

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 17 NOVEMBER 2010, AT
7.00 PM

PRESENT: Councillor W Ashley (Chairman)
Councillors M R Alexander, D Andrews,
K A Barnes, S A Bull, A L Burlton,
Mrs R F Cheswright, R N Copping,
J Demonti, R Gilbert, Mrs M H Goldspink,
G E Lawrence, S Rutland-Barsby, J J Taylor,
R I Taylor and B M Wrangles.

ALSO PRESENT:

Councillors P R Ballam, A F Dearman,
L O Haysey, P A Ruffles, V Shaw and
M J Tindale.

OFFICERS IN ATTENDANCE:

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

379 APOLOGY

An apology for absence was submitted on behalf of
Councillor D A A Peek. It was noted that Councillor D

Andrews was substituting for Councillor D A A Peek.

380 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman advised that the item relating to application 3/10/0386/FP – Redevelopment of 2.15 ha brownfield site to include new Asda foodstore (2601 sqm net); 13 dwellings (5 affordable) with 21 car parking spaces; retention and redesign of children's nursery; retention and refurbishment of Kiln and Maltings buildings together with associated access, 283 car parking spaces (including 10 spaces for nursery), servicing and landscaping, associated highways and pedestrian improvements (as amended) at Cintel site, Watton Road, Ware SG12 OAE for Asda Stores Ltd had been withdrawn from the agenda.

The Chairman advised that the item relating to application 3/10/1541/FP – Proposed Extension of Existing Nursery including Glasshouse, Growing Beds, Poly tunnel, Lagoon, New Vehicular Access and Internal Road at Land at The Old Coach Road, Birch Green for Joseph Rochford Gardens Limited had been withdrawn.

The Chairman invited the Head of Planning and Building Control to update Members in respect of the recent court judgement concerning the East of England Plan. The Head of Planning and Building Control advised that the policies set out in the Regional Spatial Strategy (RSS) had been reinstated as a High Court ruling had concluded that the Secretary of State had acted unlawfully in revoking the RSS.

Members were advised that as the planning application reports had been written before the decision of the court, they made no reference to RSS planning policies. The Head of Planning and Building Control further advised that Members must now have regard to the RSS policies as this document had been reinstated. Officers would

advise Members of relevant planning policies as appropriate for the applications detailed in the reports now submitted.

381 DECLARATIONS OF INTEREST

Councillor Mrs R F Cheswright declared a personal interest in application 3/10/1582/OP in that she was an acquaintance of the applicant's architect and that firm had completed work on her house.

Councillor S Rutland-Barsby declared a personal and prejudicial interest in E/10/0367/B in that the site was in close proximity to her house. She left the room during consideration of this matter.

Councillors W Ashley and Suzanne Rutland-Barsby declared personal interests in application 3/10/1526/FP in that they were acquainted with the applicant.

Councillor M R Alexander declared a personal interest in applications 3/10/1474/AD, 3/10/1555/LB and 3/10/1719/LB in that he was more closely acquainted with the applicant as both he and Councillor M J Tindale were Members of the Executive.

Councillor M J Tindale declared a personal and prejudicial interest in applications 3/10/1474/AD, 3/10/1555/LB and 3/10/1719/LB in that he was the applicant. He left the room prior to consideration of these matters.

Councillors V Shaw declared a personal interest in applications 3/10/1466/FP and 3/10/1467/LB in that her husband was a member of Ware Arts Centre.

382 MINUTES

RESOLVED – that the Minutes of the meeting held on 20 October 2010 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Minute 327 - in 32nd, 33rd and 34th paragraphs, insert "J J" before Taylor.

Minute 328 - Delete in 5th paragraph - 'Councillor R Gilbert commented that the report highlighted that changes had been made since the previous application had been refused. He stated that the previous reasons for refusal still applied.

Insert in 5th paragraph - 'Councillor R Gilbert commented that the changes had not resulted in substantial changes to the overall mass and size of the development and therefore the previous reasons for refusal still applied'.

Minute 327 - Delete 24th paragraph - 'After being put to the meeting and a vote taken, this motion was declared LOST on the Chairman's casting vote in favour of the Cintel Site, Watton Road, Ware.

Replace with - After being put to the meeting and a vote taken, this motion was declared LOST on the Chairman's casting vote in support of the view of Ware Town Council that the Cintel Site was sequentially the best site'.

Minute 327 - Delete in 30th paragraph 'which could in turn result in the rapid decline of Ware as a medieval town.

Replace with – 'which could send Ware into a rapid decline'.

Minute 327 - Delete in 34th paragraph 'She stated that English Heritage had branded the designs as bland and repetitive.'

Replace with – 'She stated that English Heritage had branded the designs of the new houses as

bland and repetitive’.

383 3/10/1522/FP - ERECTION OF 58 RESIDENTIAL UNITS, ASSOCIATED PARKING, ACCESS, AMENITY SPACE AND LANDSCAPING, AT WALLACE LAND, BUNTINGFORD ROAD, PUCKERIDGE FOR FAIRVIEW NEW HOMES LTD

Mrs Johanneffen addressed the Committee in opposition to the application. Mr Gough spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1522/FP, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director referred to the recent High Court judgement in relation to the revoked Regional Spatial Strategy (RSS). Members were advised that this was a significant site in terms of housing delivery.

The Director referred to the Chairman’s announcement in relation to the RSS, and also that policy HSG2 in that this was not a saved policy of the East Herts Local Plan Second Review April 2007.

In response to a query from Councillor D Andrews, the Director advised that Hertfordshire County Highways did not wish to object to the application. Councillor Andrews stressed that he was broadly in support of development on this site.

Councillor Andrews acknowledged that the proposed numbers of houses were higher than that indicated in the Local Plan and was also in breach of policy. He stated that this application would set the tone for this part of the village.

Councillor Andrews commented that he would have preferred a development with housing numbers in the

upper 40s rather than the 58 dwellings proposed. He expressed concerns in relation to the proposed parking provision.

Councillor Andrews stressed that policy TR7 should be pushed to the limit in terms of the amount of parking provision to avoid any potential overspill outside this proposed development.

Councillor Andrews expressed concerns in respect of the Hertfordshire Highways recommendation that there should be no pedestrian access onto Mentley Lane East. He suggested a solution in that there should be a formal footpath provided onto Mentley Lane East. He queried whether condition 20 was a valid and sound condition on this application. The Director advised that Highways had been concerned that such an access would encourage residents of the new development to park on Mentley Lane East to access their properties across the nearby green space.

Councillor Andrews stressed that the B1368 was a fast and very busy road that was derestricted and he invited Members to give careful consideration to the points that he had raised.

Councillor K A Barnes commented that an application that was acceptable to Officers might not be acceptable for the residents. He stated that the proposed density was out of keeping with most of the village and stressed that the Parish Council was against the application.

Councillor Barnes stated that, notwithstanding the issue of inadequate parking provision, the extra vehicles would result in additional traffic problems in this area. He commented that pedestrian safety would be further compromised and the junction of the B1368 would become a nightmare.

Councillor Barnes referred to the Parish Council comments that the area was prone to flooding. He

expressed concerns that the roads within the site would not be adopted, leaving the roads to be maintained by the developer's agents. He referred to the proposed acoustically treated ventilation as a poor solution to not having a noise barrier to the nearby A10.

Councillor Barnes also expressed concerns that the community planning team had not recommended a scout hut, as requested by the Parish Council and residents. He also expressed concerns about the potential lack of play equipment.

Councillor Mrs M H Goldspink expressed concerns in respect of noise and in relation to the proposed number of dwellings. She stressed that, in relation to PPG24, Noise, the site was in a category C zone where planning permission would not normally be granted.

Councillor Goldspink expressed concerns in relation to the inadequate levels of parking proposed by this application. She also expressed concern in respect of loss of amenity if cars were parked in close proximity to private gardens.

Councillor Goldspink acknowledged the proposed 40% affordable housing, however, this was being offered in the wrong mix so was against policy. She commented that the roads within the site were too narrow and stated that the Highways Officer was concerned about this.

Councillor Mrs R F Cheswright stressed that this site was allocated for housing in 2007. She expressed concerns that the number of proposed dwellings was too high and would cause significant transport problems. She also referred to the very busy nature of the nearby B1368.

Councillor R Gilbert expressed concerns in relation to the provision of school places in this area. He also stated his concern that there were no 3 bedroom dwellings proposed as part of this application.

The Director updated Members in relation to the mix of affordable housing in that this now comprised 4x 2 bed flats, 7x 2 bed houses and 12x 3 bed houses. He stressed that there were no 4 or 5 bed affordable housing units proposed by this application. He advised that although the mix of affordable housing was not in accordance with policy, the percentage did comply with policy aspirations.

The Director confirmed that the site was an allocated location for housing. He stressed that the site was available and accessible for development and there were technical solutions that could be implemented to mitigate noise, for example, the venting referred to. He stated that other dwellings were located in at a similar distance from the A10 road in the village.

The Director advised that the proposed density was not high compared to nearby developments. He commented that the site was not remote from the settlement centre. Members were reminded they must identify the specific harm that would result from this application if they felt that they could not support it.

The Committee was advised that the proposed parking provision was generous and public spaces, including access roads within a development, were often looked after by a management company.

The Director stressed that Members must identify what particular highways problems would occur as a result of this application if they were not supportive.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/10/0396/FP be refused on the grounds that the application would result in a cramped overdevelopment of the site, poor amenity space, substandard internal roads and inadequate parking.

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

motion was declared LOST.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990, application 3/10/1522/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. To provide 23 units of affordable housing with 12 Social rented and 11 intermediate dwellings;
2. To provide 15% Lifetime Homes;
3. £94,625 towards improvements to bus stops and improvements to sustainable transport initiatives;
4. £126,092 towards Middle Tier Education;
5. £93,150 towards Upper Tier Education;
6. £22,803 towards Nursery Education;
7. £9,006 towards Childcare;
8. £2,762 towards Youth facilities;
9. £10,384 towards Libraries;
10. £8,210 towards children and young people open space provision to provide improvements to the existing play area within the vicinity of the site;

11. £14,837 towards improvements to the existing Standon and Puckeridge community centre;
12. To establish management arrangements for private roads and landscaped amenity areas within the development site;
13. £300 standard monitoring fee.

in respect of application 3/10/1522/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Programme of archaeological work (2E023)
3. Levels (2E051)
4. Samples of materials (2E123)
5. Prior to the commencement of the development, a scheme for the protection of dwellings against external noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for sound attenuation of dwellings in accordance with the Noise Assessment SKM Environs dated 17 August 2010. All works which form part of the scheme shall be completed prior to the occupation of the development.

Reason: To ensure that an adequate level of amenity for residents of the dwellings in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

6. Refuse disposal facilities (2E243)

7. Wheel washing facilities (3V251)
8. Construction hours of working – plant and machinery (6N072)
9. Construction parking and storage (3V234)
10. All existing trees, hedges and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees, hedges or hedgerows become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree, hedge or hedgerow dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

11. Tree/natural feature protection: fencing (4P075)

12. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a) means of enclosure; b) hard surfacing materials; c) planting plans; d) schedules of plants noting species, planting sizes and proposed numbers/densities and e) a timetable for implementation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

13. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 12. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

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

14. No development shall commence until a surface water drainage scheme for the site,

based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. This shall include surface water run-off management through soakaways and how surcharge water will be contained within the site boundary. The scheme shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: To minimise the risk of flooding in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

15. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the specification of the Highway Authority.

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

16. The minimum width of internal estate roads shall be 4.1metres clear of any dedicated parking area.

Reason: To ensure the safe and free movement of vehicular traffic within the site.

17. Retention of parking spaces (3V204)
18. Vehicular use of garage (5U10)

19. Prior to first occupation of the development hereby approved, provision of facilities for cycle storage shall be submitted to and approved in writing by the Local Planning Authority. Such facilities shall be implemented thereafter in accordance with the approved details.

Reason: To promote alternative modes of transport in accordance with policy TR14 of the East Herts Local Plan Second Review April 2007.

20. There shall be no pedestrian access onto Mentley Lane East. Detailed plans showing means of enclosure to prohibit pedestrian access between the site and that road and a timetable for implementation of that enclosure shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The boundary treatment shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To reduce the potential for additional vehicle usage or parking along Mentley Lane East in the interests of highway safety and convenience.

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. The presence of any significant unsuspected

contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority.

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR8, TR14, ENV1, ENV2, ENV3, ENV9, ENV11, ENV16, ENV19, ENV21, ENV25, BH1, BH2, BH3, BH6, OSV1, OSV5 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

- 384 (A) 3/10/1466/FP - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AND CREATION OF ASSOCIATED OFF-STREET PARKING; AND (B) 3/10/1467/LB - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AT CENTRAL MALTINGS, NEW ROAD, WARE HERTS SG12 7BS FOR MR M J WARNER
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Mr Cook addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1466/FP, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on the 30 November 2010, planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services also

recommended that, in respect of application 3/10/1467/LB, listed building consent be granted subject to the conditions now detailed.

The Director advised that item 4 of the section 106 planning obligations was no longer required. Condition 12 would be amended to ensure that no development would take place until details had been submitted to and approved by the local planning authority in relation to the improved vehicular and pedestrian access arrangements to the site.

Councillor P R Ballam stressed the importance of this condition in ensuring these works were carried out prior to the commencement of this development. She also referred to the concerns of Ware Town Council in relation to parking and access for emergency vehicles.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 by midday on 30 November 2010, application 3/10/1466/FP be granted planning permission subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that where the legal agreement was not completed by midday on 30 November 2010, planning permission be refused for the reason now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1467/LB be granted listed building consent subject to the conditions now detailed.

RESOLVED - that (A) subject to the applicant or

successor in title entering into a legal obligation pursuant to section 106 of the Town and Country Planning Act 1990 by midday on the 30 November 2010 to cover the following matters:

1. Financial contributions:
 - Secondary education of £45,628
 - Youth Services of £856
 - Libraries of £2,720
 - Amenity Green Space £1,626
 - Maintenance of Amenity Green Space £4,573
 - Amenity Space for children/young people £1,561
 - Maintenance of Children/young people amenity space £2,995
 - Recycling Faculties £864
 - Highways Contributions (First Strand) £12,735
 - Accessibility Contributions (Highways Second Strand) £7,500
2. A financial contribution to cover the cost of providing or provision of a fire hydrant at this site.
3. A financial contribution of £300 per clause of the obligation to cover the cost of monitoring.

in respect of application 3/10/1466/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Complete Accordance (2E10)
4. Samples of materials (2E12)
5. Lighting details (2E27)

6. Communal TV facilities (2E32)
7. Retention of parking space (3V20)
8. Construction parking and storage (3V22)
9. Landscape works implementation (4P13)
10. Landscape maintenance (4P17)
11. Construction hours of working plant and machinery (6N07)
12. No development shall take place unless and until details have been submitted to and approved by the local planning authority of a) the improved vehicular and pedestrian access arrangements to the site (including treatment to the frontage wall) and b) a landscaping scheme for the improvement of the parcel of land to the front (west) of the site. The development shall thereafter be carried out in accordance with those approved details and the agreed scheme implemented prior to the first occupation of any of the residential units to be created and thereafter retained.

Reason: To address highway safety and the character and appearance of the conservation area in accordance with policies ENV1 and TR2 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Relationship with Listed Building (26LB)
(LPA ref: 3/08/1784/LB)
3. Highway Works (05FC)

4. Planning Obligation (08PO)
5. Street Numbering (19SN)

Summary of Reason 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 policies SD1, HSG3, HSG6, EDE2, TR7, TR14, ENV1, ENV2, BH6, and IMP1 of the East Herts Local Plan Second Review April 2007. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

(B) if the legal agreement referred to in recommendation (A) is not completed by midday on 30 November 2010, the Director of Neighbourhood Services be authorised to refuse planning permission for the following reason:

1. The proposal fails to make adequate financial provision for infrastructure or access improvements necessary to support the proposed development. The development is thereby contrary to policy IMP1, ENV1 and TR2 of the East Herts Local Plan Second Review April 2007.

(C) in respect of application 3/10/1467/LB, listed building consent be granted subject to the following conditions:

1. Three year Time Limit (1T14)
2. Samples of materials (2E12)

3. Listed Building New windows (8L03)
4. Listed building New doors (8L04)
5. Listed Building New brickwork (8L06)
6. Listed Building New rainwater goods (8L09)
7. Listed Building making Good (8L10)

Summary of Reason for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan) and in particular policies HE9 and HE10 of national planning guidance PPS5. The balance of the considerations having regard to those policies and other material considerations is that Listed Building Consent should be granted.

385 (A) 3/10/1582/OP - THE ERECTION OF A SINGLE DWELLING AND (B) 3/10/1583/OP - THE ERECTION OF A PUBLIC HOUSE AND TWO DWELLINGS AT THE FORMER COCK PUBLIC HOUSE, STOCKING PELHAM FOR MR D LYLE SMITH

Mr Barker addressed the Committee in support of application 3/10/1583/OP. Mr Nicholls addressed the Committee in opposition to application 3/10/1582/OP.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1582/OP, planning permission be granted subject to the conditions now detailed and that, in respect of application 3/10/1583/OP, planning permission be refused for the reasons now detailed.

At the request of Councillor M J Tindale, as the local ward Member, the Committee consented to consider issues

relating to application 3/10/1583/OP prior to application 3/10/1582/OP.

Councillor Tindale stressed that a pub in this location was viable, particularly in relation to the justification provided by the enabling development. He strongly stated that the village needed this pub and urged Members to consider deferring this application so that further information could be submitted to satisfy Officers' concerns.

Councillor R Gilbert stated this was a very important asset for the village but more information was required, particularly in relation to policies STC8, LRC11 and OSV8. Councillors K A Barnes and R N Copping both supported the possibility of deferring this application.

The Director advised that the key issue in relation to enabling development was how much was required. He stressed that pubs in rural locations historically struggled to survive. Members were advised that Officers ideally needed to see a business plan for a pub in this location or other information that would support an argument that it would remain viable in the longer term.

The Committee was advised that Officers had not been satisfied that two dwellings were necessary to enable the provision of a pub. The financial information currently provided was unclear and contained inappropriate information.

Councillor R Gilbert proposed and Councillor Mrs R F Cheswright seconded, a motion that application 3/10/1583/OP be deferred to enable Officers to seek further information in relation to the costs associated with the development of a new public house and for the submission of a business plan for the subsequent operation of a new public house and also to enable a legal agreement to be drafted which would seek to ensure the provision of a new public house.

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

motion was declared CARRIED.

Councillor Tindale urged the Committee to refuse application 3/10/1582/OP, as it would be wrong to approve an application for a single dwelling when there was an avenue of opportunity to secure a new village pub.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded, a motion that application 3/10/1582/OP be refused as the application was contrary to policy OSV3 and was inappropriate development for which there were no special circumstances.

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 that application 3/10/1583/OP be refused planning permission for the reasons now detailed.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1582/OP be granted planning permission subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1583/OP, planning permission be deferred to enable Officers to seek further information in relation to the costs associated with the development of a new public house and for the submission of a business plan for the subsequent operation of a new public house and also to enable a legal agreement to be drafted which would seek to ensure the provision of a new public house; and

(B) in respect of application 3/10/1582/OP, planning permission be refused for the following reason:

1. R0322 – after “GBC3” add: ‘and OSV3’.

386 3/10/1526/FP - LOG CABIN MOBILE HOME FOR AGRICULTURAL WORKER AT EDWARDS GREEN FARM, BRICKENDON LANE, BRICKENDON SG13 8NT FOR MR R PETERS

Mr Peters addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1526/FP, planning permission be refused for the reasons now detailed.

Councillor R Gilbert stressed that livestock, in particular calving cattle, were present on this site. He stressed that this alone was sufficient justification for approving this application against the policies of the East Herts Local Plan Second Review April 2007.

The Director advised that Officers were aware of the livestock care requirements on the site. The Committee was advised that there were two dwellings already on the site, namely the original farmhouse and an additional dwelling approved in 1994 for agricultural workers.

The Director stressed that Members should not be swayed by the personal circumstances of the applicant. The Committee was strongly advised to give significant weight to policy PPS7 of the East Herts Local Plan Second Review April 2007 as well as national policy guidance.

Councillor R N Copping proposed and Councillor R Gilbert seconded a motion that application 3/10/1526/FP be granted a temporary permission for 3 years on the grounds that there was justification for an additional agricultural dwelling on the site.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1526/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1507/FP, planning permission be granted subject to the following conditions:

1. Temporary Permission Use “30 November 2013” (1T091)
2. Agricultural Occupancy (5P054)

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 saved policies of the East Herts Local Plan Second Review April 2007), in particular policies GBC and GBC6 and national policy guidance in PPS7: Sustainable Development in Rural Areas. The balance of considerations taking into account the very special circumstances is that planning permission should be granted.

387 3/10/1200/FP - NEW FUNCTION BARN TO PROVIDE ENTERTAINMENT SPACE FOR WEDDINGS, CHARITY FUNDRAISING EVENTS IN ASSOCIATION WITH TEWIN BURY FARM HOTEL AT TEWIN BURY FARM HOTEL, HERTFORD ROAD TEWIN, AL6 0JB FOR MR V WILLIAMS

Mr Williams and Mr Saint-Pier addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1200/FP, planning permission be refused for the reasons now detailed.

Councillor L O Haysey, as the local ward Member, addressed the Committee in support of the application. She referred to the lengthy planning history at Tewin Bury Farm and stated that this application offered an opportunity for the concerns of Planning and Enforcement Officers to be addressed.

Councillor Haysey commented that the reasons for refusal were not substantial and asked that this application be approved. In respect of policy GBC8, Councillor Haysey stressed that this policy made provision for new buildings in the Green Belt.

Councillor Haysey stated that although the proposed development seemed inappropriate under policy GBC1, this policy did allow for inappropriate development under special circumstances.

Councillor Haysey stressed that the special circumstances related to the applicant's stewardship of the nearby River Mimram.

Councillor Haysey stated that the existing marquees were an eyesore with a footprint considerably greater than the proposed barn. She commented that the proposed barn would not be overbearing and had been carefully designed to take into account the local features of the listed building.

Councillor Haysey stressed that any concerns in relation to the visual impact or light and noise pollution could be covered by conditions. Councillor Haysey urged the Committee to consider the strong local support for the application when reaching a decision.

Councillor B M Wrangles supported the proposed development and stressed that Tewin Parish Council had spoken very highly of the application. She stated that, subject to appropriate conditions, the application should be approved.

Councillor R Gilbert stated that without this application the valley of the River Mimram would suffer quite badly. He stated that the proposed development constituted diversification that would replace some unattractive marquees with an attractive barn development that sat well within the surrounding area.

Councillor Mrs R F Cheswright commented that the application should be approved as it complied with policies GBC3 and ENV1 of the East Herts Local Plan Second Review April 2007. Councillor J Demonti stated that the Committee should approve this application in support of a thriving local business.

Councillor D Andrews supported the application and commented on whether a condition should be attached to ensure the marquees were removed from the site.

Councillor S Rutland-Barsby stressed that if the Committee was minded to approve the application, this decision should be deferred pending the outcome of the enforcement appeal for the two marquees on the site.

The Director reminded the Committee that Members had authorised enforcement action against the one of the marquees and the car park about a year ago. An appeal had been lodged and the Committee was advised that a decision on this was expected towards the end of 2010 or early 2011.

Members were reminded that approving this application could undermine the case of the Authority at the aforementioned appeal and that the Council could be seen as unreasonable. The Director stressed that there was a risk of costs being awarded against the Authority should Members approve the application this evening.

The Director reminded the Committee that this application was inappropriate development in the greenbelt and Members must consider the visual impact of the

application. The Director also stated that Members should judge whether the application was inappropriate and whether there were any special circumstances that outweighed the visual impact of the proposed developed.

The Director stressed that linking the application to the conservation works to the Mimram Valley by way of a Section 106 planning obligation agreement would not meet the normal tests of such agreements.

In response to a query from Councillor R Gilbert, the Director stated that it would not benefit the applicant to withdraw the appeal, as the enforcement notice would remain in force and the land owner would be breaking the law if the marquee was not removed.

Councillor B M Wrangles proposed and Councillor M R Alexander seconded a motion that application 3/10/1200/FP be deferred to enable the outcome of the current appeal against enforcement action to be received.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1200/FP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/10/1200/FP, planning permission be deferred to enable the outcome of the current appeal against enforcement action to be received.

- 388 (A) 3/10/1664/FP - REPLACEMENT OF GLAZED MONO-PITCH ROOF WITH SLATE; INSTALLATION OF WIND CATCHERS AND SOLAR WATER HEATERS AT ROOF LEVEL; NEW ENTRANCE DOORS AND WINDOW TO EAST ELEVATION AND INSERTION OF VENT LOUVRES TO EXISTING WINDOWS; (B) 3/10/1665/LB - INTERNAL ALTERATIONS; REPLACEMENT OF GLAZED MONO-

PITCH ROOF WITH SLATE; INSTALLATION OF WIND CATCHERS AND SOLAR WATER HEATERS AT ROOF LEVEL; NEW ENTRANCE DOORS AND WINDOW TO EAST ELEVATION AND INSERTION OF VENT LOUVRES TO EXISTING WINDOWS AT WALLFIELDS, PEGS LANE, HERTFORD, SG13 8EQ FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of applications 3/10/1664/FP and 3/10/1665/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/10/1664/FP and 3/10/1665/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1664/FP, planning permission be approved subject to the following conditions:

1. Three year time limit (1T12)

Directives:

1. Other legislation (01OL)
2. Relationship with Listed Building Consent (26LB – insert '3/10/1665/LB')

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2 and ENV1, and PPS5. The balance of the considerations having regard to

those policies is that permission should be granted.

(B) in respect of application 3/10/1543/LB, listed building consent be approved subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning Practice Guide.

3. Prior to any building works being first commenced, detailed drawings including sections, showing the new internal door and architraves, and vision panel which it is proposed to install in the existing door, together with a detailed description or specification, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the historic and architectural character of the building is properly maintained in accordance with PPS5 – Planning for the Historic Environment and the accompanying Historic Environment Planning Practice Guide.

4. Listed building (making good) (8L10)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policy PPS5. The balance of the considerations having regard to those policies is that permission should be granted.

389 3/10/1507/FP - EXISTING REAR GABLE INCREASED IN HEIGHT TO CREATE EXTRA FIRST FLOOR ACCOMMODATION, ONE AND HALF STOREY REAR EXTENSION, BASEMENT UNDER PROPOSED REAR EXTENSION, INTERNAL ALTERATIONS AND DEMOLITION OF EXISTING STABLE BLOCK TO NORTH LODGE, ROWNEY PRIORY, ROWNEY LANE, DANE END, WARE, HERTS, SG12 0JY FOR MR D LANG

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1507/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1507/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1507/FP, planning permission be granted subject to the following conditions:

1. Time limit (1T121)
2. Matching materials (2E133)
3. The development to which this planning permission relates shall not be implemented if any part of the development for which

planning permission was granted on 14th May 2010 under reference 3/10/0323/FP is begun.

Reason: To ensure that the extent of the enlargement of the property is appropriate for this Rural Area location, in accordance with policies ENV1, ENV5, ENV6 and GBC3 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL1)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6 and GBC3. The balance of the considerations having regard to those policies and national policy guidance in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas guidance is that planning permission should be granted.

- 390 (A) 3/10/1474/AD - ILLUMINATED FASCIA SIGN;
 (B)3/10/1555/LB - ILLUMINATED FASCIA SIGN;
 (C)3/10/1719/LB - DEMOLITION AND REINSTATEMENT OF INTERNAL LOBBY, CLAD INTERIOR OF SHOP, ERECT INTERNAL PARTITION, INSTALL NEW LIGHTING SYSTEM AND REFURBISHMENT AT 17 OLD CROSS, HERTFORD FOR MR MICHAEL TINDALE
-

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1474/AD, advertisement consent be granted subject to the

conditions now detailed. The Director of Neighbourhood Services also recommended that, in respect of applications 3/10/1555/LB and 3/10/1719/LB, Listed Building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/10/1474/AD, 3/10/1555/LB and 3/10/1719/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1474/AD, advertisement consent be approved subject to the following conditions:

1. Standard advertisement (7A012)
2. The level of illumination shall not exceed 150 lumens/m²

Reason: In the interests of the visual amenities of the area, and in accordance with policies ENV1 and BH15 of the East Herts Local Plan Second Review April 2007.

Directive:

1. Other legislation (01OL1)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1 and BH15. The balance of the considerations having regard to those policies is that advertisement consent should be granted.

- (B) in respect of application 3/10/1555/LB, listed

building consent be approved subject to the following conditions:

1. Time limit (1T141)
2. Prior to the erection of the sign hereby approved, details of the proposed materials and means of illumination for the sign shall be submitted to, and approved in writing by the Local Planning Authority.

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

Directive:

1. Other legislation (01OL1)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1 and BH15 and guidance in national Planning Policy Statement 5 – Planning and the Historic Environment. The balance of the considerations having regard to those policies is that Listed Building consent should be granted.

(C) in respect of application 3/10/1719/LB, listed building consent be approved subject to the following conditions:

1. Time limit (1T141)
2. New plasterwork (8L054)

3. Making good (8L104)

Directive:

1. Other legislation (01OL1)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1 and ENV3 and guidance in national Planning Policy Statement 5 – Planning and the Historic Environment. The balance of the considerations having regard to those policies is that Listed Building consent should be granted.

391 3/10/1686/FP - CHANGE OF USE OF GROUND FLOOR FROM BETTING SHOP (A2 USE) TO NAIL BAR (SUI GENERIS) AT 3A BULL PLAIN, HERTFORD, SG14 1DT FOR MR BINH THANH DUONG

Mr Jennings addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1686/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1686/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1686/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)

Directive:

1. Other legislation (01OL)

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 the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD2, TR7, STC3 and ENV1. The balance of the considerations having regard to those policies is that permission should be granted.

392 3/10/1657/FP - EXTENSION AND CONVERSION OF EXISTING GARAGE TO FORM A ONE BEDROOM 'GRANNY ANNEXE' AT COLTSFOOT, CHERRY ORCHARD LANE, WYDDIAL, BUNTINGFORD, SG9 0EN FOR MISS A KENT

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1657/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1657/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1657/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)

2. Matching materials (2E133)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV2, ENV5, ENV6, ENV8 and TR7. The balance of the considerations having regard to those policies is that permission should be granted.

393 E/09/0010/B – (A) UNAUTHORISED CHANGE OF USE FROM VACANT LAND TO USE FOR THE STORAGE OF TIMBER PRODUCTS; THE ERECTION OF FENCING; (B) AND UNAUTHORISED ENGINEERING WORKS AND ADJUSTMENT OF LAND LEVELS AT A414 TIMBER, BRIGGENS HOME FARM, BRIGGENS PARK ROAD, STANSTEAD ABBOTTS, SG12 8LB

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0010/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0010/B on the basis now detailed.

RESOLVED – that in respect of E/10/0010/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure the removal of the unauthorised development and the cessation of the

unauthorised use of the land and the restoration of the land to its previous levels and condition.

Period for compliance: 3 months.

Reasons why it is expedient to issue an enforcement notice:

1. The site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such very special circumstances are apparent in this case, and the development is therefore contrary to saved policy GBC1 of the East Herts Local Plan Second Review April 2007 and the requirements of national planning policy in PPS7 'Sustainable Development in Rural Areas'.
2. The fencing, by reason of its siting and design would appear unduly prominent in the area to the detriment of the character and appearance of the locality and the openness of the Green Belt, contrary to saved policies ENV1 and GBC1 of the East Herts Local Plan, Second Review, April 2007.

394 E/10/0367/B - UNAUTHORISED ENGINEERING OPERATION TO RAISE THE LEVELS OF THE LAND BY THE DEPOSIT OF SPOIL AT LAND OFF ST MARY'S LANE, HERTINGFORDBURY, HERTS

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0367/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0367/B on the basis now detailed.

RESOLVED – that in respect of E/10/0367/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under section 172 of the Town and Country Planning Act 1990 and any such further steps as may be required to secure (a) the cessation of the engineering operation to alter the levels of the land; (b) the removal of the spoil from the site and (c) the restoration of the land to its former levels.

Period for compliance: a) 1 month
 b) 1 month
 c) 1 month

Reason why it is expedient to issue an enforcement notice:

1. The Council considers that the development is not required for genuine agricultural purposes on the site. No justification has been provided for the need for the engineering operation nor are there any very special circumstances apparent in this case. The unauthorised development is visually intrusive from the adjoining bridleway and is out of keeping with and detrimental to the character and appearance of the surrounding rural area. The development is thereby contrary to the saved Metropolitan Green Belt policy as expressed in PPG2 and policy GBC1 of the East Herts Local Plan Second Review April 2007.

395 E/10/0275/B - UNAUTHORISED MATERIAL CHANGE OF USE OF THE LAND, FROM A DWELLINGHOUSE TO A RESIDENTIAL INSTITUTION, AT THE BEECHES

(FORMERLY THE ORCHARD), WESTMILL, SG9 9LL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0275/B, enforcement action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for enforcement action to be authorised in respect of the sites relating to E/10/0275/B on the basis now detailed.

RESOLVED – that in respect of E/10/0275/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under Section 172 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.

Period for compliance: 6 months.

Reasons why it is expedient to issue an enforcement notice:

1. The application site lies within a Category 3 Village and the Rural Area, both as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the development and it is thereby contrary to policies OSV3 and GBC3 of the East Herts Local Plan Second Review April 2007.
2. Insufficiently detailed information is available to the local planning authority to determine whether or not the use is likely to result in detriment to the amenities of nearby residential properties by reason of noise and general disturbance, contrary to policy ENV1

of the East Herts Local Plan Second Review
April 2007.

396 VALIDATION OF PLANNING APPLICATIONS - NATIONAL
AND LOCAL LIST CONSULTATION

The Head of Planning and Building Control submitted a report inviting the Committee to approve, for consultation purposes, a revised 'local list' of validation requirements for planning applications.

The Committee received the report.

RESOLVED - that consultation with relevant stakeholders on the revised 'local list' of validation requirements for planning applications be approved.

397 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 9.20 pm

Chairman
Date