MONTHLY CORPORATE HEALTHCHECK - OCTOBER 2012

The Leader of the Council submitted an exception report on the finance and performance monitoring for October 2012. Officers provided verbal updates in respect of performance data that was unavailable at the time the report had been issued.

The Executive approved the proposals as now detailed.

RESOLVED - that (A) the budgetary variances set out

in paragraph 2.1 of the report submitted, be noted; and

(B) £1,139,080 of capital budgets are re-profiled from 2012/13 into 2013/14 for various schemes as outlined in Paragraphs 2.27 to 2.43 of the report submitted.

The meeting closed at 9.25 pm

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



MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 5 DECEMBER 2012, AT 7.00  
PM

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

ALSO PRESENT:

Councillors S Basra and P Ruffles.

OFFICERS IN ATTENDANCE:

Nicola Beyer	- Senior Planning Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

473 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that Officers hoped to arrange a Member training session at 5.15 pm on 9 January 2013, prior to the next meeting of the Committee. Officers would advise Members of the topic for this training in due course.

474 DECLARATIONS OF INTEREST

Councillors M Alexander and P Moore declared disclosable pecuniary interests in application 3/12/1518/SV, in that they were Board Members for Riversmead Housing Association. They left the room whilst this matter was considered.

475 MINUTES – 7 NOVEMBER 2012

RESOLVED – that the Minutes of the meeting held on 7 November 2012 be confirmed as a correct record and signed by the Chairman.

476 3/12/1657/FP – ERECTION OF 160 DWELLINGS WITH ASSOCIATED GARAGES, CAR PARKING, PUBLIC OPEN SPACE, PLAY AREAS, LANDSCAPING, RESERVE LAND FOR SCHOOL EXPANSION AND NEW VEHICULAR AND PEDESTRIAN ACCESSES; AND THE PROVISION OF ALLOTMENTS AND THE CHANGE OF USE OF LAND FOR A CEMETERY WITH ASSOCIATED ACCESSES, CAR PARKING AND LANDSCAPING AT LAND NORTH OF HARE STREET ROAD, BUNTINGFORD FOR TAYLOR WIMPEY UK LTD

Steve Baker addressed the Committee against the application. Neil Osborn spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1657/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that Officers felt that the 8<sup>th</sup> reason for refusal could be deleted as sufficient information had now been received to address the impacts of the application on bats and dormice. Members were also advised that the wording of the 1<sup>st</sup> refusal reason had been amended as detailed in the additional representations schedule.

Councillor S Bull, as a local ward Member, commented that this application site was 1 of 8 under consideration for development in Buntingford. He stated that this application should not be approved unless it had been demonstrated via consultation or technical studies that this site was necessary for development or was preferable to the other 7 sites.

Councillor S Bull emphasised that the studies and evaluation of the other sites had not been completed and any applications for similar development in Buntingford should not be approved until all these studies had been completed.

Councillor S Bull commented that the applicant had referred to East Herts Council's inability to demonstrate a 5 year supply of housing as a valid reason why this application should be approved.

Councillor S Bull referred to a number of policies that this application contravened, namely GBC3 as the application site was outside the settled area of Buntingford. He also referred to policies ENV1, SD1, TR1 and TR7 of the East Herts Local Plan Second Review April 2007.

Councillor S Bull stated that any sites for development must complement other sites and there must be a balanced approach to development to achieve the best possible outcomes for Buntingford. He emphasised that the lack of bus routes to where this site was located and the dangerous prospect of residents using the nearby footpaths made this application unsustainable.

Councillor S Bull emphasised that the Environment Agency concerns regarding a nearby pond and the flood risk to existing properties had not been addressed and the lack of public transport would mean a heavy reliance on the private car. He referred to the possible conflict between on-street parking and access for emergency vehicles.

Councillor S Bull stressed that the transport assessment was flawed as this related to towns with a regular train service and access to employment opportunities. He reminded Members that Buntingford had no such provision and it was a flawed approach to make comparisons with towns that did.

Councillor S Bull concluded that this application had not been properly assessed in relation to the District Plan. He stated that no sites in the rural area beyond the Green Belt should be approved in the vicinity of Buntingford until the District Plan process had been completed.

Councillor S Basra, as the other local ward Member, agreed with all the points put forward by Councillor S Bull. He stated that the application should be refused. The Director advised that the points raised by Members were points well made. He commented however, that sustainability was not advanced as a reason Officers had listed in the refusal reasons. This was because, whilst the wider sustainability considerations might suggest that Buntingford was not a suitable location for development, the potential for development to make the town more sustainable remained a matter that should be given weight.

The Director also advised that whilst Officers were of the view that the Council's current Local Plan was compatible with the NPPF in most respects, there were issues for East Herts to address in terms of land supply. Members were advised that whilst the issue of land supply had been given weight in this matter, Officers had considered that this did not outweigh other concerns in respect of this application.

Councillor Mrs R Cheswright supported the comments of Councillors S Bull and S Basra. She stated that this application was an appalling development on the wrong site and in the wrong location. She commented that the application would not just affect Buntingford but all of the surrounding villages as well.

Councillor M Newman stated that all of the reasons why this application should be refused clearly outweighed any reason why the application could be supported. Councillor G Jones commented on the appalling standard of the application and he was surprised it had not been withdrawn by the applicant prior to this meeting.

Councillor S Bull proposed and Councillor A Burlton seconded, a motion that the Committee support the Officer's recommendation for refusal.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted. At the request of Councillor M Alexander, the unanimous nature of the vote was noted.

RESOLVED – that in respect of application 3/12/1657/FP, planning permission be refused for the following amended reasons:

1. The site lies in the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan Second Review, April 2007, where development will only be allowed for certain specific purposes. The proposals do not represent an acceptable form of development in that respect and are, therefore contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007. Prior to the publication of the East Herts District Plan, Part 1: Strategy, development at this time would prejudice the assessment process currently underway which will lead to the identification of land and the preferred strategy for residential and other development across the district. The proposals are therefore contrary to the objectives set out in that respect in the

National Planning Policy Framework.

2. There is insufficient justification for the proposed cemetery which amounts to inappropriate development in the Rural Area, and in combination with the proposed allotments will appear visually intrusive and out of keeping with the character and appearance of the surrounding landscape contrary to policies GBC2, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007.
3. The proposed development will generate additional trips on an already congested local highway network, and in the absence of an agreement on the scope and details of the mitigation measures required, the proposal will be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.
4. The proposed development fails to achieve a high standard of layout and design to respond to the context of the site and surrounding area, or to reflect local distinctiveness. The development would therefore be unacceptably harmful to the character and appearance of the site and surrounding area contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
5. The proposed development would result in an unacceptable degree of overlooking and loss of privacy to residents of 11 Hare Street Road, and between plots 13 and 14, 25 and 26, 90 and 91, and 150 and 151 contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
6. The proposed development fails to make adequate provision for children's play facilities

on site contrary to policy LRC3 of the East Herts Local Plan Second Review April 2007 and the Open Space, Sport and Recreation Supplementary Planning Document 2009.

7. Insufficient information has been submitted to enable the Local Planning Authority to determine the impact of the proposed cemetery access on protected trees. The proposal is thereby contrary to policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

#### Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

- 477 A) 3/12/0977/FP – ERECTION OF FOODSTORE WITH ASSOCIATED CAR PARKING AND LANDSCAPING AND B) 3/12/0978/LC – THE DEMOLITION OF EXISTING BUILDINGS AT THE FORMER LANCASTER GARAGE SITE, LONDON ROAD, BISHOP'S STORTFORD, CM23 3BJ FOR ALDI STORES LTD
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Alastair Close addressed the Committee in support of the application.

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, in respect of application 3/12/0977/FP, planning permission be granted subject to the conditions now detailed. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/0978/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

The Director advised that Hertfordshire County Council would not be requesting any contributions in addition to those relating to highway matters. Members were advised that there would be no requirement for the Section 106 obligation for the provision of fire hydrants as the County Council felt that there was already sufficient provision.

The Director referred Members to the additional representations schedule for further extensive comments from English Heritage, namely that, they could not support the application. Officers had however, assessed the application in relation to the backdrop of a vacant site with empty buildings that did not enhance the visual quality of the area.

Members were also advised that no further comments had been received from the design panel that had commented on the designs initially submitted as part of the application for a food store on this site. The Director concluded by stating that no comments had been received from Bishop's Stortford Town Council or Birchanger Parish Council on the revised proposals.

Councillor G Jones stated that the changes covered by this application when compared to the previous application for a food store were all for the better. He referred in particular to the removal of the residential element of the proposals, the reduced height of the proposed development and the increased car parking provision.

Councillor G Jones referred to the numerous design



proposals put forward by the Applicant, indicating that Aldi had adopted a very flexible approach to this application in response to comments and criticisms of the original application. He stated that this application represented a significant improvement over the previously approved application on the site.

Councillor A Burlton supported the comments of Councillor G Jones. He also stated that this site would be very unlikely to flood and the proposed development was a much lighter building than the former BT building on London Road.

Councillor D Andrews sought reassurance in terms of what could be done to prevent the misuse of the car park in terms of commuter parking. The Director referred to the normal approach of a car park management plan with the details being submitted to Officers for approval prior to the commencement of development.

Members were advised that this plan might include an element of charging and restrictions on the hours of use and Officers could attach a condition to cover the implementation of such a plan.

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

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

- £36,500 towards sustainable transport measures included in the Bishop's Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the site by public transport;

- £5,000 towards a Traffic Regulation Order;
- £300 standard monitoring fee per clause.

in respect of application 3/12/0977/FP, planning permission be granted subject to the following amended conditions:

1. A preliminary risk assessment which identifies:- all previous uses and potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on 1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

5. Prior to the occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

6. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

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

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. No development hereby permitted shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) The parking of vehicles of site operatives and visitors;
  - b) Loading and unloading of plant and materials;
  - c) Storage of plant and materials used in constructing the development;
  - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing,

where appropriate

- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) A restriction on any burning of materials on the site.

Reason: To safeguard the amenity of residents of Neighbouring properties in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and in the interests of highway safety and in accordance with the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document policies 1 and 12.

9. Any existing vehicular access onto the Station Road or London Road frontages of the site and not incorporated with the approved plans shall be permanently closed.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

10. Construction hours of working – plant and machinery (6N072)
11. Prior to the commencement of development detailed plans and elevations of the west and southern edge of the parking area and the relationship with the railway line and adjoining car park, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that an appropriate boundary treatment serving the application

site and neighbouring land is implemented.

12. The soft landscape works shall be carried out in accordance with the approved landscape plan, drawing number V0290-L01B, unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

13. Hard surfacing (3V21)
14. Prior to the commencement of the development hereby permitted details of a car parking management scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision of adequate parking for the retail premises at all times in order to reduce any impact on kerbside parking and/or congestion in the surrounding

area in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

15. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

16. No delivery vehicles for the retail element of the development hereby approved shall be allowed on the site between 11:00PM and 07:00AM unless they are parked on the site with their engines switched off between those times.

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

17. Prior to first beneficial use of the development hereby approved, details of the measures to protect against crime in relation to the operation of the retail unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of crime prevention in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

18. Approved plans (2E103) (0290-100, 0290-

101, 0290-103, 0290-104, 0290-105, 0290-106, 0290-107, V0290-L01 B)

Directives:

1. Other Legislation (01 OL)
2. Planning Obligation (08P0)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. The Limited Assortment Discounter store hereby approved is defined, in accordance with the Competition Commission's report 'The Supply of Groceries in the UK Market Investigation' of 30 April 2008, as being stores which carry a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand lines.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD1, SD2, SD5, TR1, TR2, TR7, TR8, TR14, STC1, ENV1, ENV2, ENV3, ENV20, ENV25, BH6 and IMP1); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development



Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and amendments made is that permission should be granted.

(B) in respect of application 3/12/0978/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

478 3/12/1584/SV – DISCHARGE OF SECTION 106  
OBLIGATION RELATING TO BURROWFIELD, LOWER  
HATFIELD ROAD, BAYFORD, HERTFORD, HERTS, SG13  
8LA FOR MRS D COOK

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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1584/SV, planning permission be approved for the discharge of the Section 106 agreement.

The Director referred Members to the comments detailed in the additional representations schedule. Members were advised that Bayford Parish Council had not objected to the removal of this condition on the understanding that there was no permission for any commercial activity on the site.

Bayford Parish Council had indicated that they would oppose any person attempting to start a new business on this site. Members were further advised that that the applicant had written to say there were no proposals for any retail or commercial use of the site.

In response to a query from Councillor T Page, the Director confirmed that Section 106 obligations remained in perpetuity on a site, unless an application was received to vary or remove such an obligation.

In reply to a query from the Committee Chairman, the Director stated that any change of use would require planning permission, except for very small scale retail,

such as the sale of produce from a table outside a smallholding. The Director advised however, that the site could be utilised for agricultural or horticultural use at any time.

Councillor Mrs R Cheswright sought and was given clarification as to why Hertford Town Council had felt the application was not sufficiently clear for the Town Council to reach a decision regarding their comments on this application. The Director stressed that had the Town Council had the benefit of the report now submitted when commenting on the application, the Town Council Members might have been in a better position to comment.

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1584/SV, planning permission be approved for the discharge of the Section 106 agreement.

- 479 3/12/1662/FO – VARIATION OF CONDITION 9 OF PLANNING PERMISSION REF. 3/10/0396/FP TO ALLOW 50% OF THE RESIDENTIAL UNITS TO BE OCCUPIED PRIOR TO THE WIDENING OF THE EXISTING FOOTWAY ALONG STANSTED ROAD AT FORMER WAGGON AND HORSES PH, 135 STANSTED ROAD, BISHOP'S STORTFORD, HERTS, CM23 2AL FOR MCCARTHY AND STONE
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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1662/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor A Burlton commented on paragraph 7.2 of the report now submitted. He queried why an exception was being made on this application given that no justification had been submitted in respect of the proposed variation of the condition.

The Director confirmed that whilst no justification had been submitted with the application, Officers had however, been advised that there had been a delay in the signing of the Section 278 agreement under the Highways Act.

Members were advised that there were 3 prospective occupiers of the site and the applicant was seeking to ensure that at least half of the site was occupied before the footway was widened. Officers were of the opinion that this application was acceptable under these circumstances.

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 3/12/1662/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

480 3/12/1551/FP – CHANGE OF USE OF LAND FOR THE GRAZING OF HORSES AND THE ERECTION OF THREE STABLES INCORPORATING TACK STORE AND HAY/ FEED 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 3/12/1551/FP, planning permission be refused for the reasons now detailed.

Councillor G Jones stated that this application had been to Committee before and he was of the opinion that there were no issues of size of intrusiveness and he would support this application. Councillor D Andrews agreed with Councillor G Jones and stated his support for the application.

Councillor Mrs R Cheswright commented on whether planning conditions could be applied to prevent the site being used for large 5 bedroom houses. The Committee Chairman stated that some very substantial conditions would have to be applied if Members rejected the Director's recommendation for refusal.

In response to comments from Councillor A Burlton regarding development in the Green Belt, the Committee Chairman and the Director confirmed that the site was located in the rural area beyond the Green Belt.

Councillor M Alexander expressed concerns as to how the issues raised by Much Hadham Parish Council would be addressed, in particular, the issues of electricity supply, the disposal of waste and the height of the proposed development.

The Director advised that the issue of waste disposal could be covered by conditions so that details were submitted to Officers should the application be approved. The issues of electricity and water supply were covered by different legislation and such infrastructure did not require planning permission in any event.

Councillor T Page cast doubt on the sustainability of the application if the site did not benefit from water or electricity supplies. He referred to the issues of waste disposal and animal welfare.

Councillor M Newman commented that an e-mail had been sent to Members explaining how horse waste was to be disposed of from the site. He referred to how exposed this site was, particularly as the bordering hedgerow was thin at the moment due to it being winter time.

Councillor M Newman stressed that policy GBC3 of the East Herts Local Plan Second Review April 2007 permitted the use of such sites for agricultural or forestry buildings or for small scale development for sport or recreation.

Councillor G Jones referred to an e-mail sent to all Members on the 30 November 2012 that sought to address all the questions raised by Members in the debate. He stated that this e-mail had indicated that the site did benefit from a mains water supply.

Councillor G Jones proposed and Councillor D Andrews seconded, a motion that application 3/12/1551/FP be granted on the grounds that this application raised no issues of size of intrusiveness in the rural area beyond the green belt.

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

Councillor M Alexander proposed and Councillor M Newman seconded, a motion that application 3/12/1551/FP be deferred to enable Officers to seek additional information in respect of detailed matters relating to the development including waste disposal, provision of services and parking.

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 3/12/1551/FP, planning permission be deferred to enable Officers to seek additional information in respect of detailed matters relating to the development including waste disposal, provision of services and parking.

481 3/12/1463/FP – NEW SPORTS HALL WITH ASSOCIATED CLASSROOMS, CHANGING ROOMS, FITNESS SUITE AND STORAGE SPACE AT FREMAN COLLEGE, BOWLING GREEN LANE, BUNTINGFORD, HERTS SG9 9BT FOR FREMAN COLLEGE

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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1463/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull stated that he was delighted that, prior to the commencement of the development, details of a scheme to make the new sports hall available for public and community use would be submitted to and approved in writing by the Local Planning Authority.

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 3/12/1463/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

482 3/12/1395/FP – CHANGE OF USE FROM PUBLIC HOUSE WITH LETTING ROOMS TO RESIDENTIAL DWELLING AT KICK AND DICKY, WELLPOND GREEN, STANDON, SG11 1NL FOR MR ASPIN

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Francis Aspin addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1395/FP, planning permission be refused for the reasons now detailed.

The Director referred Members to the additional representations schedule in respect of the National Planning Policy Framework (NPPF). Members were

referred in particular to the wording in the NPPF in respect of the value of community facilities and the role of the planning system in retaining such facilities. The additional representations schedule also contained further comments from the applicant, which were broadly in line with his comments to Members at the meeting.

Councillor M Alexander referred to an application some 8 to 9 years ago when permission was granted to extend this premises to include 6 bedrooms, as the premises was generally buzzing with trade at that time. He queried whether the current problems were solely due to the economic downturn. He stated that he would be supporting the Officer's recommendation for refusal.

Councillor D Andrews, as the local ward Member, stated that the Kick and Dicky had been a very vibrant and popular public house with a good atmosphere, however, this was certainly not the case now. He referred to the loss of passing trade following a couple of extremely cold winters, expounded by the fact that this premises was in a small hamlet and had relied exclusively on that passing trade.

Councillor D Andrews reminded Members that, providing the A120 was not affected by accidents, the only way to access the Kick and Dicky was via untreated roads. He referred to two nearby pubs that were located on well gritted routes with better car parking facilities and access. Councillor D Andrews stressed that both of these pubs were in a much better position to promote themselves.

Councillor D Andrews referred to the level of local interest in this application; however, the pub's status as a true neighbourhood facility was being called into question as the neighbourhood had not been using the Kick and Dicky for some time.

Councillor D Andrews stated that references had been made locally to the need for a pub or restaurant in the area. He stressed however, that the 30 or so houses in

Wellpond Green were insufficient to support such a provision. He referred to other pubs in more densely populated neighbouring villages.

Councillor T Page stated that, in respect of sustainable countryside policies, the East Herts Local Plan Second Review April 2007 followed government policies in relation to sustainability and this pub was clearly no longer sustainable. He stated that the application should be approved for the change of use.

Councillor Mrs R Cheswright stated that it was always a shame when a public house became unsustainable, especially in a rural area. She commented however, that as the pub had been up for sale for two years without any immediate prospects of it being purchased, there seemed to be little alternative than to approve this application.

Councillor S Bull stated that whilst he was very sorry for the position the applicant was in, he was unable to support the application as once a rural pub was gone it was gone for good.

Councillor M Newman commented that he could not think of a more remote location in East Herts than Wellpond Green. He stated that the homes in the area were widely dispersed and there was no village centre or viable footpaths in the vicinity of this site, which was on the edge of the hamlet of Wellpond Green.

Councillor M Newman also emphasised that there was next to no passing trade or trade from locals in the evenings as this was not a village centre pub. He stressed that these could be reasons to grant the application. He stated however, that an approval could set a precedent and open the floodgates for similar applications across East Herts.

The Director provided clarification for Members in relation to the current status of the pub. Whilst the venue was open for trade this was for a limited number of hours each



week as opposed to being open at all regular opening times. The Director advised Members that the Council's Solicitor had referred to the National Planning Policy Framework (NPPF) in relation to this application.

Councillor D Andrews requested Members to consider the reality for the applicant that the pub had been open between 6 pm and 10:30 pm and had had no customers. He referred to the reality of having to accept the loss of small rural post offices and red post boxes and Members should bear this in mind that the current situation was unsustainable for the applicant.

Councillor M Alexander reminded Members that approving this application would not just equate to the loss of a village pub, as the Kick and Dicky had also operated as a restaurant and bed and breakfast business with 6 bedrooms.

In response to a query from Councillor D Andrews, the Director advised that there had been insufficient evidence submitted to Officers to prove that another use on the site would be viable other than simply residential accommodation. Members were reminded that, although references had been made to other public houses, the Committee should, in coming to a decision, only weigh up the issues relevant to this application.

Councillor D Andrews proposed and Councillor T Page seconded, a motion that application 3/12/1395/FP be granted on the grounds that the Kick and Dicky was no longer viable as a public house in Wellpond Green, Standon.

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

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

RESOLVED – that in respect of application 3/12/1395/FP, planning permission be refused for the reason detailed in the report now submitted.

- 483 3/12/1518/SV – MODIFICATION OF S106 IN RESPECT OF 3/09/1061/FP TO VARY OBLIGATION (B) FROM INTERMEDIATE HOUSING TO GENERAL NEEDS AFFORDABLE RENTAL HOUSING AT FLAT 14 CROUCH GARDENS, BUNTINGFORD, SG9 9FL FOR RIVERSMEAD HOUSING ASSOCIATION
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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1518/SV, the wording of the Section 106 agreement be varied in respect of Schedule 3, Annexe B (Affordable Dwellings – Mix of Tenure) to reflect the change in tenure of this unit.

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1518/SV, the wording of the Section 106 agreement be varied in respect of Schedule 3, Annexe B (Affordable Dwellings – Mix of Tenure) to reflect the change in tenure of this unit.

- 484 E/12/0111/A – THE UNAUTHORISED USE OF LAND FOR THE STORAGE OF CARAVANS AND MOTORHOMES AT LAND ADJACENT TO PRIMROSE COTTAGE, HIGH WYCH ROAD, SAWBRIDGEWORTH, HERTS, CM21 0HH
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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0111/A, enforcement action be authorised on the basis now detailed.

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/12/0111/A on the basis now detailed.

RESOLVED – that in respect of E/12/0111/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.

485 E/12/0115/A – DETERIORATION OF A GRADE II LISTED BUILDING AND THE NEED FOR URGENT REMEDIAL WORKS AT FOXDELLS FARM, FOXDELLS LANE, BISHOP'S STORTFORD, CM23 1JG

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0115/A, enforcement action be authorised on the basis now detailed.

Councillor G Jones stated that he was appalled by the condition of what was a grade II listed building. He commented that half of the roof was missing and the roof supports looked like they might not last much longer.

Councillor G Jones praised the efforts of the Enforcement Officers in taking steps to ensure this building was protected. He expressed concerns that it had taken this report and the threat of enforcement action to get a commitment from the applicant to take steps to prevent further deterioration of this building.

Councillor M Alexander reminded Members that enforcement action was always the very last resort for the Authority.

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/12/0115/A on the basis now detailed.

RESOLVED – that in respect of E/12/0115/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.

486 E/12/0277/A – DEMOLITION OF ORIGINAL DWELLING AND UNAUTHORISED CONSTRUCTION WORKS AT THE RED LODGE, PIGS GREEN, LITTLE HADHAM, HERTS, SG11 2AH

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0277/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule. Members were advised that a letter had been received from the applicant's agent stating that an application for a replacement dwelling on the site would be submitted as soon as possible. Officers were however, still seeking authority to take enforcement action if required.

Members were advised that no formal notice would be served if the required application was submitted in a timely manner and was subsequently approved.

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/12/0277/A on the basis now detailed.

RESOLVED – that in respect of E/12/0277/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.

487 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 8.28 pm

Chairman .....

Date .....

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