

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

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

ALSO PRESENT:

Councillors S Basra and P Ruffles.

OFFICERS IN ATTENDANCE:

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

473 CHAIRMAN'S ANNOUNCEMENTS

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

474 DECLARATIONS OF INTEREST

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

475 MINUTES – 7 NOVEMBER 2012

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

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

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

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

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

Councillor S Bull, as a local ward Member, commented

that this application site was 1 of 8 under consideration for development in Buntingford. He stated that this application should not be approved unless it had been demonstrated via consultation or technical studies that this site was necessary for development or was preferable to the other 7 sites.

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

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

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

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

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

Councillor S Bull stressed that the transport assessment

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

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

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

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

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

Councillor M Newman stated that all of the reasons why this application should be refused clearly outweighed any reason why the application could be supported.

Councillor G Jones commented on the appalling standard of the application and he was surprised it had not been withdrawn by the applicant prior to this meeting.

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

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

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

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

2. There is insufficient justification for the proposed cemetery which amounts to inappropriate development in the Rural Area, and in combination with the proposed allotments will appear visually intrusive and out of keeping with the character and appearance of the surrounding landscape contrary to policies GBC2, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007.
3. The proposed development will generate additional trips on an already congested local highway network, and in the absence of an agreement on the scope and details of the mitigation measures required, the proposal will be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007.
4. The proposed development fails to achieve a high standard of layout and design to respond to the context of the site and surrounding area, or to reflect local distinctiveness. The development would therefore be unacceptably harmful to the character and appearance of the site and surrounding area contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
5. The proposed development would result in an unacceptable degree of overlooking and loss of privacy to residents of 11 Hare Street Road, and between plots 13 and 14, 25 and 26, 90 and 91, and 150 and 151 contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
6. The proposed development fails to make adequate provision for children's play facilities on site contrary to policy LRC3 of the East

Herts Local Plan Second Review April 2007
and the Open Space, Sport and Recreation
Supplementary Planning Document 2009.

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

Summary of Reasons for Decision

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

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

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application

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

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

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

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

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

Councillor G Jones referred to the numerous design proposals put forward by the Applicant, indicating that Aldi

had adopted a very flexible approach to this application in response to comments and criticisms of the original application. He stated that this application represented a significant improvement over the previously approved application on the site.

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

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

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

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

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

- £36,500 towards sustainable transport measures included in the Bishop's Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the site by public transport;
- £5,000 towards a Traffic Regulation Order;

- £300 standard monitoring fee per clause.

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

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

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

5. Prior to the occupation of the development

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

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

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

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the

south of the site in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

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

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

8. No development hereby permitted shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Loading and unloading of plant and materials;
 - c) Storage of plant and materials used in constructing the development;
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) Wheel washing facilities;
 - f) Measures to control the emission of dust and dirt during construction
 - g) A scheme for recycling/disposing of waste

resulting from demolition and construction works;
h) A restriction on any burning of materials on the site.

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

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

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

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

Reason: To ensure that an appropriate boundary treatment serving the application site and neighbouring land is implemented.

12. The soft landscape works shall be carried out in accordance with the approved landscape plan, drawing number V0290-L01B, unless otherwise agreed in writing by the Local

Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

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

Reason: To ensure the provision of adequate parking for the retail premises at all times in order to reduce any impact on kerbside parking and/or congestion in the surrounding area in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

15. Before first occupation of the approved development, all access and junction arrangements serving the development shall

be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

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

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

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

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

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

18. Approved plans (2E103) (0290-100, 0290-101, 0290-103, 0290-104, 0290-105, 0290-106, 0290-107, V0290-L01 B)

Directives:

1. Other Legislation (01 OL)

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

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular policies SD1, SD2, SD5, TR1, TR2, TR7, TR8, TR14, STC1, ENV1, ENV2, ENV3, ENV20, ENV25, BH6 and IMP1); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and amendments made is that permission should be granted.

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

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

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

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

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

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

In reply to a query from the Committee Chairman, the Director stated that any change of use would require planning permission, except for very small scale retail, such as the sale of produce from a table outside a smallholding. The Director advised however, that the site could be utilised for agricultural or horticultural use at any time.

Councillor Mrs R Cheswright sought and was given

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

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

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

479 3/12/1662/FO – VARIATION OF CONDITION 9 OF PLANNING PERMISSION REF. 3/10/0396/FP TO ALLOW 50% OF THE RESIDENTIAL UNITS TO BE OCCUPIED PRIOR TO THE WIDENING OF THE EXISTING FOOTWAY ALONG STANSTED ROAD AT FORMER WAGGON AND HORSES PH, 135 STANSTED ROAD, BISHOP'S STORTFORD, HERTS, CM23 2AL FOR MCCARTHY AND STONE

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1662/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

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

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

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

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

RESOLVED – that in respect of application 3/12/1662/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

480 3/12/1551/FP – CHANGE OF USE OF LAND FOR THE GRAZING OF HORSES AND THE ERECTION OF THREE STABLES INCORPORATING TACK STORE AND HAY/ FEED STORE ON A CONCRETE BASE AT LAND OFF BOURNE LANE, MUCH HADHAM, SG10 6ET FOR MRS C BETTS

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1551/FP, planning permission be refused for the reasons now detailed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLVED – that in respect of application 3/12/1463/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

Francis Aspin addressed the Committee in support of the application.

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

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

Councillor M Alexander referred to an application some 8 to 9 years ago when permission was granted to extend this premises to include 6 bedrooms, as the premises was generally buzzing with trade at that time. He queried

whether the current problems were solely due to the economic downturn. He stated that he would be supporting the Officer's recommendation for refusal.

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

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

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

Councillor D Andrews stated that references had been made locally to the need for a pub or restaurant in the area. He stressed however, that the 30 or so houses in Wellpond Green were insufficient to support such a provision. He referred to other pubs in more densely populated neighbouring villages.

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

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

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

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

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

The Director provided clarification for Members in relation to the current status of the pub. Whilst the venue was open for trade this was for a limited number of hours each week as opposed to being open at all regular opening times. The Director advised Members that the Council's Solicitor had referred to the National Planning Policy Framework (NPPF) in relation to this application.

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

unsustainable for the applicant.

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

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

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

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

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

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

483 3/12/1518/SV – MODIFICATION OF S106 IN RESPECT OF 3/09/1061/FP TO VARY OBLIGATION (B) FROM INTERMEDIATE HOUSING TO GENERAL NEEDS AFFORDABLE RENTAL HOUSING AT FLAT 14 CROUCH GARDENS, BUNTINGFORD, SG9 9FL FOR RIVERSMEAD HOUSING ASSOCIATION

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

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

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

484 E/12/0111/A – THE UNAUTHORISED USE OF LAND FOR THE STORAGE OF CARAVANS AND MOTORHOMES AT LAND ADJACENT TO PRIMROSE COTTAGE, HIGH WYCH ROAD, SAWBRIDGEWORTH, HERTS, CM21 0HH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0111/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0111/A on the basis now detailed.

RESOLVED – that in respect of E/12/0111/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

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

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

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

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

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

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0115/A on the basis now detailed.

RESOLVED – that in respect of E/12/0115/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

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

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

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

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

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0277/A on the basis now detailed.

RESOLVED – that in respect of E/12/0277/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

487 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 8.28 pm

Chairman

Date