

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 7 NOVEMBER 2012, AT 7.00
PM

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

ALSO PRESENT:

Councillors W Ashley, P Ballam,
E Buckmaster, M Carver, L Haysey,
J Ranger, P Ruffles and N Symonds.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Control Manager

388 CHAIRMAN'S ANNOUNCEMENTS

The Chairman urged Members to attend an important District Plan training session on 8 November 2012, as

well as the District Plan Executive Panel meeting on 28 November 2012.

389 DECLARATIONS OF INTEREST

Councillors M Alexander and P Moore declared disclosable pecuniary interests in application 3/12/1150/FP, in that they were Board Members for Riversmead Housing Association. They left the room whilst this matter was considered.

390 MINUTES – 10 OCTOBER 2012

RESOLVED – that the Minutes of the meeting held on 10 October 2012 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 352 – 3/12/0424/FP – Closure of Railway Foot Crossing and Construction of a New Footbridge with Ramped Access at Johnsons Railway Crossing, Bishop's Stortford for Network Rail:

Insert as 18th paragraph – Councillor T Page confirmed that he would be happy to liaise with the Landscape Officer on behalf of the Committee.

391 3/12/1150/FP – DEMOLITION OF GARAGES AND CLEARANCE OF ASSOCIATED LAND, CONSTRUCTION OF AFFORDABLE HOUSING, 1X4 BED DETACHED HOUSE, 4 X3 BED SEMI-DETACHED HOUSES AND 3 X 2 BED BUNGALOWS ON GARAGE SITE TO THE REAR OF 17-28 GRASS WARREN, TEWIN, HERTS, AL6 0JJ FOR RIVERSMEAD HOUSING ASSOCIATION

Keith St Pier, Stuart Kirkham and Dean Goodman addressed the Committee against the application. Simon Camp spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1150/FP, planning

permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, stated that she had found that striking the right balance had been difficult in respect of this application. She commented that there were a number of defects in the application that were relatively easy to address. She referred in particular to the quality of design and the impact on the quality of life for the residents of Tewin.

Councillor L Haysey referred to Officer's concerns in respect of the protection of the openness of an English Design Site. She stated however that the building height was low and although this area was not part of the application site, a solution to improve the scheme's design should be explored between the applicant and Officers.

The Director referred Members to the comments detailed in the additional representations schedule, as Officers had suggested an additional condition for Members to consider.

In response to a query from Councillor A Burlton in respect of the access and the land at Grass Warren, which was outside of the application site, the Director confirmed that Members should consider the application as submitted.

Councillor T Page stated that this application was for a small but high density scheme which would harm the character and appearance of the surrounding area. He commented that the application was contrary to the National Planning Policy Framework (NPPF) requirements in respect of good design and sustainable development.

Councillor Mrs R Cheswright invited Officers to respond to the comments of Hertfordshire Fire and Rescue in respect of access to this site for 18 tonne fire hydrants. She also commented on whether this issue, as well as those raised

by Councillor L Haysey, were sufficient to merit a deferral of this application so that Officers could liaise with the applicant to address all of the outstanding concerns.

Councillor M Newman referred to access for cars and emergency vehicles as being the principal issue in respect of this application. He stated that although the proposed access just about met the minimum highways standards in the eyes of Hertfordshire Highways and Hertfordshire Fire and Rescue, the proposed arrangements did not represent a practical access.

The Director advised that condition 7 was designed to ensure that the surfacing of the access road within the application site was capable of catering for all the vehicles that would need to access the application site.

Officers could include the remainder of the access road within this condition as Riversmead Housing Association owned the land referred to by Councillor L Haysey. The result would be a Grampian style condition meaning that no development could take place until the access details were finalised.

The Director stated that the negotiations with Hertfordshire Fire and Rescue had resulted in amendments to the scheme so that fire service vehicles and other service vehicles would be able to leave the site in forward gear. Officers had recommended approval as the application met the minimum standards in terms of design and access.

The Director stressed that seeking to improve the access would inevitably alter the impact of the proposed development in terms of the loss of green space.

Members were reminded that a revised access and the loss of green space would mean that residents would need to be re-consulted. Some residents who had previously been content with the scheme might now feel compelled to object to the application. A deferral would therefore be necessary if Members wished the matter of

access to be considered further.

Councillor Mrs R Cheswright proposed and Councillor D Andrews seconded, a motion that application 3/12/1150/FP be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1150/FP, planning permission be deferred to enable Officers to investigate the possibility of alternative means of access with the applicant.

- 392 (A) 3/12/1075/FP – RENOVATION/EXTENSION OF 4 EXISTING DWELLINGS, ERECTION OF 4 NEW DWELLINGS, CHANGE OF USE, ALTERATIONS/EXTENSIONS TO EXISTING AGRICULTURAL BUILDINGS TO PROVIDE 7 DWELLINGS, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS, ASSOCIATED PARKING, LANDSCAPING/ACCESSIBLE PARKLAND WITH NATURE AREA; AND (B) 3/12/1076/LB- CHANGE OF USE, RENOVATION, EXTENSION OF EXISTING LISTED/CURTILAGE LISTED BUILDING AND DEMOLITION OF EXISTING LISTED/CURTILAGE LISTED BUILDINGS AT HOME FARM, MOOR PLACE, MUCH HADHAM
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Kevin Gregory addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1075/FP, planning permission be refused for the reasons detailed in the report now submitted. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that he hoped that Members had visited this hugely important site to gain an understanding of the complexity of this application. He commented that Home Farm was a grade 1 listed Manor House close to a number of other listed buildings and features set in historic parkland and gardens.

Councillor M Carver emphasised that this was a total composite scheme that protected and enhanced the listed buildings at Home Farm, as well as the parkland within which this development would be located. The viability of the application was based on all of the elements of the scheme, namely the refurbishment and renovation with extension of Home Farm as well as the four new builds.

Councillor M Carver stressed that the refurbishment and sale of Moor Place was dependent on the development of Home Farm. He referred to the volume of work that had been undertaken by Officers and stakeholders in respect of this application. He further commented that all of the issues raised by this application had been satisfactorily addressed.

Councillor M Carver stated that the Parish Council was supportive and the public exhibition had indicated that the wider public was also largely supportive despite the housing element being contrary to policy GBC3 of the East Herts Local Plan Second Review April 2007.

Councillor M Carver urged Members to approve the full planning permission and listed building consent to protect and enhance the grade 1 listed Manor House, the other listed buildings and features as well as the historic parkland and gardens.

Councillor T Page stated that he had had the privilege of visiting Moor Place to observe some fantastic buildings, some of which had fallen into disrepair. He commented that some of the 20th century farm buildings were completely out of place and were constructed of materials

that would not be used today.

Councillor T Page stressed that the old listed buildings should be offered to the current generation to enjoy, as well as adding to the vitality of the local community by opening up farm land that was no longer required. He concluded that the application complied with policies BH11, BH12 and BH17 and was a sympathetic scheme that brought back into use some very fine old buildings for the enjoyment of the local community of Much Hadham.

In response to comments from Councillors M Newman and A Burlton, the Director confirmed that Officers' main concerns had centred on the new build elements of this application, which Officers had felt could not be justified. Members were advised that Officers were supportive of work being done to the listed buildings to avoid further degradation of these buildings.

The applicant had stated however, that such works were not viable without the approval of application 3/12/1075/FP for the new build properties and Members must come to a view as to whether this application was acceptable in policy terms. The Director concluded by advising Members that policies BH11 and BH12 were not saved policies so should not be taken into account when determining these applications.

Councillor M Newman proposed and Councillor A Burlton seconded, a motion that application 3/12/1075/FP be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. In respect of application 3/12/1075/FP, the Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

After being put to the meeting and a vote taken, in respect

of application 3/12/1076/LB, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/12/1075/FP, planning permission be granted subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and subject to appropriate conditions;

(B) in respect of application 3/12/1075/FP, authority be delegated to the Director of Neighbourhood Services to formulate the Section 106 agreement and conditions in consultation with the local ward Member and the Chairman of the Development Control Committee; and

(C) in respect of application 3/12/1076/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

393 A) 3/12/1409/FP AND B) 3/12/1410/LB – CHANGE OF USE OF 2 NO. CLASS B1 OFFICE BUILDINGS TO CREATE 12 NO. 1 AND 2 BED RESIDENTIAL DWELLINGS AT 6 AND 7 BLUECOATS AVENUE, HERTFORD FOR BLUECOATS JOINT VENTURE

The Director of Neighbourhood Services recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions now detailed. The Director of Neighbourhood Services also recommended that, in respect of application 3/12/1410/LB, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman sought and was given clarification as to what was being proposed by this application. The Director confirmed that a condition had been included to ensure that

this permission would only be implemented in place of, and not in addition to, the previous proposal approved under reference 3/11/0824/FP.

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

RESOLVED – that (A) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/12/1409/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/12/1410/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

394 3/12/1440/FP – NEW CHAPEL/COMMUNITY FACILITY INCLUDING PARKING AND CHANGE OF USE OF LAND FROM AGRICULTURE TO RECREATION LAND AT GLEBE LAND, ACORN STREET, HUNSDON, SG12 8PA FOR HUNSDON PAROCHIAL CHURCH COUNCIL

David Kitching addressed the Committee against the application. Mark Dunstan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1440/FP, planning permission be refused for the reasons now detailed.

Councillor M Newman, as the local ward Member, stated that the existing chapel had served as a valuable community facility for 50 years, particularly for elderly residents. He stated however, that the lack of foundations meant that this unusual shaped building's safe use was now beyond question. He commented that there was no way to rebuild this structure which was in need of demolition due to the cracks in the walls.

Councillor M Newman referred to the Glebe Land site as

the only viable location for the relocation of the Chapel in Hunsdon, as Officers had pointed out to the applicant that rebuilding the Chapel on the existing site was not a viable proposition.

Councillor M Newman stated that the site was owned by the diocese of St Albans but was leased to Hunsdon Parish Council. He referred to the conflict posed by this application in that some residents felt the site should be retained for the amenity of the village whilst others wanted the site for the amenity of churchgoers.

Councillor M Newman stressed that both views should be respected if the community of Hunsdon was to be truly inclusive. He emphasised that at recent public meetings, there had been opposition to the application. He stated that such public meetings tended to attract those in objection to planning applications.

Councillor M Newman referred to the conflict between the Officer's recommendation and the Council's planning policies in that this application offered compensatory land and a previous application had been withdrawn as Officers had raised concerns about the lack of compensatory land.

Councillor M Newman concluded that there was no mention of the National Planning Policy Framework (NPPF), which was explicit in encouraging community facilities such as places of worship. He also pointed out that a key issue was the balance between the loss of amenity in terms of a new building where there was currently no form of development versus the loss of any facility for communal worship in Hunsdon.

Councillor P Moore stated that the existing chapel was in no way serviceable as a church. She stressed that churches offered much more than a place of Sunday worship in that they provided many community activities as well as offering emotional and spiritual guidance to residents.

Councillor M Alexander stated that the proposed development offered a church and community function that would have good access in the centre of Hunsdon and there was a bus stop directly opposite the site. He referred to the ageing population with 25% of people being over the age of 60.

Councillor M Alexander commented that recreation came in many forms and the dictionary definition was inclusive of many of the things that could be undertaken should this application be approved.

In response to comments from Councillors A Burlton and T Page, Councillor M Newman commented at some length about the historic use of various plots of land in Hunsdon. The Director advised that Members had identified the key points to consider, namely the community need versus the visual appearance and impact of the application.

The Director also referred to the balance Members should consider in respect of the impact of the application on the value of the space that was available for community usage in Hunsdon.

Members were advised that the Officer's recommendation was based on the quality of the alternative provision of open amenity land and that the scale of the proposed development was excessive in this location.

Councillor P Moore proposed and Councillor M Alexander seconded, a motion that application 3/12/1440/FP be granted subject to appropriate conditions and authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

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 (A) in respect of application 3/12/1440/FP, planning permission be granted subject to appropriate conditions; and

(B) in respect of application 3/12/1440/FP, authority be delegated to the Director of Neighbourhood Services to formulate the conditions in consultation with the local ward Member and Chairman of the Development Control Committee.

- 395 A) 3/12/1325/FP – ERECTION OF 5NO. DWELLING HOUSES, GARAGES AND CHANGE OF USE AND ALTERATION OF WORKSHOP TO FORM A SINGLE DWELLING AND DEMOLITION OF A SMALL STORE BUILDING, DEMOLITION OF AGRICULTURAL BARN AND ALTERATIONS TO ACCESS AND LANDSCAPING WORKS AND B) 3/12/1324/LB - CHANGE OF USE AND ALTERATION OF BARN TO FORM A SINGLE RESIDENTIAL DWELLING HOUSE AND DEMOLITION OF SMALL STORE AND AGRICULTURAL BARN AT PRIORY FARM, HUNSDON ROAD, WIDFORD, SG12 8RA FOR MRS SJ RICHARDSON AND MR SC FINDLAY
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Frances Luck addressed the Committee against the application. Patrick Downes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1325/FP and 3/12/1324/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull sought and was given clarification that the Council's Landscape Officer had no concerns relating to the protection of trees subject to appropriate conditions. The Director referred in particular to conditions 7 to 11 in respect of trees and landscaping matters on the site.

After being put to the meeting and a vote taken, the

Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of applications 3/12/1325/FP and 3/12/1324/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

396 3/12/1318/FP – CHANGE OF USE OF 2NO. BARNs TO WORKSHOPS (B1(C) – LIGHT INDUSTRIAL) AND EXTENSION TO THE SOUTHERN BARN AT WARRENGATE FARM, MONEY HOLE LANE, TEWIN, AL6 0JD FOR MR HOWARD JONES

Keith St Pier and Holly Cook addressed the Committee against the application. Ant Anstead spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1318/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor L Haysey, as the local ward Member, stated that the “you tube” video submitted to Members by e-mail showed a vehicle movement that was not the intended norm and she had been assured by the applicant’s agent that this should not happen again.

Councillor L Haysey stated her support for the comments of Tewin Parish Council and local residents. She stressed that the proposed use was inappropriate for agricultural land and the subsequent noise would be unacceptable for residents.

Councillor L Haysey commented that should Members be minded to approve this application, there should be some stringent conditions regarding the hours of use and the size of vehicles used in relation to the operation on the site. She emphasised that East Herts Council was supportive of local businesses but only in the right

location.

Councillor S Bull stated that he was very impressed with the applicant's proposals, especially in respect of the workforce opportunities, particularly for young people. He appreciated the residents' concerns in respect of the narrow road access but felt that he could support the Officer's recommendation for approval.

Councillor A Burlton was also supportive of the application, particularly as the number of vehicles accessing the site was likely to be very low. He stated that the job of restoring the old cars was a very skilled activity and he applauded the applicant for finding the staff to carry out this work in this country.

Councillor M Newman commented on the situation regarding how deliveries of the completed cars from the site were to be carried out, given that the applicant had confirmed that articulated lorry movements would not occur in future.

The Director reminded Members that this application was for a change of use of the barns to a B1(c) use, meaning that any B1(c) use would be permitted to use the site should this application be approved. Members must come to a judgment as to whether a B1 use was acceptable on this site.

In terms of the access and the vehicle movements, the Director confirmed that the expectation was that only one vehicle would enter or leave the site at any one time due to the low volumes planned for the site in terms of production.

Members were advised that the likely vehicles using the site would be low loader-style lorries capable of transporting a single car.

In response to a query from the Committee Chairman, the Director confirmed that a condition restricting the size of vehicles entering or leaving the site would not be

unreasonable under the circumstances.

In response to a query from Councillor M Newman regarding noise and smells close to the site, Councillor M Alexander reminded Members of the excellent Environmental Health service provided by East Herts Council. The Director confirmed that an application for a B1 use would not ordinarily require conditions in respect of noise or odour control.

The Director reminded Members that the control the Authority had in this respect was provided by the Environmental Health Officers and the Planning Enforcement team.

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

RESOLVED – that in respect of application 3/12/1318/FP, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10): 11747/TM/1, 11747/TM/2, 11747/TM/3, 11747/TM/4, 11747/TM/5, HD10041/01, HD10041/02, HD10041/03, HD10041/04.
3. Matching materials (2E13)
4. Refuse disposal facilities (2E24)
5. No external lighting (2E26)
6. No external storage (5U07)
7. No external working (6N06)
8. No building shall be occupied for the use hereby permitted until surface water drainage

works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- include a timetable for its implementation; and
- provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of the management of surface water flows and in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

9. Hours of working - plant and machinery (6N05) – amend 18:00 to 18:30
10. No vehicle over 7.5 tonnes shall access the site in connection with the use hereby permitted.

Reason: In the interests of the highway safety and the amenity of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. You are advised that works should proceed with caution. In the event of bats being found, work must stop immediately and ecological advice taken on how to proceed lawfully.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC9, GBC10, TR7, ENV1, ENV2, ENV16, ENV21 and ENV24 and the National Planning Policy Framework. The balance of the considerations having regard to those policies that permission should be granted.

397 A) 3/11/1093/FP – ALTERATIONS TO AGRICULTURAL BUILDING FOR USE AS AN INDOOR CRICKET SCHOOL AND B) 3/11/1094/LB – ADAPTATION, ALTERATIONS AND EXTENSION OF REDUNDANT AGRICULTURAL BUILDINGS FOR USE AS AN INDOOR CRICKET SCHOOL AT THARBIES FARM, ROOK END, HIGH WYCH, CM21 0LL FOR MR AND MRS B HUMPHREY

Mr Barker addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1093/FP, planning permission be granted subject to the conditions detailed

in the report now submitted. The Director of Neighbourhood Services also recommended that, subject to the applicant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1094/LB, listed building consent be granted subject to the conditions now detailed.

Councillor M Carver, as the local ward Member, expressed his hope that Members had visited the site to view what would be an excellent facility for local schools and also for users from further afield. He referred to the complex negotiations with Officers in relation to survey work, in particular the bat survey.

Councillor M Carver stated that the facilities could have significant economic benefits for the local shops and hotels in the area, as well as the benefits of a splendid cricket facility for East Herts.

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

RESOLVED – that (A) in respect of application 3/11/1093/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/11/1094/LB, listed building consent be granted subject to the conditions detailed in the report now submitted.

398 3/12/1485/SV – MODIFY THE S106 AGREEMENT ATTACHED TO PLANNING PERMISSION 3/06/0314/FP TO REMOVE THE ELDERLY PERSONS AGE RESTRICTION (DEFINED AS BEING OVER 50 YEARS OF AGE) AT LAND AT STOCKING HILL LANE, COTTERED FOR DARLING HOMES LLP

Richard Murdock addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1485/SV, the removal of Clause 4.1 of the Section 106 Legal Agreement signed on 23 August 2007 under planning reference 3/06/0314/FP be granted.

Councillor J Ranger referred to the importance of the "Ageing Well" agenda in terms of protecting the needs of the significant proportion of the East Herts population classed as elderly. He stressed that the new District Plan should be given due weight even though the document did not currently reflect the needs of the elderly.

Councillor J Ranger confirmed that all of the houses on this site had a similar age restriction condition, in contrast to another application in Walkern where only one house had a condition attached. Councillor J Ranger stated that the elderly residents enjoyed the quiet amenity of the site where there was limited traffic. He urged the Committee to refuse the application on amenity grounds as removing this condition would result in an increase in traffic movements on the site.

Councillor S Bull stated that he supported the views of the local Member and would be voting to refuse this application.

In response to a query from Councillor M Newman, the Director confirmed that the site had been completed in two phases and he was aware that the northern part of the site had been constructed to lifetime home standards. Officers could not however confirm whether or not the units in the southern part of the site had also been.

The Director advised caution in that there was no policy position on which to refuse this application and a refusal may very likely be challenged on the basis that the Authority had acted unreasonably with no policy basis to

justify such a decision. In response to a query from Councillor M Alexander, the Solicitor confirmed that the policy basis on which the Section 106 agreement had been signed no longer existed.

The Director stated that there was no perceived harm linked to this application, as a removal of the age restriction would give rise to a residential situation that was common place throughout the majority of East Herts, i.e. where a range of ages lived in harmony in any given housing development in the District.

In response to a comment from Councillor J Ranger and a number of other Members' comments, the Chairman confirmed that Throcking and Cottered Parish Council had objected to the application, as detailed in the additional representations schedule. The Director confirmed that the Committee must base any decision purely on relevant planning grounds. He stated that the fact that existing residents were not supportive was not a relevant planning issue.

Councillor S Bull proposed and Councillor M Alexander seconded, a motion that application 3/12/1485/SV be refused on the grounds that the Council was of the view that removing the restriction could lead to a harmful impact on the residential amenity of existing and adjacent properties contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1485/SV, the removal of Clause 4.1 of the Section 106 Legal Agreement signed on 23 August 2007 under planning reference 3/06/0314/FP be refused for the following reason:

1. The Council was of the view that removing the

restriction could lead to a harmful impact on the residential amenity of existing and adjacent properties contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.

399 3/12/1323/FP – SINGLE AND TWO STOREY FRONT, SIDE AND REAR EXTENSIONS, RAISING OF ROOF AND CONSTRUCTION OF DETACHED GARAGE AND CARPORT FOLLOWING DEMOLITION OF EXISTING GARAGE AT THE SLOUGH, SLOUGH ROAD, ALLENS GREEN, CM21 0LR FOR MR AND MRS HOLBROOK

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1323/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that the current structure at The Slough was an ugly building that was out of keeping with the other properties along Slough Road, Allens Green.

Councillor M Carver commented that Officers had been in lengthy discussions with the applicant to secure a proposition for an attractive dwelling that was very much in keeping with the existing street scene. He urged Members to support the Officer's recommendation for approval.

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

RESOLVED – that in respect of application 3/12/1323/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

400 3/12/1290/FP – CHANGE OF USE FROM BLASS B8 PURPOSES TO PROPOSED 'PHYSICAL ACTIVITY AND REHABILITATION CENTRE' AT PART OF GROUND

FLOOR, UNIT 2, CRANE MEAD BUSINESS PARK, CRANE
MEAD, WARE, SG12 9PY FOR R BIRD AND TIMBER
CONNECTION LTD

Rob Bird addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1290/FP, planning permission be refused for the reasons now detailed.

Councillor P Ballam, on behalf of the local ward Member, addressed the Committee in support of the application. She stated that both Councillor M Pope and her were Members of Ware Town Council, which was also supportive of the scheme.

Councillor P Ballam stated that she had been surprised that the site's location in a designated employment area had been cited as a reason for refusal in the report, as there was no suggestion that employment opportunities would cease at the unit that was the subject of this application.

Councillor P Ballam commented that this application, if approved, would give rise to 3 full time equivalent positions. She further stated that the application would support the obligations contained in the Health and Social Care Bill and the Ageing Well agenda.

Councillor P Ballam also referred to the local support of a GP, as detailed in the additional representations summary. She urged Members to support the application in line with the policies of the District Plan and to support the health and wellbeing of East Herts residents.

Councillor M Alexander proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/12/1290/FP be granted on the grounds that the application would bring much needed employment to the area and would provide a service to the people in need of the type of health care proposed by the applicant.

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 (A) in respect of application 3/12/1290/FP, planning permission be granted; and

(B) in respect of application 3/12/1290/FP, authority be delegated to the Director of Neighbourhood Services to formulate appropriate conditions in consultation with the local ward Member and the Chairman of the Development Control Committee.

401 E/12/0105/A – UNAUTHORISED BUILDING OPERATIONS TO ENCLOSE AN OPEN GROUND FLOOR AREA, THE INSTALLATION OF WINDOWS AND DOORS AND THE UNTIDY CONDITION OF THE LAND AT VALLEYFIELDS, WESTLAND GREEN, LITTLE HADHAM, SG11 2AE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0105/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0105/A on the basis now detailed.

RESOLVED – that in respect of E/12/0105/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

402 E/11/0137/B – UNAUTHORISED USE OF BARN FOR

RESIDENTIAL PURPOSES AT PUNCHLEY, LEVENS GREEN, WARE, HERTS, SG11 1HD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0137/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

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/11/0137/B on the basis now detailed.

RESOLVED – that in respect of E/11/0137/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

403 E/12/0257/A – UNAUTHORISED REMOVAL OF INTERNAL CHIMNEY BREAST IN THE KITCHEN AND INSERTION OF A ROLLED STEEL JOIST AT 36 ERMINE STREET, THUNDRIDGE, WARE, HERTS, SG12 0SY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0257/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0257/A on the basis now detailed.

RESOLVED – that in respect of E/12/0257/A, the Director of Neighbourhood Services, in conjunction

with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

404 E/11/0392/A – UNAUTHORISED CHANGE OF USE OF LAND FROM AGRICULTURAL GRAIN STORE TO COMMERCIAL STORAGE AND DISTRIBUTION AT UNIT 8 STOCKING PELHAM HALL, STOCKING PELHAM, SG9 0HT

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0392/A, enforcement action be authorised on the basis now detailed.

The Director referred Members to the comments detailed in the additional representations schedule.

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/11/0392/A on the basis now detailed.

RESOLVED – that in respect of E/11/0392/A, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

405 E/11/0397/B – DETERIORATION OF A GRADE II LISTED BUILDING AND THE NEED FOR URGENT REMEDIAL WORKS AT MUSLEY HILL INFANTS' SCHOOL, MUSLEY HILL, WARE, SG12 7NB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0397/B, enforcement action be authorised on the basis now detailed.

Councillor M Alexander commented that this was a grade II listed building at a very high focal point in Ware. He requested that the lightning conductor be prioritised in the schedule of works. The Director responded that Officers

would ensure the lightning conductor was prioritised.

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/11/0397/B on the basis now detailed.

RESOLVED – that in respect of E/11/0397/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action on the basis now detailed.

406 PLANNING APPEAL AND DECISION MAKING PERFORMANCE: MARCH – SEPTEMBER 2012

The Director of Neighbourhood Services submitted a report providing a summary of planning appeal performance for the six month period covering March to September 2012.

The Director advised that performance in respect of appeals had been generally good. Members were advised that, in the first six months of 2012, 39 appeal decisions relating to planning applications had been released. Of these, 12 appeals had been allowed.

The Director stated that, in 30.8% of cases, the original decision made by the Council had not been upheld at appeal. Members were referred to the national performance of 34% in respect of appeals.

The Director referred to paragraph 3.1 of the report now submitted in respect of decision making timescales. He stated that, whilst performance in relation to major application decisions was currently below target levels, performance was good in relation to minor and other application types in that both local and national targets were being exceeded.

Members were advised that major applications were often complex and significant in nature and often comprised

multiple rounds of consultation with complex legal agreements. These elements of the process often resulted in the target time being exceeded.

The Director referred to recent government announcements relating to the performance of planning authorities and decision making timescales. He stated that Officers would report back once more was known about the expected levels of performance. Members were advised that Officers had no immediate cause for concern in respect of the Council’s decision making performance on planning applications.

The Committee noted the report as now detailed.

RESOLVED – that performance in relation to planning appeal decisions and decision making timescales be noted.

407 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 9.43 pm

Chairman
Date