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Chairman and Members of the
Council

Your contact: Martin Ibrahim
Ext: 2173
Date: 15 October 2013

cc. All other recipients of the Council
agenda

Dear Councillor

COUNCIL - 16 OCTOBER 2013: SUPPLEMENTARY AGENDA NO 2

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting:

7. Members' questions (Pages 3 - 4)

To receive any Members' questions.

17. Development Management Committee: Minutes 9 October 2013 (Pages 5 - 18)

Chairman: Councillor Mrs R Cheswright

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully

Martin Ibrahim
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Democratic Services
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MEETING : COUNCIL
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 16 OCTOBER 2013
TIME : 7.00 PM

COUNCIL – 16 OCTOBER 2013

MEMBERS' QUESTIONS

Question 1

Councillor M Wood to ask the Executive Member for Community Partnership and Liaison:

This Council often talks about diversifying the membership of this Council in order to have a good cross section of the population, would that aim be assisted if we did not have Full Council meetings in the first week of School Summer Holidays and in Half Term? And therefore would the future programming of meetings take that into account?

Question 2

Councillor J Wing to ask the Executive Member for Strategic Planning and Transport:

In view of the discussion at the recent District Planning Executive Panel meeting, when it became clear that inadequate provision of schools and school places could make delivery of a sustainable District Plan impossible; will Councillor Carver write to the Secretaries of State for Education and Local Government, and to our local Members of Parliament, expressing the Council's concern that current Government policies on the capital funding of new schools impose severe restrictions on the ability of the Council to deliver a sustainable District Plan?

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 9 OCTOBER 2013, AT 7.00
PM

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

ALSO PRESENT:

Councillors W Ashley, K Warnell and
M Wood.

OFFICERS IN ATTENDANCE:

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

276 APOLOGIES

Apologies for absence were submitted on behalf of Councillors E Bedford and G Williamson. It was noted that Councillor J Jones was in attendance as substitute

for Councillor Williamson.

277 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised Members that a special meeting of the Committee would be held on Thursday 14 November 2013 in the Charis Centre, Bishop's Stortford at 7.00 pm, to deal with outline planning applications relating to Bishop's Stortford North. He also advised that a briefing relating to the key issues would be held on 6 November 2013, at 5.15 pm in Room 27.

278 MINUTES – 11 SEPTEMBER 2013

RESOLVED – that the Minutes of the meeting held on 11 September 2013 be confirmed as a correct record and signed by the Chairman.

279 3/13/1348/FN – INDOOR TENNIS CENTRE
INCORPORATING INDOOR COURTS, POOL, GYM AND
OUTDOOR FACILITIES INCLUDING OUTDOOR SWIMMING
POOL, TENNIS COURTS AND GOLF RANGE (RENEWAL
OF PLANNING APPROVAL WITH CONDITIONS REF:
3/08/1465/FP) AT LAND WEST OF SELE FARM ESTATE,
WELWYN ROAD, HERTFORD, HERTFORDSHIRE FOR
DAVID LLOYD LEISURE

Lee Ransome addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to a deed of variation in respect of the unilateral obligation dated 6 September 2010 to ensure that its requirements are properly related to this proposal and to cover the highway related matters detailed in the report now submitted, in respect of application 3/13/1348/FN, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that this application had been before

the Committee a number of times since 1998 for renewals of planning permission. Members were advised that the application included a community outreach package whereby the community would have 350 hours of annual access to the proposed facilities.

The Director stated that the annual access would be managed via the legal agreement and via any subsequent management arrangements for the site. The Committee accepted the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, subject to a deed of variation in respect of the unilateral obligation dated 6 September 2010 to ensure that its requirements are properly related to this proposal and to cover the highway related matters detailed in the report now submitted, in respect of application 3/13/1348/FN, planning permission be granted subject to the conditions detailed in the report now submitted.

280 3/13/1341/SV – DISCHARGE OF SECTION 52 AGREEMENT (SECTION 106) OBLIGATION RELATING TO THE AGRICULTURAL OCCUPANCY OF BROOKFIELD FARM, WEST END ROAD, WORMLEY WEST END, BROXBORNE, HERTS , EN10 7QN FOR MR J SMITH

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1341/SV, planning permission be granted for the discharge of the Section 52 agreement relating to application 3/1179-82 and dated 8 April 1988.

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

RESOLVED – that in respect of application 3/13/1341/SV, planning permission be granted for the discharge of the Section 52 agreement relating to application 3/1179-82 and dated 8 April 1988.

281 3/13/1196/FP – CHANGE OF USE FROM B8 USE (STORAGE AND DISTRIBUTION) TO B1 (BUSINESS/LIGHT INDUSTRIAL) AND CLASS B8 USE AT UNITS 10 AND 11 HASLEMERE INDUSTRIAL ESTATE, PIG LANE, BISHOP'S STORTFORD, CM23 3HG FOR THREADNEEDLE PROPERTY INVESTMENTS LTD

Maureen Batt addressed the Committee in objection to the application. Louise Campbell spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1196/FP, subject to no additional material planning objections being received before 24 October 2013, planning permission be granted subject to the conditions detailed in the report now submitted.

Members were advised that the applicant had confirmed that, should Members not be supportive of extending the opening hours for B8 uses on Monday to Friday to 19:00 hours, they would accept a condition that the hours of use for B8 purposes be restricted to 07:30 – 18:00 Mondays – Fridays and 07:30 – 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

Councillor A Burlton referred to the difficulties of balancing light and heavy industry. He commented that he had received more complaints in respect of the Haslemere Estate than about any similar site in Bishop's Stortford.

Councillor Burlton stated that he agreed with the comments of Bishop's Stortford Town Council. He expressed concerns that neighbour amenity considerations had not been taken into account. He commented that the industrial units were at a considerably lower level than neighbouring dwellings, meaning that any noise emanating from the units was channelled up to the level of residential gardens.

In response to a query from Councillor M Newman, the

Director confirmed that units 11 – 14 and other units already benefited from a class B1 use with no restriction in terms of opening hours. The Director stressed that the use of plant and machinery was however restricted on those units. The use classes order stated that a B1 use should operate in such a way as to not cause problems for residents.

Members were also advised that Environmental Health had separate legislative statutory control over noise on industrial sites.

The Director concluded by reminding Members that class B2 uses had been approved elsewhere on this site. East Herts Council had also approved more intensive industrial uses on this site in the past.

Councillor A Burlton proposed and Councillor N Symonds seconded, a motion that application 3/13/1196/FP be refused to protect the amenity of neighbouring residents. After being put to the meeting and a vote taken, this motion was declared LOST.

Councillor A Burlton proposed and Councillor G Jones seconded, a motion that the condition the applicant had indicated a willingness to accept be applied should the application be approved, namely that the hours of use of the units for B8 purposes was restricted to 07:30 – 18:00 Mondays – Fridays and, 07:30 – 13 :00 on Saturdays and at no time on Sundays or Bank Holidays.

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

RESOLVED – that in respect of application 3/13/1196/FP, subject to no additional material planning objections being received before 24 October 2013, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. No plant or machinery shall be operated in any of the buildings between the hours of 6PM and 7:30AM on Mondays to Saturdays or at any time on Sundays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

3. The hours of operation of any use of the premises for Class B8 purposes, including loading and unloading of goods, shall be restricted to 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

4. No external storage (5U07)
5. No external working (6N06)
6. Approved Plans (2E10) (insert:-Location Plan, HAS01-U010-100 and HAS01-U14-100)

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant's

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

282 3/13/1200/FP – CHANGE OF USE FROM
 B1(BUSINESS/LIGHT INDUSTRIAL) TO B1 AND B8
 (STORAGE AND DISTRIBUTION) AT UNIT 5 HASLEMERE
 INDUSTRIAL ESTATE, PIG LANE, BISHOP'S STORTFORD,
 CM23 3HG FOR THREADNEEDLE PROPERTY
INVESTMENTS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1200/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor A Burlton proposed and Councillor G Jones seconded, a motion that a condition be attached to restrict the hours of use of the units for B8 purposes to 07:30 – 18:00 Mondays – Fridays and 07:30 – 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

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

RESOLVED – that in respect of application 3/13/1200/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)

2. No plant or machinery shall be operated in the building between the hours of 6PM and 7:30AM on Mondays to Saturdays or at any time on Sundays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

3. The hours of operation of any use of the premises for B8 purposes, including loading and unloading of goods, shall be restricted to 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 hours on Saturdays and no working on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the occupants of nearby properties in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

4. No external storage (5U07)
5. No external working (6N06)
6. Approved Plans (2E10)(insert:-Location Plan, HAS01-U05-100)

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan

(Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

283 3/13/1331/FP – ERECTION OF TWO STOREY DETACHED BUILDING COMPRISING OF 2NO. THREE BEDROOM HOUSES, TOGETHER WITH PRIVATE AMENITY SPACE AND CAR PARKING AT GARAGE SITE TO THE NORTH OF 38 GATWICK CLOSE, BISHOP'S STORTFORD, CM23 5DL FOR SOUTH ANGLIA HOUSING GROUP

Simon Heanes addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1331/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Wood, as the local ward Member, addressed the Committee in objection to the application. He stressed that residents were particularly alarmed by this application. He referred to the objection from Bishop's Stortford Town Council.

Councillor Wood stated that any changes to the area must enhance the estate and there should be clear benefits for residents. He emphasised that parking problems would be significant in terms of on-street parking should this application be approved. He stated that there would be conflict between residents for the available on-street parking spaces.

Councillor Wood concluded that the loss of a space used

by children for ball games would mean it would be a reduction in quality of life for the children and their parents. He urged Members to refuse the application.

The Director advised that, for clarity, Members should be aware that this site was not a garage site. The site was a hard surfaced open area and the likely impact on parking was not as a result of the proposed demolition of garages.

The Director advised that, whilst the design of the proposed development was different to the existing dwellings, Officers felt that the design was acceptable in this location. In addition, the relationship between the proposed development and existing dwellings would be similar to that found elsewhere in the area.

Councillors G Jones, A Burlton and J Jones all made reference to the detrimental impact of the application in terms of car parking. Councillor K Crofton referred to the loss of play space for children, as well as the loss of space for parking cars.

The Director commented that there was likely to be no net gain or loss of parking provision, but that two additional dwellings would be provided. Members were advised that parking surveys were often conducted on weekday nights as that was accepted as being the most likely time when most residents were present and therefore parking pressure was at its greatest. Members were reminded that the open space was not specifically designed and layed out as a play space and signs were in evidence prohibiting ball games.

Councillor G Jones proposed and Councillor J Jones seconded, a motion that application 3/13/1331/FP be refused as the proposed development would result in the loss of existing parking provision and increase the demand for on-street parking in the immediate area. The proposal would also be harmful to the amenities of existing residents and would therefore be contrary to Policy ENV1 of the East Herts Local Plan Second Review

April 2007 and the National Planning Policy Framework. The loss of an existing informal open space would also be harmful to the character and amenity of the surrounding area.

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

RESOLVED – that in respect of application 3/13/1331/FP, planning permission be refused for the following reasons:

1. The proposed development would result in the loss of existing parking provision and increase the demand for on-street parking in the immediate area. As a result the proposal would be harmful to the amenities of existing residents, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and National Planning Policy Framework.
2. The proposed development would result in the loss of an existing informal open space which would be harmful to the character and amenity of the surrounding area, contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007 and National Planning Policy Framework.

284 PUBLIC SPEAKING ARRANGEMENTS FOR DEVELOPMENT MANAGEMENT COMMITTEE MEETINGS DEALING WITH DEVELOPMENT PROPOSALS FOR LAND AT BISHOP'S STORTFORD NORTH

The Head of Planning and Building Control submitted a report inviting Members to consider public speaking arrangements for subsequent meetings of the Committee (or parts of) which dealt with planning applications relating to land at Bishop's Stortford North.

Members were advised that, as the development proposals relating to Bishop's Stortford North were extensive, it was appropriate to review the normal speaking arrangements to ensure that interested parties could fully articulate the issues they wished to raise.

Officers had suggested that twice the normal speaking time be permitted, i.e. six minutes. In addition, multiple speakers would be permitted in objection and, on registration, speakers would be expected to submit a brief outline of the issues they wished to raise. Where it appeared that duplication would result, speakers would be asked to combine their presentations to Members.

Members were advised that an alternative would be to cap the total time permitted for and against both applications. Objectors and the applicant could be permitted to address the Committee for a total of 30 minutes at the meeting on 14 November 2013.

Councillor G Jones stated that, given that these applications were for 2650 houses and were currently the largest registered with a Hertfordshire Local Authority, 30 minutes was too short a time for such significant development proposals. Councillor G Jones also commented that objectors and the applicant should be permitted to use facilities such as PowerPoint when addressing the Committee.

Councillor A Burlton commented on whether Officers could get the agenda papers to Members earlier than the usual week prior to the Committee meeting. The Director stated that Officers would make the agenda available in hard copy format as early as they possibly could. Officers would also accommodate the provision of presentation equipment for public speakers who wished to use such technology.

Councillor G Jones stated that he would support the recommendation detailed in the report, so long as speakers

were not bound by a time limit of 6 minutes. He suggested that Officers had a degree of flexibility to mitigate duplication and speakers should be allowed to use presentation equipment.

Members had a general debate on a number of options for public speaking arrangements for subsequent meetings of the Committee (or parts of) which dealt with planning applications relating to land at Bishop's Stortford North.

Members agreed that 45 minutes would be made available for objectors and also for the applicant and this would cover all the applications at that meeting and speakers would be permitted to use presentation equipment when addressing the Committee.

RESOLVED – that at the Development Management Committee which dealt with planning applications relating to land at Bishop's Stortford North, planned for 14 November 2014, the following procedures would apply:

- (A) 45 minutes be available for objectors and the applicant to cover all of the applications; and
- (B) public speakers be permitted to use presentation equipment when addressing the Committee.

285 VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS – LOCAL LIST CONSULTATION

The Head of Planning and Building Control submitted a report inviting Members to consider the consultation responses and amendments to the 'local list' requirements for the validation of planning and listed building applications.

In response to a query from Councillor M Alexander, Members were advised that the amendments were minor in nature and Officers had collated all the 'local list' requirements into a

single document for planning and listed building consent applications.

The Committee approved the recommendation as now detailed.

RESOLVED – that the amended ‘local list’ of validation requirements for planning and listed building consent applications be approved.

286 ITEMS FOR REPORTING AND NOTING

Councillor M Alexander congratulated Officers on the outcome of the appeal decision relating to the Esbies Estate, Station Road, Sawbridgeworth.

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 8.34 pm

Chairman
Date