

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 12 NOVEMBER 2014, AT
7.00 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, G Jones, J Jones,
P Moore, M Newman, P Ruffles, N Symonds
and G Williamson.

ALSO PRESENT:

Councillors W Ashley, P Ballam, L Haysey,
J Ranger, S Rutland-Barsby and K Warnell.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Christopher Barnes	- Planning Enforcement Officer
Fiona Brown	- Planning Technician
Shirley Downham	- Planning Enforcement
Simon Drinkwater	- Director of Neighbourhood Services
Annie Freestone	- Senior Planning Technician
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Paul Stevens	- Landscape Officer

Alison Young - Development
Manager

336 APOLOGY

An apology for absence was submitted on behalf of Councillor K Crofton. It was noted that Councillor S Bull was substituting for Councillor Crofton.

337 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Christopher Barnes, Planning Enforcement Officer, to his first meeting of the Development Management Committee.

The Chairman advised that consideration of the Provisional Tree Preservation Order at Coltsfoot Mead Wood would be determined prior to application 3/13/2223/FP.

338 DECLARATIONS OF INTEREST

Councillor M Newman declared a disclosable pecuniary interest in application 3/14/0817/FP, on the grounds that a Member of his immediate family was employed by Bishop's Stortford College. He left the room during consideration of this matter.

339 MINUTES – 15 OCTOBER 2014

RESOLVED – that the Minutes of the meeting held on 15 October 2014 be confirmed as a correct record and signed by the Chairman.

340 3/14/1448/OP – OUTLINE APPLICATION FOR APPROXIMATELY 60 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND OFF GREEN END, BRAUGHING FOR GLADMAN DEVELOPMENTS

Peter Boylan addressed the Committee in objection to the

application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1448/OP, outline planning permission be refused for the reasons detailed in the report now submitted.

The Chairman, as the local ward Member, stated that she supported the Parish Council and the residents of Braughing in respect of their concerns. She referred to the HGV movements caused by 2 other large developments and stated that that she fully agreed with the Officer's report on the basis that this application was inappropriate development in the rural area.

The Chairman further commented that the application would not preserve or enhance the character of the conservation area and the proposed development was contrary to policies GBC2, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007 and was also contrary to sections 11 and 12 of the National Planning Policy Framework (NPPF).

Councillor P Ruffles referred to the intrusion into the countryside proposed by this application as well as the potential for serious harm to the valley. He stated that the proposed development would wreck the sense of place of Braughing and this was his chief single concern on this application.

Councillor J Jones stated that the application was inappropriate and would place unacceptable strain on the facilities in the Buntingford area, particularly in respect of health services. Councillors N Symonds and S Bull voiced similar concerns in respect of health, schools and the impact of the development on the flood plain as well as the issue of the access and the speed of the traffic on the B1368.

Councillor Mrs R Cheswright proposed and Councillor P Ruffles seconded a proposal that, in respect of application

3/14/1448/OP, Members support the Officer's recommendation and refuse planning permission.

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.

RESOLVED – that in respect of application 3/14/1448/OP, outline planning permission be refused for the reasons detailed in the report now submitted.

341 3/14/1058/FP – CHANGE OF USE OF LAND FROM AGRICULTURE TO MIXED USE FOR AGRICULTURE AND USE FOR THE GENERATION OF RENEWABLE ENERGY (SOLAR) AT MILL FARM, MENTLEY LANE, GREAT MUNDEN, WARE, HERTFORDSHIRE, SG11 1JR FOR STUART BRADSHAW, PUSH ENERGY LTD AND MR D LIVINGS

Jocelyn Ingham addressed the Committee in objection to the application. Philip Kratz spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1058/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Ranger, as the local ward Member, referred to the extreme rural nature of the area. He questioned the logic of installing an industrial style plant in such a location. He commented that the proposed development would be seen from a long way despite the proposed screening.

Councillor Ranger expressed concerns that construction traffic would struggle to negotiate the narrow roads and this was not the best place to locate a solar farm. He referred to the suitability of rooftop locations or industrial sites as opposed to rural areas.

Councillor Ranger further commented on what could happen to the site once the solar farm was decommissioned. He concluded that if the Committee was not minded to refuse permission, a much more detailed screening plan should be submitted and a deferral would allow this issue to be explored along with a Section 106 agreement.

The Director advised that the Department for Communities and Local Government (DCLG) had advised that a request from a local resident for the application to be called-in by the Secretary of State had been received. If Members were minded to grant planning permission then the decision notice would not be issued until the decision of the Secretary of State in respect of any 'call-in' had been received.

The Director stated that this was a very significant scheme that was by far the largest photovoltaic application in East Herts with 38,864 proposed panels on a 17 hectare site, which would provide 10MW of energy for 2000 homes. The NPPF gave in principle support to renewable energy applications and further guidance stated that sites should be carefully selected in respect of the likely visual impact of such applications, as well as optional alternative sites and the value of agricultural land.

The Director stated that the site was relatively inaccessible to public view and the landscape and visual impacts of the scheme were moderate. There were no footpaths within 400 metres of the site and the site was not overlooked by any residential properties.

Members were advised that only occasional views of the panels would be possible due to the established hedgerow boundaries and the proposed orchard to the south-east corner of the site, as well as the proposed additional planting for the west side boundary.

The Director advised that no heritage assets would be

harmed and the applicant had shown that there were no alternative brownfield or Greenfield sites for a solar farm in East Herts. Members were advised that whilst arable farming of the site would not be possible, animals could continue to graze the land underneath the panels. Officers were of the view that the case had been made for approval of this application.

In response to a query from the Chairman, the Director stated that it was anticipated that there would be 1 or 2 large vehicle movements per day over a 16 week period. Members were advised that Hertfordshire Highways were concerned regarding the use of 16.5 metre vehicles and discussions were being held with the applicant on alternative means of access for the site.

In reply to a further query from the Chairman, the Director advised Members that there would be a dedicated route for vehicles accessing the site.

Councillor P Moore stated that the Landscape Officer considered that the proposals would have a relatively high magnitude of impact on the landscape character of the local area as perceived by residents in Nasty but not necessarily in the wider area.

She emphasised that the Officer had reviewed the Sequential Analysis Study subsequently submitted by the applicant and he had maintained that the siting of such development on brownfield land was the preferred option.

Councillor P Ruffles commented that he was concerned regarding the logic behind the recommendation for approval. He stated that he was minded to refuse the application. He stressed that a sub-standard scheme should not be approved on the basis that the site was not visible to public view. He referred to the point made by Councillor Ranger that once approved the simple basic fact was that the photovoltaic panels would be on the site.

In response to a query from Councillor G Williamson, the

Director stated that it was not possible to judge what planning policy might be in respect of previously developed land 25 years hence. However, he considered that, using the current definition, it would be unlikely that the site could be viewed as previously developed land and it was unlikely that the site would be developed further. The most likely outcome would be that the site would return to the previous agricultural use.

Councillor S Bull stated that he was not convinced that the application should be approved and this was the wrong place for a solar farm, which would be visually obtrusive from all angles. Councillor M Newman stated that the ethical issue was that everyone was happy to use electricity so long as this was generated elsewhere. He stressed that this site had been chosen for its isolation and at some point there would have to be some sacrifice of land in East Herts for clean energy.

Councillor J Jones stated that he did not feel enough had been done to explore alternative brownfield locations. He referred to the visual impact and his sceptical view of the benefits of solar energy farms.

In response to a query from Councillor M Alexander in respect of paragraph 6.10 of the report, the Director confirmed that Officers had carefully considered the application and were satisfied that it met the provisions of the UK Solar PV Strategy. Members were reminded that all of the agricultural land in Hertfordshire was grade 2 or grade 3 and this site was grade 3a.

In response to a number of other Members' comments, the Director confirmed that Officers and Members would have control over the landscaping implications of the development via a detailed landscaping scheme. Members were reminded that any use of a brownfield site for a solar farm could have implications in terms of the District's housing land supply.

Councillor D Andrews proposed and Councillor P Moore

seconded, a motion that application 3/14/1058/FP be refused on the grounds that the proposed development would have a harmful impact on the visual character of the landscape and the benefits of the proposal would not outweigh the resulting harm and the proposal was therefore contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007 and national policy in the National Planning Policy Framework.

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 3/14/1058/FP, planning permission be refused for the following reasons:

1. The proposed development would have a harmful impact on the visual character of the landscape in which it is proposed to be sited which could not be satisfactorily mitigated by additional landscaping. The benefits of the proposal would not outweigh this resulting harm and the proposal is thereby contrary to policies SD3 and GBC14 of the East Herts Local Plan Second Review April 2007 and national policy in the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved. However, for the reason set out in this decision notice, the proposal is not considered to result in an acceptable form of development and is not in accordance with the

Development Plan and the National Planning
Policy Framework.

342 COLTSFOOT MEAD WOOD – PROVISIONAL TPO (P/TPO)
587

Lydia Sommerville addressed the Committee in objection to the Provisional Tree Preservation Order (P/TPO).

The Head of Environmental Services submitted a report requesting that Members support the confirmation of Provisional Tree Preservation Order (P/TPO) 587, Coltsfoot Mead Wood, Bulls Green, Datchworth.

The Landscape Officer stated that the reasons for making of the P/TPO were quite clear and he stood by the recommendation detailed in the report. He commented that the principal objection seemed to be that there were no valid reasons for making the P/TPO.

The Landscape Officer reminded the Committee that the Town and Country Planning Act 1947 placed a duty on Local Authorities to protect trees. He stated that a P/TPO would not prevent good woodland management and the P/TPO would protect the long term longevity and enjoyment of the woodland. He reiterated his concern that the access track might lead to future development pressures where none existed at present.

Councillor D Andrews stated that he was very concerned in respect of paragraph 2.2 of the report. He commented that if the woodland was so precious, a P/TPO should have been confirmed long ago. He referred to the apparent trigger for this P/TPO being the appeal decision granting planning permission for the woodland track.

Councillor M Newman referred to the P/TPO as being a draconian measure and he referred to the e-mail to Members from the speaker that implied that approving the recommendation would prevent the day to day management of the woodland.

The Landscape Officer confirmed that a P/TPO would not prevent good woodland management in accordance with best practice. He confirmed that area TPOs were discouraged by central government and there was nothing draconian in respect of woodland P/TPOs. He concluded that his recommendation would not prevent activities such as coppicing to encourage regeneration of a woodland area.

In response to queries from Councillors M Newman, D Andrews and N Symonds, the Landscape Officer confirmed that the sole purpose of a P/TPO was to ensure the long term viability of the woodland unit as a whole and confirmation of this P/TPO would not hinder woodland management or prevent normal woodland activity. Members were reminded that the Authority must be seen to be acting reasonably in ensuring the long term future of the woodland as a community asset.

The Committee supported the recommendation of the Head of Environmental Services as now submitted.

RESOLVED – that (A) Tree Preservation Order (No 13) 2014 P/TPO 587 be confirmed as an opposed order; and

(B) the Director of Neighbourhood Services be authorised to bring it into operation.

343 3/13/2223/FP – DEMOLITION OF THE BUNGALOW, THE STABLES AND HAZELWOOD FARM AND THE ERECTION OF 57 RESIDENTIAL UNITS TOGETHER WITH ACCESS AND ASSOCIATED ANCILLARY WORKS AT HIGH ROAD, REAR OF NORTH DRIVE, HIGH CROSS, SG11 1AD FOR DAVID WILSON HOMES NORTH LONDON

Richard Hallman addressed the Committee in objection to the application. Mark Bryan spoke for the application.

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering

into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2223/FP, planning permission be granted.

The Director referred Members to the additional representations summary. Members were referred in particular, to the stage one highways safety audit that had been undertaken by the highways consultant. The Director confirmed that this was a more rigorous test than was normally applied and the audit had not highlighted any concerns in respect of the proposed access, aside from a minor issue with a channel drain that could be overcome.

The Director stated that there had been concerns expressed regarding noise and disturbance from the Locally Equipped Area of Play (LEAP) proposed for the western area of the site. Officers had considered the comments from the Landscape Officer and third party representations and suggested that condition 17 be amended to require the submission of further details in relation to the play equipment prior to the commencement of development.

Councillor G Williamson stated that, whilst some issues of concern had been addressed, the issue of massive overdevelopment was still his principal concern and he was unable to support the application. Councillor D Andrews, as the local ward Member, shared the concern of Councillor Williamson in respect of the density of the proposed development in relation to the size of the hamlet of High Cross.

Councillor Andrews praised the effort that had gone into this application from the Parish Council and also from David Wilson Homes. He stated that David Wilson Homes had addressed some of the issues of concern and he referred to the positive effect of the local input into this application.

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

RESOLVED – that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2223/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 344 3/14/0817/FP – DEMOLITION AND REMOVAL OF EXISTING ALLIOTT HOUSE, MEDICAL CENTRE, AND OTHER HARD LANDSCAPING ON THE SITE, AND THE CONSTRUCTION OF 2NO. BOARDING HOUSES AND 1NO. DAY HOUSE; A MIX OF RED BRICK AND TIMBER CLAD BUILDINGS, WITH PITCHED ROOF FORMS, NEW OPEN GREEN SPACE AND ASSOCIATED LANDSCAPE, AND REPLANTING TO THE NORTH BOUNDARY OF THE SITE AT BISHOP'S STORTFORD COLLEGE, 10 MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PJ FOR BISHOP'S STORTFORD COLLEGE
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Helen Scott addressed the Committee in objection to the application. Jeremy Gladwin spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/0817/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the Additional Representations Summary. Members were advised that the distance separating the girls boarding accommodation was 12.5 metres, not 15 metres as stated in the report. Members were also advised that, in respect of the length of the girls boarding accommodation, the total length of this building was 49 metres, and the 38 metres referred to in the report related only to the 3 storey element of the building.

Councillor G Jones, as the local ward Member, commented on the difficulties of viewing a site that could not yet be seen from the public highway. He emphasised that many of the issues were affected by the fact that the site sloped south to north and also west to east.

Councillor G Jones further commented that there had been few significant changes from an earlier application yet Planning Officers and residents were now content with this latest scheme. He referred to some photo montages sent by the objecting speaker which showed the before and after effects of the proposed development.

Councillor G Jones stated that 3 and 4 storey buildings on a site boundary was clearly going to have an impact and whilst some of the floors would be hidden, screening of the whole building would be impossible. He acknowledged that although a lot of effort had gone into limiting the potential for overlooking, he was concerned regarding the overlooking of properties in Pye Gardens.

Councillor G Jones concluded that the assertion from the noise consultant that the overall noise impact of the proposed development would be either neutral or beneficial was not credible. He stated that the application failed to satisfy the provisions of policies BH6 and more importantly ENV1 as the proposed development would not demonstrate compatibility with the surrounding area in terms of the size and massing of the buildings.

Councillor J Jones referred to the huge visual impact of the proposed development that would be significantly detrimental to the residents of Pye Gardens.

Councillor N Symonds acknowledged the quality of Bishop's Stortford College as an education facility and an employer. She stated however, that the proposed development was out of keeping with the surrounding area. She stated that whilst 2 storey buildings would have been acceptable, 4 storeys would be too high. Councillor Symonds concurred with all the points raised

by Councillors G Jones and J Jones regarding overlooking of properties in Pye Gardens. She expressed concerns in respect of the likely noise impact, in particular from the proposed play area between the two proposed boarding houses.

The Director reminded Members that Officers had considered all of the issues very carefully and this would be a difficult balancing decision given that this part of the site was relatively underdeveloped. Officers had recommended approval and in so doing, had considered the distances between the buildings, the orientation of the windows and the existence of a landscaping belt that did screen the site to some extent.

The Director advised that Officers had carefully considered all of the issues relevant to the application and felt that, on balance, they should recommend approval. The Committee was advised that if Members were minded to refuse permission, ENV1 was the most appropriate policy. Members were reminded that the Conservation Officer had not objected to the application.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/14/0817/FP be refused on the grounds that the proposed development would not relate well to the massing and height of adjacent buildings and would result in a harmful, overbearing impact; loss of outlook and loss of privacy and was therefore contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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 3/14/0817/FP, planning permission be refused for the following reasons:

1. The proposed development, by reason of its scale, height and siting in close proximity to neighbouring residential properties, would not relate well to the massing and height of those adjacent buildings and would result in a harmful, overbearing impact; loss of outlook and loss of privacy. The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). 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.

345 3/14/1408/FP – DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A MIXED USE DEVELOPMENT COMPRISING 101 RESIDENTIAL (C3) APARTMENTS AND EMPLOYMENT (B1) SPACE, ALONG WITH ASSOCIATED HIGHWAY AND LANDSCAPE WORKS AT LAND AT CRANE MEAD, WARE, SG12 9PT FOR MARKS MILL LLP

David Waite and Ray Vince addressed the Committee in objection to the application. Luke Raistrick spoke for the application.

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the

Town and Country Planning Act 1990, in respect of application 3/14/1408/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director reminded Members of the previously refused application, which had been purely residential in nature. The Committee was advised that many of the issues regarding the layout of the site had been addressed following the previous application. The current application included a significant level of employment provision and a modest amount of affordable housing.

The Director advised that the layout of the site now incorporated pedestrian linkages between Ware Station and the Crane Mead area and Section 106 funding was now available as part of this application. Members were advised that this revised scheme now had significant planning merits as a regeneration scheme bearing in mind the NPPF requirement of weighing up the benefits of an application against any significant adverse impacts.

The Director reported that the application would regenerate a prominent site in a conservation area on the edge of Ware Town Centre. The application would improve the entrance to the Crane Mead area and would assist with the housing land supply as well as preventing the loss of Greenfield land in the countryside as this was previously developed brownfield land.

The Director concluded that the application delivered enhanced employment space in an area that was attractive for employment uses. Members were advised that, due to the economic, social and environmental benefits of the scheme, the application constituted sustainable development and Officers felt that the benefits of the scheme outweighed all other considerations.

Councillor E Bedford stated that he was minded to support the application on the basis that the site was very

run down as an industrial unit. He was concerned however, over whether the existing businesses would take up residence in the new buildings. He also stated that 6% affordable housing was totally inadequate and should be increased. He concluded that the proposed development would provide badly needed regeneration for this area of Ware.

Councillor G Williamson stated that he could support the proposed development if this site was a run down and disused industrial centre. He commented however, that this was not the case and the area appeared to be a thriving centre for small businesses that were the lifeblood of the economy. He concluded that this was not a sustainable economic development as the replacement business space was solely for use class B1 and he could not support an application that would put small businesses at risk.

Councillor M Alexander stated that he did not see what had changed since the previous application was refused in November 2013. He commented that the existing businesses were not compatible with the proposed B1 use and this application would result in the loss of suitable employment land. He stressed that he hoped Members would take note of the representation from Ware Town Council.

Councillor Alexander emphasised that he could not support an application with only 6% affordable housing provision. He highlighted the view of the Planning Policy Team that the site was in a prominent, visible position and therefore the Council should seek to improve the employment offer of this land to support the Business Park and provide valuable local employment opportunities.

Councillor D Andrews expressed concerns in respect of the loss of employment land and also the parking implications of the application. Councillor N Symonds stated that the District needed bustling industrial areas

that employed local people and she was not of the opinion that the site was dilapidated and run down.

Councillor N Symonds commented on whether the application could be deferred to allow further consideration of the issue of the existing business. Councillor P Moore stated that 6% affordable housing provision out of 101 residential units was absolutely not acceptable.

The Director stated that Crane Mead had seen significant regeneration in the past and this site had benefitted from that. Members were advised that if there was to be further regeneration of this site then all the existing businesses could not be retained. Members were reminded of the pressure to deliver housing land and also regeneration. The Director reminded the Committee that a B1 use did cover light industry.

Councillor M Alexander proposed and Councillor P Moore seconded, a motion that application 3/14/1408/FP be refused on the grounds that the proposal would result in the loss of valuable and suitable employment land contrary to policies EDE1, EDE2 and WA7, the proposed development failed to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 and the proposed shared parking arrangements failed to adequately meet the needs of both the residential and commercial elements of the proposed development and would exacerbate parking congestion in the vicinity of the site and the proposal was therefore contrary to policy TR7. The application was also contrary to national planning policy guidance in the National Planning Policy Framework.

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

3/14/1408/FP, planning application be refused for the following reasons:

1. The site is identified in the East Herts Local Plan as primarily reserved for employment use. The proposal would result in the loss of valuable and suitable employment land contrary policies EDE1, EDE2 and WA7 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance in the National Planning Policy Framework.
2. The proposed development fails to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance in the National Planning Policy Framework
3. The proposed shared parking arrangements fail to adequately meet the needs of both the residential and commercial elements of the proposed development and would exacerbate parking congestion in the vicinity of the site. The proposal is thereby contrary to policy TR7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). 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. The Council would encourage the applicant to address the reasons for refusal by alternative acceptable proposals through its published pre-application advice.

346 3/14/0209/FO – VARIATION OF CONDITION 19 (RETAIL SALES AREA) OF LPA APPROVAL REF 3/10/0386/FP TO ALLOW UP TO 36% NON-FOOD SALES (PREVIOUSLY 30%) AND VARIATION OF CONDITION 43 (APPROVED PLANS) TO AMEND APPROVED DRAWING A (00)70_04A, WHICH RELATES TO THE NURSERY ROOF AT CINTEL SITE, WATTON ROAD, WARE SG12 0AL FOR ASDA STORES LTD

Phil Bartram addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that subject to the applicants providing a Section 106 Unilateral Agreement to secure the provisions of the Legal Agreement dated 26 July 2011 in relation to amended application 3/14/0209/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that subject to the applicants providing a Section 106 Unilateral Agreement to secure the provisions of the Legal Agreement dated 26 July 2011 in relation to amended application 3/14/0209/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

347 3/14/1626/FO – VARIATION OF CONDITION 3 (LPA REF 3/13/0922/FO) REQUIRING THE USE OF THE AISLED BARN AND THE CONSERVATORY FOR WEDDING CEREMONIES AND RECEPTIONS TO CEASE ON OR BEFORE 14 SEPTEMBER 2014 - TO ALLOW THE USE TO CONTINUE UNTIL 30/05/2017 AT THE HENRY MOORE FOUNDATION, DANE TREE HOUSE, PERRY GREEN, MUCH HADHAM, SG10 6EE FOR THE TRUSTEES OF THE HENRY MOORE FOUNDATION

Augusta Barnes addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1626/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ruffles stated that Much Hadham Parish Council generally kept up to date with all local issues and was supportive of this application. He commented that he would be supporting the application in order gain a better understanding of the situation as regards local disturbance in 2 years' time.

Councillor M Alexander queried whether the statement of support from Hertfordshire Highways had been offered on the basis of wedding guests using private cars as opposed to larger vehicles such as double decker buses. He hoped that access advice would be given when weddings were booked at the Henry Moore Foundation.

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

RESOLVED – that in respect of application 3/14/1626/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

- 348 3/14/1269/FO – VARIATION OF CONDITION 2 (APPROVED PLANS) OF LPA REFERENCE 3/13/1936/FP TO INCREASE THE SIZE OF THE REAR EXTENSION TO THE LISTED BUILDING AT 15–17 NORTH STREET, BISHOP'S STORTFORD, CM23 2LD FOR MARSHGATE BISHOP'S STORTFORD LLP
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The Director of Neighbourhood Services recommended that subject to the applicant or successor in title agreeing to vary the Section 106 agreement attached to LPA reference 3/13/1936/FP to make reference to the amended plans that form part of this application, in respect of application 3/14/1269/FO, planning application be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that subject to the applicant or successor in title agreeing to vary the Section 106 agreement attached to LPA reference 3/13/1936/FP to make reference to the amended plans that form part of application 3/14/1269/FO, planning application be granted subject to the conditions detailed in the report now submitted.

- 349 3/14/1283/FP – ALTERATION OF EXISTING MOTOR REPAIR WORK SHOP INCLUDING REMOVAL OF REAR PROJECTION AND CHANGE OF USE TO A 2 BED DWELLING AT LAND AT KENTON HOUSE, HARE STREET, SG9 0EA FOR MR MADDEN
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The Director of Neighbourhood Services recommended that in respect of application 3/14/1283/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that reason for refusal 2 should be amended to include reference to policy EDE2 in addition

to GBC9. The Chairman commented that she was aware from her discussion with Officers that although they were of the view that the workshop was worthy of retention, they were not satisfied that the proposed dwelling was a suitable alternative development.

Councillor S Bull, as the local ward Member, commented that it was a shame that Officers had recommended refusal. He stated that this building had been derelict for many years and the proposed dwelling would sit well within the site and would enhance the village.

Councillor J Jones agreed with Councillor Bull as the proposed development would improve the street scene in Hare Street and he was minded to vote against the Officer's recommendation for refusal. The Director advised that a key test was whether the building was worthy of retention and Officers did not believe this to be the case.

The Director reminded Members that the site was located in the rural area beyond the Green Belt and the application was contrary to policy GBC9 in respect of the reuse of redundant rural buildings. Members were advised that, in respect of policy GBC9, alternative leisure and tourism type uses had to be explored by way of evidence of a market exercise. The same applied to policy EDE2 as regards employment use.

Councillor P Moore sought clarification as to whether this would be classed as infill development. The Director stated that the proposed development could not be classed as infill as Hare Street was not a category 1 or 2 village and this was the rural area beyond the Green Belt where there was an in principle objection to residential development.

Councillor M Newman commented that applying the letter of planning policies did not make sense under the specific conditions of this situation. He stated that contrary to the view of Officers, in practice, this was infill development

and the existing building might not meet build regulations.

Councillor Newman stated that he was minded to support the application as replacing a derelict building with housing would improve the overall street scene of Hare Street. Councillor D Andrews referred to a degree of sympathy for this application from the Committee and he agreed with the points of Councillor Newman. .

Councillor J Jones proposed and Councillor M Alexander a motion that application 3/14/1283/FP be approved.

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 3/14/1283/FP, planning permission be granted subject to the following conditions:

1. The year time limit (1T121)
2. Approved plans (2E103)
3. An intrusive “phase 2” site investigation shall be undertaken to fully and effectively characterize the nature and extent of any land or groundwater contamination and its implications. The findings of the phase 2 site investigation including any necessary decontamination shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that adequate protection of human health, the environment and water courses is maintained in accordance with policy ENV20 of the East Herts Local Plan Second

Review April 2007 and section 11 of the National Planning Policy Framework .

4. Samples of materials (2E12)
5. Construction hours of working (6N07)
6. Boundary walls and fences (2E07)
7. Hard surfacing (3V21)

Directives:

1. Other legislation (0L01)
2. Street naming and numbering (19SN)

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the material considerations in this case, is that permission should be granted.

- 350 A) 3/14/1381/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) OF PLANNING APPROVAL REF: 3/06/0604/FP TO ALLOW USE OF THE FIRST FLOOR OF THE GARAGE BUILDING AS ANCILLARY RESIDENTIAL ACCOMMODATION; AND B) 3/14/1633/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) TO ENABLE THE USE OF THE FIRST FLOOR OF THE GARAGE BUILDING TO BE USED AS AN ANCILLARY STUDY/OFFICE AREA FOR THE OCCUPANTS OF LONG CROFT, MONKS GREEN FARM, MANGROVE LANE, BRICKENDON FOR WILLIAM ASHLEY AND PARTNERS
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At this point (9.48 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

The Director of Neighbourhood Services recommended that in respect of applications 3/14/1381/FO and 3/14/1633/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the Additional Representations Schedule in respect of a letter from a resident and the Officer's response to this. The Director stated that the garage element of the site was granted a separate planning permission to the house and this was the subject of the applications that Members were being asked to determine.

In response to a query from Councillor P Moore, the Director confirmed that the garage could not be an ancillary use to an unlawful development. Members were advised however, that due to the passage of time, the property known as Longcroft was lawful in planning terms.

The Director confirmed to Councillor M Alexander that it was entirely up to the applicant whether they chose to apply for a certificate of lawfulness to formally determine whether a previous breach of planning control had become lawful due to the passage of time. However,

Officers had sufficient evidence to show that this was the case in any event.

In reply to a further query from Councillor Alexander regarding any certainty that the garage would be used for the purpose that was being applied for as part of these applications, the Director stated that it would be relatively easy to see the difference between a business and an ancillary use.

In response to queries and concerns from Members as to how these variation of condition applications would be policed by Officers, Members were reminded that the Authority had two Enforcement Officers for the whole District and they were reliant on being advised of any breach of planning control by residents or users of footpaths, for example, in the more rural parts of East Herts.

Members were reminded that the 4 year rule was in place to cover scenarios where a breach of planning control went unnoticed. The Director stressed that if there was an unnoticed breach of control for 4 years, one had to question the harm of that unauthorised development.

Members had a lengthy discussion in respect of the potential use scenarios for the garage on the site at Longcroft.

In response to a query from Councillor Alexander as to how the Authority would police whether someone was living in the garage if they were not associated with the employment situation at Longcroft, the Director stated that Officers could ask for evidence of where the occupant of the garage was working. Officers could serve a Planning Contravention Notice to cover such a situation and the conditions detailed in the report were enforceable.

Councillor E Bedford proposed and Councillor M Newman seconded, a motion that applications 3/14/1381/FO and 3/14/1633/FO be approved subject to the addition of the

following wording to condition 2 on both applications: 'and not for any commercial use'.

After being put to the meeting and votes taken, this motion was declared CARRIED. The Committee accepted the recommendations of the Director of Neighbourhood Services as now detailed.

RESOLVED – that (A) in respect of application 3/14/1381/FO, planning permission be granted subject to the following conditions:

1. Approved plans (2E10) – 1:2500 location plan
2. The garage building shall be used solely for the housing of private vehicles at ground floor level and for purposes incidental or ancillary to the enjoyment of the dwelling known as Long Croft at first floor level and not for any commercial use.

Reason: To ensure that the use of the building remains appropriate to the location of the site within the Metropolitan Green Belt and to safeguard the character and amenity of the area in accordance with Policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/14/1633/FO, planning permission be granted subject to the following conditions:

1. Approved plans (2E10) – 1:2500 location plan
2. The garage building shall be used solely for the housing of private vehicles at ground floor level and for purposes incidental or ancillary to the enjoyment of the dwelling known as Long Croft at first floor level and not for any commercial use.

Reason: To ensure that the use of the building remains appropriate to the location of the site within the Metropolitan Green Belt and to safeguard the character and amenity of the area in accordance with Policies GBC1 and ENV9 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other Legislation (01OL)

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

351 E/14/0010/B – ERECTION OF UNAUTHORISED REAR EXTENSION AT THE WOODMAN PH, 30 CHAPMORE END, WARE, HERTS, SG12 0HF

The Director of Neighbourhood Services recommended that in respect of the site relating to E/14/0010/B, 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/14/0010/B on the basis now detailed.

RESOLVED – that in respect of E/14/0010/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

352 E/13/0337/A – DERELICT TIMBER HOARDING AT LAND ADJACENT RIVERSIDE WHARF, STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 3GN

The Director of Neighbourhood Services recommended that in respect of the site relating to E/13/0337/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/13/0337/A on the basis now detailed.

RESOLVED – that in respect of E/13/0337/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

353 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 10.16 pm

Chairman
Date