

# Minutes



To: All Members of the  
Development Control  
Committee, Chief Officers, All  
officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Nicola Cahill  
Ext: 25554

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## DEVELOPMENT CONTROL COMMITTEE

26 MAY 2016

### ATTENDANCE

#### MEMBERS OF THE COMMITTEE

D J Barnard, D S Drury, M J Cook, J Lloyd, M B J Mills- Bishop (substituting for P A Ruffles), M D M Muir, S Quilty, I M Reay (Chairman), A D Williams

#### ALSO IN ATTENDANCE

R Sangster, J D Williams

Upon consideration of the agenda for the Development Control Committee meeting on 26 May 2016 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: There were no declarations of interest.*

#### CHAIRMAN'S ANNOUNCEMENTS

- (i) If a Member wished their particular view on an item of business to be recorded in the Minutes, it would be recorded on request by that Member.
- (ii) Members were reminded of their obligation to declare interests at the start of the meeting.
- (iii) Notification of Part 2 business had been received in relation to Item 3, the Chairman proposed to vary the order of the agenda to allow for the consideration of this item immediately prior to the Part 2 business.

#### PART I ('OPEN') BUSINESS

##### MINUTES

The minutes of the Committee meeting held on 25 February 2016 were confirmed as a correct record and signed by the Chairman.

##### ACTION

Nicola Cahill

## **PUBLIC PETITIONS**

There were no public petitions.

### **1. APPLICATION FOR MINERAL EXTRACTION AND IMPORTATION OF SAND AND GRAVEL AND RECLAMATION MATERIALS (FROM DENHAM PARK FARM) WITH RESTORATION TO AGRICULTURE AND A SMALL WETLAND AREA TO BE COMPLETED NOT LATER THAN 31 DECEMBER 2018 AT PYNESFIELD, OFF TILEHOUSE LANE, MAPLE CROSS, RICKMANSWORTH, HERTFORDSHIRE.**

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[Officer Contact: Sharon Threlfall Tel 01992 556270]

- 1.1 The Development Control Committee considered the resubmission of planning application 8/1254-15 for mineral development on Land at Pynesfield, Maple Cross, Hertfordshire.
- 1.2 Members were advised that the application sought permission for mineral extraction and importation of sand and gravel and reclamation materials, with restoration to agriculture and a small wetland area to be completed no later than 31 December 2018 on land at Pynesfield, Maple Cross, Hertfordshire. The Committee were advised that the Pynesfield site comprised a total of 17 hectares of arable land, the area for proposed workings was 9 hectares.
- 1.3 The Committee were advised that the water table at the site was close to the surface, the applicant did not propose to dewater the extraction material. The material would be worked wet, below the water table, creating a water-filled void.
- 1.4 It was noted that at the centre of the site lay an area of historic waste. The application sought approval for removal of the waste which would be removed from the site for disposal at an appropriate licensed facility.
- 1.5 Members were advised that there was a high quality deposit of sand and gravel at the site. So as ensure the development would not conflict with the Government's intention to build and operate a high speed railway in this location, the proposed completion date was 31 December 2018. In order to avoid sterilisation of the minerals it was proposed that the extraction and restoration of the land be undertaken with shortened timescales. It was highlighted that in order to accommodate the timescales the application sought to increase the number of permitted HGV movements associated with Pynesfield and Denham Park Farm at a combined total of 200 (100 in 100 out). It was confirmed that Members could

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require the installation of a device to monitor lorry movements by way of condition, and confirmed that the County Council would also have access to information collected by the weigh-bridge.

1.6 Prior to questions and debate in opposition to the application the Committee were addressed by:

1. Michael Fosberry
2. Paul Kelleher
3. Sylvia Ball
4. Ann Shaw

In support of the application the members were addressed by Doug Symes.

1.7 Members were addressed by the Local Member who reiterated the concerns raised by local residents speaking in opposition to the application. He cited concerns relating to the impact on local amenity, highways concerns relating to volume and safety, impact on the green belt, the intensity of operations to meet the timescales and flood risks. He also highlighted the need for a vigorous monitoring regime to address the implications of disturbing asbestos and risk of contamination to the water supply when removing the historical waste from the site.

1.8 Members noted that in accordance with the National Planning Policy Framework that the application had been given additional weight owing to the proposal for HS2 to utilise the land which would lead to sterilisation. The NPPF specified that local authorities must identify a minimum of 7 years supply of sand and gravel, Hertfordshire County Council had identified a 10.4 years supply. However, Hertfordshire County Council policy stated that where sterilisation would occur as a result of development, extraction projects should be brought forward to avoid the loss of material.

1.9 Following concerns raised both in the responses to consultation and by those speaking in opposition to the application Members sought reassurances regarding the risks in relation to contamination of the water supply. Rob Devonshire, Environment Agency addressed the Committee advising that the proposed conditions sought to address this risk. Members were advised that the removal of the waste material from the site would create a net improvement to the environment. Following questions from Members regarding monitoring, it was confirmed that should the application be granted, additional boreholes would be created to allow for regular monitoring.

1.10 Members sought clarification following regarding the potential for increased flood risk which might arise as the result of replacing

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sand and gravel with less porous clays. Officers advised that should Members be minded to grant permission, surface water flood risk would be mitigated by way of condition; the site would be restored to its existing topography and the applicant would be required to install a Surface Water Drainage Scheme.

## **CONCLUSION**

1.11 The consideration of the item was deferred to the next meeting pending further reflection upon the issues raised throughout Member discussion and debate.

2. **PLANNING APPLICATION FOR THE VARIATION OF CONDITION 71, THE PRE-SETTLEMENT CONTOURS IS BEING SOUGHT TO REGULARISE THE TIPPED CONTOURS ON SITE AND ALSO TO PROVIDE DETAILS ON THE LANDSCAPING RESTORATION AND AFTER USE TO REFLECT THE NEW CONTOURS AND TO DISCHARGE CONDITION 73 OF 3/2279-13 AT BUNKERS HILL QUARRY, LOWER HATFIELD ROAD, HERTFORD**

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[Officer Contact: Chay Dempster Tel 01992 556211]

2.1 The Development Control Committee considered application 3/0927-16 for the variation of Condition 71, the pre-settlement contours to regularise the tipped contours on site and to provide details of landscaping restoration and after use to reflect the new contours and to discharge Condition 73 at Bunkers Hill Quarry, Lower Hatfield Road, Hatfield.

2.2 Members were advised that Officers considered the proposal to be inappropriate development in the green belt and very special circumstances that outweigh harm to the green belt had not been sufficiently demonstrated. The application had sought the retention in situ of some 200,000m<sup>3</sup> to 280,000m<sup>3</sup> of waste, removal of 80,000m<sup>3</sup> of 'unsuitable waste', an upper contour of 77-78m<sup>3</sup> and hedgerow and woodland planning.

2.3 Prior to questions and debate the Committee was addressed by Anne Willoughby-Richards, local resident objecting to the application and Tim Slaven, speaking in support of the application.

2.4 In general debate Members noted that the development would create a dominant landform and impact upon openness in the green belt.

## **CONCLUSION**

2.5 That the proposed scheme would result in a number of

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unacceptable impacts on the local environment, therefore the Chief Executive and Director of Environment was authorised to refuse planning permission for the following reasons:

The proposed scheme would result in a number of unacceptable impacts upon the local environment, and therefore it is recommended that planning permission should be refused for the following reasons:

- The proposal constitutes inappropriate development in the Green Belt. There are no very special circumstances apparent to outweigh the harm to the Green Belt and other harm identified. The proposal is thereby contrary to the provisions of the NPPF (Paragraphs 87 and 88), Policy 6 Green Belt of the Hertfordshire Waste Development Framework: Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 Adopted November 2012, and Policy GBC1 of the East Herts Local Plan Second Review 2007.
- The proposed development by reason of the scale and mass of the landform would harm the openness of the Green Belt. The essential characteristics of Green Belts are their openness and their permanence (NPPF, Paragraph 79). The proposal would thereby be contrary to the provisions of the NPPF and of Policy GBC1 of the East Herts Local Plan Second Review 2007.
- The proposed landform would be out of character with the landscape character area contrary to Minerals Policy 12 (Landscape) of the Hertfordshire Minerals Local Plan Review 2007.
- The retention of the excess material on site is unnecessary for the appropriate restoration and afteruse of the site. The proposal is thereby contrary to Minerals Policy 15 (Landfill) of the Hertfordshire Minerals Local Plan Review 2007 and Policy 4 (Landfill and Landraise) of the Hertfordshire Waste Development Framework: Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026 Adopted November 2012.
- The application fails to demonstrate that a sustainable agricultural afteruse would be achieved, or to provide sufficient information to cover the aftercare period. The proposal would be contrary to Minerals Policy 13 of the Hertfordshire Minerals Local Plan Review 2007, and Policy 11 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2011-2026.

**3. APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 0/2529-10 TO PERMIT COMPLETION OF THE ENTIRETY OF FORMER DEFINED PHASE 2, CONSEQUENT UPON ALREADY CERTIFIED COMPLETION OF FORMER DEFINED PHASE 1, INCLUDING THE RE-GRADING OF MATERIALS ON SITE AND IMPORTATION OF SUPPLEMENTARY MATERIALS, AT DYRHAM PARK GOLF AND COUNTRY CLUB, GALLEY LANE, BARNET, EN5 4RA**

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[Officer Contact: Rob Egan Tel 01992 556224]

3.1 The Development Control Committee considered planning application 0/0462-16 for the variation of Condition 3 of planning permission 0/2529-10 to permit completion of the entirety of former defined Phase 2, consequent upon already certified completion of former defined Phase 1, including the re-grading of materials on site and importation of supplementary materials, at Dyrham Park Golf and Country Club, Galley Lane, Barnet.

3.2 Members were advised that the application sought to vary Condition 3 of planning permission 0/2529-10 in order to allow a re-contouring of the land. It was intended that a 9-hole golf course, in variance to the contours authorised, be constructed to complement the existing 18-hole golf club. The application also sought permission to retain waste materials already on site and to import a further 75,230 cubic metres of waste materials to facilitate the contour changes.

3.3 The Committee were advised that the applicant had not demonstrated very special circumstances to justify the need for re-contouring the land. The application represented inappropriate large-scale development in the Green Belt and would adversely impact upon the openness of the historic parkland, the proposed levels would be 4 metres above original ground level.

3.4 Derek Marlow addressed the committee in support of the application.

3.5 Members noted that the waste materials on the site were 70% above that which had been permitted, as such retrospective permission should be sought or the materials removed.

**3.4 CONCLUSION**

That the Chief Executive and Director of Environment be authorised to refuse planning permission for the following reasons:

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- The proposed development constitutes inappropriate development within the Green Belt, having an adverse impact on openness. The applicant has failed to demonstrate that the harm to the Green Belt by reason of inappropriateness is clearly outweighed by other considerations and therefore, very special circumstances do not exist. The proposal is therefore contrary to the NPPF, Policies C1 and C4 of the Hertsmere Local Plan 2003, and Policy CS13 of the Hertsmere Local Plan Core Strategy 2013.
- The proposal constitutes significant landraising, and would result in a landscape that is incongruous with its wider setting and that of the historic parkland in which it sits, being visually intrusive and adversely impacting upon amenity, contrary to the NPPF and the aims of Policy 4 of the Waste Core Strategy, as well as Policy CS14 of the Hertsmere Local Plan Core Strategy 2013

**4. APPLICATION FOR THE RESTORATION TO CONSERVATION AFTER USES THROUGH THE IMPORTATION AND FINAL DISPOSAL OF ENGINEERING MATERIALS COMPRISING INERT WASTE AT HATFIELD CEMEX QUARRY, OAKLANDS LANE, ST ALBANS, HERTFORDSHIRE, AL4 0HS**

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[Officer Contact: Chay Dempster Tel 01992 556211]

- 4.1 The Development Control Committee considered planning application 5/1240-14 for the restoration to conservation after uses through the importation and final disposal of engineering materials comprising inert waste at Hatfield Cemex Quarry, Oaklands Lane, St Albans, Hertfordshire, AL4 0HS on behalf of Cemex UK Operations Ltd.
- 4.2 The Committee were advised that the application proposed the infilling of Cut Field Lagoon at Hatfield Quarry complex using 663,103 of imported inert waste to be comprised of fragments of brick, concrete and engineering clay and soils. It was proposed that HGV access to the site would be provided via the existing haul road, with the proposal for an additional two passing places.
- 4.3 Members noted that disposal of waste of this kind in the Green Belt was permitted for the infilling of previous sites. The very special circumstances which outweighed any harm to the Green Belt were highlighted as follows: improvement to the River Nast via the restoration of Cut Field, improvements to Rights of Ways, improved restoration across historic lagoons and increased biodiversity.

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- 4.4 Kirsten Hannaford-Hill spoke in support of the application on behalf of the applicant.
- 4.5 Members highlighted the positive work already undertaken by the developer in the area and acknowledged that the proposed scheme would create further enhancements.

**CONCLUSION**

- 4.6 That the Chief Executive and Director of Environment be authorised to grant planning subject to the applicant entering into a s106 agreement and the conditions set out in Appendix III to the report.

5. **APPLICATION FOR THE VARIATION OF CONDITION 5 (TIME LIMIT FOR COMPLETION) AND CONDITION 7 (VEHICLE MOVEMENTS) ON PLANNING PERMISSION 3/0518-11 TO EXTEND THE TIME LIMIT TO 13 SEPTEMBER 2016 AND INCREASE VEHICLE MOVEMENTS TO 48 (24 IN AND 24 OUT) AT WATERFORD LANDFILL SITE, BRAMFIELD LANE, WATERFORD, SG14 2QF**

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[Officer Contact: Rob Egan Tel 01992 556224]

- 5.1 The Development Control Committee considered planning application reference 3/0649-16 for the variation of Condition 5 (time limit for completion) and Condition 7 (vehicle movements) on planning permission 3/0518-11 to extend the time limit to 13 September 2016 and increase vehicle movements to 48 (24 in and 24 out) at Waterford Landfill Site, Bramfield Lane, Waterford.
- 5.2 The Committee were advised that the application sought to vary Condition 5 of planning permission reference 3/0518-11 in order to extend the lifetime of the re-restoration of the former landfill site at Waterford Pit with an extension to the time limit by a further 6 months, with an end date of September 2016. The application also sought to vary Condition 7 from 32 HGV movements per day, to 48 to allow for timely completion of the works.
- 5.3 Members were advised that the restoration of the site was nearing completion and as such should be achievable within the proposed extended time limit.
- 5.4 **CONCLUSION**  
That the Chief Executive and Director of Environment be authorised grant planning permission to vary Conditions 5 and 7 of planning permission reference 3/0518-11, with all other conditions

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remaining the same except where they need to be updated to reflect any already approved schemes in respect of the extant permission. It is also recommended to add a new condition to the planning permission to require the operators to record all vehicle movements into and out of the site.

Condition 5 will read:

“The development to which this planning permission relates shall be completed by 22 September 2016. For the purposes of this condition, this shall include all operations authorised or required by this permission but shall exclude those relating to aftercare.”

Condition 7 will read:

“There shall be no more than 48 Heavy Goods Vehicle movements (24 in, 24 out) during one working day.”

The new condition will read:

“A record of the number of Heavy Goods Vehicles entering and leaving the site in any one working day shall be kept on the site by the operator. These shall contain details of the registration numbers and the date and time of delivery of materials to the site, together with details of the type and nature of the materials being delivered. These records shall be readily available for inspection by the Waste Planning Authority.

Reason: To ensure that the operator does not exceed the vehicle movements allowed by Condition 7 thereby ensuring that highway safety is not compromised and in the interests of the free flow of traffic.”

**6. APPLICATION FOR THE VARIATION OF CONDITION 10 (LIMIT OF OPERATIONS CONCERNING IMPORTATION OF MATERIAL) OF PLANNING PERMISSION 1/0993-13 TO REVISE TIME LIMIT FOR IMPORTATION PHASE OF PROJECT UNTIL 23RD JUNE 2015. LETCHWORTH GOLF CLUB LETCHWORTH LANE, LETCHWORTH GARDEN CITY, SG6 3N**

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[Officer Contact: Jenny foster Tel 01992 556245]

- 6.1 The Development Control Committee considered an application which sought an extension of time for importation of material to Letchworth Golf Course. The application had previously been presented to Development Control Committee on the 20 January 2015 .The resolution sought to grant planning permission subject

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to a S106 agreement for £72,500 in respect of road repairs.

## 6.2 CONCLUSION

That under Section 59 of the Highways Act 1980 an agreement be entered into by both parties to seek to recover the cost for Highway repairs to the value of £28,000 and that the application be withdrawn following this.

### EXCLUSION OF PRESS AND PUBLIC

#### Decision

The Panel agreed that under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and the public interest in maintaining the exemption outweighs the public interest in disclosing the information because it contains information about the financial and business affairs of the applicant and was given to the County Council in confidence. This information is not publically available and disclosure may prejudice the applicant's business and confidence in the County Council's processes.

1. **APPLICATION FOR THE VARIATION OF CONDITION 3 OF PLANNING PERMISSION 0/2529-10 TO PERMIT COMPLETION OF THE ENTIRETY OF FORMER DEFINED PHASE 2, CONSEQUENT UPON ALREADY CERTIFIED COMPLETION OF FORMER DEFINED PHASE 1, INCLUDING THE RE-GRADING OF MATERIALS ON SITE AND IMPORTATION OF SUPPLEMENTARY MATERIALS, AT DYRHAM PARK GOLF AND COUNTRY CLUB, GALLEY LANE, BARNET, EN5 4RA**

[Officer Contact: Rob Egan (01992 556224)]

The decision reached in Part II business in relation to this item is recorded in at minute 3.

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

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