MEMORANDUM

To: Members of the Development Control Committee
   Chief Officers

From: Legal and Member Services
Ask for Nicola Cahill
Ext 25554
My Ref NC/DCC/140326
Your Ref

DEVELOPMENT CONTROL COMMITTEE
26 MARCH 2014

MINUTES

ATTENDANCE

MEMBERS OF THE COMMITTEE

D J Barnard, M J Cook, D S Drury, G R Churchard, M Muir, S Quilty,
I M Reay (Chairman), P A Ruffles, A D Williams

Other Members in attendance

G Mc Andrew

K Crofton

R Tindall

Upon consideration of the agenda for the Development Control Committee meeting on 26 March 2014, as circulated, copy annexed, action was taken or decisions were reached on individual items as recorded below.

Note: A declaration of interest was made by M J Cook in relation to item 3, and is recorded at minute 5.

MINUTES

The Minutes of the meeting of the Committee held on 27 February 2014 were confirmed as a correct record.

PUBLIC PETITIONS

None.

NOTIFICATION OF OTHER BUSINESS

None.

MOTIONS

None.
1. APPLICATION FOR THE EXTENSION OF WORKINGS TO ALLOW MINERAL EXTRACTION AND INFILLING WITH NATURALLY OCCURRING MATERIAL DERIVED FROM THE WATER HALL COMPLEX AND RESTORATION TO AGRICULTURE LAND, INCLUDING AN INTERNAL ROAD AND ANCILLARY ACTIVITIES AT LAND AT BROAD GREEN, LOWER HATFIELD ROAD, HERTFORD, SG13 8LF

[Officer contact: Chay Dempster Tel: 01992 556211]

1.1 M J Cook made a declaration of interest as a local resident to the site and regular user of the B158.

1.2 Members considered planning application reference 3/0705-13 and the accompanying environmental statement for the extension of mineral workings to allow mineral extraction and infilling with naturally occurring material derived from the Water Hall complex and restoration to agriculture.

1.3 Members were advised that the application sought planning permission for the extraction of approximately 500,000 tonnes of sand and gravel, restoration of the land to pre-existing levels to an agricultural use, and the construction of a new haul road linking the extraction area with Bunkers Hill Quarry. The operations were proposed to last 3-5 years and would use ‘naturally occurring material’ from within the Waterhall complex. The application proposed working and infilling small parcels of the site on a progressive basis.

1.4 Officers advised that the application had been widely advertised, over 250 individual letters of objection from residents and interested parties had been received. The main objections raised were in relation to; the lack of any specific need for the mineral, working outside of a preferred area, the volume of HGV traffic using the B158 Lower Hatfield Road, the cumulative impact of concurrent operations at the Waterhall complex, and that the operations would continue beyond the agreed timescales.

1.5 Prior to questions from Members, the Committee were addressed by local residents, Philip Allan and Ann Willoughby-Richards who spoke against the application. Doug Symes, the applicant’s agent spoke in support of the application. The Committee were also addressed by the Local Member, Ken Crofton, who spoke against the application in particular raising issues in relation to the strength of feeling in the local community and objections received from the district and local parish councils.

1.6 In debate Members asserted that no special circumstances had been demonstrated for the application to be granted. Officers advised that after careful consideration the potential benefits of mineral extraction, including to the economy, that the application had not demonstrated that there is a specific need for the mineral (or other reasons) sufficient to outweigh the policy presumption against mineral workings outside of a preferred area.
MEMORANDUM

RESOLVED

1.7 That for the reasons outlined in the report, the Chief Executive and Director Environment be authorised to refuse planning permission.

2. APPLICATION FOR THE VARIATION OF CONDITIONS 4, 25 AND 54 (TIMESCALES) OF PLANNING PERMISSION 3/1310-09 TO EXTEND THE TIME LIMIT FOR COMPLETION OF RESTORATION OF WATERHALL, SOUTFIELD WOOD, AND BUNKERS HILL QUARRIES

[Officer contact: Chay Dempster Tel: 01992 556211]

2.1 Members considered planning application 3/2279-13 for the variation of conditions 4, 25 and 54 (timescales) of planning permission 3/1310-09 to extend the time limit for completion of restoration of Water Hall, Southfield Wood, and Bunkers Hill Quarries.

2.2 Members were advised that delays had been incurred for site restoration in each of the constituent parts of the quarry site. Members heard that the Officer’s recommendation was that the date for the restoration of Southfield Wood be set back until Autumn 2014 and for Bunkers Quarry until March 2016. Officers considered that there was sufficient time for the applicant to complete the full restoration of the plant and operations area and haul road by the date on the existing planning permission of February 2017, to a high environmental standard.

2.3 Prior to questions and debate, Members were addressed by Martin Jacks representing the Hertingfordbury Conservation Society and Anne Willoughby-Richards, both speaking against the application. The Committee also heard from Doug Symes the applicant’s agent, who spoke in support of the application.

2.4 In response to a question from a Member regarding the meaning of a ‘good quality restoration’ the Committee heard that this related to the developer establishing an appropriate soil profile. Members highlighted that should they be minded to approve the application, as amended by Officers, they would necessitate that careful monitoring be undertaken. Officers would need to report progress on restoration to the spokespersons. Also a condition requiring a survey to be submitted. Members also discussed requiring a detailed scheme of restoration for approval and monitoring by Officers.

2.5 Members requested that the Officer recommendation for the restoration of Southfield Wood to be completed by Autumn 2014, be amended to read 31 October 2014.

RESOLVED

2.5 That for the reasons outlined in the report the Chief Executive and Director of Environment be authorised to grant planning permission subject to the following conditions:

1) noise (maximum) limits and mitigation scheme – a scheme for noise mitigation shall be submitted and approved in writing to include measures to
ensure that noise generated from the site shall not exceed 50dB(A) during normal operations and 70dB(A) during noisy operations, and includes proposals for noise monitoring.

2) dust mitigation scheme – to be submitted for approval to include measures to control dust generated from operations at the site

3) Bunkers – all infilling and restoration of Bunkers shall cease by 31 March 2016

4) Southfield Wood- all infilling and restoration of Southfield Wood shall cease by 31 October 2014

5) Waterhall – all infilling and restoration of Waterhall (plant and operations) and haul road shall complete by February 2017

6) The facility shall only be used in connection with the infilling of Bunkers Hill Quarry and in the production of restoration soils

7) Hours of operation – 7am to 6pm Monday to Friday; 7am to 1pm on Saturdays

8) Dust mitigation measures to include: the use of a water bowser, best practice in loading and dumping of materials, speed limit controls, enclosure and maintenance of dust emitting plant and machinery

9) Noise levels arising from the operations shall not exceed background noise levels at noise sensitive properties by more than 10dB

10) Vehicle maintenance – steps shall be taken to ensure that all vehicles leaving the Waterhall Quarry complex do not emit dust, mud or other debris on to the highway

11) Storage of skips on site shall only be incidental to the operation of the MRF and in positions that shall be agreed in writing by the local planning authority

12) Flood risk assessment to be submitted

13) Traffic – no more than 400 HGV movements (200 in/200 out) shall take place Monday to Friday and no more than 200 in (100 in/100 out) on Saturdays

14) HGVs shall be maintained to manufactures specifications

15) All rights of way shall be protected for the duration of operations

16) Annual monitoring report – details of progress towards completion infilling and restoration shall be submitted at the end of each calendar year for the approval of the local planning authority

17) Within 6 months of the date of this notice advance warning signs shall be erected on the B158 Lower Hatfield Road in locations and specifications

18) A detailed scheme of restoration be submitted for approval and monitoring by Officers

19) A survey be conducted and submitted to the Council every 6 months

3. APPLICATION FOR THE VARIATION OF CONDITION 2 (TIMESCALES) OF PLANNING APPLICATION 3/1311-08 TO RETAIN THE MATERIALS RECOVERY FACILITY AT WATERHALL

[Officer contact: Chay Dempster Tel: 01992 556211]

3.1 Members considered planning application 3/2278-13 for the variation of condition 2 (Timescales) of planning application 3/1311-08 to extend the time for retention of the materials recovery facility at Waterhall.

3.2 The application proposed the retention of the Materials Recovery Facility (MRF) at the plant and operations area of Waterhall quarry until Autumn 2019. Planning permission was first granted for a MRF at the site in 1997 for
recycling commercial and industrial waste only in connection with the restoration of Southfield wood. Subsequently planning permission was granted for the retention of the MRF in connection with the restoration of Bunkers up until November 2014. Members were advised that owing to recent weather conditions, restoration of various parts of Waterhall had taken longer than had been anticipated.

3.3 The volume of fill material required to complete restoration of the entire Waterhall complex is largely already on site, although there is still a need to generate an additional 130,000m$^2$ of soils to restore Bunkers, Southfield Wood and the plant and operations area, which would need to be recovered from inert construction waste.

3.4 Members were advised that Officers did not consider there to be sufficient justification to retain the MRF beyond the time provided under the current planning permission in order to restore the site to a satisfactory standard, and to do so would also harm the openness of the green belt in this location.

3.5 Prior to questions from Members the Committee were addressed by local resident, Ann Willoughby-Richards who spoke in opposition to the application, and Doug Symes, the agent who spoke in support of the application.

3.6 In debate Members suggested that it would be useful for an engagement event be hosted by the Local Member to improve communications between the applicant and local residents,

RESOLVED

3.7 That for the reasons outlined in the report the application be refused.

4. (1) PLANNING APPLICATION (3/1304-13) FOR PROPOSED EXTRACTION AND REMOVAL OF MATERIALS (SAND, GRAVEL AND SOIL) TO ENABLE CONSTRUCTION OF A 44 MILLION GALLON (200 000 CUBIC METRES) AGRICULTURAL RESERVOIR FOR FARM IRRIGATION PURPOSES TO INCLUDE THE TEMPORARY CONSTRUCTION OF A 3 METRE HIGH BUND AND A TEMPORARY INTERNAL HAUL ROAD, ANCILLARY BUILDINGS AND WEIGHTBRIDGE AT THORLEY HALL FARM, THORLEY WASH, THORLEY, BISHOP’S STORTFORD, HERTFORDSHIRE

AND (2) PLANNING APPLICATION (3/0117-14) FOR ENGINEERING WORKS TO CONSTRUCT AN UNDERGROUND PIPE FROM BROOKSIDE BUSINESS PARK TO SUPPLY WATER TO THE PROPOSED AGRICULTURAL RESERVOIR (3/1304-13) TO INCLUDE A HEADWALL, PUMP CHAMBER, ANCILLARY VALVE COMPARTMENT AND GRP KIOSK ON LAND BETWEEN THORLEY HALL FARM AND BROOKSIDE BUSINESS PARK, LONDON ROAD, SPELLBROOK, HERTFORDSHIRE

[Officer contact: Felicity Hart Tel: 01992 556267]

4.1 Members considered two planning applications and an accompanying environmental statement. As the planning applications were linked, they were considered together. Planning application 3/1304 sought permission for the construction of a 44 million gallon (200,000 cubic metres) agricultural
reservoir for farm irrigation purposes together with ancillary development
during the construction period (haul road, office, weighbridge and bunds).
Application 3/0117-14 related to the construction of an underground pipeline
from Brookside Stream to supply water to the reservoir.

4.2 Members were advised that the reservoir application sought permission for
the removal of surplus materials (principally minerals and soil) arising from
the construction of an agricultural reservoir. Members were advised that it
was proposed that the reservoir would be filled with water from the Brookside
Stream during the winter months and utilised for irrigating the farm soils
during the summer months.

4.3 Prior to questions and debate, David Tinney, the applicant, spoke in support
of the application. Graham McAndrew, the Local Member addressed the
Committee requesting that consideration be given to revising the proposed
hours of operation.

RESOLVED

Planning Application no.3/1304-13 (Reservoir) - That for the reasons outlined
in the report the Chief Executive and Director of Environment be authorised to
grant planning permission subject to the following conditions:

1. time limit for implementation of 3 years;
2. inform MPA within 2 weeks of commencement of development;
3. time limit for completion of 5 years from commencement;
4. approved plans;
5. Diversion Order of Bridleway 10;
6. the development to proceed and take place in accordance with the
   Abstraction Licence;
7. dust management scheme;
8. no processing of material on site;
9. effective sound insulation for all plant and machinery used on site and
   appropriate noise limit;
10. landscaping including details of fencing;
11. tree protection scheme;
12. no removal of trees or hedges in bird breeding season;
13. ecological and landscape management plan;;
14. bird hazard management plan;
15. written scheme of archaeological investigation;
16. details of the pumphouse;
17. hours of operation;
18. Construction Traffic Management Plan;
19. limit on HGV movements to be 100 (50 in, 50 out);
20. signage on site requiring left turn only for HGVs;
21. wheel washing and cleaning facilities;
22. removal of all bunds and ancillary temporary development and plant at
   completion of the reservoir
23. Dust management scheme (to include sheeting of HGV vehicles)
24. Operational Hours
25. The reservoir should not be used for recreational purposes
MEMORANDUM

Planning Application no. 3/0117-14 (Pipeline) - That for the reasons outlined in the report the Chief Executive and Director of Environment be authorised to grant planning permission subject to the following conditions:

1. Time limit for implementation 5 years;
2. Monitoring scheme on SSSI (Thorley Flood Pound);
3. Construction Traffic Management Plan;
4. Construction details of the laying of the pipeline

5. APPLICATION FOR THE CONSTRUCTION AND OPERATION OF A LEACHATE TREATMENT FACILITY, CONTROL ROOM AND ASSOCIATED PLANT FOR DISCHARGE TO THE SEWER AT WESTMILL LANDFILL SITE, WESTMILL ROAD, WARE, HERTFORDSHIRE, SG12 0ES.

[Officer contact: Iain Leech Tel: 01992 556225]

5.1 The Committee considered planning application reference 3/0183-14 for the construction and operation of a leachate treatment facility, control room and associated plant for discharge to the sewer at Westmill landfill site, Westmill Road, Ware, Hertfordshire, SG12 0ES.

5.2 Members were advised that the application sought planning permission for a leachate treatment facility, control room and associated plant at Westmill Landfill site. Members noted that the proposed facility would mean that the need to tanker leachate off-site would be avoided. Additionally Members welcomed the news that the facility would reduce the ammonia levels by 90% prior to discharge to sewer. It was estimated that up to 30 tankers a week could arrive at the site to import leachate from other landfill sites.

5.3 Members were advised that whilst the proposed leachate plant would constitute inappropriate development within the Green Belt it was considered that the environmental benefits associated with the proposed plant would constitute very special circumstances that would clearly outweigh the harm caused to the Green Belt. It was noted that the proposal would have a minimal visual impact, was not in the immediate vicinity of any residential properties and would assist in odour control.

RESOLVED

That for the reasons outlined in the report and subject to the application needing to be referred to the Secretary of State (because the development sits within the Green Belt) and him not wishing to call the application in for a decision, the Chief Executive and Director Environment be authorised to grant planning permission subject to the following conditions:

1. Time limit for commencement of development
2. Approved plans
3. Hours of construction
4. Location of contractor parking and compound area
5. Resistance to corrosion
6. Containment of the tanks
7. Containment of jetting in the event of failure
8. Landscaping

6. APPLICATION FOR A NEW 2 FORM ENTRY PRIMARY SCHOOL (420 PLACES), PLUS 15 PLACE EARLY YEARS UNIT, 60 PLACE NURSERY, CAR PARKING, HARD SURFACES, HARD AND SOFT LANDSCAPING AND RELATED DEVELOPMENT AT THE SITE OF THE FORMER JUPITER PRIMARY SCHOOL, JUPITER DRIVE, HEMEL HEMPSTEAD, HERTFORDSHIRE, HP2 5NT

[Officer contact: Chay Dempster Tel: 01992 556211]

6.1 Members considered planning application reference 4/00145-14 proposing a new 2 form entry primary school (420 places), plus a 15 place early years unit, 60 place nursery, car parking, hard surfaces, hard and soft landscaping and related development at the site of the former Jupiter Primary School, Jupiter Drive, Hemel Hempstead, Hertfordshire, HP2 5NT.

6.2 Members were advised that the site had been identified by Children’s Services Officers as an appropriate location to meet the need for primary school places required in Hemel Hempstead from September 2015. The application had been advertised by way of site notice, press notice and individual letters to over 1250 properties in the vicinity of the site. Approximately 6 individual representations raising objections, 13 letters raising specific concerns regarding the provision of a turning circle and yellow lines on Pallas Road which residents feel may affect parking had been received. However, Officers advised that they layout and provisions within the planning application would satisfactorily mitigate the impacts of the proposal, whilst meeting educational needs in Hemel Hempstead.

6.3 Prior to questions and debate Mr Fuller a Local Resident raised concerns regarding the proximity of the proposed school buildings to his property, additionally he sought assurances regarding smells from the kitchen flue. Gill Jones of West Herts Community Free School Trust spoke in support of the application in recognition of the need for additional school places within the area.

6.4 In relation to concerns raised by Members in relation to the layout and location of the building within the site, Officers advised that the design and layout of the building had been carefully considered with due regard for the surrounding local residential properties. The footprint closely matched that of the pre-existing buildings, whilst the two storey element had been moved to another part of the site.

6.5 Members requested that highways officers give consideration to the implementation of a 20 mph zone within the vicinity of the school. Additionally, in relation to the kitchen flues it was requested that action be taken to mitigate the smells emanating from the kitchen, with details of the flue to be provided to Officers for consideration.

RESOLVED
MEMORANDUM

6.6 That the Chief Executive and Director of Education be authorised to grant planning permission subject to the following conditions:

1. **time limit** – development to commence within 3 years
2. **accordance** – the development shall be carried out in accordance with the following plans and documents:
   - 5017/014 Application plan
   - 2377_GAD_100001_B Existing site plan
   - 2377_GAD_140001_B Existing elevations
   - 2377_GAD_120000_B Existing floor plan / demolition
   - 2377_GAD_100002_E Proposed site plan
   - 2377_GAD_140002_D Proposed elevations
   - 2377_GAD_120001_E Proposed ground floor plan
   - 2377_GAD_120002_E Proposed first floor plan
   - 2377_GAD_150000_B Proposed sections
   - 8143/02 1/2 Tree Protection Plan
   Planning design and access statement by Vincent & Gorbing (December 2013)
   Feasibility study for the improvement of sports field area by Total Turf Solutions (May 2013)
   Preliminary Ecological Appraisal by Elmaw Consulting (June 2013)
   Flood Risk Assessment by Stomor (December 2013)
   Refurbishment / Demolition Survey by Caswell Group (November 2013)
   Transport Assessment by Stomor (December 2013)
   IJK/8143/WDC Arboricultural Report by Ian Keen Limited (6th June 2013)
   Phase 1 Preliminary Risk Assessment by Site Analytical Services (October 2013)
   Report on Ground Investigation by Site Analytical Services (October 2013)
   School Travel Plan West Herts Community Free School Trust (August 2013)
3. **construction management plan** – to be submitted for approval prior to commencement of development, to include details of contractor parking, site compound and sufficient space for delivery vehicles to enter the site to deliver materials.
4. **hours of working (construction)** 8am – 6pm Monday to Friday; 9am to 1pm on Saturdays
5. **hours of working (deliveries)** 07.30 – 08.30, 09.15-3pm, 3.45pm – 6pm Monday to Fridays
6. **provision of staff car park** – as shown on drawing prior to first occupation
7. **landscaping scheme** – detailed scheme to be submitted for approval showing all areas proposed for planting and all details of hard and soft landscaping
8. **vegetation clearance** – no removal of trees/hedges/scrub between 1st March to 31st August inclusive, unless supervised by a qualified ecologist
9. **tree removal** – details of any trees proposed for removal prior to any trees works
10. **tree replacement** – details of tree planting to be provided within 3 months
11. **tree protection measures** – to be implemented prior to commencement and maintained during construction
12. **ecology** – precautionary approach to removal of any scrub/vegetation with regard to reptiles and hedgerows
13. materials of construction – to be submitted and approved in writing prior to any development above ground level
14. drainage scheme – details to be submitted for approval in accordance with in principle scheme referenced Stomor ST2318/FRA-1312-Jupiter Drive – Rev 0
15. qualitative pitch improvements scheme – to be submitted to include detailed specification of works to improve and maintain sports pitches, the scheme is to be implemented prior to first occupation
16. parking scheme – as shown on drawing ST- 2318-07-F to be provided prior to first occupation
17. highway works – as shown on drawing ST- 2318-05-C to be submitted for approval and implemented prior to first occupation
18. school travel plan – to be submitted for approval within 6 months to accord with HCC standards, and maintained for the lifetime of the school
19. parking restrictions scheme – within 6 months of the first occupation a scheme for parking restrictions along Jupiter Drive shall be submitted as part of a traffic regulation order in consultation with highway authority. The scheme shall be implemented in accordance with the approved scheme
20. waste management plan – prior to the commencement of development a detailed waste management plan identifying all waste types and volumes, contractors managing the demolition, sites accepting waste streams shall be submitted and approved in writing by the local planning authority
21. obscure glazing – the lower window panes on the north west elevation shall be obscure glazed and maintained as such for the lifetime of the development.

7. APPLICATION FOR A VARIATION OF CONDITION 1 OF PLANNING PERMISSION 3/1182-00 RELATING TO AN EXTENSION OF TIME FOR THE WINNING AND WORKING OF CHALK FROM DECEMBER 31 2013 TO DECEMBER 31 2018 AT ANSTEY QUARRY, ANSTEY, BUNTINGFORD, HERTFORDSHIRE, SG9 0BU.

[Officer contact: Sharon Threlfall Tel: 01992 556270]

7.1 Members considered planning application reference 3/0208-14 for a variation of Condition 1 of planning permission 3/118-00 relating to an extension of time for the winning and working of chalk at Anstey Quarry, Anstey, Buntingford, Hertfordshire.

7.2 The application sought to extend the time limit for the winning and working of chalk from December 2013 by five years until 31 December 2018. Demand for agricultural lime was historically low, however with several agricultural fertiliser merchants having closed, the demand had risen in 2013. It was noted that a reserve still remains for extraction at the site that would otherwise need to be sterilised.

7.3 In response to questions from Members it was highlighted that as it was not proposed that the date for completion of the reclamation of the site would be changed, there would not be an impact on the number of HGV movements as the number of vehicle movements permitted would remain unchanged by grant of existing permission.

RESOLVED
That the Chief Executive and Director of Environment be authorised to grant planning permission ref 3/0208-14 to extend the time limit for the winning and working of chalk at Anstey Chalk Quarry until 31 December 2018, subject to the existing relevant conditions attached to planning permission 3/1182-00.

KATHRYN PETTITT
CHIEF LEGAL OFFICER