

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 5 FEBRUARY 2014, AT 7.00  
PM

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

ALSO PRESENT:

Councillors W Ashley, P Ballam, M Carver,  
M Pope, P Ruffles and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

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 Manager

519 APOLOGY

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

520 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised Members that Officers had received a request from a landowner and developer for an opportunity to brief Development Management Committee Members and local ward Members in respect of a proposed retail development in the Great Amwell ward.

Members were advised that Officers had identified 12 February 2014, at 7.00 pm, in the Council Chamber, Wallfields, Hertford. Members confirmed that they were happy to receive this briefing.

521 DECLARATIONS OF INTEREST

Councillors M Alexander and P Moore declared disclosable pecuniary interests in application 3/13/1273/FP, in that they were Board Members for Riversmead Housing Association. They left the room whilst this matter was considered.

522 MINUTES – 30 JANUARY 2014

RESOLVED – that the Minutes of the meeting held on 30 January 2014 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 506 – 3/13/0075/OP – Land at Bishop's Stortford North – Application by Bishop's Stortford North Consortium and Landowners.

Insert as 40<sup>th</sup>, 41<sup>st</sup> and 42<sup>nd</sup> paragraphs –  
'.....Members debated the means of ensuring that traffic flows were within the predicted levels. Councillor D Andrews referred to the recommendation from Hertfordshire County Council that there was a continual review of traffic impacts.

Councillor G Jones stated that there was a need to bring forward mitigation measures if traffic exceeded predictions. He also commented that demand would need to be managed if mitigation measures failed.

Councillor G Jones proposed and Councillor A Burlton seconded, a motion that the conditions be strengthened to ensure that traffic flows were within the predicted levels. After being put to the meeting and a vote taken, this motion was declared CARRIED.'

523 3/13/1375/OP – FULL PERMISSION FOR THE ERECTION OF 180 HOMES, AMENITY LAND FOR COMMUNITY USES, THE CREATION OF ONE NEW ACCESS ONTO THE A10 AND CLOSURE OF AN EXISTING ACCESS ONTO THE A10 NORTH OF THE SITE, CREATION OF FOUR NEW ACCESSES ONTO ERMINE STREET AND THE UPGRADING OF ONE ACCESS ONTO ERMINE STREET, AND THE PROVISION OF AMENITY SPACE AND ASSOCIATED INFRASTRUCTURE, AND IN OUTLINE WITH ALL MATTERS RESERVED A 50-60 BED CARE HOME AND SHELTERED ACCOMMODATION AT LAND NORTH OF THE PARK FARM INDUSTRIAL ESTATE AND THE FREMAN COLLEGE, ERMINE STREET, BUNTINGFORD FOR PIGEON LAND LTD

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James Buxton addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1375/OP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that, in the interests of consistency and to ensure housing delivery, Officers were suggesting that the time period in condition 1 be changed from 3

years to 2 years for commencement of the development.

Members were advised that Buntingford Town Council was concerned regarding the proposed transfer of land to the west of the site to the Town Council, pending future use of Freman College. The Town Council had noted that it was usual for such land to be transferred to the County Council and had therefore suggested this approach be adopted.

The Director referred Members to the Additional Representations Sheet and to an amendment proposed to item 7 of the proposed legal agreement, whereby details for the safeguarding of the amenity land to the west of the site be set out in the agreement, in order to facilitate the necessary transfer of land to accommodate the future expansion of Freman College.

Councillor S Bull, as a local ward Member, referred to the representations from Buntingford Action Group for Responsible Development (BARD), the Buntingford Civic Society and Buntingford Town Council. He expressed concerns that this development would fetch traffic off the bypass back into the town, thereby creating a rat run.

Councillor Bull queried what security would be in place for the proposed pedestrian walkway and bus stopping area on the new housing estate. He commented on whether a condition could be applied to secure fencing and the locking of gates to facilitate this security.

The Director advised that the new bus facility and pedestrian walkway was being proposed within the application as part of an arrangement between the applicant, the nearby school and Freman College, as well as the relevant bus contractor(s), should those contractors decide to use the new facilities. They were not, however, obliged to do so.

The Director reminded Members that there was a public right of way from the south of the site towards Bowling Green Way and this had to be maintained in that capacity.

Freman College was concerned regarding security in that direction and ultimately the final approach regarding security and access would have to be finalised at a future date.

Councillor D Andrews commented that the overall scheme was highly commendable and he was largely supportive of it. He stated however, that he was familiar with the location and, notwithstanding the straight road and good visibility, Ermine Street was a derestricted road and the Throcking junction was exceptionally dangerous. He concluded that the proposed access should be reconsidered by Hertfordshire Highways.

Councillor J Jones, also as a local ward Member, stated that this site was one of the preferred 9 sites for development in and around Buntingford. The site would bring benefits for the town aside from new housing and the new access would be of particular benefit as this would relieve traffic on Bowling Green Lane.

Councillor J Jones stated that he was glad that the applicant had taken all local suggestions and concerns into account. He commented that the much needed care home provision was also very welcome in Buntingford. He commented that the transfer of land to Buntingford Town Council should not go ahead and this land should be retained by Hertfordshire County Council.

In response to a comment from Councillor D Andrews regarding the concerns of Councillor J Jones in respect of traffic, the Director confirmed that there was a southern point of access via the proposed housing development.

Councillor M Alexander referred to policy HSG7 regarding affordable housing. He stated that he could not support a reduction in affordable housing provision as there were 2,500 people on the waiting list in East Herts.

Councillor D Andrews stated that the Authority had a hard fought for policy regarding affordable housing and Members had a duty to the District as a whole and not

just to Buntingford. Councillor P Moore stated that she also could not support a reduction in the provision of affordable housing proposed as part of this application.

In respect of the comments from Councillor J Jones regarding the reduction in affordable housing funding a wider leisure or arts facility in Buntingford, the Director advised that, in respect of funding raised by a development, the regulations stated that this funding should only be directed towards any deficiencies that the proposed development sought to resolve or to mitigate any instance where the development exacerbated existing problems.

Councillor J Jones proposed and Councillor S Bull seconded, a motion that application 3/13/1375/OP be approved, subject to the affordable housing provision being reduced from 40% to 30%, which would equate to a reduction of 18 units bringing the overall figure down to 54 affordable units from the 72 proposed as part of the application.

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

RESOLVED – that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1375/OP, planning permission be granted subject to the conditions detailed in the report now submitted.

524 3/13/1762/FP – REDEVELOPMENT OF SITE TO PROVIDE A NEW COLLEGE BUILDING AND ENABLING RESIDENTIAL DEVELOPMENT OF 50 DWELLINGS, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING INCLUDING DEMOLITION OF EXISTING BUILDINGS AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE, HERTS, SG12 9JQ FOR HERTFORD REGIONAL COLLEGE AND CHARLES CHURCH

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Gordon Dawes addressed the Committee in objection to the application. Andy Forbes spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1762/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Pope, as the local ward Member, stated that local residents were not against the development of the site. He stated that residents' principal concerns centred around securing an appropriate development that would make a positive contribution to the surrounding area as opposed to an application that was overbearing, over intensive, unimaginative and driven by the financial needs of Hertford Regional Collage.

Councillor Pope stated that the proposed development was for the replacement of a bland utilitarian building with a similar structure that was more in keeping with Eastern Europe than the East of England. He stated that the proposed development would be 6 metres nearer to the road than the existing building and the proposed 2 metre balconies would dominate a gateway to the historic town of Ware.

Councillor Pope concluded that the proposed parking was a serious issue and was insufficient, particularly as all the nearby roads were subjected to controlled parking until 8 pm. He stated that an application as important as this

should not be approved in haste and Members were urged to refuse the application.

Councillor G Williamson stated that he was surprised that the proposed affordable housing provision was only 6%. Councillor E Bedford commented that he fully endorsed all the comments of the local ward Member. He stated that the impact of the proposed development on Ware would be huge and, whilst he acknowledged the need for housing, this must be in keeping with the surrounding area.

Councillor Bedford stated that he fully supported the redevelopment of the college but was also concerned regarding the inadequate car parking provision. He concluded that 6% affordable housing was totally inadequate and commented that the need for funding from the enabling residential development should not be allowed to blight the surrounding area and Ware as a whole.

Councillor D Andrews referred to the overbearing impact of the proposed flats as well as the inadequate car parking provision of one space per unit, particularly in light of the enormous parking pressures on the surrounding roads. He expressed concerns that the proposed 6% affordable housing provision was inadequate and a figure of 36% would be more in keeping with the Council's policy of 40% affordable housing.

Councillor M Newman referred to the laudable aim of redeveloping the Hertford Regional College site in Ware. He sought clarification from the Director as to whether a smaller scale development would still be possible in terms of financial viability.

The Director advised that the financial viability of the scheme was finely balanced and the applicant had reduced the number of flats in an effort to meet the concerns of local residents. Members were advised that any further reductions would make the development unviable and this had been independently verified by



advice given to Officers. Officers had also been advised that the development only became viable with the proposed 6% affordable housing provision.

The Director advised that the design of the proposed development constituted a reasonable transition between the modern college buildings and the existing residential dwellings. The site was in a sustainable location close to a train station and the amenities of the town and therefore, the proposed parking provision was considered acceptable in policy terms.

Members were advised that Officers had incorporated a condition requesting a green travel plan and this could include provision for cycle parking and storage as there was ample space within the site for such provision.

Councillor G Williamson proposed and Councillor D Andrews seconded, a motion that application 3/13/1762/FP be refused on the grounds that the proposed apartment block would have an unacceptable impact on the character and appearance of the street scene and the surrounding area and was therefore contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework. There was also insufficient parking provision that was contrary to policies TR7 and ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework. The proposed development also made insufficient provision for affordable housing and was therefore contrary to policy HSG3 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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

RESOLVED – that, in respect of application 3/13/1762/FP, planning permission be refused for the following reasons:

1. The element of the development comprising the apartment block at the northern end of the site fronting Hertford Road would have an unacceptable impact on the character and appearance of the streetscene and the surrounding area by reason of its height, scale, bulk and design. The proposal is thereby contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
2. Insufficient parking is proposed for the residential element of the development which would result in additional pressure on already restricted parking provision in the local area, harmful to the amenities of existing and future residents. The proposal is thereby contrary to policies TR7 and ENV1 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
3. The proposed development makes insufficient provision for affordable housing and therefore fails to address the demand for such housing within the District contrary to policy HSG3 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

### Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an

acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

525 3/13/1273/FP – THE DEMOLITION OF BLOCK OF FLATS 115-149 TUDOR WAY AND THE CONSTRUCTION OF 11 NO. 3 STOREY, 3 BEDROOM TERRACED HOUSES WITH ASSOCIATED REAR PARKING AND PRIVATE AMENITY GARDENS AND THE ERECTION OF A FURTHER 24 AFFORDABLE HOUSING UNITS COMPRISING 9 NO. 1 BEDROOM FLATS AND 15 NO. 2 BEDROOM FLATS ON COMMUNAL AMENITY LAND TO REAR OF NOS. 2 – 90 HUTTON CLOSE WITH A NEW HIGHWAY ACCESS FROM WELWYN ROAD AT TUDOR WAY AND REAR OF HUTTON CLOSE, HERTFORD, SG14 2DH FOR RIVERSMEAD HOUSING ASSOCIATION

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Hannah Spendley addressed the Committee in objection to the application. Kevin Brush spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1273/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ruffles, as a local Member, addressed the Committee against the application. He stated that he found it difficult to reconcile the comments of the supporting speaker with the plans submitted with this application. He commented that his view of the impact of the application did not coincide with the views of the applicant.

Councillor Ruffles fully acknowledged the need for new homes. He stated however, that this application represented the most environmentally damaging proposal to impact on Hertford Sele ward in decades. He referred to the benefits of the green space and stated that its loss was a trampling of the quality of life of the residents of

Hutton Close.

Councillor Ruffles stated that many Riversmead Housing Association tenants would also suffer a reduced outlook and quality of life due to this application. He commented that the application for interlocking blocks of residential development would result in the loss of the only green space in the area.

Councillor Ruffles urged Members not to dismiss the comments of the Council's Landscape Officer. He referred to highways concerns as regards pedestrians in the Tudor Way and Hutton Close area as they would have to observe traffic movements from 6 locations when finding a safe moment to cross the road. Members were urged to refuse the application.

Councillor G Jones stated that the applicant had gone too far with this proposal and due to the loss of amenity green space he could not support this application. The Director stressed that there would still be a significant degree of amenity space if this application was approved as there were few locations with such a generous green space provision.

The Director stressed that any proposals in the emerging District Plan should not be assigned significant weight as the Plan was still out for consultation and the content of the document might well change and Members should focus solely on current planning policies.

The Director advised that there was a funding constraint regarding this site in that if the units were not secured, then the funding available via the Homes and Community Agency (HCA) would be redirected elsewhere. Members were reminded that the proposals included an affordable housing provision of 100%.

Councillor D Andrews referred to the significantly reduced space that would be available for the residents of the proposed development. He stated that the application was not one that he could wholeheartedly support.

Councillor S Bull proposed and Councillor N Symonds seconded, a motion that application 3/13/1273/FP be refused on the grounds that the element of the development located on the current amenity space between Hutton Close and Welwyn Road would result in the loss of open green space and have an unacceptable impact on the character and appearance of the street scene and surrounding area and was therefore, contrary to policies ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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

RESOLVED – that, in respect of application 3/13/1273/FP, planning permission be refused for the following reasons:

1. The element of the development located on the current amenity space between Hutton Close and Welwyn Road will result in the loss of open green space and have an unacceptable impact on the character and appearance of the street scene and surrounding area, by reason of it's amount, layout and siting. The creation of a new access onto Welwyn Road will result in additional harm to the character and appearance of the area. The proposal is thereby contrary to policies ENV1 and HSG7 of the East Herts Local plan Second Review April 2007 and the National Planning Policy Framework.

#### Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England)

Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

526 3/13/1266/SV – MODIFY THE S.52 (NOW KNOWN AS SECTION 106) AGREEMENT ATTACHED TO PLANNING PERMISSION 3/86/1939/OP TO REMOVE THE 'ELDERLY PERSONS' AGE RESTRICTION AT LAND AT STOCKING HILL LANE, COTTERED, SG9 9PY FOR JOSEPH EDIS

Joan Diales addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1266/SV, planning permission be granted for the removal of Clause 1(i) of the Section 52 Legal Agreement signed on 28th September 1987 under planning reference 3/86/1939/OP.

Councillors D Andrews and S Bull spoke in favour of the recommendation.

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

RESOLVED – that in respect of application 3/13/1266/SV, planning permission be granted for the removal of Clause 1 (i) of the Section 52 Legal Agreement signed on 28th September 1987 under planning reference 3/86/1939/OP.

527 A) 3/13/1936/FP, B) 3/13/1937/LB, C) 3/13/1939/LB, D) 3/13/1938/LB, E) 3/13/1987/AD, F) 3/13/1986/LB –  
APPLICATIONS AT 15 – 17 NORTH STREET, BISHOP'S STORTFORD FOR COTE RESTAURANTS LTD

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of application 3/13/1936/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director of Neighbourhood Services recommended that, in respect of applications 3/13/1937/LB, 3/13/1939/LB, 3/13/1938/LB and 3/13/1986/LB, listed building consent be granted subject to the conditions detailed in the report now submitted. The Director also recommended that, in respect of application 3/13/1987/AD, advertisement consent be refused for the reasons detailed in the report now submitted.

The Chairman confirmed to Councillor A Burlton that the debate would cover all 6 applications followed by a vote on each of the applications in turn. Councillor Burlton stated that the proposed development seemed to be the best option for the site and he would be supporting the Officer's recommendations.

Councillor G Jones concurred with the regret expressed by Councillor Burlton regarding the loss of the former Pearson's department store. He acknowledged that, should these applications be approved, there was no realistic opportunity for further retail usage of the site as the option for deliveries via Basbow Lane would be lost. He stressed that North Street was busy most times of the day with limited short term parking opportunities.

Councillor G Jones stated that many of his concerns had been covered by Officers and he supported the Director's recommendations, particularly the refusal recommendation for the advertisement consent

application under reference 3/13/1987/AD.

Councillor G Jones commented that a delivery time restriction should be applied to the proposed restaurant, with a possible restriction of no deliveries after 8 or 8.30 am. He referred to the gable over-sail of the building onto the public highway on the Basbow Lane side of the site due to the very narrow pavement. He queried whether the over-sail should be scaled back due to the risks of a high sided vehicle coming into contact with the building on what was a very narrow road.

Councillor G Jones further commented that he would prefer Section 106 money to go towards the fully costed scheme for developing the Sworders Field area and the wider “green finger” extending up through Grange Paddocks.

Councillor N Symonds commented on whether Members had any say regarding what went on inside this unit in terms of preserving the historic features of the interior of the building on this site. She referred to the proliferation of restaurants in Bishop’s Stortford and expressed her concerns regarding the loss of employment on this site. She concluded by referring to the overall objective of not allowing illuminated signage in the Bishop’s Stortford town centre.

The Director advised that the whole building was covered by its listed status, so any works of material significance required a listed building consent application. Members were reminded that 4 of the 6 applications were for listed building consent relating to the interior of the site so Members had a significant degree of control.

The Director concluded that, regarding the change of use from A1 retail to A3 restaurants, this was a common occurrence and Officers had felt the change of use was acceptable on balance to allow a viable use that preserved the fabric of the building with the addition of an element of residential provision.



In response to a concern from Councillor N Symonds regarding the policing of the listed building elements of the applications, the Director advised that, as there were about 3000 listed buildings across the District plus another 1000 that were curtilage listed, Officers were reliant on intelligence from the public and from building control inspections.

The Director advised that, in terms of the gable over-sail of the building onto the public highway, an element of redesign work would have to take place to remove this element of the scheme and it would be for the applicant to decide whether they were willing to make such an amendment. Members were advised that a condition could be applied to cover this issue.

The Director further advised that, in terms of Section 106 monies towards open space provision, the Council's Environmental Manager had advised that, in the event that funding could not be found for the project at Waytemore Castle, the monies could be used to develop the Sworders Field area and the wider "green finger" extending up through Grange Paddocks. Officers could alter the wording of the Section 106 agreement to ensure that this flexibility was covered should the Committee support the applications.

In response to a query from Councillor G Jones regarding a condition regarding delivery times, the Director suggested that Officers could have a discussion with the applicant on that matter if Members were happy to delegate authority to Officers to have those discussions.

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 3/13/1936/FP, planning permission be granted and authority be delegated to the Director of Neighbourhood Services to enter into further discussions with the applicant in relation to the re-

design of the proposal to seek the removal of the element of the proposed residential development which over sails the highway of Basbow Lane and to secure further amendment to condition 7 to restrict deliveries to prior to 8.00am, subject to the following amended conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (PL.01, PL.02, PL.10, PL.11, PL.12, PL.20 B, PL.21 B, PL.22 A, PL.30 G, PL.31 F, PL.32 G, PL.33 F, PL.41 D, PL.42 A, PL.43 B)
3. Programme of archaeological work (2E02)
4. Samples of materials (2E12)
5. Prior to commencement of development a Construction Method Statement shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction

works.

Reason: To minimise impact of construction process on the on local environment and local highway network.

6. Construction hours of working (6N07)
7. Prior to the first use of units 15-17 North Street, details of the timings of deliveries to the units shall be submitted to and approved in writing by the Local Planning Authority. The use of the units shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

8. Prior to the commencement of the A3 uses hereby approved, a scheme for the ventilation of the premises including the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of nearby residential properties, the setting of the listed building and Conservation Area and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and sections 7 and 12 of the National Planning Policy Framework.

9. Hard surfacing (3V21)

Directives:

1. Other Legislation (01OL1).
2. Highway Works (05FC).

3. A licence, issued by Hertfordshire County Highways is required for any part of the building that over sails the public highway. The applicant is advised to contact the Highways Authority to obtain the necessary requirements and procedures for such a licence.
4. Planning Obligation (08PO).
5. Street Naming and Numbering (19SN).
6. Unsuspected Contamination (33UC).
7. Groundwater Protection Zone (28GP1).

#### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007) the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the Council's housing land supply is that permission should be granted.

(B) in respect of applications 3/13/1937/LB, 3/13/1939/LB, 3/13/1938/LB and 3/13/1986/LB, listed building consent be granted subject to the conditions detailed in the report now submitted; and

(C) in respect of application 3/13/1987/AD, planning permission be refused for the reasons

detailed in the report now submitted.

528 3/13/1497/FP – DEVELOPMENT OF 85 NO. RESIDENTIAL APARTMENTS (BLOCK 3) AND (BLOCK 4) IN PLACE OF THE HOTEL AND NURSING HOME (APPROVED UNDER 3/12/1632/FO) WITH PARKING, ACCESS AND ALL ANCILLARY WORKS AT HERTFORD POLICE STATION, WARE ROAD, HERTFORD, SG13 7HD FOR BARRATT NORTH LONDON

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Richard Smallwood addressed the Committee in objection to the application. Daniel Hayman spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1497/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman read out a statement on behalf of Councillor B Wrangles as she was the local ward Member. Councillor Wrangles had stated that most of her residents were pleased that the hotel and nursing home had been removed from the site. Councillors N Wilson and B Wrangles had spoken at the inquiry to get them removed, without success.

Councillor Wrangles had also stated that Hertford would be getting 83 more dwellings with a total of 53 affordable units on this site. Hertford Town Council was concerned about the vehicular movement on the site and Councillor Wrangles shared this concern, but most sites resulted in similar concerns.

Councillor Wrangles had concluded that, as part of the Section 106 legal agreement, the applicant had agreed to pay £10,000 towards residents parking in the layby outside 40-48 Stanstead Road, which she was very happy about. Councillor Wrangles expressed her wish

that the development should go ahead as soon as possible and she urged the Committee to approve the application.

Councillor D Andrews commented on the scale of the balconies included as part of this development. In response to a query from Councillor G Jones regarding a reduction in the Section 106 contribution for sustainable transport, the Director confirmed that Hertfordshire County Highways did not wish to restrict the grant of permission subject to conditions and subject to an amended Section 106 contribution of £60,673 towards sustainable transport.

Councillor N Symonds stated that, whilst she was not against development of the site, she was concerned regarding the complete lack of play equipment for children as there was no provision for this as part of this application.

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

RESOLVED – that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1497/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

529     3/13/1934/FP – CHANGE OF USE OF FORMER  
CHANDLERY AND YARD AREA TO THE OPERATION OF A  
STREET-SWEEPER HIRE BUSINESS AT LEE VALLEY  
MARINA, SOUTH STREET, STANSTEAD ABBOTTS, SG12  
8AL FOR LESLEY FOREMAN

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Terry Collins addressed the Committee in objection to the application. Leslie Foreman spoke for the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/13/1934/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Williamson, as the local ward Member, stated that this application might appear, at first glance, to be a modest proposal that had some merit in that it brought a disused building back into use and would create some limited employment.

He commented however, that the 31 letters of objection that had been received, plus the 20 signature petition, indicated a certain level of genuine local concern regarding the impact that a road sweeper hire base would cause in this location.

Councillor Williamson referred to the proximity of the proposed development to nearby homes. He stated that both Millers Lane and South Street were narrow roads which were unsuitable for the type of vehicles used by the applicant's business. He further commented that there would inevitably be some noise disturbance for local residents.

Councillor Williamson concluded by stating that, whilst Hertfordshire Highways had not objected outright to the proposals, Officers were concerned over the effect of the application on the public highway. He stated that Stanstead Abbots Parish Council had objected to the application and he was concerned that this application would undermine recent efforts to ensure the safety of the road network in this area.

Councillors D Andrews, E Bedford, J Jones and P Moore all expressed concerns with the size of the vehicles and the disturbance these would cause for residents.

Councillor M Newman referred to inconsistencies in the report regarding the weight of the vehicles that would access the site. He stated that a 3 tonne road sweeper transported on a 7.5 tonne lorry would exceed the 7.5 tonne weight limit of the roads leading to this site. He

sought clarification from Officers regarding the proportion of the 7.5 tonne vehicles that might be used if the road sweepers were to be transported under their own power for distances under 60 km or 40 miles.

The Director stated that the 7.5 tonne weight of the lorries referred to the maximum payload weight of the vehicle. The unloaded weight of the lorries would be less than 7.5 tonnes to ensure that the weight limit on the local roads was not exceeded.

The Director stated that the impact of a single vehicle movement would be similar whether this was a small road sweeper or the same sweeper transported on the back of a lorry. He stated that the access arrangements were not ideal and it was for Members to weigh up all the relevant issues when determining the application.

In response to comments from Councillor M Newman and the Chairman regarding the predicted numbers of vehicles movements per week, the Director advised that a limited number of vehicle movements would be impractical for any operator and Officers felt that 20 vehicle movements per day was acceptable.

Councillor D Andrews stated that he was concerned regarding the use of road sweepers travelling at speeds of 20 mph on the many trunk roads in East Herts. The Director advised that Members should give little weight to the impact of the road sweepers once they were away from this site. The key issue that Officers had taken into account was the impact of the application on the roads that were local to the site.

At this point (9.45 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

Councillor G Jones proposed and Councillor A Burlton seconded, a motion that application 3/13/1934/FP be refused on the grounds that the proposed development would result in unacceptable traffic generation on



restricted residential access roads and would result in a harmful impact on residential amenity that was contrary to policies ENV1, EDE4, and ST5 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 3/13/1934/FP, planning permission be refused for the following reasons:

1. The proposed development by reason of the associated traffic generation on restricted residential access roads will result in a harmful impact on residential amenity, contrary to policies ENV1, EDE4, and ST5 of the East Herts Local Plan Second Review April 2007.

#### Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

530 3/13/2107/FP – CHANGE OF USE OF BUILDINGS TO DWELLINGHOUSE, LINK EXTENSIONS TO BUILDINGS AND RESIDENTIAL GARDEN AT PEARTREE FIELD WOOD, WYDDIAL, SG9 0EL FOR MR G HODGE

The Director of Neighbourhood Services recommended that, in respect of application 3/13/2107/FP, planning

permission be refused for the reasons detailed in the report now submitted.

Councillor S Bull stated that the site was located in the village and was accessible via narrow lanes. He stated that there was no public transport in the vicinity of the site and residents had made it clear that they did not want a commercial reuse of this site, as detailed in the letters of support that had been acknowledged in the Officer's report.

Councillor G Jones stated that he could not see any other viable use of the site other than a residential use. He referred to the Officer's concerns regarding the impact of the application on the open aspect of the area.

The Director advised that policy GBC9 was a policy relating to the reuse of redundant agricultural or other non residential rural buildings. This policy also related to business, leisure and tourism uses. In response to a query from Councillor J Jones regarding tree protection, the Director advised that conditions could be applied to secure the necessary protection.

The Director stated that the site had not been marketed for other uses aside from residential, such as leisure, tourism or other business related uses. Members were advised that this process should take place for at least 6 or 12 months and Officers felt that the application did not comply with part II of policy GBC9 as this marketing process had not taken place.

Councillor G Jones referred to evidence from the applicant which had given an assessment that marketing the site was a waste of time as there was nothing to market it to. He stated that Officers often advised that each application was different and, as such, he felt that there would be no precedent if this application was approved.

Councillor S Bull proposed and Councillor J Jones seconded, a motion that application 3/13/2107/FP be

granted on the grounds that the application was in accordance with the policy provisions of part II of policy GBC9 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 3/13/2107/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E103) “insert 10847-S001-A, 10847-P001-C
3. Prior to the commencement of development the shed structure as shown on drawing 10847-S001-A shall be demolished and the resultant material removed from the site.

Reason: In the interests of the amenity of the site and rural surroundings in accordance with policies ENV1 and GBC3 of the East Herts Local Plan Second Review April 2007.

4. Hard surfacing (3V21)
5. Prior to the first occupation of the development hereby approved, the boundary hedgerow either side of the existing access onto Vicarage Road shall be trimmed to maintain adequate visibility splays.

Reason: In the interests of highway safety.

6. Tree retention (4P05)
7. Withdrawal of PD (Part 1, Class A)(2E20)

Directives:

1. Other legislation (01OL)
2. Unsuspected contamination (33UC)
3. Street naming and numbering (19SN)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the limited harm to the character and appearance of the surroundings is that permission should be granted.

531 3/13/2056/FO – VARIATION OF CONDITION 1 OF PLANNING PERMISSION 3/11/1225/FP) TO EXTEND THE CHANGE OF USE OF THE FORMER CATTLE BARN FOR A FURTHER 2 YEAR TEMPORARY PERIOD TO A FUNCTION ROOM, WITH TOILETS, OFFICE AND ASSOCIATED FACILITIES IN THE ADJACENT POLE BARN AT TEWIN BURY FARM HOTEL, HERTFORD ROAD, TEWIN AL6 0JB FOR MR V WILLIAMS

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The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2056/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2056/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

532 3/13/1891/FP – CONSTRUCTION OF DETACHED DWELLING AND THREE BAY GARAGE AT NEWTONS, CHURCH LANE, MUCH HADHAM, SG10 6DH FOR MR G NEWTON

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Ralph Bintley addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1891/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that he hoped Members had examined the location and setting of the proposed development. He referred to the strict policy position that was in place to safeguard the openness and character and appearance of the rural area. He stated however, that this situation was a case of the strict policy being applied to the letter without the full contextual setting of the proposals being considered by Officers.

Councillor Carver stated that the site was surrounded by houses on 3 sides and was hidden by trees on the 4<sup>th</sup> side. He stated that the application constituted a very suitable non intrusive backland development with very little or no impact. He commented that there had been no objections from internal and external statutory consultees

on this application.

Councillor Carver referred to the comments of the Council's Conservation Officer, who had recommended approval of the application and had also commented that the mass, scale, design and use of materials would not be dissimilar to and would be reflective of the scale and design of the existing dwelling known as Newtons.

The Conservation Officer had also stated that the proposed development was in keeping with the appearance of the area and would have little impact upon the setting of the adjacent listed building and the character and appearance of the Conservation Area.

Councillor Carver concluded that there had been no objections from Much Hadham Parish Council and a majority of local neighbours were supportive of the application. Members were urged to reject the Officer's recommendation and approve the application subject to appropriate planning conditions.

Councillor D Andrews stated that he agreed with all the comments made by the public speaker and the local ward Member that this application would do very little harm. He commented that he was impressed regarding the lack of objection to the proposed development.

Councillor J Jones proposed and Councillor S Bull seconded, a motion that application 3/13/1891/FP be granted on the grounds that the proposed development was in keeping with the surrounding area and would have very little impact.

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 3/13/1891/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Approved Plans (2E10) “insert 18:10:13:1;  
18:10:13:2; 18:10:13:3; 18:10:13:4;  
18:10:13:5; 18:10:13:6; 18:10:13:7;  
18:10:13:8; 18:10:13:9; 18:10:13:10
4. Samples of materials (2E13)
5. Tree/hedge retention & protection (4P05)
6. Landscape design proposals (4P12) a, b, c, d,  
e, l, j, k, l
7. Landscape works implementation (4P13)
8. Hours of working – plant and machinery  
(6N05)

Directives:

1. Street naming and numbering (19SN)
2. Groundwater protection zone (28GP) insert  
“Standon”
3. Unsuspected contamination (33UC)
4. 01OL1 (Other Legislation)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning

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

533 3/13/2098/FP – ERECTION OF ONE, THREE BEDROOM DETACHED DWELLING AT CAUSEWAY HOUSE, 3 CHURCH END, BRAUGHING, SG11 2PZ FOR MR M ROAT

The Director of Neighbourhood Services recommended that, in respect of application 3/13/2098/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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

RESOLVED – that in respect of application 3/13/2098/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

534 E/14/0009/B – BREACH OF CONDITION 3 (RESTRICTION OF USE) OF PLANNING PERMISSION REFERENCE 3/06/0604/FP, FOLLOWING THE PROVISION OF OFFICE ACCOMMODATION WITHIN THE UPPER FLOOR OF THE DETACHED GARAGE AT LONGCROFT, MONKS GREEN LANE, BRICKENDON, HERTFORDSHIRE, SG13 8QL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0009/B, no further action be taken regarding the breach of condition. Members were referred to the additional representations schedule for additional information regarding the breach of condition.

In response to a query from Councillor M Alexander, the Director confirmed that taking no action did not mean that



planning permission would be granted by default. The planning application to regularise the situation had been withdrawn and the breach of condition would remain unauthorised if Members took no action.

The Director stated that the unauthorised use might cease of its own accord and the situation might become lawful over the passage of time, if the site remained in continuous use for a period 10 years. Councillor P Moore stated that, given that there had been a clear breach of condition, she was unsure why the Committee were debating the issue of whether or not to taken enforcement action.

The Director reminded the Committee that national enforcement policy guidelines stipulated that enforcement action should not automatically follow a breach of planning control. Members must consider whether the unauthorised breach of condition was sufficiently harmful to make it expedient to authorise enforcement action.

The Director advised that the planning policy of the Authority expressly supported the reuse of rural buildings for commercial uses. Officers remained of the view that it was not expedient to take enforcement action and Officers also felt that it would be difficult to justify enforcement action in policy terms.

Councillor M Alexander stated that the current situation of an unauthorised use and no planning application to regularise the breach of condition could only be satisfactorily addressed by enforcement action, which would either invite an appeal or a planning application to regularise matters on this site.

Councillor P Moore referred to a letter of representation which had been received from a person who kept horses in Mangrove Lane. The letter stated that the company who sold vehicles from this site added considerable traffic to the Lane and the company specialised in high performance vehicles and they often moved at high speed along Mangrove Lane, which was also used by horses

from a nearby equestrian centre.

In response to comments from Councillor D Andrews, the Director advised that informal dialogue with the landowner and the appellant had taken place and was ongoing. Members were advised that there was a risk that, should the current unauthorised use cease, a further breach of planning control could be reintroduced at any time and reported to Members as an enforcement matter.

Councillor M Alexander stated that there was a well respected planning system in East Herts and he was concerned that the appellant was seeking to bypass this system. He expressed concerns that taking no action would set a dangerous precedent. Councillors G Williamson and N Symonds also expressed concerns in respect of taking no action.

Councillor M Alexander proposed and Councillor G Williamson seconded, a motion that enforcement action be taken to secure the cessation of the unauthorised use of the upper floor of the detached garage in breach of condition 3 of planning permission ref.3/06/0604/FP with a period for compliance of 3 months from the date that the notice comes into effect, on the basis that the site was within the Metropolitan Green Belt as defined in the East Herts Local Plan where policy seeks to restrict development.

The Director advised that the authorisation of enforcement action was sometimes sufficient to secure compliance regarding breaches of planning control. Officers did not always serve an enforcement notice as the enforcement authorisation from the Committee sometimes made this unnecessary.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the Director's recommendation that no further action be taken regarding the breach of condition in respect of the site relating to E/14/0009/B.

RESOLVED – that in respect of E/13/0009/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action under Section 171 and/or Section 187 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the cessation of the unauthorised use of the upper floor of the detached garage in breach of condition 3 of planning permission ref.3/06/0604/FP

Period for compliance:

3 months from the date that the notice comes into effect.

Reason why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Herts Local Plan where policy seeks to restrict development.

535 E/12/0352/B – UNAUTHORISED USE OF LAND FOR THE PARKING OF VEHICLES AND HGV'S AT BEDWELL PARK QUARRY, BEDWELL AVENUE, ESSENDON, AL9 6AA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0352/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0352/B on the basis now detailed.

RESOLVED – that in respect of E/12/0352/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

536 E/13/0064/B – UNAUTHORISED FENCING AT WINDYRIDGE HOUSE, BRAMFIELD ROAD, HERTFORD, HERTS, SG14 2HZ

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0064/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0064/B on the basis now detailed.

RESOLVED – that in respect of E/13/0064/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

537 E/11/0039/A – UNAUTHORISED USE OF INDUSTRIAL UNIT FOR THE DELIVERY OF HOT FOOD AT UNIT 4A HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, SG11 2DY

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0039/A, enforcement action be authorised on the basis now detailed.

Councillor N Symonds stated that she was not supportive of enforcement action and suggested that Officers liaise with the appellant in terms of whether a planning application could be submitted to regularise the unauthorised use.

Councillor N Symonds proposed and Councillor M Alexander seconded, a motion that enforcement action be deferred to enable Officers to enter into further discussions with the land owner/occupier to seek informal resolution of the matter.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the Director's recommendation for enforcement action in respect of the site relating to E/11/0039/A on the basis now detailed.

RESOLVED – that in respect of E/11/0039/A, enforcement action be deferred to enable Officers to enter into further discussions with the land owner/occupier to seek informal resolution of the matter.

538 E/13/0132/B – UNAUTHORISED ERECTION OF BRICK WALL, CLOSE BOARDED FENCE AND ELECTRIC GATES AT WILLOW HOUSE (FORMERLY 'GLEBE HOUSE'), WOOD END, ARDELEY, HERTS, SG2 7AZ

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The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0132/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0132/B on the basis now detailed.

RESOLVED – that in respect of E/13/0132/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

539 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission / non determination;

(B) Planning Appeals lodged;

(C) Planning Appeals: Inquiry and Informal Hearing dates; and

(D) Planning Statistics.

The meeting closed at 10.49 pm

Chairman .....

Date .....