

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 14 OCTOBER 2015, AT 7.00
PM

PRESENT: Councillor D Andrews (Chairman).
Councillors M Allen, K Brush, J Cartwright,
M Casey, M Freeman, J Jones, J Kaye,
D Oldridge, T Page, P Ruffles and K Warnell.

ALSO PRESENT:

Councillors A Alder, R Brunton, S Bull,
B Deering, P Moore and R Standley.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principal Planning Enforcement Officer
Simon Drinkwater	- Acting Chief Executive/Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

318 APOLOGY

An apology for absence was submitted on behalf of
Councillor A McNeece. It was noted that Councillor J
Cartwright was substituting for Councillor A McNeece.

319 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had accepted an urgent item of business onto the agenda in the interests of the efficient operation of the service and to avoid delay. This related to the provision of temporary boarding accommodation at Bishop's Stortford College following the recent fire at the College site.

320 DECLARATIONS OF INTEREST

Councillor M Casey declared a disclosable pecuniary interest in application 3/15/1498/VAR, in that he had a small shareholding in GlaxoSmithKline. He left the room whilst this matter was considered.

321 MINUTES – 16 SEPTEMBER 2015

RESOLVED – that the Minutes of the meeting held on 16 September 2015 be confirmed as a correct record and signed by the Chairman.

322 3/15/0206/OP – OUTLINE APPLICATION FOR THE DEMOLITION OF 30 WICKLANDS ROAD AND THE ERECTION OF 14 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AND LAYOUT AT HUNSDON LODGE FARM, DRURY LANE, HUNSDON SG12 8NU FOR CHASE GREEN DEVELOPMENTS LIMITED

Mr Reid addressed the Committee in objection to the application. Miss Cass spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/0206/OP, 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, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor R Brunton, as the local ward Member, addressed the Committee regarding the unsustainability of the site. He referred to there being better sites for housing and he therefore urged Members to refuse the application.

Councillor P Ruffles referred to the issue of flooding and modelling of the flood risk. He referred in particular to the apparent lack of porosity of the clay soil. He commented on whether the Authority had an ongoing responsibility to maintain the suggested drainage systems if individual householders failed to take responsibility for maintenance.

The Director commented on the issue of housing land supply and the significant weight that had to be given to this given that the Authority was not able to demonstrate delivery of a 5 year supply of housing land. He stated that Hertfordshire Highways was satisfied with the suggested access arrangements, subject to conditions covering improvements to the highway on Drury Lane.

The Director referred to sustainability in that Hunsdon was a category 1 village in the East Herts Local Plan Second Review April 2007 and the village was recognised as being an acceptable location for residential development based on the urban rural mix of settlements across the District. In respect of drainage, the Applicant was not obliged to resolve existing flood issues although they had put forward a range of sustainable drainage features for each individual plot to ensure dispersal of water into the wider draining system.

Members were advised that the approach being taken was adequate and was in line with good practice in that soft drainage solutions were the preferred approach and the responsibility for maintenance would rest with the landowners and with those who relied on the drainage system.

The Director emphasised that the Authority and

Hertfordshire County Council had the opportunity to exercise control over drainage via the safeguards detailed in the Section 106 Legal Agreement. Members were referred to the commentary in the Additional Representations Summary regarding this issue.

Councillor T Page supported the views of the local ward Member regarding the lack of sustainability of the proposed development, in terms of primary education, healthcare and employment provision.

Councillor Page believed that the affordable housing provision was confusing and he considered that there was doubt in terms of the validity of the proposed affordable housing as the site was located outside the village boundary. He concluded that there was insufficient public transport and this would increase car usage in particular on the nearby A414.

Councillor M Freeman also commented that this was the wrong site for this application and he was concerned regarding the loss of a good modern dwelling to allow access via Wicklands Road. The Director confirmed to Councillor J Kaye that Wicklands Road would still be a cul-de-sac for motor vehicles and although full details were unknown as this was an outline application, the aspiration was that there would be pedestrian and cycle access between the two halves of the site.

Councillor J Jones proposed and Councillor K Warnell seconded, a motion that application 3/15/0206/OP be refused on the grounds that the Members were not satisfied that the surface water drainage strategy would operate sustainably or with regard to its future maintenance and the proposal was therefore contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework. The development would also result in a harmful change as a result of the traffic introduced to Wicklands Road, given its current characteristics. The proposal was therefore also contrary to policy TR2 of the

East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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

RESOLVED – that in respect of application 3/15/0206/OP, planning permission be refused for the following reasons:

1. The Council is not satisfied that, from the information submitted, the surface water drainage strategy will operate sustainably and satisfactorily; appropriate steps can be put in place to ensure its future maintenance. There is uncertainty therefore with regard to its ability to ensure that any flood risk continues to be appropriately addressed. The proposal is therefore contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
2. Given the current circumstances of Wicklands Road with regard to its width, turning capability and on road parking, the development, by reason of the access proposed to Wicklands Road for its southern part, will result in a significant and harmful impact on that road by virtue of the introduction of additional traffic and turning movements into and out of the site. The proposal is thereby contrary to policy TR2 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

323 3/15/1028/FUL – ERECTION OF CANCER CARE UNIT WITH ASSOCIATED CAR PARKING AT RIVERS HOSPITAL, HIGH WYCH ROAD, SAWBRIDGEWORTH, CM21 0BB FOR RAMSAY HEALTHCARE UK LTD

The Director of Neighbourhood Services recommended that in respect of application 3/15/1028/FUL, subject to the referral of the proposals to the Secretary of State and to the applicant or successor in title 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 detailed in the report now submitted.

The Director summarised the application and advised Members to weigh up the normal balance of issues relevant to an application in the Green Belt. The Committee should consider whether the benefits of this scheme clearly outweighed the potential for harm to the Green Belt and other harm. Officers felt able to recommend approval due to the significant health benefits of the proposed development.

Councillor K Warnell referred to the significant commentary in the report regarding inappropriate development in the Green Belt. He expressed concerns regarding Green Belt policy being overridden due to the benefits for health and the precedent this could set. He also expressed concerns regarding the proposed flat roof design detailed in the plans.

A number of Members commented on whether the benefits of an application for end of life care provision outweighed the policy presumption against Green Belt development. The Chairman sought clarification from Officers regarding the issue of light pollution. The Director stated that Officers felt that an acceptable compromise had been reached in this case.

Councillor J Cartwright stated that he was broadly in favour of the application but was concerned regarding the

intrusive nature of the car park, to which he suggested a condition applied to mitigate the impact of the car park and the associated lighting.

The Director confirmed that Officers felt that a flat roof was less intrusive than a pitched roof in terms of Green Belt policy. He also emphasised the general importance of the correct application of planning policy in respect of the Green Belt. He concluded that the health benefits outweighed the potential for Green Belt harm and a flat roof was beneficial in respect of the impact with regard to openness.

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

RESOLVED – that in respect of application 3/15/1028/FUL, subject to the referral of the proposals to the Secretary of State, and 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, planning permission be granted subject to the conditions detailed in the report now submitted.

324 3/15/1498/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PERMISSION REF: 3/13/1866/FP – REVISION TO DETAILS OF VEHICLE ACCESS FOR BUILDING U3 FOR GLAXOSMITHKLINE SERVICES LTD, PRIORY STREET, WARE, SG12 0DJ

The Director of Neighbourhood Services recommended that in respect of application 3/15/1498/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to a revised Ordnance Survey plan. Members were advised that planning permission had previously been approved for a new building on this site. The Director summarised the

application and stated that access for emergency and construction traffic would now be used for traffic exiting the site onto Harris Lane. Traffic would still be able to enter the site from Buryfield Way to the west but would not have to manoeuvre within the site back to Buryfield Way.

The Director stated that condition 9 restricted the time that traffic could leave the site and Hertfordshire Highways had confirmed that subject to this condition, they were satisfied with the scheme in a highways context. The Chairman expressed concern that traffic exiting onto Harris Lane around 8:30 am was too late in terms of conflict with school traffic.

The Director stated that Officers could liaise with the applicant in consultation with the Committee Chairman regarding the timings covered by condition 9. Members were reminded that this access was for a limited period until 31 July 2017, at which point it would only be for used by emergency service vehicles.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services as now submitted, subject to the Officers liaising with the applicant, the Chairman and the local ward Member regarding the timings detailed in condition 9.

RESOLVED – that in respect of application 3/15/1498/VAR, planning permission be granted subject to conditions detailed in the report now submitted and subject to the following amended condition:

9. The access from the application site onto Harris's Lane shall only be used for vehicles servicing the proposed development on an exit only basis as shown on plan ref: 5545/A0/010 Rev H, with no more than 3 vehicles exiting onto Harris's Lane in any day,

and only between the following times: 07:00-08:00, 12:00-14:00 and 20:00-21:30. This access shall cease to be used for this purpose after 31st July 2017, and shall only be used thereafter for emergency vehicles.

Reason: In the interests of highway safety and to prevent disturbance to local residents.

325 3/15/1460/FUL – INSTALLATION OF 1NO METAL SHIPPING CONTAINER FOR STORAGE OF HAND TOOLS AT SOUTHERN COUNTRY PARK, LAKE VIEW, BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that in respect of application 3/15/1460/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that the Town Council had now objected to the application on the basis that the proposals were out of keeping with the surrounding area. Members were advised that the impact of the development would be mitigated by the existing soft landscaping and by additional proposed landscaping. The Director concluded that, although the application was contrary to policy, Officers felt that it was acceptable as the container would be a valuable resource as regards the long term maintenance of Southern Country Park.

Councillor M Freeman expressed concern that the measures to mitigate the impact of the proposed development would make the container an attractive target for thieves and vandals. He stated that there should be some stipulation for ultra-secure measures to prevent burglaries from occurring.

A number of Members expressed concern that a shipping container was an inappropriate feature to introduce to the landscape of Southern Country Park. Members queried whether consideration had been given to a more

appropriate means of storage. The Director stated that the design had been chosen with security in mind and Members must weigh up the balance between harm and benefit when making their decision.

The Director advised that Members could apply a condition for a temporary permission as this application had been submitted for a permanent permission. Members could also defer the application and either of those options would allow negotiation with the applicant regarding alternative options for storage.

Councillor J Cartwright proposed and Councillor K Brush seconded, a motion that conditions be applied that this would be a temporary permission for 18 months and also that the container would be used exclusively by the Friends of Southern Country Park. A condition should also be applied that the external finish of the container should be one which reduced the potential for graffiti and vandalism. Finally, the applicant be advised that if the use was required to continue beyond the temporary period, consideration should be given to the provision of a longer term structure of a more traditional design.

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

RESOLVED – that in respect of application 3/15/1460/FUL, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12).
2. Temporary permission – building (1T08) “30 April 2017”.
3. Approved Plans (2E10).
4. Landscape design proposals (4P12).

Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Planting plans (b) Written specifications (including cultivation and other operations associated with plant and grass establishment) (c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (d) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

5. Landscape works implementation (4P13).
6. Prior to the commencement of the development hereby permitted details of the external finish of the container shall be submitted to and agreed in writing by the local planning authority. For the avoidance of doubt the external finish shall be one which aims to reduce the potential for graffiti and vandalism. The development shall be carried out in accordance with the approved details.

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.

7. The development hereby permitted shall be used only for the purpose of storage of

equipment for use by the Friends of Southern Country Park in connection with work at the Country Park.

Reason: For the avoidance of doubt as to the particular circumstances relating to the use of the site in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007.

Informatives:

1. Other legislation (01OL)
2. Public Rights of Way (18FD)
3. The applicant is advised that if the use is required to continue beyond the temporary period hereby granted, consideration should be given to the provision of a longer term structure of more traditional design.

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 2015. The balance of the considerations having regard to those policies and the very special circumstances evident in this case is that permission should be granted.

326 3/15/1546/HH – SINGLE STOREY REAR EXTENSION, TWO STOREY SIDE EXTENSION AND INSERTION OF 3NO ROOFLIGHTS TO FRONT ELEVATION AT 4 YEW TREE COTTAGES, ERMINE STREET, COLLIERS END, SG11 1EQ FOR MR M JAMES

The Director of Neighbourhood Services recommended that in respect of application 3/15/1546/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that Standon Parish Council had commented that there was a right of access for 3 Yew Tree Cottage through the rear garden of the application site to the highway. Members should be aware that any right of access was a private matter which was not relevant to this planning application. It did appear, however, that the right of way for pedestrians would be retained.

Members were advised that the previous extensions could not be considered as limited but they were of an appropriate scale in relation to the surrounding area. The concerns expressed regarding a loss of car parking were irrelevant as this was informal in nature in that there was no dropped kerb and the parking arrangements were far from ideal in highways terms.

Councillor J Cartwright reiterated the concerns of Standon Parish Council. He referred to the fact that the proposed development was for a 70% increase in floor area and this was considered by Officers to be contrary to policies ENV3 and GBC5 of the East Herts Local Plan Second Review April 2007. He also referred to cars parked on the road being a particular challenge for those who used this route each day.

The Director responded to a number of Members' queries regarding the right of way and the reasons why this application had been reported to Committee. Members were reminded to consider the application purely on its

planning merits. The Director reminded Councillor K Warnell that the roof lights element of the application could be implemented at any time under the permitted development regulations.

Councillor J Cartwright proposed and Councillor M Casey seconded, a motion that application 3/15/1546/HH be refused on the grounds that the application was contrary to policies GBC3 and ENV5 of the East Herts Local Plan Second Review April 2007.

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 as now submitted.

RESOLVED – that in respect of application 3/15/1546/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

327 (A) 3/15/1267/HH AND (B) 3/15/1268/LBC – EXTENSION TO GATE HOUSE AT FRONT LODGE, MOOR PLACE, HIGH STREET, MUCH HADHAM, SG10 6BS FOR FOXLEY BUILDERS LTD

The Director of Neighbourhood Services recommended that in respect of applications 3/15/1267/HH and 3/15/1268/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Director advised that the application was contrary to policy and there had been objections from third parties. He summarised the application in that the proposed development would result in the property being disproportionately larger than the original dwelling.

The Director stated that Officers had not identified any specific harm in design terms, parking or the impact of the

scheme on the immediate neighbouring dwellings.

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

RESOLVED – that in respect of applications 3/15/1267/HH and 3/15/1268/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

328 E/14/0382/A – UNAUTHORISED INSTALLATION OF EXTRACTOR FLUE WITHIN A CONSERVATION AREA AT CAFÉ MASALA, 10 LONDON ROAD, BISHOP'S STORTFORD, CM23 5ND

The Director of Neighbourhood Services recommended that in respect of the site relating to E/14/0382/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/14/0382/A on the basis now detailed.

RESOLVED – that in respect of E/14/0382/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

329 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.

330 BISHOP'S STORTFORD COLLEGE – TEMPORARY BOARDING ACCOMMODATION

The Head of Planning and Building Control submitted a report inviting the Committee to consider whether it wished to give Officers delegated authority to determine proposals for temporary replacement boarding facilities at the Bishop’s Stortford College site following the recent loss of some of the existing boarding facilities due to fire.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the Members of the Council representing the Bishop’s Stortford Silverleys ward, to determine any proposals submitted by the Bishop’s Stortford College which comprise the provision of temporary boarding accommodation following the recent fire at the College site.

The meeting closed at 9.26 pm

Chairman
Date