



MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 15 AUGUST 2012
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE:

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
(Vice-Chairman) and T Page.

Substitutes:

Conservative Group: Councillors N Symonds, G Williamson and
B Wrangles.
Liberal Democrat Group:
Independent Group: Councillor E Buckmaster.

*(Note: Substitution arrangements must be notified by the absent Member
to Democratic Services 7 hours before the meeting).*

CONTACT OFFICER: PETER MANNINGS
TEL: 01279 502174

DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

AGENDA:

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

4. Minutes

To confirm the Minutes of the meeting of the Committee held on Wednesday 18 July 2012 (Previously circulated as part of the Council Minute book for 7 August 2012).

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 7 - 10).

(A) 3/12/0411/FP - Site improvements involving conversion of 67 existing pitches into hard standing, standardise 24 "L" shaped hard standings, resurface existing caravan storage area and resurface existing internal access road at The Camping and Caravan Site, Mangrove Road, Hertford for The Camping and Caravanning Club_(Pages 11 - 20).

Recommended for Approval.

(B) 3/11/2137/SV - Modification of s.106 agreement in respect of the commercial buildings approved under ref: 3/04/0657/OP by the removal of a £125,000 Highways Contribution at 95-97 London Road, Bishop's Stortford, CM23 3DU for Tanners Wharf Ltd_(Pages 21 - 30).

Recommended for Approval.

(C) 3/12/0076/FP - Part retrospective consent for the provision 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 (Pages 31 - 50).

Recommended for Approval.

- (D) E/11/0196/B - Unauthorised removal of two traditional shop blinds with associated fittings and the erection of two advertising canopies to a Grade II listed building at 31 - 33 Bell Street, Sawbridgeworth, CM21 9AR_(Pages 51 - 58).

Enforcement.

- 6. Public Speaking Arrangements for Development Control Committee on 25 September 2012 (Pages 59 - 62).
- 7. Items for Reporting and Noting (Pages 63 - 80).
 - (A) Appeals against refusal of Planning Permission/ non-determination.
 - (B) Planning Appeals Lodged.
 - (C) Planning Appeals: Inquiry and Informal Hearing Dates.
 - (D) Planning Statistics – ‘To Follow’.
- 8. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

This page is intentionally left blank

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 15 AUGUST 2012

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

5. PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: As identified separately for each application and unauthorised development matter.

Purpose/Summary of Report:

- To enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

RECOMMENDATIONS FOR DEVELOPMENT CONTROL COMMITTEE

| | |
|------------|---|
| (A) | A recommendation is set out separately for each application and unauthorised development matter. |
|------------|---|

1.0 Display of Plans

1.1 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

1.2 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

1.3 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

2.0 Implications/Consultations

2.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor M Alexander, Deputy Leader and Executive Member for Community Safety and Environment. malcolm.alexander@eastherts.gov.uk

Contact Officers: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk
Alison Young – Development Control Manager, Extn: 1553. alison.young@eastherts.gov.uk

Report Author: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

| | |
|--|--|
| Contribution to the Council's Corporate Priorities/ Objectives (delete as appropriate): | <p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <p>Place This priority focuses on the standard of the built environment and our neighbourhoods and ensuring our towns and villages are safe and clean.</p> <p>Prosperity This priority focuses on safeguarding and enhancing our unique mix of rural and urban communities, promoting sustainable, economic and social opportunities.</p> |
| Consultation: | As set out separately in relation to each matter. |
| Legal: | As set out separately in relation to each matter if any are appropriate. |
| Financial: | As set out separately in relation to each matter if any are appropriate. |
| Human Resource: | As set out separately in relation to each matter if any are appropriate. |
| Risk Management: | As set out separately in relation to each matter if any are appropriate. |

This page is intentionally left blank

5a 3/12/0411/FP – Site improvements involving conversion of 67 existing pitches into hardstanding, standardise 24 "L" shaped hardstandings, resurface existing caravan storage area and resurface existing internal access road at The Camping and Caravan Site, Mangrove Road, Hertford for The Camping and Caravanning Club

Date of Receipt: 19.04.2012

Type: Full – Major

Parish: HERTFORD

Ward: HERTFORD – CASTLE

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10): 'STAND/007/CED, STAND/015/LMM, HER010JS, HER011JS and HER012JS'
3. Prior to the commencement of works in relation to the caravan storage element, detailed plans of the proposed bunding, together with a plan of all existing trees on site with a stem diameter of 100mm or greater, shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details. The details to be submitted shall include the following information: a) location, species, girth or stem diameter, accurately plotted crown spread and an assessment of condition. b) existing ground levels at the base of trees where nearby changes in level are proposed c) trees to be removed in conjunction with the proposed development which shall be clearly marked as such on a plan and d) positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees.

Reason: To ensure that trees and hedges are retained and adequately protected from the development in accordance with Policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

4. Landscape Design Proposals (4P12) '(e), (i), (j), (k) and (l)'
5. Landscape Works implementation (4P13)
6. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment. The surface water run-off generated by the 1 in 100 year critical storm including a

3/12/0411/FP

30% allowance for climate change shall be limited so that it will not exceed the run-off from the existing site and not increase the risk of flooding off site. The mitigation measures as outlined within the Assessment shall be fully implemented prior to use of the pitches.

Reason: To ensure that the development does not increase flood risk on or off site in accordance with Policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007.

7. Prior to the commencement of work, a scheme to dispose of foul and surface water (Drainage plan) shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved details.

Reason: To ensure surface and foul water is treated appropriately and prevent pollution of groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

8. No infiltration of surface water drainage into the ground at this site is permitted other than with the express 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect groundwater in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. The development hereby permitted shall be carried out in accordance with the submitted Groundwork Methodology, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (010L)
2. In regards to condition 9, you are advised that if the depth of excavation is in excess of 175mm to contact the Historic Planning Unit (01992 555276) to ascertain whether it is appropriate to make provision to mitigate the impact of the scheme via archaeological monitoring to the groundworks.

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, ENV1, ENV2, ENV11, ENV19, ENV20, ENV21, BH1, BH2, BH3 and LRC10) and the NPPF. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (041112FP.LP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is an irregular shape comprising 13.5 hectares and is located 2.3km to the south of Hertford. The site accommodates touring caravans and tented camping and has a total of 225 pitches plus reception and amenity facilities.
- 1.2 Site access is taken off Mangrove Road on the site's western boundary and an internal access road provides access to all pitches within the site. To the north of the site is Balls Park; to the east, south and west is open countryside.
- 1.3 This application proposes the conversion of 67 existing grass pitches to hardstandings; to standardise 24 'L' shaped hardstandings (such that they all result in hardstandings measuring 9m long x 5m wide); resurface the existing caravan storage area; and to resurface the existing internal access roads with tarmac. The hardstandings would be finished in stone/gravel.
- 1.4 The caravan storage area currently accommodates 60 caravans and it is not proposed to change this number. Overall, the applicants states that the improvements would not result in additional pitches on the site or any increase in site visitors.

2.0 Site History:

- 2.1 The most recent and relevant planning history is as follows:
 - 3/95/0840/FP - facility improvements. Granted.
 - 3/01/1062/FO - removal of condition 11 from 3/95/0840/FP which states that the use shall be seasonal. Granted.

3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission.
- 3.2 County Archaeology comment that subject to the depth of excavation of topsoil being 150mm, the proposal is unlikely to have an impact upon significant heritage assets.
- 3.3 The Environment Agency has raised no objection subject to the development being carried out in accordance with the Flood Risk Assessment; that a scheme to dispose of foul and surface water be submitted and approved prior to commencement; and that no filtration of surface water drainage is permitted.
- 3.4 The Council's Engineer has commented that the site lies within Flood Zone 1 with no records of flood incidents. They recommend that new surfacing be pervious bitmac/tarmac.
- 3.5 The Council's Landscape Section states that it is unclear whether the proposed storage area extends up to the existing trees. No objection to the landscape proposals except that the proposed bund and close boarded fence to the storage area will give a poor visual appearance.
- 3.6 No comments have been received from the Garden History Society, Hertfordshire Biological Records Centre, the Planning Obligations Unit or Veolia Water.

4.0 Town Council Representations:

- 4.1 Hertford Town Council raises no objection.

5.0 Other Representations:

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification. No letters of representation have been received.

6.0 Policy:

- 6.1 The relevant saved Local Plan policies in this application include the following:

GBC1 Appropriate Development in the Green Belt
ENV1 Design and Environmental Quality
ENV2 Landscaping

ENV11 Protection of Existing Hedgerows and Trees
ENV19 Development in Areas Liable to Flood
ENV20 Groundwater Protection
ENV21 Surface Water Drainage
BH1 Archaeology and New Development
BH2 Archaeological Evaluations and Assessments
BH3 Archaeological Conditions and Agreements
LRC10 Tourism

6.2 In addition to the above the National Planning Policy Framework (NPPF) is of relevance.

7.0 Considerations:

7.1 The main issues in this case relate to the principle of development in the Green Belt; impact on the character and appearance of the locality; neighbour amenity; trees and landscaping; flooding; archaeology; and highway issues.

Principle of Development

7.2 The site lies within the Metropolitan Green Belt wherein permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. Engineering operations within the Green Belt will be inappropriate unless they maintain openness and do not conflict with the purposes of including land within the Green Belt.

7.3 The site has an established use for camping and caravanning and is an appropriate recreational use in the Green Belt. The proposed development to create and standardise hardstandings and to tarmac the existing road would be an engineering operation, but due to the low key nature of the proposal it would, in Officers view, maintain openness in the surrounding area. The proposals do not conflict with the purposes of including land within the Green Belt as defined within the National Planning Policy Framework. As such, Officers are satisfied that the proposed development is not inappropriate in the Green Belt.

7.4 The principle of the development is also supported by Policy LRC10, which states that the District Council will encourage suitable tourism proposals in appropriate locations and give favorable consideration to suitable proposals for visitor accommodation in the District. The proposed site improvements would provide all-weather access to and from the site to ensure the viability of this established use and its

associated economic benefits.

Character and Appearance

- 7.5 Due to the nature of the proposals and as the site is well landscaped with limited views from outside of the site; Officers consider that there would be no unacceptable impact upon the character and appearance of the locality. The materials proposed are appropriate to the site and will match the existing provision. Whilst the design of the proposed fencing around the storage area is somewhat urban in appearance, it does not require planning permission being below 2.0m in height and, in any event, will have limited visual impact due to the landscaping at the site. A bund of 1000mm high by 1200 wide is proposed around the fencing which will soften the fencing further, but will not alter the character of the locality due to its limited size and prominence. A condition requiring details of the bunding is considered to be necessary and appropriate in order to ensure the protection of the adjacent trees which are protected by a Tree Preservation Order.

Neighbour Impact

- 7.6 Due to the location of the caravan site away from neighbours, and as the proposals are contained within the site, there would be no unacceptable impact upon neighbour amenity,

Trees and Landscaping

- 7.7 There are a number of mature protected trees to the southern boundary of the area proposed for caravan storage, and subject to a further submission of evidence (via condition) to demonstrate the construction method and siting of the bund and fence in relation to trees, will allow for the retention and protection of those trees, no objection is raised. The proposed surfacing works are considered to be non contentious in landscape terms.

Flooding

- 7.8 Although the site lies within Flood Zone 1 with a low probability of flooding, due to the scale of development it was considered that the development may present risk of flooding on site and/or off site, if surface water run-off is not effectively managed. Further evidence has been submitted that demonstrates that surface water run-off can be managed effectively and subject to conditions, the development is considered acceptable in this respect.

Archaeology

- 7.9 The County Council's Archaeologist has commented that the scheme is unlikely to have an impact upon significant heritage assets if the depth of excavation of topsoil will be in the region of 150mm – as stated within Groundworks Methodology. It is recommended however that a condition be imposed to ensure that the works are undertaken in accordance with the Methodology, so that if the depth of the excavations will exceed 175mm further submission of information will be required as it may then be appropriate to make provision to mitigate the impact of the scheme via the archaeological monitoring of the groundworks.

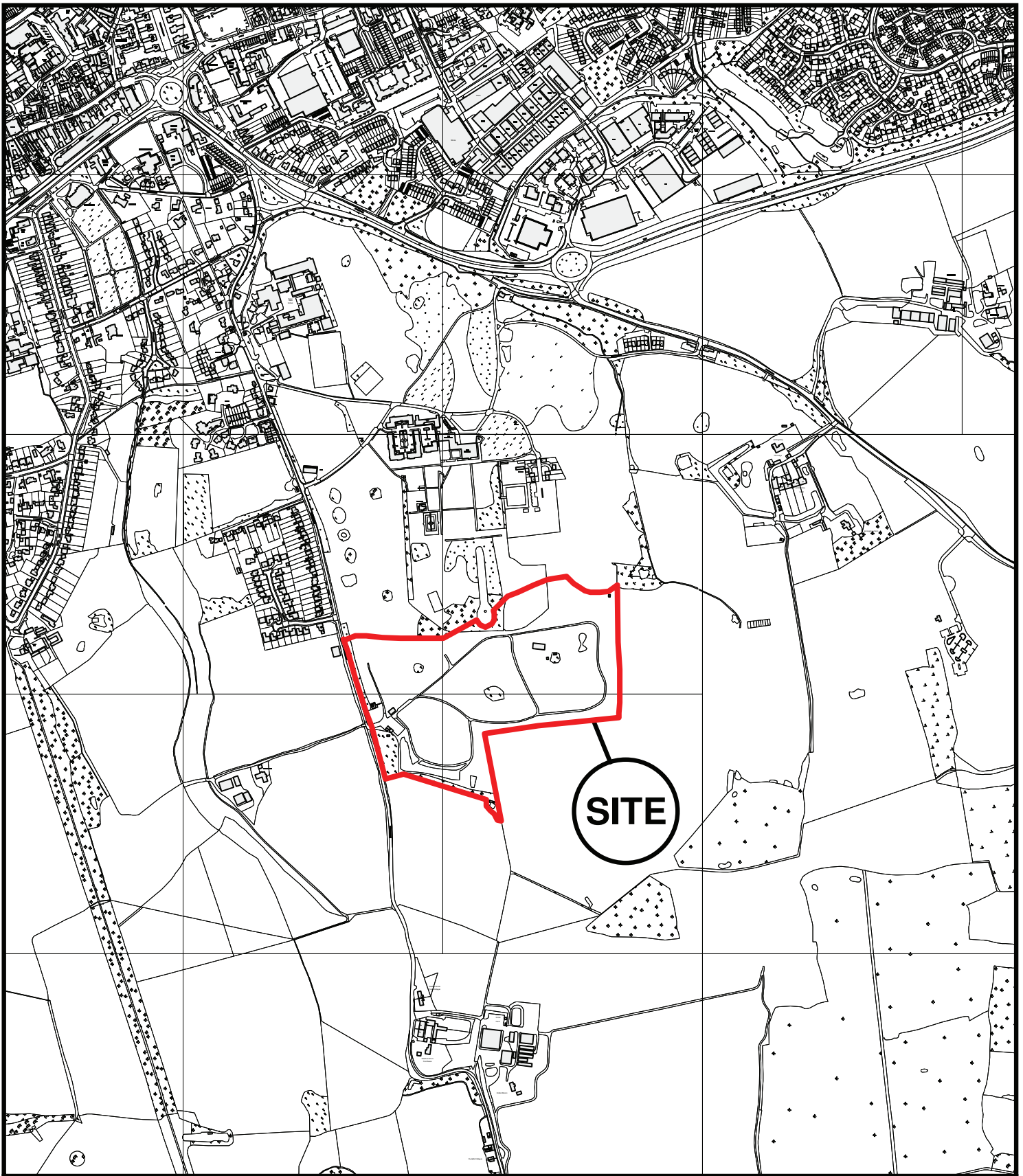
Highways

- 7.10 The scheme proposes alteration and improvements to on-site facilities and not additional pitches that could lead to a potential increase in visitors and traffic generation. The development will improve the condition of the internal access roads and result in improvement to the pitches which will allow parking for larger motor homes and therefore access and parking will be improved. The proposal is therefore considered acceptable from a highway and parking aspect.

8.0 Conclusion:

- 8.1 The proposal would be appropriate development within the Green Belt, wherein no unacceptable impact would result to the character and appearance of the Green Belt. The proposal would have no adverse impact upon neighbour amenity or in regards to highway, parking and access, and subject to conditions the proposal would have no unacceptable impact upon archaeology, flooding and trees and landscaping. The application is therefore recommended for approval subject to conditions.

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
2009 East Herts Council. LA Ref: 100018528



East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

Address: The Camping & Caravan Site, Mangrove Road, Hertford, SG138AJ
Reference: 3/12/0411/FP
Scale: 1:10000
O.S Sheet: TL3311NW, TL3311NE, TL3311SW & TL3311SE
Date of Print: 27 July 2012

This page is intentionally left blank

5b 3/11/2137/SV – Modification of s.106 agreement in respect of the commercial buildings approved under ref: 3/04/0657/OP by the removal of a £125,000 Highways Contribution at 95-97 London Road, Bishop’s Stortford, CM23 3DU for Tanners Wharf Ltd

Date of Receipt: 20.12.2011

Type: Variation of S106 - Major

Parish: BISHOP’S STORTFORD

Ward: BISHOP’S STORTFORD ALL SAINTS, BISHOP’S STORTFORD CENTRAL AND BISHOP’S STORTFORD SOUTH

RECOMMENDATION:

That East Herts Council agree a variation of the Section 106 agreement pursuant to application 3/04/0657/OP, to remove the following financial contribution:

- A highways contribution of £125,000 towards the Bishop’s Stortford Transportation Plan.

Directive:

1. Notwithstanding the above, the applicant is advised that the legal agreement cannot, however, be varied without the agreement of Hertfordshire County Council as co-signatory to the agreement.

_____ (213711SV.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. It is located in-between the railway line and the River Stort with access gained off London Road close to the public house known as The Tanners Arms.
- 1.2 The site comprises a number of buildings, some which have not been completed. The buildings were originally granted outline planning permission within LPA reference 3/04/0657/OP for ‘The erection of 130 Apartment Dwellings, Erection of 2no. Commercial (B1) Office Buildings, Undercroft Car Park, Sub-station and Domestic Refuse Enclosure’. Subsequent reserved matters applications (as set out in section 2 below), granted full consent for the development.
- 1.3 The approved development commenced on site but ceased in December 2008 when the developer, Herts and Essex Homes Ltd and Bishop’s Stortford Development Ltd went into receivership.

3/11/2137/SV

- 1.4 The approved commercial office buildings lie to the far north of the site but only one building is partially constructed – office building A. Office building B (which lies to the south of A), has been started in terms of piled foundations only.
- 1.5 The residential element, comprising of 130 apartments is split into two areas – the open market housing (90 residential units) and the affordable units comprising of 40 residential units being owned and developed by Paradigm Housing Association. The affordable units have been completed and some of the open market residential units have also been completed. The access road/junction into the site has now been implemented.
- 1.6 The applicant seeks consent to vary the S106 agreement by removing the financial contribution relating to the office development. This involves a contribution of £125,000 towards works contained in the Bishop’s Stortford Transportation Plan. This amendment would require the agreement of both this Council and also the County Council as signatories to the agreement. The applicant therefore needs to obtain permission from both Authorities before the agreement can be modified and this application seeks this Council’s agreement.
- 1.7 The applicant hopes to complete the construction of the office buildings on the site and has submitted justification for the removal of this financial contribution in the form of viability appraisals.
- 1.8 That information was submitted at the ‘pre-application’ stage and has been considered by an independent surveyor from DVS, which is the commercial arm of the Valuation Office Agency. A further viability assessment has also been carried out by Lambert Smith Hampton. The full considerations of those viability assessments are explained within section 7.0 of this report.

2.0 Site History:

- 2.1 The following is the relevant planning history relating to the site.

| <u>LPA reference</u> | <u>Description of development</u> | <u>Decision</u> |
|-----------------------------|--|------------------------|
| <u>3/11/0688/SV</u> | To remove commuted sums apart from £125,000 Commercial Highways contribution | Approved |
| <u>3/07/2675/FP</u> | Erection of 4 storey office for B1 Office Use | Approved |

3/11/2137/SV

| | | |
|---------------------|---|----------|
| <u>3/07/1220/RP</u> | Erection of a 4 storey office for B1 Office Use | Approved |
| <u>3/06/2304/FP</u> | Change of use of part existing undercroft car park for residents fitness suite and external alterations to form door and window openings | Approved |
| <u>3/05/0824/RP</u> | Approval of reserved matters for the erection of 130no. apartments | Approved |
| <u>3/04/0657/OP</u> | Erection of 130 Apartment Dwellings, Erection of 2 no. Commercial (B1) Office Buildings, undercroft Car Park, Sub-station and Domestic Refuse Enclosure | Approved |

3.0 Consultation Responses:

- 3.1 The County Highways Authority originally objected to the removal of the highways contribution. The Highways Officer commented that, from the information submitted, there was no suggestion that the development is unviable because of the highways contribution or that removal of that contribution would make the scheme viable. The Highways Officer commented that the viability of the development has been based on residual land value of this development only and not on comparison developments for the site which may be more viable development options. The Highways Officer further commented that the matter has been carefully considered and reported to Members who resolved that there were insufficient grounds to justify removal or reduction of the financial contributions.
- 3.2 Since that response from the Highways Authority, additional work has been undertaken by the applicant (discussed in more detail below) which the Highways Authority has now responded to.
- 3.3 The Highway Authority's latest position is that, after reporting the matter to the County Councils 'Key Issues Panel', it was decided to agree to reduce the required financial contribution to £88,590, index linked from 01 November 2011 and that car parking on the site be reduced to 60 spaces.

4.0 Town Council Representations:

- 4.1 No consultation responses have been received from Bishop's Stortford Town Council.

5.0 Other Representations:

5.1 The application has been advertised by way of press notice, site notice and neighbour notification. No response has been received however.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

IMP1 Planning Conditions and Obligations

6.2 The Councils 'Planning Obligations SPD' is also of relevance, as is the Hertfordshire County Council 'Planning Obligations Toolkit'.

7.0 Considerations:

7.1 As has been set out above, the site has been granted planning permission for the provision of 130 residential units and 2 office buildings. A s.106 agreement was signed requiring the provision of various financial contributions to offset the impact of the development on local infrastructure. The development has, however, not been fully implemented as the previous developer went into receivership in 2008.

7.2 Members will note that consent has previously been granted by the Committee to vary the financial contributions relating to the residential element of the scheme within LPA reference 3/11/0688/SV. That application was reported to Members on 20 July 2011. A viability assessment was submitted with that application, which showed that the residential element of the scheme was unviable. Despite the viability appraisal, however, the County Council maintained a requirement for some reduced financial contributions and Members agreed to a variation on that basis.

7.3 The remaining clause of the agreement which relates to the commercial element of the scheme is the financial contribution to Highways works and it is this obligation that the applicant seeks to have removed from the agreement.

7.4 Officers have considered this request carefully since of course it will have implications for the provision of infrastructure improvements related to the development. However, this should be balanced against the existing poor, unfinished appearance of the site. The buildings, being only partially implemented, have been open to the elements for the last two years and have, in Officers view, a significant adverse

impact on the appearance of the site and its surroundings.

- 7.5 The applicant indicates that it is their express intention to complete the two buildings, making them available for commercial use which in turn would achieve the Council's aspirations of providing building for employment purposes in the town and would also greatly improve the appearance of the site and surroundings.
- 7.6 The guidance in the Council's Supplementary Planning Document (SPD), 'Planning Obligations' sets out that, where a developer considers that financial contributions will make a development unviable, the onus will be on the developer to demonstrate this and, where necessary, this will be independently reviewed. The applicant also refers the Council to recent written ministerial statements from the Rt. Hon Greg Clark MP which sets out that Local Authorities should reconsider, at a developers request, existing section 106 agreements that currently render schemes unviable and, where possible, modify those obligations to allow development to proceed, provided that this continues to ensure that the development remains acceptable in planning terms.
- 7.7 In this case, a financial appraisal has been submitted by the applicant which has been reviewed independently by DVS, in line with the requirements of the Planning Obligations SPD. DVS comment that, following their own research and assessment of the development, a policy compliant scheme with a transport contribution of £125,000 shows a residual land value of £250,000. This is, however, less than would be expected for a site of this type and does not reflect the fact that the Banks involved in the site will have to write off around £10million in debt that has already been incurred at this site. DVS advise the Council that the scheme is not viable in the current market and would suggest that consideration be given to a reduction in financial contributions which may assist in the site coming forward for completion.
- 7.8 This independent advice was considered initially by the Highway Authority and their preliminary comments on the application are set out above. To address the Highways Authorities concerns, however, the applicant sought a further review on the matter by Lambert Smith Hampton (LSH).
- 7.9 The LSH report concurred with the methodology undertaken by DVS. They commented that the comparison method is only reliable if full and recent information is available. However, they are not aware of any recent office developments of this nature in Bishops Stortford and

therefore concur that the residual valuation method is appropriate. In summary, the LSH valuation concurred with the DVS report and they state that “If the planning Authority wish to see the scheme progress then, in the circumstances, this can only be achieved if the s106 requirement is varied.”

- 7.10 The professional advice therefore remains that the scheme is not currently viable with the s106 contribution in place. Having regard to the viability assessments carried out and government advice to seek to bring forward developments which have stalled because of viability issues, Officers consider that there are reasonable grounds to remove the transport contribution in this particular case.
- 7.11 The release of the s106 contribution may not, of itself, render the scheme financially viable but it will, in Officers opinion, give impetus for the applicant to complete the Office development site which will in turn improve the appearance of the site and its surroundings and Officers consider that significant weight should be given to this.
- 7.12 Officers do recognise that the S106 contributions were put in place to offset the impact of the development on local infrastructure. The removal of the contribution will clearly therefore has some degree of impact on infrastructure serving Bishop’s Stortford, including potential measures for sustainable transport measure. However, Officers consider that the benefits of completing the development outweigh the harm that would result in this case.
- 7.13 The County Council have been consulted on this proposed variation of the agreement and, whilst they have agreed to reduce the contribution to £88, 590.00, they are unwilling to remove it altogether. As mentioned previously, the applicant will need the agreement of both Councils before the agreement can be modified and it will therefore be necessary for them to progress negotiations with the County Council in this respect. Your Officers, however are satisfied that there are reasonable and justifiable grounds upon which to vary the agreement as proposed and therefore, it is recommended that East Herts Council, for its part, agrees to the proposal.
- 7.14 In addition to the reduction in the contribution to £88,590.00, the County Council has also suggested a reduction in the level of parking provision on the site. However, no detailed information has been submitted by the Highway Authority as to the reasons behind this. In any event, a reduction in the number of parking spaces cannot be considered within this application and would require the submission of a revised application for planning permission. Furthermore, Officers consider that

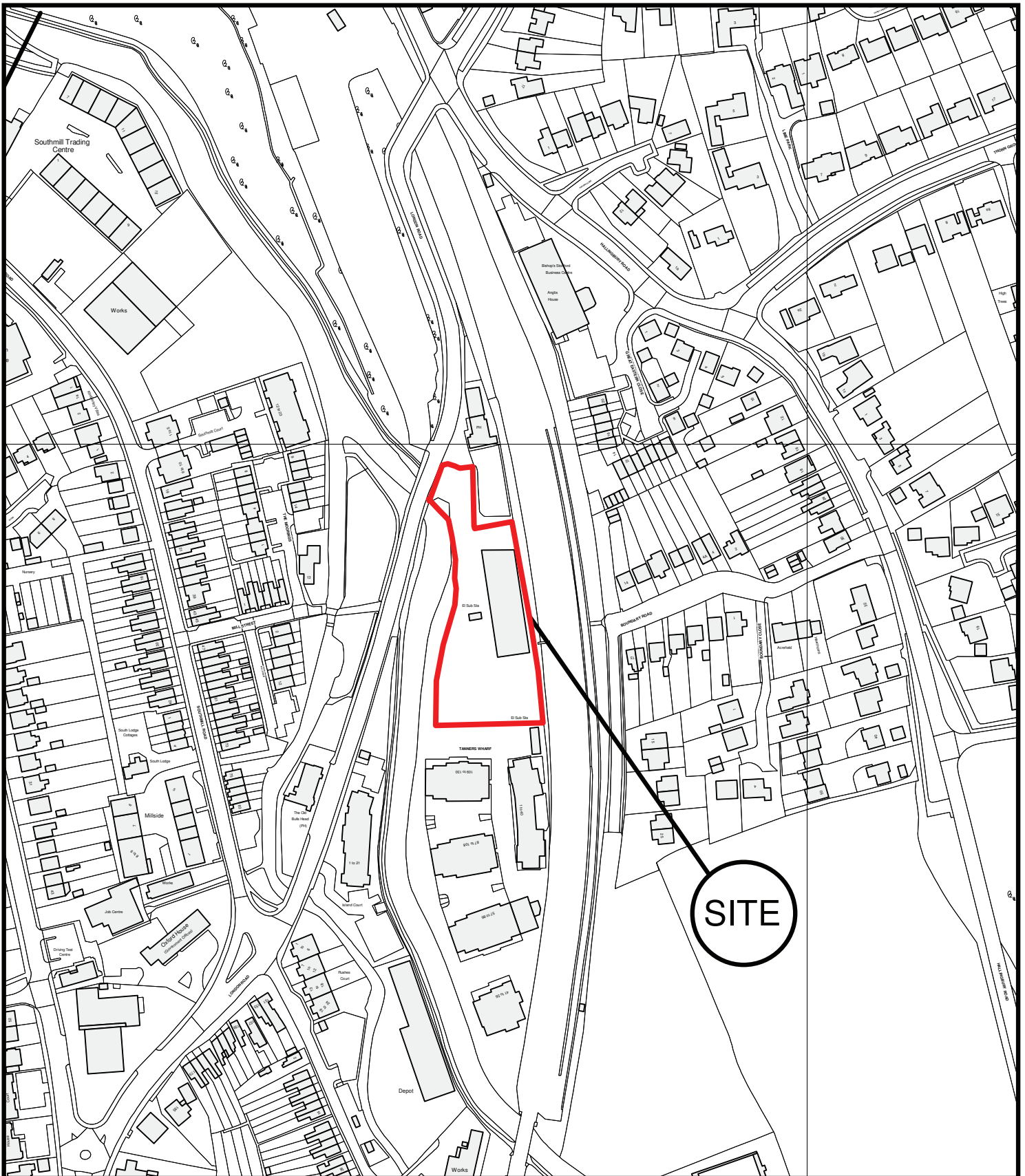
the level of parking provision which was granted planning permission originally was considered to be appropriate and, without a robust justification for a reduced provision, it is unlikely that such a suggestion would be acceptable.

- 7.15 The alternative to not removing the s106 contribution may potentially mean that the site remains in its current semi-constructed state or indeed that it deteriorates which would clearly be harmful to the amenity of the site and its surroundings.

8.0 Conclusion:

- 8.1 The current unfinished development is unsightly and visually intrusive in the surrounding area, having being left uncompleted since December 2008. It thereby has a negative impact on the character of the surroundings. It is Officers view that, in the current economic climate, the scheme is no longer financially unviable particularly when the existing and substantial debts associated with the site are taken into account. This view has been supported by two independent financial viability assessments.
- 8.2 The removal of the s.106 contribution would, however, provide some confidence and impetus for the applicant to complete the development. This, in the view of Officers, will significantly improve the visual amenity of the site and its surroundings and will enable the occupation of the office development, which will have the added benefit of providing a modern purpose built development to help support the local economy.
- 8.3 The applicant has provided adequate justification that the s.106 contributions are not viable, in line with the requirements of the Planning Obligations SPD and Officers consider that the benefits of completing the development would outweigh the loss of the transport contribution.
- 8.4 It is therefore recommended that this Council agrees to the variation of the agreement whilst accepting that the applicant will also have to seek the agreement of the County Council separately.

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
 2009 East Herts Council. LA Ref: 100018528



East Herts Council
 Wallfields
 Pegs Lane
 Hertford
 SG13 8EQ
 Tel: 01279 655261

Address: 95-97, London Road, Bishop's Stortford, HERTS, CM23 3DU

Reference: 3/11/2137/SV

Scale: 1:2500

O.S Sheet: TL4920SW

Date of Print: 18 July 2012

This page is intentionally left blank

5c 3/12/0076/FP – Part retrospective consent for the provision 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

Date of Receipt: 17.01.2012

Type: Full – Minor

Parish: ALBURY

Ward: LITTLE HADHAM

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Within three months of the date of this decision the monkey bars, climbing nets and existing play equipment as shown in green on drawing No. 10-051-27 shall be permanently removed from the existing play structure.

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

2. The play equipment hereby permitted shall not be used between the hours of 20:30 and 09:00.

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

3. Within three months of the date of the decision details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out, as approved, during the next available planting season. These details shall include details of planting plans and schedules of plants, noting species, planting sizes and proposed numbers/densities and a timetable for implementation for planting to the northern and eastern boundary of the application site.

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

4. All soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 3. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and

3/12/0076/FP

number as originally approved unless the local planning authority has given 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 policy ENV2 of the East Herts Local Plan Second Review April 2007.

5. Approved plans (2E103) – '10-051-27; 11-051-28; 10-051-00; 11-051-02 A; 10-051-07 A; 10-051-08 A'
6. No external lighting (2E26)

Directive:

1. Other Legislation (01OL)

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 saved policies GBC2, GBC3, ENV1, ENV2, ENV11, BH6, OSV8) and the National Planning Policy Framework. The balance of the considerations having regard to those policies; the viability information submitted by the applicant and the retention of the public house as a community facility, is that permission should be granted.

_____ (007612FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 Members will recall that the application was reported to the 20 June Committee Meeting. Officers' previous committee report relating to that application is attached as Essential Reference Paper A. Members resolved to defer the application at the June Committee Meeting to enable the applicant to come forward with a revised scheme that reduced the scale and extent of the play equipment. Members asked that the revised scheme be submitted to the 20 July 2012 Committee.
- 1.3 Officers were unable to report the item to the July Committee owing to the time needed to receive amended plans and undertake a further

consultation exercise with neighbouring properties. The Chair of the Development Control Committee and Local Member were consulted on this.

- 1.4 Since the June Committee, the applicant has met with the local Ward Member and a revised scheme for the play equipment has now been submitted. This involves the removal of a section of the play equipment to the north east of the structure as well as those which the applicant had previously offered to remove on the western end of the play equipment.
- 1.5 This report will update Members on the responses received to the amended proposals and Officers views on the acceptability of the amended scheme.

2.0 Parish Council Representations:

- 2.1 Essential Reference Paper A attached to this report advised Members that no comments had been received from Albury Parish Council.
- 2.2 However, since the application was reported to the 20 June Committee, correspondence has been received from the Parish Council which states that they support the project.
- 2.3 The Parish Council comment that they have never received objections to the development and have only received positive comments. They consider that there is a real need for a viable public house in the village and they acknowledge the difficulties faced by this type of enterprise. They comment that the provision of an exciting play area will make a real difference to its chance of success and they believe that the playground will also be a real draw for families from outside the village, who might otherwise go elsewhere. They request that permission is granted.

3.0 Other Representations:

- 3.1 The amended plans have been advertised by way of neighbour notification and six letters of representation have been received which can be summarised as follows:
- The amended plans do not properly address the concerns raised by Members at the 20 June Committee;
 - The play structure remains too large and results in harm to the Conservation Area and setting;

- The reduced size of the play structure will still result in significant harm to neighbour amenity;
- The play structure does not make the public house profitable;
- The balance of considerations set out in Officers previous report was wrong – greater weight should be attached to the harm associated with the play structure and impact on neighbour amenity, rather than viability matters relating to the public house.

4.0 Considerations:

- 4.1 The planning considerations in this case remain as set out in the previous report attached as Essential Reference Paper A. Members, however, were concerned with the scale and extent of the play equipment proposed and deferred the application to enable the applicant to bring forward an amended proposal.
- 4.2 The applicant has sought to address Members' concerns through the omission of part of the play equipment – that closest to the neighbouring properties to the east of the site. This involves the removal of the tower and slide structure to the north east of the play equipment and, as mentioned previously, this is in addition to the removal of the monkey bars and climbing nets on the western end of the play equipment.
- 4.3 Officers acknowledge that there remains some objection to the amended proposal from third parties. However, the further reduction in the play equipment is considered to be a significant benefit to the overall scheme which will both reduce the visual impact of the play equipment and reduce concerns regarding the potential for overlooking and loss of amenity which had been raised at the June Committee.
- 4.4 The proposal remains inappropriate development of course and some harm to the rural character and appearance of the area will remain as set out previously. However, that impact will be reduced and, as before, needs to be balanced against the benefits of supporting the viability of the business and ultimately the retention of the public house as a valuable community facility.
- 4.5 The Parish Council is supportive of the application in this respect and Officers remain of the view that the benefits of the scheme, together with satisfactory mitigation measures that can be achieved via appropriate conditions are sufficient to outweigh the harm caused to the rural area in this case. It is therefore considered that the provision of the amended play equipment should be viewed favourably in this case.

5.0 Conclusion:

- 5.1 For the reasons set out above and within the previous report at Essential Reference Paper A, Officers recommend that planning permission is granted.

This page is intentionally left blank

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

Date of Receipt: 17.01.2012

Type: Full – Minor

Parish: ALBURY

Ward: LITTLE HADHAM

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

1. Within three months of the date of this decision the monkey bars and the climbing nets as shown in green on drawing No. 10-051-09 A shall be permanently removed from the existing play structure.

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

2. The play equipment hereby permitted shall not be used between the hours of 20:30 and 09:00.

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

3. Within three months of the date of the decision details of soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out, as approved, during the next available planting season. These details shall include details of planting plans and schedules of plants, noting species, planting sizes and proposed numbers/densities and a timetable for implementation for planting to the northern and eastern boundary of the application site.

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

4. All soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 3. Any trees or plants that, within

a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given 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 policy ENV2 of the East Herts Local Plan Second Review April 2007.

5. Approved plans (2E103) – ‘11-051-25 A; 10-051-09 A;10-051-00;11-051-02 A; 10-051-07 A; 10-051-08 A’
6. No external lighting (2E26)

Directive:

1. Other Legislation (01OL)

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 saved policies GBC2, GBC3, ENV1, ENV2, ENV11, BH6, OSV8) and the National Planning Policy Framework. The balance of the considerations having regard to those policies; the viability information submitted by the applicant and the retention of the public house as a community facility, is that permission should be granted.

_____ (007612FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The pub building subject of this planning application is located on the southern edge of the settlement of Gravesend, adjacent to the main road which runs through the village. The public house is a relatively new building which was re-built following the destruction of the previous pub from a fire. The building presents an attractive and well articulated building to the frontage with differing roof forms, appendages and materials of construction. Access to the pub car park is gained off the main road to the south of the building onto a large parking area which is

adjacent to the road. Further to the east is a grassed 'overflow' parking area.

1.3 To the north of the building is the principle vehicular access to the small settlement of Patmore Heath. Along that road is mature soft landscaping, including hedgerow and mature trees which obscure views into the site. To the east of the public house are two existing timber sheds which are enclosed by a 1.8m close boarded fence. Beyond those structures is a sandpit and small play equipment. Beyond that and at a distance of over 50metres from the public house is the main play equipment. That equipment has five large towers which are interlinked with various slides and climbing structures. This application seeks retrospective consent for that play equipment and the other smaller play equipment.

1.4 The application follows from the refusal of planning permission for a similar retrospective development at the site within LPA reference 3/11/1401/FP which was refused planning permission for the following reasons:

The change of use of the land to pub garden and the outdoor play equipment constitutes inappropriate development in the Rural Area. The height, scale, design, and associated activities related with the play structures and the change of use of the land causes harm to the open, rural character of the site and surroundings. The development is therefore contrary to policies GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007.

The siting of the play structures results in harm to the amenity of nearby neighbouring properties in terms of noise and general disturbance, contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

1.5 Submitted with this application is further information relating to the viability of the pub amongst other matters. The application seeks retrospective consent for the alterations to the public house building and the provision of the play equipment.

2.0 Site History

2.1 The planning history relevant to the development is as follows:

- 3/03/0424/FP – Rebuilding of outbuilding following fire damage to incorporate 3no. letting bedrooms and associated stores (approved with conditions).

- 3/06/1753/FP – New building public house on site of former burnt down public house (a/c),
- 3/06/1754/AD – Fascia signs / projecting sign (a/c)
- 3/11/1401/FO – as set out above, the refusal of planning permission for ‘Retrospective consent for change of use of land to pub garden and provision of outdoor play equipment and external alterations to pub building.’ That application was however, only refused planning permission for the larger play equipment on the site – no objections were raised by the Council with regards to the smaller play equipment or to the alterations and outbuilding serving the public house itself.

3.0 Consultation Responses

3.1 The Council’s Conservation Officer recommends that planning permission be refused. The changes to the principle building on the site will have little or no impact on the immediate and wider character and appearance of the Conservation Area.

3.2 However, they state that the overall height of the play equipment results in the equipment projecting over the boundary which addresses the main thoroughfare between Albury and Patmore Heath and as such interrupts the immediate character of undeveloped land with established vegetation separating the built form of Gravesend and Patmore Heath.

4.0 Parish Council Representations

4.1 No comments have been received from Albury Parish Council.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Nine letters of objection which can be summarised as follows:

- Inappropriate development in the Rural Area contrary to policy GBC3;
- Development causes harm to the rural character of the site and Conservation Area;

- Causes harm to amenity of neighbouring properties in terms of noise and general disturbance.

5.3 Two letters have been submitted in support of the play equipment, one of which is written on behalf of local residents.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- GBC3 Appropriate Development in the Rural Area Beyond the Green Belt
- ENV1 Design and Environmental Quality
- BH6 Development in Conservation Areas
- OSV8 Village Shops, Community and Leisure Facilities

6.2 The National Planning Policy Framework is also of relevance to the determination of the application.

7.0 Considerations

7.1 As set out above, planning permission was previously refused only in respect of the large outdoor play equipment rather than any of the alterations proposed to the public house itself. This report will, therefore, focus on that matter.

7.2 Members will note that the previous application proposed, and was refused planning permission for, the 'change of use of the land to pub garden. This was the development that the applicant had sought consent for and the Council determined the application on that basis accordingly. However, during the process of the current application, it has become apparent that permission already exists for the use of the land wherein the play equipment is sited for pub garden space.

7.3 The plans attached to the planning permission for the replacement public house in 2006 (LPA reference 3/06/1753/FP) and the application for an extension to the car park show the land to the rear of the public house building as 'pub garden'. Some representations on the application contend that the land to the rear of the public house has historically consisted of meadow and agricultural land. Whilst the land may well have had the appearance of open grassed meadowland prior to the development the subject of this application, it is a material consideration that consent has already been granted for the use of the

land as pub garden. Accordingly, Officers have amended the description of this application to omit any reference to the change of use of the land.

- 7.4 This change in circumstances materially impacts on how the Council considers the current application as the land may already lawfully be used as a pub garden. The determining issue in this application, therefore now relates to the appropriateness of the play structure itself, and not to any change of use of the land.
- 7.5 The site is located within the Rural Area beyond the Green Belt wherein there is a presumption against inappropriate development. Criteria b) of that policy allows for 'essential small scale facilities for outdoor sport and outdoor recreation' and criteria h) allows for 'other essential small scale facilities, services or uses of land which meet a local need, are appropriate to a rural area and which assist rural diversification'. It should be noted that the applicant has not made any submissions within the application with regards to these elements of policy GBC3.
- 7.6 Having regard to the scale of the development and the nature of the use to which the development serves (public house) Officers do not consider that the proposal accords with criteria b) of policy GBC3. For those reasons also, Officers do not consider that the provision of a play area for the public house can be considered as an *essential* facility which is appropriate to the rural area. The development involving the construction of outdoor play equipment represents inappropriate development within the rural area, contrary to policy GBC3 of the Local Plan and accordingly weight should be attached to the inappropriateness of the development.
- 7.7 The Council also considered this to be the case within the recently refused planning application – LPA reference 3/11/1401/FP and the Council's reason for refusal of the aforementioned application also stated that "*The height, scale, design, and associated activities related with the play structures and the change of use of the land causes harm to the open, rural character of the site and surroundings*".
- 7.8 The plans submitted in the application now before Members are identical to that previously refused consent. The applicant has however, during the process of the application, committed to remove two elements of the existing play equipment (the monkey bars and scrambling net), to help reduce the impact of the development.
- 7.9 Whilst the omission of those two elements of the play structure is welcomed, such a proposal does not, in Officers opinion, fully overcome

the concerns previously raised with the height, scale and design of the structure and the impact on the rural character of the site.

- 7.10 The development remains an inappropriate form of development which is considered to be harmful in terms of the physical appearance of the play structure and its relationship with the rural surroundings. It should be noted that representations received on the planning application raise similar concerns and the Conservation Officer has raised concern with the impact of the development on the surroundings. Significant weight can, in Officers opinion, be attached to those considerations together with the conflict with policies GBC3 and ENV1 of the Local Plan.
- 7.11 Local Plan policy considerations extend further than matters relating to the appropriateness of the development and the visual impact of the development.
- 7.12 Within the previously refused planning application concern was also raised by the Council with regards to the impact of the development in terms of neighbour amenity. The Council's reason for refusal related to the siting of the play structures and their impact in terms of harm to the amenity of nearby neighbouring properties through noise and general disturbance.
- 7.13 It is now evident, however, that the use of the land as a pub garden has previously been granted consent and it is a material consideration that the lawful use of this piece of land as a pub garden would also be likely to result in some degree of noise and disturbance. However, the presence of a play structure would, in itself, provide a dedicated source of activity which may result in noise associated with the development. Officers acknowledge that the use of the play equipment is likely to be focused around the spring and summer months when the weather is more likely to allow for the use of the play equipment. That time also coincides with the period when nearby residential properties may wish to enjoy their garden space.
- 7.14 There is therefore a conflict between the provision of the play equipment and the relationship with the residential gardens of nearby neighbouring properties. Indeed, neighbours have objected to the current planning application on those grounds.
- 7.15 In accordance with those considerations, Officers are of the opinion that the development does result in some harm to the amenity of neighbouring properties in terms of noise and general disturbance. Policy ENV1 of the Local Plan seeks to protect against significant impact to neighbour amenity and the development is considered to be

in conflict with that policy also.

7.16 The applicant has, however, submitted further information and detailed proposals which, in the applicants view, outweighs any harm caused by above policy conflict and can be summarised as follows:

- The submission of additional financial information demonstrating that, the provision of the play equipment for children is a significant feature which will draw trade to the pub and ensure that it remains financially viable;
- The submission of additional information to demonstrate that other features to enhance the pub business, including bed and breakfast accommodation, a high end restaurant and other 'add on's' would not be viable and would not ensure the vitality of the pub;
- Reference to other permissions for other similar forms of development in other settlements outside of East Herts which have been considered by those Authorities to be acceptable.
- The removal of certain elements of the play structures to help improve the visual appearance of the play structures and reduce noise levels;
- The provision of additional landscaping and screening structures to help reduce the visual and noise impact of the development;
- A time limit on the hours of operation of the play equipment until 20:30PM

7.17 The principle argument put forward by the applicant is that the provision of the play equipment is required to make the public house a financially viable business.

7.18 The applicant sets out that the main benefit of the site is the large pub garden associated with the site, which presents an opportunity to provide an activity which will draw trade in. The applicant has used such a business model in other public houses across the east of England which has proven to be successful.

7.19 The applicant has provided some financial information and the accounts of the business to show that, during the summer months of last year, the pub drew trade from young families and children who visited the pub to use the play equipment and the make use of the pub for drinks and food. The income during those summer months is considered by the applicant to be directly attributable to the ability for children to use the play equipment.

7.20 During the winter months the applicant provides information to show

that trade is very much reduced and, in some cases fairly significant losses have been made.

- 7.21 The applicant argues that the losses made during the winter months are sustainable on the basis that summer trade is good and will balance out the overall trading of the pub over the financial year. The applicant's position is that, without the play equipment to draw trade in during the summer months, the business would not provide sustainable income levels and this may cause the pub to cease trading.
- 7.22 From the information submitted, Officers consider that significant weight should be given to the way in which the provision of the play equipment supports the financial viability of the pub.
- 7.23 Other ways to attract additional trade to support the pub have been considered by the applicant but not progressed with. For example, the provision of a high end restaurant or bistro as part of the pub was dismissed owing to the location of other nearby similar pubs and the need to build such a business and customers over an extended period of time. The provision of additional accommodation at the pub in the form of bed and breakfast was also dismissed, owing to the high initial capital investment in such a feature, and given the proximity to other such accommodation associated with the Stansted Airport development. By contrast, the applicant considers that the provision of the play equipment is a 'tried and tested method' of drawing trade in and is crucial to the financial viability of the pub.
- 7.24 Officers are mindful of the need to support and encourage community facilities in the villages within the District and the advice contained within the National Planning Policy Framework (NPPF) also supports this aim. It contains a strong commitment to promote the rural economy by, inter alia, promoting the retention and development of local services and community facilities in villages, such as public houses.
- 7.25 The retention of the public house should therefore, in Officers opinion, be viewed as a priority for the Council, the Parish Council and the local community. The pressures on local community facilities have been shown to be significant in the current economic climate and the Local Planning Authority continue to receive applications seeking forms of development to either help assist the viability of such facilities or to permit their change of use into other non-community based uses, such as dwellings. Representations received on this application have identified the need to retain the public house as a community facility – their concerns relate to whether this is the only option and that fact that the development causes harm to visual amenity in the area.

- 7.26 The harmful impact of the development has already been set out in this report, as has the conflict with Local Plan policies. Of equal weight, however, is the need for the Council to encourage the retention of the community facilities. Whilst mindful of the various concerns of third parties who do raise valid concerns, Officers are of the opinion that the applicant has put forward robust, cogent and reasonable arguments in support of the development. Furthermore, the Government's priority in encouraging economic development in rural areas must also be weighed into the balance of considerations.
- 7.27 In addition, Officers consider that the harm to the locality can be mitigated by the reduction in the size of the play equipment - the applicant has agreed to the removal of part of it – together with the provision of additional landscaping at the site and by limiting its hours of use.
- 7.28 With regards to the provision of screening and landscaping, limited information has been submitted in respect of these proposals. The screening proposed by the applicant was in the form of a physical structure to be sited adjacent to the boundaries with the neighbours and for 'climbing' plants to be planted to grow over the structure to act as a noise buffer. Officers do not consider that such a proposal has significant merit and may well prove to be visually intrusive and incongruous within the setting.
- 7.29 There is however some merit in the provision of additional planting. As set out above, the premises do benefit from a fairly generous boundary treatment to the road to the north of the site which leads to Patmore Heath. This, to some extent, screens the visual impact of the development, more so in the summer months when foliage cover is more significant. There are however some gaps in that boundary screening which could benefit from additional planting to assist in screening the site further. Such planting would assist in reducing the visual impact of the development from the road frontage and may well assist in muffling the degree of noise impact to properties to the north and north east – namely Gravesend Farm.
- 7.30 Furthermore, planting to the east of the application site – in between the western edge of the play structure and the application site - appears fairly limited, and there is potential for additional planting in that area also. Such planting would, in Officers opinion, help to address the visual impact of the development from the west and help reduce the degree of impact on those neighbouring properties to the west.

proposed the closure of the play equipment at 8:30pm and Officers consider that this would assist in reducing the degree of impact on neighbour amenity. A condition is also suggested to restrict the provision of lighting to the equipment as this may otherwise encourage later use of the equipment.

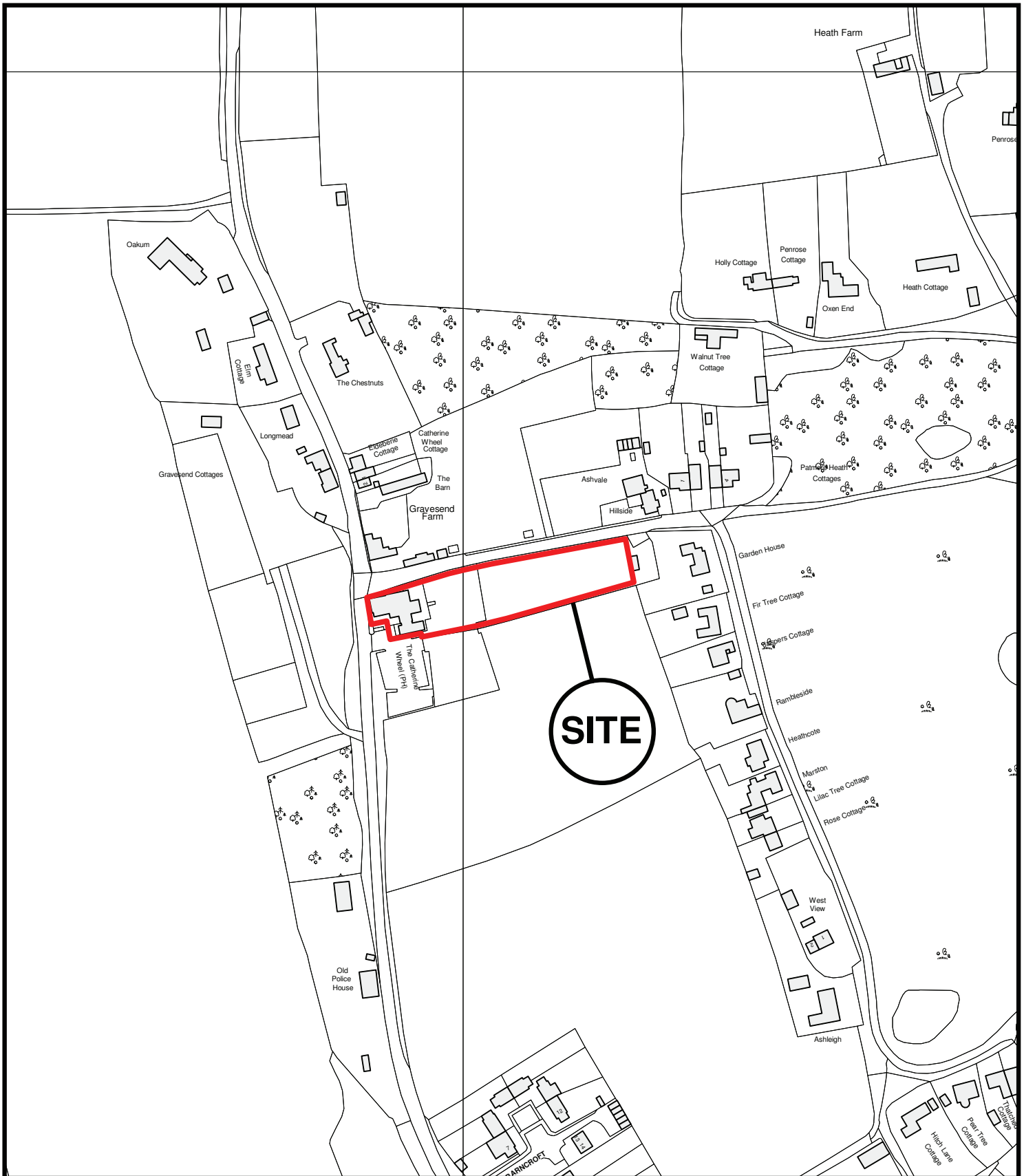
- 7.32 In accordance with the above considerations, Officers are of the opinion that the planning considerations relating to this application are finely balanced. There is some degree of harm caused by this play equipment. However, this needs to be balanced against the benefits of supporting the viability of the business and ultimately the retention of the public house as a valuable community facility. Having regard to this, and the ability to mitigate the degree of harm to the area through suitable conditions, it is considered that the provision of the play equipment should be viewed favourably in this case.

Alterations to building

- 7.33 The application also seeks consent for alterations to the pub building which have already been undertaken. As noted above, planning permission was not previously refused for these elements within LPA reference 3/11/1401/FP.
- 7.34 This element of the proposal involves alterations to the fenestration serving the building at ground floor. From the west elevation, this involves replacement of louvered windows with glazed windows on the south elevation, the replacement of double doors serving the basement with double patio doors, and on the north elevation the replacement of a louvered window with a glazed window. In addition, the proposals involve the provision of a modest timber framed building to the rear of the building to provide a walk in refrigeration unit.
- 7.35 Policy GBC3 criteria c) allows for the provision of limited alterations to community facilities in accordance with policy OSV8. In principle, the alterations are therefore acceptable.
- 7.36 In Officers opinion, the proposed alterations are modest and do not result in a significant change to the character or appearance of the building. The new building to the rear of the public house does adopt differing materials and does not replicate the high standard of design of the existing pub. However, it would generally appear to be of modest proportions and scale and does not significantly detract from the character and appearance of the existing building or its surroundings, in my opinion. Those elements of the proposal therefore comply with policy GBC3, OSV8 and ENV1 of the Local Plan.

8.0 Conclusion

- 8.1 The play equipment is recognised to represent an inappropriate form of development within the rural area and does cause some degree of harm to neighbour amenity. However, it is considered that the benefits of the scheme, together with satisfactory mitigation measures, are sufficient to outweigh this harm.
- 8.2 The alterations to the building are considered to be of an appropriate size, scale, form and design to the existing building, and are of an appropriate siting such that they will not lead to significant harm to neighbour amenity.
- 8.3 In accordance with the above considerations I therefore recommend that planning permission is granted subject to the conditions set out at the head of the report.



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
 2009 East Herts Council. LA Ref: 100018528



East Herts Council
 Wallfields
 Pegs Lane
 Hertford
 SG13 8EQ
 Tel: 01279 655261

Address: The Catherine Wheel, Gravesend, Albury, Ware, Herts, SG11 2LW
Reference: 3/11/1401/FP
Scale: 1:2500
O.S Sheet: TL4325 & TL4425
Date of Print: 28 May 2012

This page is intentionally left blank

5d E/11/0196/B – Unauthorised removal of two traditional shop blinds with associated fittings and the erection of two advertising canopies to a Grade II listed building at 31 – 33 Bell Street, Sawbridgeworth, CM21 9AR

Parish: SAWBRIDGEWORTH

Ward: SAWBRIDGEWORTH

RECOMMENDATION:

That the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the replacement of the two traditional shop blinds and the removal of the unauthorised advertising canopies.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The unauthorised advertising canopies, by reason of their size, scale, appearance and design, are unduly dominant and unsympathetic in relation to the architectural character and setting of this Listed Building and cause substantial harm to it. Furthermore, they obscure important street scene. They are thereby contrary to national planning policy set out in section 12 of the National Planning Policy Framework.
2. The unauthorised advertising canopies are detrimental to the setting of adjacent Listed Buildings and They are thereby contrary to national planning policy set out in section 12 of the National Planning Policy Framework.
3. The removal of the two traditional shop blinds with their associated black iron arms, slides and housing boxes has caused significant harm to this designated heritage asset. It is therefore contrary to national planning policy set out in section 12 of the National Planning Policy Framework.

_____(019611B.CA)

1.0 Background:

- 1.1 The site is shown on the attached OS extract. It lies on the northern side of Bell Street, about 170 metres east of London Road.
- 1.2 In June 2011 the Enforcement Officer received a complaint regarding

E/11/0196/B

new signage on this Grade II listed building and the attachment of two quadrant awnings, or canopies, bearing the words "The Guardian". The shop had recently become a "Nisa Local" store.

- 1.3 The Enforcement Officer wrote to the owner requesting that he contact him to arrange a site visit. The Enforcement Officer visited the site on 12 July 2011 and noted that the quadrant awnings had been removed from the building but that significant self-adhesive plastic advertisement signage had been attached to the interior of the shop windows. It was further noted that the traditional shop blind and associated fittings had been removed from the building.
- 1.4 The Enforcement Officer again wrote to the owner requesting that he meet both him and the conservation officer to discuss the above matters. This meeting took place on 18 August 2011 and the owner undertook to submit proposals to the Conservation Officer with regard to replacement advertisements. He also stated that the shop blind was struck by a lorry and badly damaged. He then removed the blind from the building and disposed of the complete blind and fittings.
- 1.5 The Enforcement Officer again wrote to the owner in September and December 2011 as no such proposals had been received. He also informed the owner that Officers' were aware of a company that still manufactured traditional shop blinds if he was unable to source a suitable replacement.
- 1.6 Subsequently proposals to remove the window signage and replace it with an opaque film with cut out advertisement areas were agreed by the Conservation Officer and the owner then allowed time to finance and carry out the alteration work.
- 1.7 Following an e-mail from the owner, the Enforcement Officer again visited the site on 27th June 2012 and noted that the signage had been removed from the shop windows. The posters that have replaced them are not, in the view of Officers, subject to listed building control as they are affixed to the inside of the windows by putty-like pressure-sensitive adhesive.
- 1.8 The owner had attached a pastiche of a blind in the form of some pieces of wood above the fascia of 31 Bell Street with a fringe of striped material attached to it. Neither consultation with Officers nor any application for listed building consent was made and the Conservation Officer does not consider that the works are appropriate to the listed building and are, in fact, detrimental to it.

E/11/0196/B

- 1.9 The enforcement Officer also noted that two new advertising canopies had been attached to the fascia and side elevations of 33 Bell Street, where the earlier quadrant canopies had been attached. The canopies advertise both 'The Guardian' and the owner's shop, 'The Tuck Shop'. Again there was no consultation with Officers nor any application for listed building consent submitted by the owner despite the earlier letter (24 June 2011) in which the Enforcement Officer pointed out the need for such consent for the previous quadrant canopies.
- 1.10 The Enforcement Officer again wrote to the owner on 26 June 2012 expressing his disappointment at these unilateral actions and informing him of the Conservation Officer's view that the canopies were harmful to the building. The Enforcement Officer informed the owner that unless the canopies were removed within 14 days the matter would be reported to the Development Control Committee.
- 1.11 There was no reply to that letter and a further visit by the Enforcement Officer on 10 July 2012 showed that the advertising canopies were still in place, as was the 'pastiche' blind.
- 1.12 Members will recall that the local planning authority can require steps to be taken to put right all contraventions of the Planning (Listed Buildings and Conservation Areas) Act 1990 back to the date of listing. In this case the Authority's record photographs of these buildings, taken in 1989, clearly show that both shops (listed and now owned together) had traditional Victorian shop blinds.
- 1.13 Officers consider that in addition to the removal of the unauthorised canopies from the building, the like for like replacement of the traditional shop blinds with their associated black iron arms, slides and housing boxes is also important to the historic and architectural importance of the building.
- 1.14 Photographs of the site at different times will be available at the meeting.

2.0 Planning History:

- 2.1 The most recent relevant planning history for the site can be summarised as follows:

3/06/1836/LB Creation of 2 no. flats over 31 Bell Street and 1no. flat over 33 Bell Street Approved.

3/06/1837/FP First floor rear extension and

Refused.
Page 53

E/11/0196/B

| | | |
|--------------|--|-----------|
| | conversion from A1 (retail) to A5 (takeaway) use at ground floor of 31 Bell Street. Two storey rear infill extension and conversion to 3 no. flats | |
| 3/06/2359/FP | First floor rear extension, 2 storey rear infill extension and conversion to 3no flats at 31 + 33 Bell Street | Approved. |
| 3/07/0585/FP | First floor extension to link 31 and 33 Bell Street | Approved. |
| 3/07/0586/LB | First floor extension to link 31 and 33 Bell Street. Open up between shops at ground floor, remove WC and create partitioned storage area. Box in original stair and access to all flats to be via new stair. | Approved. |
| 3/07/1361/LB | Alterations to existing roof to 33 Bell Street, including insertion of additional timbers, relocation of collars and insertion of small area of flat roof to accommodate smoke vent in concealed area at rear. | Approved. |
| 3/07/2424/FP | Loft conversion to rear roof to create 1 No. 1-bedroom flat including dormer window and additional window | Refused. |
| 3/07/2426/LB | Removal of chimney. Loft conversion to rear roof including lead flat roofed and clad dormer window and additional window to create 1 No. 1-bedroom flat | Refused. |
| 3/08/0146/LB | Loft conversion to create 1no. flat and insertion of dormer window and 2no. roof lights | Approved. |
| 3/08/0147/FP | Loft conversion to create a one bed roomed flat and insertion of dormer window and 2no. roof lights | Approved. |

3.0 Policy:

The relevant policies in this matter are contained within Section 12 of The National Planning Policy Framework.

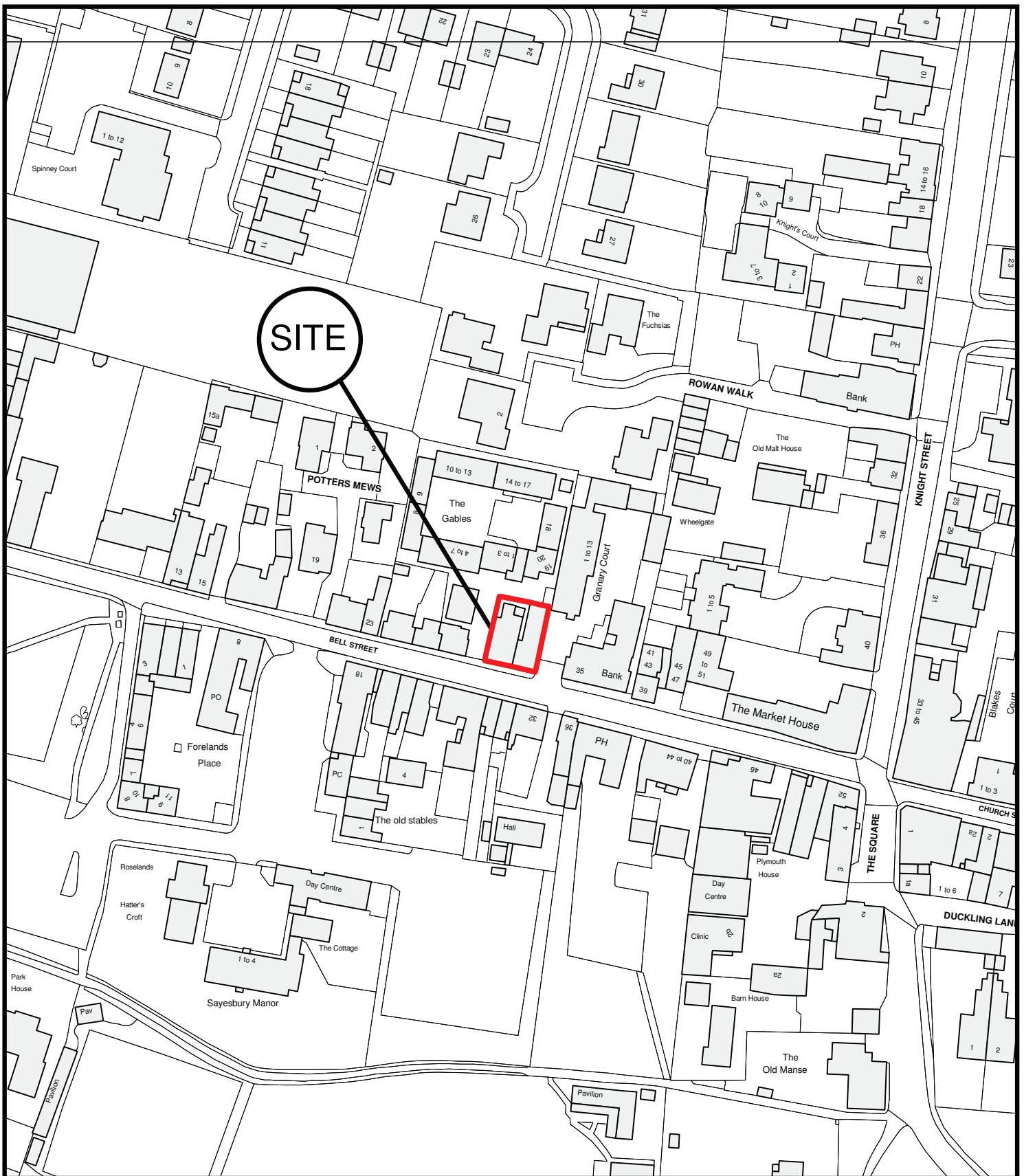
4.0 Considerations:

- 4.1 The main considerations in this matter relate to the adverse impact of the unauthorised advertising canopies on both the listed building itself and on the setting of adjacent listed buildings when viewed in the altered street scene.
- 4.2 The unauthorised canopies are of a distinctly modern design which does not reflect, in any way, the historic or architectural character and appearance of the listed building or its surroundings. In contrast, they are visually prominent within the street scene and appear dominant and out of keeping with the simple traditional form and design of the building and other surrounding buildings. As such, they are detrimental to the character of the Conservation Area and the setting of the other nearby listed buildings.
- 4.3 Furthermore, the removal of the traditional Victorian shop blinds with their associated black iron arms, slides and housing boxes is considered to result in significant harmful to the architectural and historic character of this designated heritage asset and Officers are satisfied that it is appropriate and necessary to remedy this harm by replacing these features of the listed building.

5.0 Recommendation:

- 5.1 It is therefore recommended that authorisation be given to issue and serve a Listed Building Enforcement Notice requiring the removal of the unauthorised advertising canopies and the reinstatement of the traditional shop blinds.

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
 2009 East Herts Council. LA Ref: 100018528




East Herts Council
 Wallfields
 Pegs Lane
 Hertford
 SG13 8EQ
 Tel: 01279 655261

Address: 31 - 33 Bell Street, Sawbridgeworth, Herts, CM21 9AR
Reference: E/11/0196/B
Scale: 1:1250
O.S Sheet: TL4814NW
Date of Print: 12 July 2012

Page 57

This page is intentionally left blank

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 15 AUGUST 2012

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

6. PUBLIC SPEAKING ARRANGEMENTS FOR DEVELOPMENT CONTROL COMMITTEE ON 25 SEPTEMBER 2012

WARD(S) AFFECTED: Bishop's Stortford wards

Purpose/Summary of Report:

- To consider public speaking arrangements for the additional meeting of the Development Control Committee on 25 September 2012.

RECOMMENDATION FOR DECISION That:

| | |
|-----|---|
| (A) | The revised arrangements for public speaking, as detailed in this report, be applied to the additional meeting of the Development Control Committee on 25 September 2012. |
| | |

1.0 Background

1.1 Members will recall that an additional meeting of the Committee had been convened for 22 August 2012. This was to deal with the medical facilities application at Silverleys, Bishop's Stortford. Following the submission of a further application for a similar facility at Tanners Wharf in the town the additional meeting date has now been rescheduled for 25 September 2012.

2.0 Revised Public Speaking

2.1 When this matter was considered at the last meeting it was agreed that multiple speaker requests would be accepted. Each speaker would be permitted twice the normal speaking time of six minutes. On registration, an outline of points to be raised would be sought and speakers encouraged to combine presentations where there appeared to be duplication. Once the combined speaking time in objection became established, this same total time would be offered to parties in support of the proposals.

2.2 Given the further set of proposals, Members are now asked to consider the speaking arrangements that should be applied to both applications. The applications and the planning issues they raise need to be dealt with separately. To ensure a consistent approach, Members are asked to agree that the same speaking arrangements be applied to both proposals – but that they be implemented independently. That is, speaking arrangements for the first application considered will be run and concluded first. Then that first application would be considered and determined. Then the second set of speaking arrangements will run before consideration of the second application.

2.3 Members are asked to consider and endorse these proposals.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Planning Application 3/12/0448/FP and 3/12/0873/FP.

Contact Member: Malcolm Alexander, Executive Member for Community Safety and Environment.
malcolm.alexander@eastherts.gov.uk

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

Report Author: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS:

| | |
|--|--|
| Contribution to the Council's Corporate Priorities/ Objectives | <p>People These proposals relate to the provision of health facilities for the town.</p> <p>Place The decision will have an impact on the built environment of the town.</p> <p>Prosperity The proposals have an impact on the level and quality of health service offered.</p> |
| Consultation: | Planning application consultation. |
| Legal: | Possible legal agreement arrangements. |
| Financial: | None in addition to normal application processing costs. |
| Human Resource: | None. |
| Risk Management: | Normal risks associated with ensuring that decision making is sound and robust. |

This page is intentionally left blank

7. EAST HERTFORDSHIRE DISTRICT COUNCIL
DEVELOPMENT CONTROL COMMITTEE – 15 AUGUST 2012
ITEMS FOR REPORT AND NOTING

(A) APPEALS
Director of Neighbourhood Services
(Development Control)

Application number: 3/11/1507/FP
Recommendation: Permission refuse
Level of Decision: Delegated - 03-Nov-2011
Site: 1-Beanfield Cottages, Beanfield Road, High Wych, Sawbridgeworth, Herts, CM21 0LF
Appellant: Mr and Mrs T Hill
Prop. Single storey rear extension and extend above existing garage to create home office space in garage roof area.
Development:
Appeal Decision Dismissed

Application number: 3/11/1581/LB
Recommendation: Permission refuse
Level of Decision: Delegated - 03-Nov-2011
Site: 1-Beanfield Cottages, Beanfield Road, High Wych, Sawbridgeworth, Herts, CM21 0LF
Appellant: Mr and Mrs T Hill
Prop. Single storey rear extension
Development:
Appeal Decision Dismissed

Application number: 3/11/1706/FP
Recommendation: Permission refuse
Level of Decision: Delegated - 22-Nov-2011
Site: Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware, Hertfordshire, SG12 9RD
Appellant: Mr F Rawlins
Prop. Conversion of existing outbuilding to create a one bedroom residential annex
Development:
Appeal Decision Dismissed

Application number: 3/11/1707/LB
Recommendation: Listed building consent refuse
Level of Decision: Delegated - 21-Nov-2011

Site: Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware, Hertfordshire, SG12 9RD
Appellant: Mr F Rawlins
Prop. Conversion of existing outbuilding to create a one
Development: bedroom residential annex.
Appeal Decision Dismissed

Application number: 3/11/1919/AD

Recommendation: Advert consent refuse

Level of Decision: Delegated - 12-Jan-2012

Site: Paradise Wildlife Park, White Stubbs Lane, Bayford, Broxbourne, Herts, EN10 7QA

Appellant: Paradise Wildlife Park

Prop. 2no non illuminated advertising boards to front entrance -

Development: retrospective

Appeal Decision Dismissed

Application number: 3/12/0102/FP

Recommendation: Permission refuse

Level of Decision: Delegated - 07-Mar-2012

Site: 96, Burnham Green Road, Burnham Green, Herts, AL6 0NQ

Appellant: Mr David Auston

Prop. Single storey side extension

Development:

Appeal Decision Allowed

Background Papers

Correspondence at Essential Reference Paper A.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407

Alison Young, Development Control Manager – Extn: 1553.



Appeal Decisions

Site visit made on 14 May 2012

by **Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4 July 2012

Appeal Ref: **APP/J1915/E/11/2167439**

1 Beanfield Cottages, High Wych, Herts CM21 0LF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Tim Hill against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1581/LB, dated 8 September 2011, was refused by notice dated 3 November 2011.
 - The works proposed are the erection of a single storey rear extension and the erection of an extension above the existing garage to create a home office in the roof space.
-

Appeal Ref: **APP/J1915/A/11/2167432**

1 Beanfield Cottages, High Wych, Herts CM21 0LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Tim Hill against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1507/FP, dated 26 August 2011, was refused by notice dated 3 November 2011.
 - The development proposed is the erection of a single storey rear extension and the erection of an extension above the existing garage to create a home office in the roof space.
-

Procedural matters

1. The National Planning Policy Framework (the Framework) was published in March 2012, after the appeal was made. Although the parties were given the opportunity to comment on any relevant implications of the Framework to their cases, no responses were received within the prescribed timetable.
2. In addition, I have been referred to Policy Guidance Note 2: *Green Belts* and Planning Policy Statement 5: *Planning for the Historic Environment* which have been replaced by the Framework. I have considered the appeal in the context of current national planning policy.
3. The appellant indicated that the appeal does not include the extension to the garage. However, that would materially change the nature of the proposal and I must deal with the appeals on the basis of the scheme as determined by the Council.

Decision

4. I dismiss the appeals.

Main Issues

5. The main issues are whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy and the effect of the proposed works on the special architectural and historic interest of the listed building.

Reasons

6. 1 Beanfield Cottages is a Grade II listed building located in the Green Belt where limited extensions and alterations to dwellings are permitted by saved Policies GBC1 and ENV5 of the adopted East Herts Local Plan 2nd Review (LP). The proposal would measure around 3.2 metres by 7.15 metres rising to 3.2 metres at the topmost part of the lean-to. This, in the Council's estimation, would represent a 25% increase in floor area over that of the original dwelling which it considers would not be a disproportionate increase. The Council further considers that the proposal would not harmfully reduce openness and would not intrude on the rural qualities of the surrounding area.
7. From my assessment, I can find no reason to disagree. In addition, the proposed extension to the garage would add a small amount of floorspace to the building which would not be a disproportionate increase over the garage as built. Against this background, I consider that the openness and the reasons for including land within the Green Belt would not be prejudiced by this proposal. I conclude that it does not represent inappropriate development in the Green Belt and would not conflict with saved Policies GBC1 and ENV5, and the provisions of the Framework. Consequently, there is no need for me to consider the question of very special circumstances.
8. With regard to the effect of the proposed works on the special architectural and historic interest of the listed building, no. 1 is a semi-detached cottage that is prominently located at a road junction. Its special interest is partly derived from its modest, understated appearance and scale, along with its vernacular detailing such as weatherboarding and tiled roof.
9. Although in matching materials, the scale of the proposal (spanning the full width of the rear of the dwelling) would make it a very dominant feature that would obscure and confuse the historic plan form of the listed building. Furthermore, the horizontal emphasis of the proposed windows would be at odds with the historic detailing of the building. This would cause substantial harm to the heritage asset that would not be outweighed by any public benefits arising from the proposal. Consequently, the proposed works would fail to preserve the building's special interest.
10. As for the garage roof extension, I note the Council considers that the size and form of the resulting building would be unduly prominent, causing harm to the character and appearance of the area, and the setting of the listed building. From my assessment I have no reason to disagree.
11. Accordingly, the proposed works would conflict with paragraphs 129, 131 and 133 of the Framework, as echoed in the policies of the development plan, as they would fail to take account of both the desirability of sustaining and enhancing the significance of the heritage asset and making a positive contribution to local character and distinctiveness. In addition, the proposed development would conflict with saved LP Policies ENV1 and ENV6 as it would

not be of a design that would reflect local distinctiveness nor would it complement the original building and its setting.

12. My attention was drawn to the adjoining cottage where it is claimed a number of extensions have been erected. While that cottage has a greater width than No 1 as a result of approved extensions, its rear extension nevertheless is considerably narrower (at around 4.4 metres) than the proposal before me. In any event, the works to the adjoining cottage do not persuade me to allow further works that I consider would cause substantial harm to the heritage asset. I also note that the extension is required to provide additional family living accommodation but this consideration does not outweigh the harm to the heritage asset.

Conclusion

13. Although I have found that the proposal would not be inappropriate development and would not harmfully reduce openness or conflict with the purposes of including land in the Green Belt, this consideration would not outweigh the substantial harm I have identified to the heritage asset.
14. In coming to this view on the proposal, I find that in the absence of any substantive evidence to the contrary, the development plan policies mentioned above are consistent with the Framework. Therefore, in the light of the facts of this case, consideration of the policies of the Framework does not alter my overall conclusion, which for the reasons given, is that the appeals should be dismissed.

Richard McCoy

INSPECTOR



Appeal Decisions

Site visit made on 15 May 2012

by **Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 July 2012

Appeal A Ref: APP/J1915/E/12/2168986

**Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware,
Hertfordshire SG12 9RD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr F Rawlins against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1707/LB, dated 15 July 2011, was refused by notice dated 21 November 2011.
 - The works proposed are the conversion of an existing outbuilding to create an ancillary 1 bedroom annex.
-

Appeal B Ref: APP/J1915/A/12/2168983

**Amwellbury Farmhouse, Walnut Tree Walk, Great Amwell, Ware,
Hertfordshire SG12 9RD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr F Rawlins against the decision of East Hertfordshire District Council.
 - The application Ref 3/11/1706/FP, dated 15 July 2011, was refused by notice dated 22 November 2011.
 - The development proposed is the conversion of an existing outbuilding to create an ancillary 1 bedroom annex.
-

Procedural matters

1. The National Planning Policy Framework (the Framework) was published in March 2012, after the appeal was made. Although the parties were given the opportunity to comment on any relevant implications of the Framework to their cases, no responses were received within the prescribed timetable.
2. In addition, I have been referred to Policy Guidance Note 2: *Green Belts* and Planning Policy Statement 5; *Planning for the Historic Environment* which have been replaced by the Framework. I have considered the appeal in the context of current national planning policy.

Decision

3. I dismiss the appeals.

Main Issues

4. The main issues are whether the development would be inappropriate development in the Green Belt for the purposes of the Framework and
-

development plan policy, the effect on the openness of the Green Belt, whether the proposal would form a functional link with the main dwelling for the purposes of development plan policy, the effect of the proposed works on the special architectural and historic interest of the listed building, and whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

5. The appeal site is a former stables/store situated within the curtilage of the Grade II listed Amwellbury Farmhouse. It is located within the Green Belt and is accessed via a private road. Proposed are works to make the building habitable which include foundation and structural frame replacement, wall replacement, new floors, roof and insulation.
6. The Framework makes clear that the re-use of buildings is not inappropriate development provided the building is of permanent and substantial construction. Given the extent of the works proposed to make the building habitable, I consider that the former stables would not comprise a substantial building for the purposes of the Framework. I conclude therefore that the proposal would be inappropriate development within the Green Belt.
7. The Framework makes clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances where potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The Framework states that substantial weight should be given to any harm to the Green Belt when considering any appeal concerning such development.
8. As the building is existing and no extensions are proposed I consider that the proposal would have minimal effect on openness which the Framework cites as an essential characteristic of the Green Belt. Nevertheless, as inappropriate development in the Green Belt, the proposal would be contrary to the provisions of the Framework and saved LP Policy GBC1 of the adopted East Herts Local Plan 2nd Review (LP).

Functional link

9. Saved LP Policy ENV 8 provides that permission for the conversion of an existing outbuilding to a residential annexe may be granted where the outbuilding is appropriately located in relation to the main dwelling. While the proposed 1 bedroom annex would stand around 80 metres from the main dwelling, beyond the main focus of domestic curtilage activity, the distance would not be so great that it would prevent a functional relationship between the 2.
10. In my judgement, the proposal would be capable of being ancillary and subservient to the main dwelling. This could be secured by way of a planning condition along the lines of that suggested by the appellant which could be attached to any grant of planning permission. Accordingly, in this regard the proposal would not conflict with saved LP Policy ENV8. Nevertheless, the

absence of conflict with this policy does not weigh in favour of the proposal. It merely provides no additional weight against it.

Listed Building

11. The special architectural and historic interest of the listed building is derived from its vernacular timber frame construction along with its materials, plan form and layout. The former stables are in a poor state of repair and the proposal envisages extensive design intervention by way of works to make the building habitable as a residential annex.
12. The extent of the proposed rebuilding works, allied with the proposed loss of historic fabric, would be harmful to the building's special interest. In addition, the proposal would confuse and obscure the plan and layout which are evocative of the building's historic function. While I note the proposal would secure a future for this listed building which is currently in need of repair and can find no reason to disagree with the conclusion in the officer's report that the building would not be suitable for a leisure/tourism or business use due to its size and limited access, I nevertheless have insufficient evidence before me to demonstrate that the extent of the works proposed is necessary in order to achieve this outcome.
13. Moreover, it has not been adequately demonstrated that existing historic fabric is beyond repair and re-use or that were it is perished it cannot be replaced on a like-for-like basis in order to maintain the architectural integrity of the heritage asset. In this regard, I consider that the proposal would conflict with saved Policy GBC9 (II) which provides that the residential use of a listed building may be granted permission, where amongst other criteria, the historic value of the structure has been assessed in a historic building impact assessment and appropriate mitigation of any impact has been put in place.
14. Against this background, I consider that the proposed works would cause substantial harm to the designated heritage asset. Furthermore, insufficient evidence has been submitted to demonstrate that the substantial harm would be outweighed by substantial public benefits arising from the proposal. Accordingly, the proposed works would conflict with paragraphs 131 and 133 of the Framework, as echoed in the policies of the development plan as they would fail to take account of the desirability of sustaining and enhancing the significance of the heritage asset, causing it substantial harm.

Other considerations

15. The appellant put forward personal circumstances in support of the proposal, to be weighed in the balancing exercise required by paragraph 88 of the Framework. He stated that the proposal would provide independent living accommodation suited to the needs of his elderly mother who has limited mobility due to health problems. While I sympathise with the appellant's desire to provide living quarters for his mother close to her family, I have insufficient evidence before me to demonstrate that such independent living could not be achieved within the main dwelling. In addition, I have borne in mind that the works would remain long after those circumstances have ceased to be material and I can therefore only afford this consideration minimal weight.
16. The appellant also referred to the retention and repair of a listed building as a consideration to be weighed in favour of the proposal. However, as stated

above, in my judgement the proposed works would cause substantial harm to the heritage asset which limits the weight I can give to this consideration.

Conclusion

17. In summary, the proposal would be inappropriate development in the Green Belt which equates to a substantial degree of harm in Green Belt terms. Furthermore, the proposal would fail to preserve the special architectural and historic interest of the listed building. Thus, I conclude that there are no considerations that are sufficient to clearly outweigh the harm to the Green Belt and the harm to the listed building. In my judgement, the very special circumstances necessary to justify the development do not exist.
18. In coming to this view on the proposal, I find that in the absence of any substantive evidence to the contrary, the development plan policies mentioned above are consistent with the Framework. Therefore, in the light of the facts of this case, consideration of the policies of the Framework does not alter my overall conclusion, which for the reasons given, is that the appeals should be dismissed.

Richard McCoy

INSPECTOR



Appeal Decision

Site visit made on 5 July 2012

by **David Fitzsimon MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 July 2012

Appeal Ref: APP/J1915/H/12/2170782

Paradise Wildlife Park, White Stubbs Lane, Broxbourne, Herts EN10 7QA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Paradise Wildlife Park against the decision of East Herts Council.
 - The application Ref 3/11/1919/AD, dated 14 November 2011, was refused by notice dated 12 January 2012.
 - The advertisement proposed is 2 no. non-illuminated advertising boards to front entrance.
-

Procedural Matter

1. I have taken the description of the proposal from the Council's Decision Notice rather than the Application Form as it is more accurate.

Decision

2. The appeal is dismissed.

Reasons

3. The two advertisement boards are mounted on timber stakes and they are sited close to the highway, on an angle either side of the entrance to Paradise Wildlife Park. The entrance is located along a rural road which lies within the Green Belt, whose character is dominated by long stretches of mature landscaping along both of its sides. The advertisements are sizeable, rectangular structures and although seen against the splayed entrance to the Park, their predominant white finish is a stark contrast to the surrounding greenery. As a result, they appear unduly prominent and incongruous.
4. I appreciate that signage clearly identifying the entrance to the site is required close to the highway given its busy nature. Nevertheless, this could be achieved in a manner more appropriate to this rural location, with the style of the wooden signs which sits further into the entrance being a notable example.
5. In light of the above factors, I conclude that the two advertisement boards unacceptably harm the character and appearance of the local area, and therefore they are detrimental to amenity. In such terms, they conflict with policy ENV29 of the adopted East Herts Local Plan Second Review, which I have taken into account as a material consideration in reaching my decision.
6. In light of the above factors, and having considered all other matters raised, the appeal does not succeed.

David Fitzsimon INSPECTOR



Appeal Decision

Site visit made on 12 July 2012

by **G Powys Jones MSc FRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 July 2012

Appeal Ref: APP/J1915/D/12/2176246

96 Burnham Green Road, Welwyn, Hertfordshire, AL6 0NQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Austin against the decision of East Hertfordshire District Council.
 - The application Ref 3/12/0102/FP, dated 19 January 2012, was refused by notice dated 7 March 2012.
 - The development proposed is a single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension at 96 Burnham Green Road, Welwyn, Hertfordshire, AL6 0NQ in accordance with the terms of the application Ref 3/12/0102/FP, dated 19 January 2012, subject to the following conditions:
 - 1). The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2). The development hereby permitted shall be carried out in accordance with the following approved drawings: AT380-01, 02, 03 & 04.
 - 3). The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary matters

2. The Council relies on policies ENV1, ENV5 & ENV6 of the East Herts Local Plan Second Review (LP) in its sole reason for refusal. Reference is also made to LP policy GBC1. These policies are not inconsistent with the *National Planning Policy Framework's* (the Framework's) policy guidance on green belts and design, and they therefore attract full weight.

Main issues

3. The main issues are:
 - Whether the proposed development is inappropriate development in the green belt (GB) in the terms of the Framework and local development plan policy;
 - The effect on the openness of the GB, and the character and appearance of the host building and surrounding area;

- If it is inappropriate development, whether the harm caused by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate or not inappropriate development

4. Paragraph 85 of the Framework says that, provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of buildings is not inappropriate in Green Belts. UDP policy GBC1 contains a broadly similar provision.
5. The term 'disproportionate additions' is not empirically defined in the Framework, and nor does LP policy provide numerical guidance as to what is meant by 'limited extension' to existing dwellings in the terms of policy GBC1.
6. The appellant does not dispute the Council's calculations demonstrating that the original building has been subject to significant previous extension and alteration. The proposed extension is very modest in terms of the net floor area created, but the cumulative effect of the extension, in conjunction with the previous extensions and alterations, in my view, would result in a disproportionate addition to the original building.
7. I therefore conclude the proposal to be inappropriate development in the GB in the terms of the Framework and LP policy GBC1. Inappropriate development in the GB, by definition, is harmful, and this attracts substantial weight against the scheme.

Openness, character & appearance

8. The appeal property is one of a pair of semi-detached dwellings that together form what was originally an attractive predominantly brick built building, with distinctive flint panelling. Whilst the Council acknowledges that the extensions carried out to both properties have resulted in a character somewhat evolved from the original cottages, to my mind, the character and symmetry of the original building have been materially compromised. The appeal property, whilst in a rural area, stands close to other dwellings and domestic buildings, in a village setting.
9. The small extension proposed, at the side of the appeal premises, would involve the substantial modification/rebuilding of a porch. The finished product would not be noticeable when approaching the site from the east, and when viewed from the west, a hedge would provide significant screening for all long to medium views. Where it would be seen from public vantage points, the extension would have but marginally more visual effect than the existing porch.
10. Such is the modest size and secluded position of the proposed extension that it would hardly be discernible, and the effect on the openness of the green belt would be so minimal as to be barely perceptible. I note that the Council takes a similar view.
11. The extension is designed to match the existing additions, and given the extent to which the appearance of the original property has changed, the development would not look out of place, either in terms of the effects on the host property, or on local character and appearance. I note the intention to insert new, and

to modify fenestration in the property's side elevation. I find this unobjectionable.

12. I conclude that the proposed extension would have but a minimal effect on the GB's openness, and would not harm the character and appearance of the host property or the street scene. Accordingly, I find no conflict with those provisions of LP policies ENV1, ENV5 & ENV6 directed to the design of house extensions, particularly in the GB.

Very special circumstances

13. I attach significant weight to all my findings, firstly, that the effect of the development on the openness of the GB would be minimal; secondly, that the extension, since it could barely be discernible and is of an acceptable design, would not harm the character and appearance of the host property and, lastly, for the same reasons, that the character and appearance of the surrounding area would remain largely unimpaired.
14. I also attribute substantial weight to my view that the development, if implemented, would not prejudice the continued achievement of any of the purposes of the GB or the fundamental aim of GB policy, as set out in paragraphs 79 & 80 of the Framework.
15. On balance, I conclude that the harm caused by reason of inappropriateness, particularly since there is no other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development. I shall therefore allow the appeal.

Conditions

16. The Council has suggested a condition in respect of materials. I share the view that such a condition is necessary, in the interests of visual amenity.
17. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans.

Other matters

18. All other matters raised, including the views of the Parish Council, have been taken into account, but none outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

This page is intentionally left blank

(B) PLANNING APPEALS LODGED

Director of Neighbourhood Services
(Development Control)

| Application No: | Description Location | Decision | Appeal Start Date | Appeal Mode |
|------------------------|---|--------------------------|--------------------------|--------------------|
| 3/12/0159/FP | Proposed agricultural building Land adjacent to, Rectory Farm, Langley Lane, Meesden, Buntingford, Hertfordshire, SG9 0AZ | Refused Delegated | 19-Jul-2012 | Written Evidence |
| 3/12/0254/LB | Proposed single storey front extension leading to new basement level, demolition of single storey lean-to, internal alterations, replacement oak double glazed doors and windows throughout Whempstead Barn, Whempstead Lane, Whempstead, Ware, Hertfordshire, SG12 0PE | Refused Delegated | 24-Jul-2012 | Written Evidence |
| 3/12/0255/FP | Proposed single storey front extension leading to new basement level Whempstead Barn, Whempstead Lane, Whempstead, Ware, Hertfordshire, SG12 0PE | Refused Delegated | 24-Jul-2012 | Written Evidence |
| 3/12/0345/LB | Single storey rear extension and rear terrace, steps and retaining wall Wayside Cottage, Munden Road, Dane End, Herts, SG12 | Refused Delegated | 20-Jul-2012 | Written Evidence |

| | | | | |
|--------------|---|--------------------------|-------------|------------------|
| | OLN | | | |
| 3/12/0346/FP | Single storey rear extension and rear terrace, steps and retaining wall Wayside Cottage, Munden Road, Dane End, Herts, SG12 OLN | Refused Delegated | 20-Jul-2012 | Written Evidence |

| | | | | |
|--------------|--|--------------------------|-------------|------------------|
| 3/12/0410/FP | Erection of new dwelling Land adjacent to, Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire, SG12 0SQ | Refused Delegated | 13-Jul-2012 | Written Evidence |
| 3/12/0488/FP | First floor extension over garage 11, Church Walk, Sawbridgeworth, Hertfordshire, CM21 9BJ | Refused Delegated | 11-Jul-2012 | Written Evidence |

NOTE: This report shows only appeals lodged since the last Development Control Committee agenda deadline.

Background Papers

None.

Contact Officers

Kevin Steptoe, Head of Planning and Building Control, Extn: 1407.
Alison Young, Development Control Manager, Extn: 1553.

Planning Appeals: Inquiry and Informal Hearing Dates

Public Inquiries:

| Application Number | Location | Proposal | Date |
|--------------------|---|--|-----------------------------------|
| 3/10/1725/CL | Swallowfield Farm, Epping Green, Hertford | Claimed lawful development being residential use of land and buildings (and associated enforcement notice) | Reconvenes 28 September 12 |
| 3/11/1511/FP | North of Old Coach Road, Birch Green | Change of use to Private Gypsy and Traveller Caravan Site | Reconvenes 27 and 28 September 12 |
| 3/11/1190/FP | Benington | Single Wind Turbine | No date fixed yet |

Informal Hearings:

None.

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

None.

This page is intentionally left blank