



Alison Stuart
Head of Legal and
Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 7 NOVEMBER 2018
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)

Councillors M Allen, D Andrews, P Boylan, R Brunton, S Bull, M Casey,
B Deering (Vice-Chairman), J Jones, J Kaye, P Ruffles and T Stowe

Substitutes

Conservative Group: Councillors P Ballam, S Cousins, D Oldridge
and K Warnell

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Development Management and Council Support, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)

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DISCLOSABLE PECUNIARY INTERESTS

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

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 10 October 2018 (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on Wednesday 10 October 2018.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 17 - 22)

(A) 3/18/1399/VAR - Variation to conditions 3 and 4 of permission 3/15/2254/FUL: (The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2042 (Condition 3) or on the cessation of electricity supply to the national grid (Condition 4) at Solar Farm, Mill Farm, Mentley Lane, Great Munden, Herts_(Pages 23 - 36)

Recommended for Approval

(B) 3/18/1548/FUL and 3/18/1549/LBC - Single storey rear extension and glazed infill extension at Courtyard Arts Centre, Port Vale, Hertford, SG14 3AA for Courtyard Arts Centre_(Pages 37 - 50)

- a) 3/18/1548/FUL – Recommended for Approval
 - b) 3/18/1549/LBC – Recommended for Approval
- (C) 3/18/1604/HH - Proposed first floor rear extension and proposed single storey rear extensions at Creeps Mead Cottage, 48 Burns Green, Hebing End, Benington, SG2 7DA_(Pages 51 - 60)

Recommended for Approval

6. Items for Reporting and Noting (Pages 61 - 72)

- (A) Appeals against refusal of Planning Permission/
non-determination.
- (B) Planning Appeals Lodged.
- (C) Planning Appeals: Inquiry and Informal Hearing Dates.
- (D) Planning Statistics.

7. Urgent Business

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

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 10 OCTOBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors D Andrews, P Ballam,
R Brunton, S Bull, M Casey, B Deering,
J Jones, D Oldridge, P Ruffles and T Stowe

ALSO PRESENT:

Councillors S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Jenny Hendle	- Planning and Building Control Apprentice
Peter Mannings	- Democratic Services Officer
Stephen Tapper	- Senior Planning Officer

211 APOLOGIES

Apologies for absence were submitted on behalf of

Councillors P Boylan and K Warnell. It was noted that Councillors D Oldridge and P Ballam were substituting for Councillors P Boylan and K Warnell respectively.

212 DECLARATIONS OF INTEREST

Councillor S Bull declared a disclosable pecuniary interest in application 3/16/1939/FUL, on the grounds that he was Chairman of the Trustees that had purchased the land for Buntingford Town Council and he was also a Member of Buntingford Town Council. He left the room whilst this application was determined.

213 MINUTES - 12 SEPTEMBER 2018

Councillor P Ruffles proposed and Councillor M Casey seconded, a motion that the Minutes of the meeting held on 12 September 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 12 September 2018, be confirmed as a correct record and signed by the Chairman.

214 3/18/0031/FUL - RESIDENTIAL DEVELOPMENT COMPRISING 35 UNITS IN TOTAL, WITH 12 AFFORDABLE HOMES, SERVICED BY A NEW ESTATE ROAD ACCESSED FROM FARNHAM ROAD AT LAND AT JUNCTION OF RYE STREET AND FARNHAM ROAD, BISHOP'S STORTFORD

The Head of Planning and Building Control

recommended that in respect of application 3/18/0031/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head referred to the late representations summary including an update from the applicant and a consultation response from Thames Water. Members were advised that the principal policy issues had been well rehearsed in respect of application 3/16/0452/FUL.

The Head referred to the prominence of the site and reminded Members that elements of the first application were being implemented. The design of the scheme was linked to the elevated position of the site above Rye Street and also in relation to the slope of Farnham Road.

Members were advised that negotiations with the applicant had resulted in more landscaping and tree planting to soften the impact of the proposed development. Certain permitted development (PD) rights would be removed for the properties that would face onto the new roundabout between the site and the Mountbatten Indian Restaurant.

The Head concluded that the application was acceptable with the above constraints and the scheme represented a good standard of design. Farnham Parish Council had objected on highways grounds regarding the proposed access to the site and the width and alignment of Farnham Road. The Parish Council was also concerned regarding safety when large vehicles had to pass each other.

Members were advised that the Highways Authority were content with the site access and were happy with the visibility. The Highways Authority also welcomed the proposed cycle path and the pedestrian crossing on Rye Street.

The Head commented on the linkages to the Town Centre via Grange Paddocks and advised Members that discussions were underway to deliver the proposed cycle route. Officers felt that the housing mix was satisfactory and the housing units were better aligned with the Strategic Housing Market Assessment than in the original application for 30 dwellings.

Members were advised of a strategy for surface water drainage in respect of drainage flows. The Head referred to details of foul water drainage disposal and the position of the Environment Agency and Thames Water.

The Head referred to the provisions of the Section 106 agreement which closely met the toolkit requirements of the District and County Councils. He stated that the reduced affordable housing provision (34% as opposed to 40% in the existing permission for 30 dwellings) had been predicated upon a viability assessment. The main points at issue were the threshold land value and construction costs. The Head also referred to the public benefit of the proposed cycle path and Rye Street crossing.

Members were advised that the 12 affordable homes were of good quality and a reasonable compromise

had been achieved. The Head referred to other positive aspects of the Section 106 agreement and the design and landscaping of the scheme. Officers felt that on balance, the application was acceptable and could be supported by the Committee.

Councillor D Andrews referred to paragraph 8.18 on page 34 of the report submitted and expressed concerns regarding the proposed foul water pumped solution currently being finalised with Thames Water. He was concerned regarding the strength of condition 7b in securing a satisfactory and reliable pumped foul drainage system connecting into an adopted gravity system.

Councillor P Ruffles commented that the affordable housing was clustered in a separate cul-de-sac and he emphasised that this might be unchallengeable due to the approval of the previous planning application. He referred to the treatment of back gardens facing the roundabout and the augmentation of conditions 8 and 18 to future proof the boundaries so that they remained green boundaries as opposed to fencing.

The Head stated that he could give no advice in respect of sewage and water treatment works other than an assurance that a management arrangement would be in place to ensure that the pumping system was maintained.

He emphasised that the further pepper potting of affordable housing was not now possible as the original application had stipulated the location for the affordable housing. The Head referred to guidance

that stated that there should be no more than 15 affordable housing units in one cluster. Housing associations preferred to keep affordable housing units together for management purposes. Members were advised that Officers could look at suggestions regarding the control of rear boundaries with trees and hedging. It might be possible to impose Tree Preservation Orders (TPOs) in future.

Councillor D Andrews expressed concerns that if a management company failed, then the proposed non-standard sewage system would have to be funded by the Environment Agency or East Herts Council. He commented on whether condition 17 should be drilled down to cover this issue.

The Head referred to the wording of condition 17 in respect of detailed drawings in consultation with Thames Water and/or the Environment Agency.

Councillor D Andrews proposed and Councillor P Ruffles seconded, a motion that in respect of application 3/18/0031/FUL, subject to a legal agreement, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/0031/FUL, subject to a legal agreement

under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 278 of the Highways Act 1980, planning permission be granted subject to the conditions detailed in the report submitted.

215 3/16/1939/FUL - CHANGE OF USE FROM AGRICULTURAL LAND TO CEMETERY INCLUDING ACCESS AT LAND ADJACENT TO CEMETERY AT ST BARTHOLOMEW'S CHURCH, THE CAUSEWAY, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/16/1939/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. The application would provide space for approximately 1460 burial spaces and space for cremated remains. The application had been submitted a number of years previously and was before Members for a decision now that the concerns of the Lead Local Flood Authority and the Environment Agency had been resolved.

Members were advised that the site was located outside the settlement boundary of Buntingford and in the rural area beyond the Green Belt. The application was therefore contrary to rural area policy. Officers had not however, identified any visual harm regarding the proposed development or any harm in relation to highways matters, proposed drainage or in respect of any neighbouring properties.

The Head emphasised that there was an identified need for further burial space in the local area and another application for a cemetery had been approved a number of years ago. That application had not been implemented however due to it not being the preferred site and this application had been submitted to meet the identified need. Officers had recommended approval as there was no other identified harm and the conflict with rural area policy was outweighed by the benefits of the application.

Councillor M Casey expressed concerns that this was a vulnerable ground water area and there was a risk of pollution of the water table and of drinking water. He commented on the conditions stipulating that all burials must be at least 250 metres from a well and at least 30 metres from any other spring or watercourse. He stated that he had not seen any wells and questioned whether there were any springs. He sought clarification on the expected demand of up to 10 burials a year.

Councillor D Andrews commented on what would take place if the entrance gates did not open automatically and a vehicle needed to access the site. He believed that the gates should be sufficiently set back so as to avoid vehicles overhanging the road.

Councillor J Jones, as the local ward Member, referred to the identified need for extra burial capacity as the nearby burial ground had 6 spaces left. He stated that he would be supporting the application and referred to the purchase of land from a local charity for

Buntingford Town Council. He emphasised that New Homes Bonus funds had already been spent on potential flooding and drainage issues.

The Head confirmed that condition 7 in the report submitted was linked to the consultation response from the Environment Agency and related to a flood mitigation strategy for this site. Officers believed that there would be no impact on groundwater and the technical advice from the Environment Agency was that the application was acceptable subject to this condition being accepted.

The Head advised that condition 5 required the gate to remain open from 7 am to 7 pm and given the nature of the road and traffic and the expected number of burials, a significant impact on highway safety was not anticipated.

Members discussed the restriction of 10 burials a year. The Head advised that the figure of 10 burials a year had been included in the documents that had been circulated to the statutory consultees and that there was not a condition which restricted the number of burials to 10 a year. Councillor T Stowe commented on the provision of water sinks in the soil substructure and a soakaway or French drain on the perimeter of the site.

Councillor D Andrews proposed and Councillor D Oldridge seconded, a motion that in respect of application 3/16/1939/FUL, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1939/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

The meeting closed at 7.42 pm

Chairman
Date

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 07 NOVEMBER 2018

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR
CONSIDERATION BY THE COMMITTEE

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

Purpose/Summary of Report:

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

RECOMMENDATION FOR DEVELOPMENT MANGEMENT COMMITTEE

That:

(A)	A recommendation is detailed separately for each application and unauthorised development matter.
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1.0 Background

1.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

2.0 Report

2.1 Display of Plans

2.2 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on

plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

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

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

3.0 Implications/Consultations

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

Background Papers

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

Contact Member: Councillor Suzanne Rutland-Barsby – Executive Member for Development Management and Councillor Support.

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities. Priority 2 – Enhance the quality of people's lives. Priority 3 – Enable a flourishing local economy.
Consultation:	As detailed separately in relation to each matter if any are appropriate.
Legal:	As detailed separately in relation to each matter if any are appropriate.
Financial:	As detailed separately in relation to each matter if any are appropriate.
Human Resource:	As detailed separately in relation to each matter if any are appropriate.
Risk Management:	As detailed separately in relation to each matter if any are appropriate.
Health and wellbeing – issues and impacts:	As detailed separately in relation to each matter if any are appropriate.

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DEVELOPMENT MANAGEMENT COMMITTEE – 7 NOVEMBER 2018

Application Number	3/18/1399/VAR
Proposal	<p>Variation to conditions 3 and 4 of permission 3/15/2254/FUL: (The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2042 (Condition 3) or on the cessation of electricity supply to the national grid (Condition 4).</p> <p>Application 3/15/2254/FUL was for: Change of use of land from (1) agriculture to (2) mixed use for agriculture use and use for the generation of renewable energy (Solar)</p> <p>To amend the end date to 1st January 2057 (cond 3) or on the cessation of electricity supply to the national grid (cond 4).</p>
Location	Solar Farm, Mill Farm, Mentley Lane, Great Munden, Herts
Parish	Great Munden CP
Ward	Mundens and Cottered

Date of Registration of Application	28 June 2018
Target Determination Date	27 September 2018
Reason for Committee Report	Major application
Case Officer	Simon Dunn-Lwin

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out at the end of this report

1.0 Summary of Proposal and Main Issues

- 1.1 Planning permission was granted for the solar farm by permission 3/15/2254/FUL on 20 July 2016. It has been operational since December 2016.
- 1.2 Condition 3 restricts the solar farm to operate until 1st January 2042 and provides for the submission and approval of details of reinstatement of the land. This application seeks to vary the condition and extend the time limit by 15 years to 1st January 2057.
- 1.3 Condition 4 requires notification of the date on which the solar farm first provided electricity to the national grid. It also requires reinstatement of the land in accordance with details to be submitted and approved in the event of the solar farm ceasing to supply electricity to the national grid for any six month period prior to the end date.
- 1.4 Since the grant of planning permission in July 2016 the local and national planning policy position has not been materially altered by the adoption of the District Plan 2018, the publication of the NPPF 2018 or by any other means. The main issues for consideration in respect of this application then are the further harm in landscape and visual impact terms as a result of the extended time period, balanced against the benefit of ongoing renewable energy production.

2.0 Site Description

- 2.1 The solar farm is situated on land at Mill Farm and is approximately 8 hectares in area. The site lies within the Rural Area beyond the Green Belt to the north of the villages of Nasty and Great Munden. The installation comprises 18,172 solar panels and associated plant.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/15/2254/FUL	Construction of solar farm	Granted	July 2016
3/17/0475/FUL	Freestanding satellite dish	Granted	April 2017
3/17/0171/NMA	Freestanding satellite dish	Refused	February 2017

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (NPPF). There is no Neighbourhood Plan in place or in preparation for this site.

Main Issues	DP policy	NPPF
Longer period of benefit from renewable energy	CC3, INT1	Section 2 and 14
Longer period of impact on the rural landscape and amenity	GBC2, DES2,DES3	Section 15

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

5.1 HCC Highway Authority does not wish to restrict the variation of the condition.

5.2 Lead Local Flood Authority does not wish to comment.

5.3 EHDC Engineering Advisor considers that the flood risk implications of the development are unchanged.

5.4 Natural England does not wish to comment.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

6.1 Great Munden Parish Council strongly objects to the proposal on the following grounds:

- Failure to comply with landscape condition which does result in the visibility of the solar farm, despite assurances to the contrary;
- An extension of the time period would remove control of the of the site in the future from the Council and local residents;
- Further extension is not justified on the basis of providing a return on investment, the solar farm will produce significant returns over the already agreed period;
- The area is one of agriculture and should remain so;
- The PC was concerned previously that such requests for extensions would come forward;
- The line should be drawn on the development.

7.0 Summary of Other Representations

7.1 4 responses have been received objecting to the proposals on the following grounds:

- All the objections to the installation still apply;
- Lack of screening;
- No sign of agricultural activity under the panels;
- The proposal would extend the loss of rural landscape.

8.0 Consideration of Issues

Clean energy generation for the longer term

8.1 Condition 3 of planning permission reference: 3/15/2254/FUL was imposed for the following reason:

"To prevent the landscape impact of the development existing beyond the productive lifetime of the solar panels and to enable the active agricultural use of the land in accordance with policies SD3, GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007."

8.2 The applicant states that the original timeframe, based on 25 years, was related to the term of the Government Feed in Tariff subsidy, and the performance warranty set by panel manufacturers. However, a recent study by the National Renewable Energy Laboratory (NREL) has found that after 40 years the panels would still be producing electricity at 80% output. As such, the variation in the electricity output and current energy prices ensures that the solar farm will remain economically viable for an extended period.

8.3 Additionally, the applicant submits that due to the nature of the solar industry and the changes in Government subsidies, the applicant is required to refinance the scheme, along with several other sites, and amend the lease agreement. In doing so, they require an extension to the life of the solar farm.

- 8.4 The operational effectiveness of the installation and the finance and lease issues are acknowledged. These are the matters that have resulted in the applicants seeking the extension proposed. They are however not the main determining planning issues in this case.
- 8.5 In support of the application the applicant has submitted two decisions relating to two other solar farm sites. One at Hall Farm, Newbold Verdon in Leicestershire, where approval was given on 15th August 2018 (Ref: 18/00492/CONDIT) by Hinckley and Bosworth Borough Council to extend the life of the solar farm there to operate for 45 years. The other solar farm is located at Decoy Farm in Crowland, Peterborough, where approval was given on 28th August 2018 (Ref: H02-0606-18) to vary the condition by removing the original time limit imposed on the operational use of the solar farm without an end date.
- 8.6 Both of these cases are noted. The particular site circumstances and material planning considerations in each case may be different and therefore the fact that extensions have been granted in other locations is also not considered to be determinative here.
- 8.7 Having set out the above, it appears there would be little doubt that, with advances in technology and the continuing demand for energy that, if the solar farm were in place and operational for a longer period, it would continue to provide a benefit in the form of clean energy production. This meets national and local policy objectives in this respect and should be given positive weight in the consideration of this proposal.

Continued landscape and visual impact

- 8.8 The landscape impact of the solar farm development was considered in the original approval for the installation. It was acknowledged that the solar farm would be visible in long distance views from the nearest road junction to the east. However, although the site is large, it is relatively remote and the visual impact is appreciated in the context of the wider landscape of which it forms a part. At present the approved landscaping scheme, which will act to screen the ground-mounted solar panels, has not reached

maturity. This is to be expected in the relatively short space of time since implementation less than 2 years ago.

- 8.9 The comment of the Parish Council regarding non-compliance with landscaping details is noted. However, this relates to the reinstatement of a relatively small gap in an existing hedge. This has been drawn to the attention of the operator who has agreed to reinstate this planting during the current planting season. This will be monitored.
- 8.10 In the longer term and within the timescale of the current permission, the landscaping scheme is expected to screen the solar panels to a much greater degree, with hedges up to 3.0m in height. The degree to which the landscaping achieves this outcome will increase over the years. It is acknowledged then that the continued existence of the solar farm, beyond the current end date will continue to cause harm to the rural and agricultural landscape by virtue of its scale and unconventional appearance. This should be given weight. It is considered that the degree of harm will be reduced compared to that experienced now however both due to the continuing enhancement and maturity of the landscaping and due to the increased familiarity of these installations in the rural landscape as numbers increase.

Other matters

- 8.11 The Parish Council have raised the following additional concerns:
- An extension of the time period would remove control of the of the site in the future from the Council and local residents;
 - Extension is not justified on the basis of providing a return on investment, the solar farm will produce significant returns over the already agreed period;
 - The area is one of agriculture and should remain so;
 - The PC was concerned previously that such requests for extensions would come forward;
 - The line should be drawn on the development.

8.12 Officers would advise as follows:

- As in the previous planning permission, whilst these proposals seek to increase the timescale of the development, control over the future of the site is retained by the recommended land reinstatement conditions;
- It is agreed that the continued technical ability for the solar farm to function and thereby generate a financial return for the developer is not a justification by itself for the longevity of the site in planning terms. The relevant planning issues are canvassed in this report;
- The agricultural nature of the area and the resulting landscape is acknowledged. The proposals need to be considered on the basis of the landscape and visual harm weighed against the benefit of clean energy generation in the longer term;
- Whilst the desire of the Parish Council to seek a definitive end date for the development, with no further extension is understood, it is necessary to consider the relevant planning and other material issues and reach a decision on the proposals put forward.

8.13 The amendment to the operating life of the solar farm (condition 3) will also require a slight amendment to the wording of condition 4. This condition requires the reinstatement of the land in the event of the installation failing to supply electricity to the national grid prior to the operational end date. The minor change of wording is required because, as originally drafted, the condition required details of the first date on which electricity was provided by the installation. That date has now passed. The early site reinstatement provisions however are to be retained if the longer term retention of the installation is supported.

8.14 In that outcome, a condition is also recommended to provide for the ongoing maintenance provisions approved under the conditions of the original planning permission reference: 3/15/2254/FUL.

9.0 Conclusion

- 9.1 When the proposed solar farm was initially considered the negative landscape impacts of the installation were balanced against the public benefit of renewable energy generation and carbon reduction to address climate change. It was determined that the benefits of the proposal outweighed the landscape, visual and other harm. As indicated, the policy background has changed little and clean energy generation and carbon reduction proposals remain supported locally, now in Policy CC3 of the new District Plan.
- 9.2 The negative impact of the solar farm in landscape and visual impact terms is acknowledged. The approved landscaping scheme will be more beneficial in militating against the adverse visual impact as the planting matures.
- 9.3 The public benefit of renewable energy generation and contribution towards national carbon savings remains a matter to which it is considered weight can be assigned to such that the harmful impacts of the proposals are outweighed.
- 9.4 Overall, then it is considered that the longer term public benefit associated with extending the operational life of the plant outweighs the acknowledged longer term harm to the rural landscape.

RECOMMENDATION

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

1. The solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months from the 1st January 2057 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the cessation of the supply of electricity from the plant to the national electricity grid. The scheme shall include management and timings of the works and a traffic management plan. Decommissioning of the

plant and the reinstatement of the land shall thereafter be implemented in accordance with the approved details.

Reason: To prevent the landscape impact of the development existing beyond the productive lifetime of the plant and to enable the active agricultural use of the land having regard to Policies GBR2 and CC3 of the East Herts District Plan 2018.

2. In the event of solar farm hereby failing to produce electricity for supply to the national electricity grid for a continuous period of 6 months the solar photovoltaic panels and associated infrastructure shall be removed from the site and the land shall be reinstated to agricultural use within a period of 6 months of the end of that 6 month period in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the cessation of the supply of electricity from the plant to the national electricity grid. The scheme shall include management and timings of the works and a traffic management plan and shall be implemented as approved.

Reason: To prevent the retention of development in the Rural Area Beyond the Green Belt that is not being used for its intended purpose having regard to Policies GBR2 and CC3 of the East Herts District Plan 2018.

3. The implementation and ongoing maintenance provisions of conditions 9 – Ecological Design Strategy, 10 – Tree retention and replacement, 11 and 12 – Landscape design and maintenance, 14 – drainage provision and maintenance and 15 – Dane End Tributary buffer zone applied to planning permission reference: 3/15/2254/FUL, dated 20th July 2016, shall continue to apply to this grant of planning permission.

Reason: To secure the implementation and ongoing maintenance provisions of the Solar Farm in accordance with the approved conditional details of the planning permission for the development.

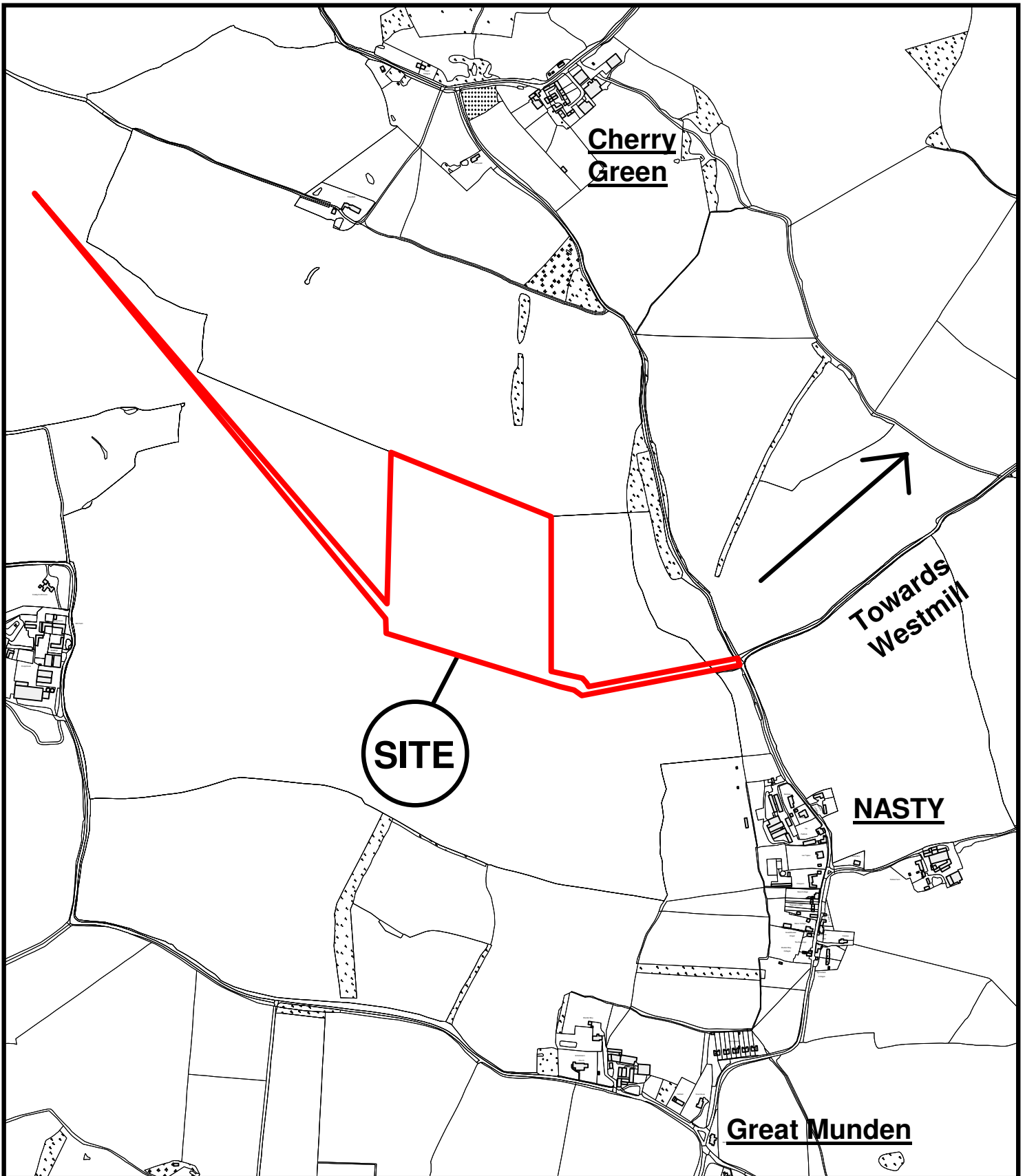
Informative

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

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

Address: Solar Farm, Mill Farm, Mentley Lane, Great Munden, Hertfordshire

Reference: 3/18/1399/VAR

Scale: 1:10000

O.S Sheet: TL3525

Date of Print: 09 October 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 7 NOVEMBER 2018

Application Number	3/18/1548/FUL and 3/18/1549/LBC
Proposal	Single storey rear extension and glazed infill extension
Location	Courtyard Arts Centre, Port Vale, Hertford, SG14 3AA
Applicant	Courtyard Arts Centre
Parish	Hertford
Ward	Hertford Bengoe

Date of Registration of Application	10 July 2018
Target Determination Date	4 September 2018
Reason for Committee Report	Application site relates to land which is owned by East Herts Council
Case Officer	Susie Defoe

RECOMMENDATION

That Planning Permission and Listed Building Consent be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 Planning permission was previously granted in 2015 for a single storey rear extension and a glazed infill extension to the courtyard of the building. The current proposal is for a similar scheme, for the erection of a single storey rear extension (with alterations proposed to the number and size of roof lights) and with the infill courtyard extension now designed with part glazed elevations and a slate roof (it was previously proposed with a glazed roof) abutting the existing Courtyard Arts Centre building (which is curtilage listed). The proposal would, as did the 2015 application, result in the loss of public parking provision in the adjacent car park to the rear of the building.

- 1.2 The main issues for Members to consider are the amendments to the proposal following the 2015 application, and in particular the visual impact of the development and its impact on heritage assets and the impact on parking provision.

2.0 Site Description

- 2.1 The application site lies on the southern side of Port Vale, close to the junction with Port Hill within the Hertford Conservation Area. It comprises a part two storey, part single storey building established historically as the curtilage listed stable building for the adjacent Grade II listed Vale House, to the east of the site.
- 2.2 To the north of the site is a primarily residential area, whilst to the east fronting Port Hill is a mix of residential, commercial and community uses.
- 2.3 Immediately to the rear and the east of the site is a Council owned public car park, which includes allocated parking for the Courtyard Arts Centre and nearby residents.
- 2.4 The scheme initially included a concrete platform for the storage of refuse bins. The proposal has been amended to remove this element due to concerns raised by the Landscape Advisor.

3.0 Planning History

The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/15/1607/FUL	Single storey rear extension and glazed infill extension	Grant	11.11.2015
3/15/1608/LBC	Single storey rear extension and glazed infill extension	Grant	11.11.2015

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (NPPF). There is no emerging or adopted Neighbourhood Plan which relates to this site.

Main Issue	DP policy	NPPF
Visual impact and impact on heritage assets	DES4, HA1, HA4, HA7,	Sections 12 and 16
Impact on parking provision	TRA3	Section 9

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 **Summary of Consultee Responses**

- 5.1 EHDC Conservation and Urban Design Advisor commented that the previous approval in 2015 was supported. The main revision in comparison to that previous approval is the replacement of the proposed glazed roof with a slate roof. This may blur the distinction between the old and new parts of the building, but will result in a more comfortable internal environment. The proposed roof lights to the extension lack glazing bars and should be revised. The Advisor also comments that the existing gates should be reinstated on completion of the works.
- 5.2 HCC Historic Environment Unit has commented that it is unlikely that the proposal will have any significant impact on heritage assets of archaeological interest.
- 5.3 EHDC Landscape Advisor has commented that the proposed building footprint is similar to the approved development ref. 3/15/1607/FUL, to which they did not raise any objection and commented that irrespective of the actual root distribution the extent of the RPA which is compromised is not significant and

that provided the advice regarding construction methods in the report (Arboricultural Impact Assessment) is followed, the amount of tree damage caused will be minimised. The Advisor recommends that conditions relating to tree protection and landscape design proposals are attached to any permission given. The Landscape Advisor did however raise concerns in their comments that the proposed bin store was in close proximity to the base of a tree and would result in unacceptable adverse arboricultural impact. This element of the scheme has been removed from the proposal however.

6.0 Town Council Representations

6.1 Hertford Town Council commented that it has no objection to the application.

7.0 Summary of Other Representations

7.1 7 responses have been received, and whilst a number outline their support for the arts centre they also raise the following concerns:

- Loss of parking spaces will exacerbate the existing parking problems in the area;
- The existing dedicated spaces for Courtyard Arts within the existing public car park remain largely empty, but are unable to be used by the public.

8.0 Consideration of Issues

8.1 It is material to the determination of these applications, that planning permission and listed building consent have previously been granted for a development similar to that now being proposed. The 2015 permission and consent remain extant and can be implemented. Therefore the determining matters in respect of these applications are whether there has been any change in policy or circumstance since the previous decision that

would now warrant a differing decision being made and whether the amendments to the proposal are acceptable.

Visual impact and impact on heritage assets

- 8.2 The proposed extensions remain appropriately designed with regard to the historic character of this curtilage listed building. Whilst the proposed infill structure would remain glazed on the front elevation only, the slate roof would result in a change to the previously approved lightweight appearance of the structure and as considered by the Conservation Advisor, this change may blur the distinction between old and new when compared to the previous approval. However, they do not raise any objections to the proposal in this respect and it is not considered that this change to the proposal would result in unacceptable harm to the character and appearance of the building, its impact on the Conservation Area or the significance of the heritage asset.
- 8.3 Due to the tiled nature of the roof of the infill extension to the courtyard area, the design does necessitate the addition of further roof lights. However due to their siting they would be predominantly obscured from view by the existing building which would surround the extension. Therefore, it is not considered that the roof lights to the infill extension would be harmful to the character and appearance of the building or the significance of the heritage asset.
- 8.4 The proposed rear extension remains similar to that approved by the 2015 application. These current applications do however propose amendments to the roof lights in the mono-pitch roof of this extension, changing from two larger roof lights to three roof lights. The Conservation Advisor has commented that the proposed roof lights to the rear extension would be devoid of appropriate conservation glazing bars and that the scheme should be amended to incorporate them.
- 8.5 Having regard to the overall design and the variety of existing roof lights within the building, the need for conservation glazing

bars within these roof lights is not considered to be necessary and it is not considered that the lack of glazing bars on these three roof lights would result in harm to the significance of the heritage asset. Therefore, whilst the comments of the Conservation Advisor are noted, it is not considered that amendments are necessary in this case.

Parking

- 8.6 The proposed extension to the rear of the building would result in the loss of an existing parking area, which accommodates space for the parking of 7 vehicles. This extension is of the same size and siting as that approved by the 2015 application, and as set out above the 2015 permission is material to the determination of the current applications.
- 8.7 The concerns of local residents in respect of the existing parking situation have been noted and it is acknowledged that the proposal would result in a reduction in the number of parking spaces available for use and also (due to the increase in the size of the building) has the potential to generate some additional parking demand. However, as set out in the determination of the 2015 application, the site is located in a sustainable location close to the town centre, public transport provision and other public car parks. Having regard to its location it is not considered that the proposal would result in significant adverse impacts in terms of parking and it is material that planning permission has previously been granted for this development.

Impact on trees

- 8.8 The proposed rear extension would be sited close to two mature Lime trees. Initially the application proposed a refuse storage area on the verge area under the canopy of the trees, which due to its proximity to the trees would have result in harm to the trees. The Landscape Advisor had raised concerns with this element of the proposal, however to address those concerns this has been removed from the scheme.

8.9 The submitted Arboricultural Report indicates that the proposed rear extension would impact on the root protection areas of the trees. However, it concludes that subject to the works taking place in accordance with the method statements specified in the Report, the works would not be detrimental to the retained trees. The Landscape Advisor does not raise objection to this element of the scheme subject to the development taking place in accordance with the details of the Arboricultural Report. It is therefore considered that the proposal would not result in unacceptable harm to the adjacent trees.

Other matters

8.10 The proposed development by reason of its siting and proximity to nearby residential properties is unlikely to have any significant impact on nearby properties. The rear extension would be partially visible from properties in Port Vale, but having regard to the single storey nature of the extension it is not considered that the proposal would result in harm to the amenities of the occupiers of those properties.

8.11 The proposal would enlarge the Courtyard Arts building and support the existing community use of the building, by providing additional art studio space and enhanced facilities for the reception area and café. As such the proposal would accord with policy CFLR7 of the District Plan which supports enhanced buildings for public or community uses. It also supports the provisions of the revised National Planning Policy Framework as regards the social dimension of sustainability, which is a positive material consideration that carries weight.

9.0 Planning Balance and Conclusion

9.1 As set out above, it is material to the determination of these applications, that planning permission and listed building consent have previously been granted for a development similar to that now being proposed. The 2015 permissions remain

extant and can be implemented. There have been no significant changes in circumstance or policy since the 2015 permission that would not warrant a different decision being made. The proposed amendments to the scheme are considered to be acceptable and would not result in significant harm to the character and appearance of the building, the Conservation Area or the significance of this curtilage listed building.

- 9.2 Whilst it is acknowledged that the proposal will result in the loss of parking provision and that there is existing parking pressures in the surrounding area, the site is located in a sustainable location close to the town centre, public transport provision and other public car parks and the proposal would not therefore result in significant adverse impacts in terms of parking.
- 9.3 Subject to appropriate conditions being attached to any grant of permission, the proposal would not result in any unacceptable impact on existing landscape features and the proposal would not result in any harm in terms of impact on the amenities of the occupiers of nearby residential dwellings.
- 9.4 Positive weight should be attached to the enhanced provision that this development would provide for this existing arts facility in accordance with policy CFLR7 of the District Plan and National Planning Policy Framework.
- 9.5 Having regard to the above it is therefore recommended that planning permission and listed building consent be granted.

RECOMMENDATION

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

1. Three year time limit (1T12)
2. Approved Plans (2E10)

3. Tree/Hedge retention and protection (4P05)
4. Landscape Design (4P12)
5. Landscape Implementation (4P13)
6. The development shall be carried out in accordance with the construction methods recommended in the submitted Arboricultural Impact Assessment dated 2nd June 2015, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid damage to the health of the existing trees adjacent to the site in accordance with policy DES3 of the East Herts District Plan 2018.

Informative

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

That listed building consent be **GRANTED** subject to the following conditions:

1. Listed Building three year time Limit (1T14)
2. Samples of Materials (2E12)

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 and any relevant material considerations. The balance of the

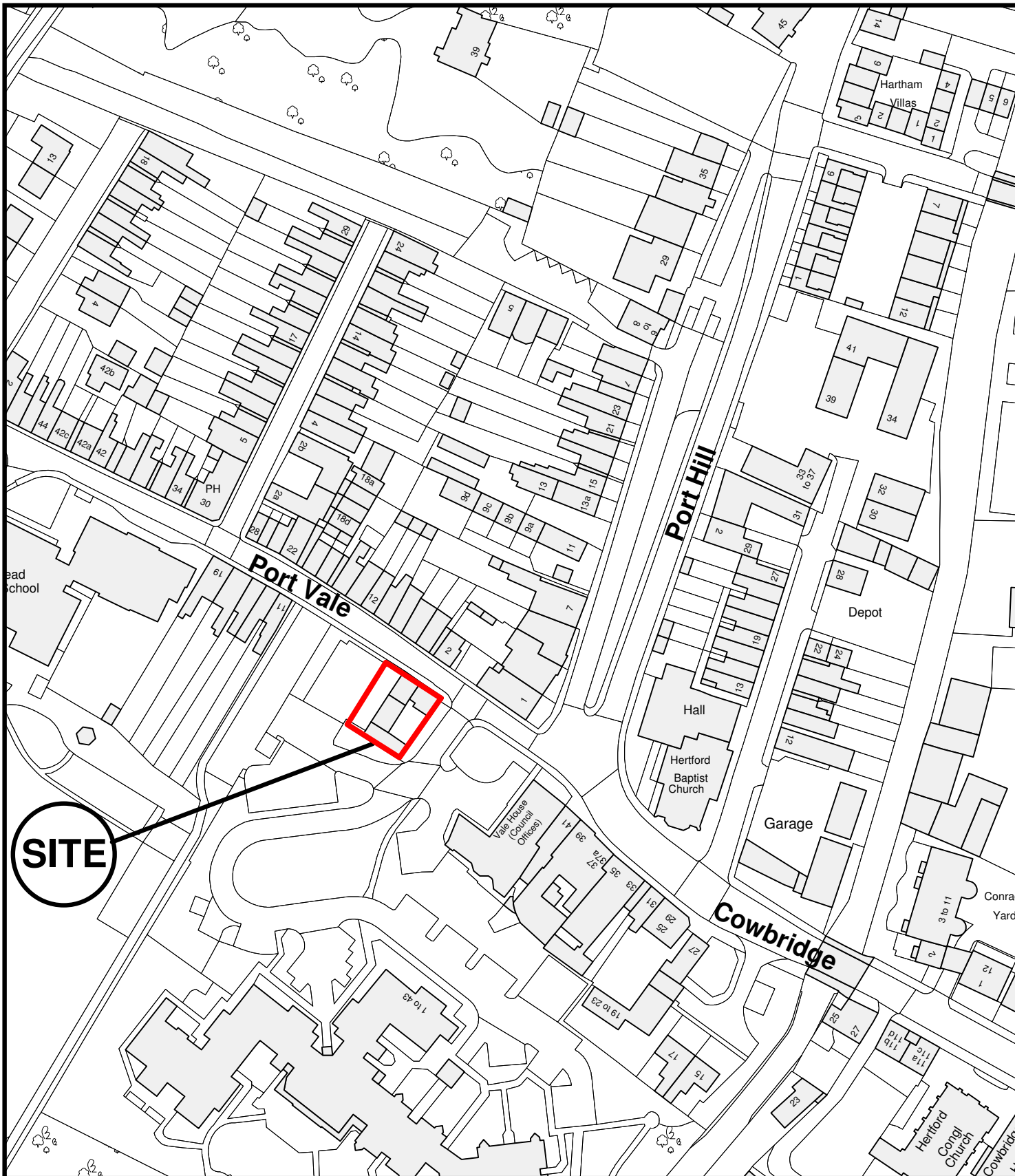
considerations is that listed building consent should be granted.

KEY DATA

Non-Residential Vehicle Parking Provision

Use type	Standard	Spaces required
Non-residential institution	1 space per 30sqm	10 spaces
Existing allocation in public car park		6 permits in public car park
Proposed allocation in public car park		4 permit in public car park

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Address: Courtyard Arts Centre, Port Vale, Hertford, SG14 3AA
Reference: 3/18/1548/FUL & 3/18/1549/LBC
Scale: 1:1250
O.S Sheet: TL3212
Date of Print: 25 Septemeber 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 7 NOVEMBER 2018

Application Number	3/18/1604/HH
Proposal	Proposed first floor rear extension and proposed single storey rear extensions
Location	Creeps Mead Cottage, 48 Burns Green, Hebing End, Benington, SG2 7DA
Parish	Benington
Ward	Walkern

Date of Registration of Application	13 July 2018
Target Determination Date	7 September 2018
Reason for Committee Report	Applicant is a District Councillor
Case Officer	Susie Defoe

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 This application seeks permission for a first floor rear extension and two single storey rear extensions to an existing dwelling. The site lies within the Rural Area beyond the Green Belt as designated in the District Plan. The dwellings to the north and south of the application are Grade II listed buildings, and the site is abutted to the east by a wildlife site.
- 1.2 The main issues for consideration in respect of this application are whether the principle of development is acceptable in accordance with policy GBR2, the impact on the character and appearance of the site and surroundings, the impact on the amenity of the occupiers of neighbouring properties and heritage assets.

2.0 **Site Description**

2.1 The detached two storey dwelling is sited on a large plot to the west of Hebing End, Benington. The dwelling is rendered with a slate roof. The application site is bounded to the north and south by residential properties which are both Grade II listed buildings. The site is bounded to the east and west by open countryside.

3.0 **Planning History**

3.1 The following planning history is of relevance to this proposal:-

Application Number	Proposal	Decision	Date
3/93/1270/FP	Two storey and single storey rear extension	Granted	05.11.93
3/93/0367/FP	Two storey and single storey rear extension	Refused	06.07.93
3/81/0269/FP	Double garage	Granted	13.04.81
3/78/1441/FP	Two storey side extension and double garage	Granted	20.02.79

4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (NPPF). There is no Neighbourhood Plan in place or in preparation for this area.

Main Issue	DP policy	NPPF
The principle of development and impact on character and appearance of the site and surroundings	GBR2, HOU11, DES4	Section 12

Impact on the amenity of the occupiers of neighbouring properties	DES4	Section 12
Impact on heritage assets	HA1, HA7	Section 16

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

5.1 HCC Herts Ecology comment that there are no records for Bats in the area and the limited extent of the works proposed do not justify the need for any ecological surveys to be carried out. As regards Great Crested Newts, records indicate breeding ponds in close proximity to the application site, but the proposal would not affect the ponds or result in the loss of any terrestrial habitat. However, to avoid any potential impact on the protected species, a suitably worded informative should be added to any approval granted.

5.2 Natural England has no comments on the application.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Parish Council Representations

6.1 Benington Parish Council has no objection to the planning application proposal.

7.0 Summary of Other Representations

7.1 No representations have been received

8.0 Consideration of Issues

The principle of development and impact on character and appearance of the site and surroundings

- 8.1 The site is located in the Rural Area beyond the Green Belt as designated in the District Plan. Policy GBR2 states that the replacement, extension or alteration of a building in this location will be permitted provided that the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the existing building and/or the surrounding area.
- 8.2 The proposed extensions are of a limited size and scale and are sited to the rear of the dwelling. Due to their siting, the proposal would not result in an impact on the character and appearance of the streetscene.
- 8.3 The proposed first floor addition would be sited adjacent to an existing two storey rear projection and would be set back from this element, projecting approximately 1.8 metres from the rear elevation of the dwelling. The extension is of a design that respects the existing character and appearance of the dwelling and would appear as a subservient addition with a hipped roof which further reduces its visual impact.
- 8.4 Two single storey rear extensions are proposed. The first would extend the existing mono-pitch roof across towards the south facing flank elevation of the dwelling, resulting in a modest infill addition that squares off the corner of the building. This extension is of a limited extent, and is proposed to be finished with painted render that would match the existing dwelling.
- 8.5 The second single storey extension is a fully glazed projection sited on the end of the existing two storey projection. It would be a semi-circle shape and would project at its maximum approximately 2.3 metres from the rear of the dwelling. The size and scale of this extension together with its lightweight design would not adversely

impact upon the character and appearance of the existing dwelling or its setting.

- 8.6 The proposal would result in the removal of the existing spiral staircase to the rear of the property and the replacement of the railings to the first floor balcony.
- 8.7 Whilst it is noted that the property has been previously extended, it is not considered that the proposed extensions together with previous extensions to the property would result in a size of dwelling that would be harmful to the character and appearance of the building or the rural setting of the site.
- 8.8 Having regard to the above, it is considered that the size, scale, mass, form, siting and design of the proposed extensions are appropriate to the character, appearance and setting of the existing building and the surrounding area. It is therefore considered that the proposal would accord with policy GBR2 of the District Plan and the development is acceptable in principle in the Rural Area. The proposal is also considered to accord with Policies HOU11 (Extensions and Alterations to Dwellings, Residential Outbuildings and Work within Residential Curtilages) and DES4 (Design of Development) of the District Plan.

Impact on the amenity of the occupiers of neighbouring properties

- 8.9 The proposed extensions are sited to the rear of the property. With its spacious curtilage the proposed extensions would be sited some distance from adjacent properties (approximately 7 metres to the southern boundary of the site and 10 metres to the northern boundary). As a result it is considered that the proposal would not result in an adverse impact on the amenity of neighbouring occupiers in accordance with policy DES4 of the District Plan.

Impact on heritage assets

- 8.10 As set out earlier in this report, the existing dwellings to the north and south of the application site are both Grade II listed buildings. Having regard to the size, scale and design of the extensions and

the distance to the adjacent listed building, it is considered that the proposal would not adversely affect the setting of these listed buildings, and the proposal is considered to be accord with policy HA7 of the District Plan.

Other matters

- 8.11 With regard to bats, Herts Ecology considers that the proposed works are limited and no ecological surveys are required. However, an informative should be attached to any grant of permission to inform the applicant that works should proceed with caution and in the event of bats being found work should cease and expert ecological advice sought.
- 8.12 There are records of great crested newts in the locality. Herts Ecology have however commented again that as the works are limited, the addition of a suitably worded informative would be sufficient to secure a duty of care for these protected species during the construction works.
- 8.13 Part of the eastern boundary of the application site is within or adjacent to a wildlife site. Having regard to the siting and scale of the proposed extensions and the comments from Herts Ecology, it is not considered that the proposal would result in harm to the wildlife site.

9.0 Conclusion

- 9.1 The proposed development is considered to be acceptable in principle. The form, size, scale and design of the proposed additions are appropriate to the character, appearance and setting of the existing building and the surrounding area. The proposal would not result in harm to the amenities of neighbouring properties, adjacent heritage assets or ecology.
- 9.2 Having regard to the above considerations it is recommended that planning permission be granted.

RECOMMENDATION

Conditions

1. Three Year Time Limit (1T12)
2. Approved Plans (2E10)

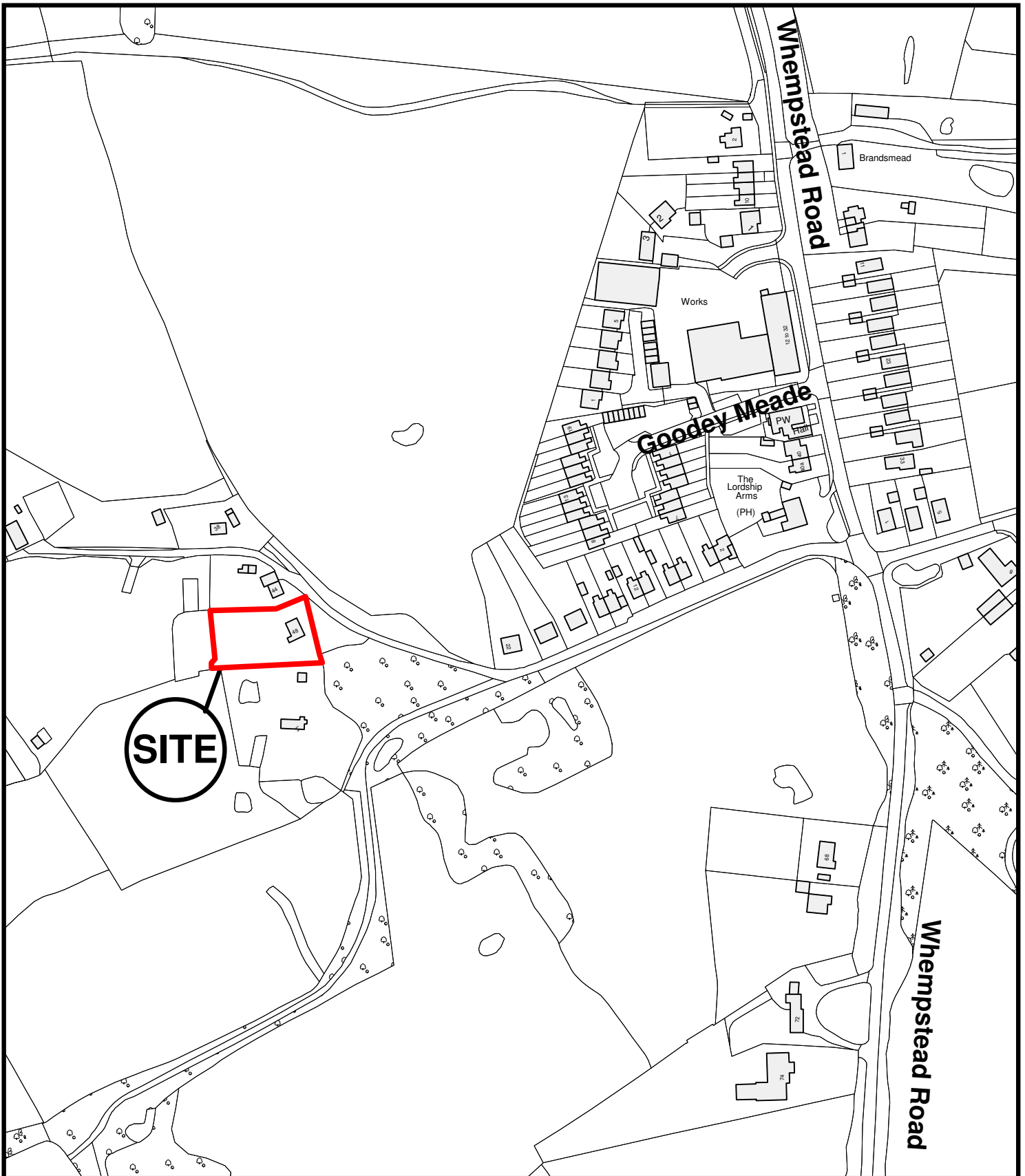
Informatives

1. Other Legislation (01OL)
2. The applicants are advised to keep any areas of grass as short as possible up to, and including, the time when the building works take place so that it remains/become unsuitable for Great crested newts to cross. Stored materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons; any rubbish is cleared away to minimise the risk of Great crested newts using the piles for shelter. Any trenches or excavations are backfilled before nightfall or ramps provided to allow Great crested newts (and other animals) that may become trapped to escape easily. In the event of Great crested newts being found, work must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England.
3. The applicant is advised that development should proceed with caution and should the presence of bats be found during the implementation of the development works should cease and advice should be sought from an appropriately qualified or experienced ecologist or Natural England.

Justification 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 and any relevant material considerations. The balance of the considerations in this report is that permission should be granted.

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Reference: 3/18/1604/HH

Scale: 1:2500

O.S Sheet: TL3022

Date of Print: 19 October 2018

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Agenda Item 6

**EAST DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE - July and August 2018
ITEMS FOR REPORT AND NOTING**

Application Number	3/17/2925/OUT
Decsn	Refused
Level of Decision	Delegated
Address	5 GreenwayWalkernStevenageHertfordshireSG2 7NR
Appellant	Mr Phillip Sacre
Proposal	Outline permission for demolition of detached house and 9no. connected outbuildings, erection of single terraced block consisting of 8no. one bedroom dwellings and creation of 10no. car parking spaces - all matters reserved.
Appeal Decision	Dismissed

Background Papers
Correspondence at Essential Refusedence Paper 'A'

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

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Appeal Decision

Site visit made on 21 August 2018

by **L Fleming BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10th September 2018.

Appeal Ref: **APP/J1915/W/18/3196077** **5 Greenway, Walkern, Stevenage SG2 7NR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by _____ against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/2925/OUT, dated 19 December 2017, was refused by notice dated 12 February 2018.
 - The development proposed is demolish existing 4 bedroom detached house with 9 connected outbuildings and replace with 10 car parking spaces and a single block of 1 bedroom terraced, back to back houses with extensive energy saving features in order to create homes for local, single people that are affordable to buy and affordable to run. Preserve the majority of the gardens and the extensive views as they are.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) has been published and I have therefore taken it into account in my decision. Both main parties have had the opportunity to comment on the implications for the appeal and I am satisfied that no interested party has been prejudiced by my approach.
3. The application was submitted in outline with all detailed matters reserved apart from the access. I have dealt with the appeal on that basis, treating the plans as illustrative except where they relate to the access.

Main Issues

4. The effect of the proposed development on:
 - the character and appearance of the area bearing in mind it would be within the Walkern Conservation Area;
 - flood risk.

Reasons

Character and appearance

5. The appeal site is within a residential area characterised by modern detached dwellings set in spacious plots similar distances from the road with spaces

- between the buildings and relatively open frontages. Thus the area has a relatively open and spacious character and appearance.
6. It is also within the Walkern Conservation Area (CA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 7. The CA extends along the main route through the village taking in associated side roads such as Greenway. It is characterised by a mix of mainly traditional dwellings of a variety of styles with attractive traditional detailing and materials. The buildings are generally arranged along the road frontages and the relationship with the surrounding agricultural landscape is noticeable. In my view, the significance of the CA is derived from the traditional architectural detailing and layout of the buildings within it and its setting in the rural landscape.
 8. I acknowledge the appeal property has been extended and has a number of outbuildings. I also note the majority of the appeal site is at a lower level than the road and the proposal would involve dwellings which would have accommodation below ground level.
 9. However, even though all detailed matters apart from the access are reserved, eight one bedroom dwellings would inevitably involve the introduction of a significant additional bulk of built development, additional domestic paraphernalia such as bins and parked cars and large areas of hardsurfacing necessary for parking.
 10. I have considered the artists illustrations of what the proposed development may look like. I have also considered the illustrative sketch floor plans and the proposed schedule of accommodation. However, without specific details showing the proposed relationship with neighbouring dwellings, the full extent of hardsurfacing and the internal living spaces proposed, I am not convinced the appeal site could comfortably accommodate the level of development proposed. In my view the proposal would inevitably appear uncharacteristically cramped within the spacious setting, noticeably at odds with the detached dwellings nearby.
 11. Thus with the absence of specific details which demonstrate otherwise, I must find the appeal proposal would erode the spacious and open character and appearance of the area and appear incongruous within its setting. This conflict would harm the character, appearance and significance of the CA.
 12. The proposal would therefore be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 193 of the Framework, which attaches great weight to the conservation of designated heritage assets and their settings. For the same reasons, I must therefore find the proposal would be in conflict with saved Policies HSG7, ENV1, OSV1 and BH6 of the East Herts Local Plan Second Review (2007) (LPR) which seek to ensure good design and safeguard the character and appearance of an area.

13. However, overall in the context of the significance of the heritage asset as a whole, I calibrate the harm arising from the proposed development, in accordance with paragraphs 195 and 196 of the Framework, as less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring. I will return to this matter in my conclusion below.

Flood risk

14. The proposed dwellings would be within Flood Zone 2 as identified on the Environment Agency's Flood Zone Maps. The appeal site therefore has a medium probability of flooding. Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.
15. The Planning Practice guidance makes clear that buildings used for dwellinghouses are a more vulnerable use¹ which is only appropriate development in Flood Zone 2, subject to passing the Sequential Test. Furthermore, it identifies basement dwellings as highly vulnerable. The proposal would increase the number of dwellings from one to eight introducing additional residential development into a location at risk of flooding. Furthermore, notwithstanding the detailed proposals basement dwellings would mean a highly vulnerable form of development would also be introduced.
16. I have considered the evidence relating to flood risk in the design and access statement, the appellant's appeal statement and the flood risk statement submitted alongside the appeal. I note the ground floor of the existing dwelling is raised and the ground floor of the proposed dwellings would also be raised. I also note the comments that the appeal site has flooded three times in the last 44 years, is well defended and the associated photographic evidence showing that flood water did not reach the existing dwelling. I have also noted the comments with regard to the capacity of the River Beane flood plain and acknowledge the flood mitigation measures proposed as part of the proposed basement construction.
17. However, the fact the appeal site is in the ownership of the appellant does not negate the need to look at alternative sites with less risk of flooding. Furthermore, even if the existing dwelling is vulnerable to flood risk and the proposed dwellings would be of superior design in flood risk terms, this does not justify building more new dwellings in a location at risk of flooding if this can be avoided. Furthermore, development in flood zones can also place occupants of properties nearby at greater risk of flooding through water displacement.
18. That said, there is no substantive evidence before me which takes the form of a detailed Sequential Test. I am not therefore satisfied that alternative sites are not available which would avoid the need to develop in Flood Zone 2. I must therefore conclude that the proposed development would increase the risk of flooding in the area, putting future occupants at risk and nearby residents at greater risk, without appropriately considering developing in locations of a lower probability of flooding.

¹ Paragraph: 066 reference ID: 7-066-20140306

19. For these reasons, the proposal would conflict with the aims of Policy ENV19 of the LPR and the Framework which seek to direct development away from areas at risk of flooding. As the Sequential Test has not been passed I have not considered the appellant's attempts to address the Exceptions Test in any further detail.

Conclusion

20. I note the proposal would provide eight new homes which would be suitable for young people and first time buyers adding to the supply and mix of housing in the area. I also note the limited availability of one bedroom properties in Walkern, the rising cost of homes in the area and the appellant's assurances that the proposed dwellings would be affordable for local people. I have considered the detailed evidence on the speed at which the proposed homes could be delivered and their need in the area. I have also noted the comments in support of the proposal.

21. I acknowledge eight new homes would be provided in a location where services and employment can be easily accessed. Related to such I note the rail links to London and note the associated economic and social relationship. I note new residents would provide customers and employees to the benefit of the local economy and there would be economic benefits associated with construction. I also the new dwellings would generate renewable energy and would be energy and water efficient with low running costs. I also acknowledge the comments about whether or not the Council is able to demonstrate a five year housing land supply.

22. However, I have found harm to the character and appearance of the area, harm to a designated heritage asset and harm arising from flood risk. Whilst seven additional homes would make a minor contribution to meeting any housing shortfall even with the tilted balance engaged the significant weight I attach to the benefit of additional housing even when combined with the other social, economic and environmental benefits are significantly and demonstrably outweighed by the environmental harm I have identified.

23. For these reasons, having had regard to all other matters raised, I conclude that the proposal would not accord with the development plan or the Framework and thus the appeal should be dismissed.

L Fleming

INSPECTOR

PLANNING APPEALS LODGED SEPTEMBER 2018
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/17/2599/HH	Removal of a section of the Northern slope of the existing roof and creation of a roof terrace with balustrade to replicate historical water tank.	19 Watton Road Ware SG12 0AA	Refused Delegated	11/09/2018	Written Representation
3/17/2600/LBC	Removal of a section of the Northern slope of the existing roof. Addition of roof terrace with balustrade to replicate historical water tank. A new enclosed stairs is to be inserted from the third floor to gain access to the roof terrace constructed within a retained area of the existing roof.	19 Watton RoadWare SG12 0AA	Refused Delegated	11/09/2018	Written Representation
3/18/0251/FUL	Demolition of annexe, stables, storage and garage buildings, construction of new house with associated landscaping.	Land Adjacent To Tudor ManorWhite Stubbs LaneBayfordHertford SG13 8QA	Refused Delegated	06/09/2018	Written Representation
3/18/0416/HH	Erection of one and a half storey double garage with storage and study above (Amended scheme)	Beechview14 Amwell LaneStanstead AbbotsWare SG12 8DX	Approved with Conditions Delegated	06/09/2018	Written Representation
3/18/0561/HH	Single and two storey side/rear extensions incorporating conversion of garage.	68 Milton RoadWare SG12 0QD	Refused Delegated	24/09/2018	Fast Track
3/18/0639/HH	Two storey rear extension, single storey rear extension including new chimney and removal of existing central chimney breast and loft conversion	32 The DriveBengeoHertford SG14 3DF	Refused Delegated	24/09/2018	Fast Track
3/18/0677/HH	Single storey rear extension	20 Redan RoadWare SG12 7NJ	Refused Delegated	03/09/2018	Fast Track
3/18/0854/HH	Demolition of existing carport/garage; erection of two storey side extension and insertion of one additional dormer to existing front elevation.	ClintonPoles LaneThundridgeWare SG12 0SQ	Refused Delegated	24/09/2018	Fast Track
3/18/0897/VAR	Removal of conditions 2 (removal of householder permitted development rights) and 4 (restricted occupancy to 12 weeks) of the application reference number: 3/17/2456/FUL - change of use and conversion of 2 no. barns to a total of 5 no. holiday lets, including demolition of lean-to, erection of single storey rear extension and alterations to fenestration. Insertion of new doors and windows to both barns.	Lodge FarmEpping GreenHertford SG13 8NQ	Refused Delegated	06/09/2018	Written Representation
3/18/0903/HH	Erection of porch	5 Century RoadWare SG12 9DY	Refused Delegated	10/09/2018	Fast Track
3/18/0912/HH	Proposed alterations to rear roof	2A Ashendene RoadBayfordHertford SG13 8PX	Refused Delegated	24/09/2018	Fast Track
3/18/0917/HH	Erection of porch, conversion of garage and the insertion of 3 no.rooflights.	17 Burnham Green RoadDatchworthKnebworth SG3 6SE	Refused Delegated	11/09/2018	Fast Track
3/18/1197/HH	Demolition of sheds and the erection of garage	1 Bayford CloseHertford SG13 8HW	Refused Delegated	03/09/2018	Fast Track
3/18/1245/HH	Creation of basement with adjoining lower terrace. Alterations to front entrance, erections of canopies and single storey extensions	5 East RidingTewin WoodTewinWelwyn AL6 0PA	Refused Delegated	24/09/2018	Fast Track

Background Papers

None

Contact Officers

Kevin Steptoe, Head of Planning and Building Control - Ext 1407

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Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Procedure Type	Date
3/17/0781/FUL	Simon Dunn-Lwin	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one Gypsy family, including stationing of one mobile home, one touring caravan, laying of hardstanding, improvements of existing access and installation of septic tank - Retrospective application	Public Inquiry	22/10/2018 10:00:00 Adjourned. New date to be set.

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DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
<i>Total Applications Received</i>	242	486	719	943	1135	1313						

<i>Percentage achieved against Local and National Targets</i>	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Targets for Local Performance (set by East Herts)	National Targets (set by Government)	
Major %	66%	63%	66%	82%	83%	85%							Major %	60%	60%
Minor %	83%	88%	91%	90%	87%	83%							Minor %	80%	65%
Other %	95%	95%	96%	95%	94%	92%							Other %	90%	80%

Appeals	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19
Total number of appeal decisions (Monthly)	11	5	17	14	8	1						
Number Allowed against our refusal (Monthly)	2	2	9	4	3	1						

Total number of appeal decisions (Cumulative)	11	16	33	47	55	56						
Number Allowed against our refusal (Cumulative)	2	4	13	17	20	21						

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