

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 11 JANUARY 2017, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, R Brunton,
S Bull, M Casey, B Deering, M Freeman,
J Goodeve, J Jones, R Standley and
K Warnell.

ALSO PRESENT:

Councillors P Ballam, P Boylan, M McMullen,
S Reed, P Ruffles and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

510 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented that Members of the Committee always arrived with open minds and reached decisions after reviewing and hearing all of the available evidence. The Chairman stated that should any Member have a disclosable pecuniary interest or where there was

any perception of bias, they would leave the Council Chamber and therefore take no part in the debate.

511 MINUTES – 7 DECEMBER 2016

RESOLVED – that the Minutes of the meeting held on 7 December 2016 be confirmed as a correct record and signed by the Chairman.

512 3/16/1218/FUL – DEMOLITION OF BUILDINGS. CLOSURE OF ACCESS POINTS. ERECTION OF 29 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND CREATION OF ACCESS TO CAMBRIDGE ROAD AT THE CHESTNUTS AND GLANTON, CAMBRIDGE ROAD, PUCKERIDGE FOR BEVERLEY HOMES LTD

Jane Orsborn addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1218/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head referred to the previous consideration of the proposals and reminded Members of the reasons for their deferral of planning permission in November 2016.

Members were advised that an overall transport and traffic assessment of the cumulative impact of applications in this area had been completed by consultants that had been engaged by Officers.

The Head emphasised that the view of the consultants was that even if all of the applications assessed were implemented, whilst there would be an impact, this would not be severe as defined by the wording detailed in the National Planning Policy Framework (NPPF).

Members were advised that the perceived density of the proposed developments in and around this site were not as high as the numbers of proposed dwellings suggested.

Officers had taken all of the relevant considerations into account and judged the proposed density to be acceptable.

The Head reminded Members that funding was available to pursue options for the enhancement of bus stops in the vicinity of the site. There were no new issues for Members to take into account when making their decision and Officers had recommended approval as any harm resulting from this development would not be significant and demonstrable.

Councillor D Andrews stated that the work carried out by the consultants was worthwhile and he was pleased in that their efforts would serve Members well in future decision making. He stated that he had been more concerned with the safety of the Cambridge Road/A120 junction than its capacity. He referred to the lack of recorded incidents and the need for recognition of work that needed to be done to mitigate the dangerous nature of the junction regarding future housing development in this area. Also, he welcomed the work undertaken regarding sustainable drainage and reiterated his concerns regarding pedestrians safely crossing what was in effect a 3 lane highway with high vehicle speeds.

Councillor D Andrews reiterated his concern that funding for library and youth service contributions was geared towards Ware when young people gravitated towards Buntingford where there were some library and youth services. He suggested a more equitable split between Ware and Buntingford.

Councillor K Warnell referred to paragraph 10.12 of the report regarding highway safety with particular reference to varied abilities of drivers to react immediately to vehicles unable to progress into the westbound traffic lane. He referred to the regular use of this area by HGVs and the regular abuse of the speed limits.

The Head referred to the standards applied by Highways

engineers with particular reference to the measured average speed of 29.8 mph and the higher 85th percentile speed of 38.4 mph. The consultant had advised on the relatively slow speeds of vehicles exiting the A10 onto the eastbound A120.

Members were advised that Officers could liaise with the County Council regarding the allocation of funding for library and youth services and it could be redirected. Councillor M Freeman acknowledged that the perceived safety issues already existed and stressed that Members should determine the application on its planning merits as the scheme would not aggravate the situation in terms of highways safety.

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 in respect of application 3/16/1218/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report.

- 513 3/16/1335/FUL – ERECTION OF A 66 BED, 3 STOREY CARE HOME FOR THE ELDERLY WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS AT LAND AT FORMER SAINSBURY'S DEPOT SITE, LONDON ROAD, BUNTINGFORD, SG9 9JR FOR LNT CARE DEVELOPMENTS
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Alastair Wood addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1335/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head advised that the site had previously benefited from planning permission for B1 and D1 uses. This

application was in conflict with those previous permissions although the proposed development would create 50 full time equivalent jobs with a wide range of job types. Officers had received consultant advice regarding the impact of the proposals on the provision of employment land in Buntingford.

Members were advised that the application would provide elderly care home beds and this was supported by the policies of the emerging District Plan. Concerns had been expressed regarding the appearance and scale of the scheme but this was in accordance with residential development already being constructed in the vicinity as well as employment land to the south. The Council's Landscape Officer and the Urban Design Team were content with the proposed development and there had been no objections from statutory consultees.

Councillor J Jones welcomed the much needed care home provision and the much needed employment in Buntingford. He referred to the issues of the proposed three stories, landscape prominence and access for construction traffic off the A10 roundabout rather than through the existing residential area. He also referred to the matter of the ancillary building and whether this could be located away from the residential area.

Councillor S Bull stated that an underground car park would help considerably in addressing the issue of car parking. The Head confirmed to Councillor B Deering that the point raised by the Legal Officer in the additional representations had been considered but inclusion in the legal agreement was not felt to be necessary in this case.

The Head advised that the context of the proposed development in relation to the site and existing development had been in the forefront of Officers' considerations. The site was between 16 and 50 metres, the highway and screening was already in place along London Road and a condition for additional landscaping would further soften the appearance of the proposed

development and the ancillary building.

The Head confirmed that the main access would be via the existing residential development and Hertfordshire Highways had not raised any concerns regarding this application. The current access for construction traffic was via the A10 roundabout and Officers could pass on the Committee's views for the continued use of this access for construction traffic.

The Head concluded that the application proposed 21 car parking spaces when the parking standards stipulated a provision of between 12 and 16.5 spaces. There would be a significant cost implication of underground parking which would impact of the viability of the proposed development. 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 in respect of application 3/16/1335/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report.

- 514 3/16/2327/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF LPA APPROVAL 3/16/0315/FUL - DEMOLITION OF EXISTING BUILDINGS AND PROPOSED RESIDENTIAL DEVELOPMENT OF 10 NEW HOUSES, WITH ASSOCIATED LANDSCAPING AND PARKING AT THE JOHN GILPIN, LONDON ROAD, WARE, SG12 9LX FOR REGENTA DEVELOPMENT
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The Head of Planning and Building Control recommended that in respect of application 3/16/2327/VAR, subject to the original Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head detailed the relevant site history and summarised what was proposed by this application. He

stated that the design, layout and appearance of the proposed development remained acceptable and the Section 106 legal agreement would be varied so the contributions remained equally applicable should this application be approved.

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 in respect of application 3/16/2327/VAR, subject to the original Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report.

- 515 A) 3/16/2027/FUL AND B) 3/16/2028/LBC – CHANGE OF USE OF AGRICULTURAL BARN AND SHEDS TO B1 OFFICES, LANDSCAPING AND PARKING AT BRICKHOUSE FARM, CHURCH LANE, HUNSDON, SG12 8LG FOR MR CHRIS LOVEGROVE

Mrs Moncur and Mrs Bryan addressed the Committee in objection to the application. Mr Spencer spoke for the application.

The Head of Planning and Building Control recommended that in respect of applications 3/16/2027/FUL and 3/16/2028/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head commented on the principle of development and advised that there was no objection to the reuse of buildings within the Green Belt. The main issue was the difference in opinion between the applicant and the tenants regarding the use of the existing farm buildings. Members must balance these considerations against the clear advice from the conservation team that the application would enhance the setting of the listed building and would allow the long term reuse, repair and enhancement of the listed building.

Councillor R Brunton stated that the premise on which the application had been made was wrong. He emphasised that the design of the proposed development was good and this would enhance the openness of the Green Belt. He referred to the farming records and the word of the speakers that the barns were used for dry grain and fertiliser storage.

Councillor Brunton believed that a lack of engagement between the two parties made the provision of alternative storage facilities unlikely. He also believed that this application had not been properly consulted on and was premature given that the site might come forward for development following the adoption of the District Plan. He concluded by referring to the relevance of policy GBC10 in respect of this application and he urged the Committee to join him in voting against the Officer's recommendation.

A number of Members highlighted the relevance of policy GBC10. The Head referred to policy GBC10 and the East Herts Local Plan Second Review April 2007. He referred to a number of matters Members should consider and highlighted NPPF policies that post-dated the East Herts Local Plan.

The Legal Services Manager reminded Members to carefully consider any reasons for going against the recommendation for approval and to keep in mind the additional weight that could now be given to the emerging District Plan over the East Herts Local Plan Second Review April 2007.

Councillor K Warnell proposed and Councillor R Brunton seconded, a motion that application 3/16/2027/FUL be refused on the grounds that the proposed development would result in the loss of existing buildings that were currently used for agricultural purposes and were of significant value to the agricultural holding and its viability. The proposal was therefore contrary to policy GBC10 of

the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, this motion was declared CARRIED. In respect of application 3/16/2027/FUL, the Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

After being put to the meeting and a vote taken in respect of application 3/16/2028/LBC, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that (A) in respect of application 3/16/2027/FUL, planning permission be refused for the following reason:

1. The proposed development would result in the loss of existing buildings that were currently used for agricultural purposes and were of significant value to the agricultural holding and its viability. The proposal was therefore contrary to policy GBC10 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/16/2028/LBC, listed building consent be granted subject to the conditions detailed in the report.

516 3/16/1039/FUL – CHANGE OF USE AND CONVERSION OF PUBLIC HOUSE TO 3 SELF-CONTAINED RESIDENTIAL UNITS AND CONVERSION OF ADJACENT BUILDING BACK TO A DWELLING WITH FIRST FLOOR REAR EXTENSION AT 1-3 THE BOURNE, WARE, SG12 0PU FOR YELLOWBRICK PROPERTIES

Mr Harter addressed the Committee in objection to the application. Councillor P Ballam addressed the Committee as the local ward Member.

The Head of Planning and Building Control recommended

that in respect of application 3/16/1039/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant site history. Members were advised that there had been no objection in principle to the proposed development and Officers considered the proposed accommodation to be acceptable. Some negative weight had been given to the loss of both employment and the public house as a community use weighed against the fact that the pub had closed 2 years ago and marketing of the site had not resulted in any commercial use.

Members were advised that a long term viable use for the listed building was necessary to avoid it falling into disrepair. Members should also be aware that any reuse of the site would result in additional on-street car parking as there was no available off-street provision and alternative parking solutions had been explored for the site without an acceptable outcome.

The Head concluded that when all of the issues were considered, on balance, the benefits of the proposed development outweighed the harm. Councillor R Standley expressed concern on behalf of residents of Milton Road inconvenienced by the parking problems in this area.

Councillor K Warnell commented on the referral to this being a listed building with no reference being made to this in the report. Councillor D Andrews stated that vehicles often had to execute 3 or even 4 point turns to access and drive up Milton Road with vehicles parked on both sides and a similar situation affected The Bourne. He emphasised the sustainable nature of a site linked by pleasant riverside walks to the Asda supermarket, local shops and Ware train station.

The Head emphasised that this was a grade 2 listed building that was the subject of a separate listed building

application with a separate timescale for determination and this was covered in the report now submitted. The Head acknowledged the parking issues referred to by Members and confirmed that Officers were happy to refer this matter to the parking services team on behalf of the Committee.

Councillor R Standley proposed and Councillor R Brunton seconded, a motion that application 3/16/1039/FUL be deferred to enable the possibility of additional parking to be explored with the applicant.

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 Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1039/FUL, planning permission be granted subject to the conditions detailed in the report.

517 3/16/2167/FUL – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A REPLACEMENT DWELLING AT 17 FIRS WALK, TEWIN WOOD, TEWIN, HERTS AL6 0NY FOR MR C RUFFLE

Mrs Thorpe addressed the Committee in objection to the application. Mr Ruffle spoke for the application. Councillor M McMullen addressed the Committee as the local ward Member.

The Head of Planning and Building Control recommended that in respect of application 3/16/2167/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Head highlighted the current approach regarding Green Belt policy and the reduced weight being assigned to the East Herts Local Plan April 2007 and the increasing weight being applied to the NPPF. Members were

advised that the NPPF did not deal with unexpended permitted development. The Head referred Members to page 119 of the report submitted in respect of the scale of the existing and proposed development on this site.

The Head set out the policy position with reference to policy GBC1 and advised that substantial weight should be assigned to the harm likely to be caused by inappropriate development unless the harm was clearly outweighed by the benefits.

The Head responded to queries from Members regarding conditions and the removal of permitted development rights. He referred to the mix of development sizes in the locality and referred to the clear national NPPF policy relevant to this case.

Councillor K Warnell referred to the policy position and could see no reason for refusing permission. Councillor J Jones felt that the replacement dwelling was not inappropriate and the smaller footprint and greater volume of the replacement dwelling would improve the street scene. The Head referred to the judgement Members had to make regarding harm to the openness of the Green Belt and the policy position regarding design and appearance and the impact on the street scene.

Councillor J Jones proposed and Councillor D Andrews seconded, a motion that application 3/16/2167/FUL be approved on the grounds that the proposed development would improve the street scene, subject to a condition regarding the withdrawal of permitted development rights with all other relevant conditions delegated to Officers.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/2167/FUL, planning permission be granted

subject to the following conditions:

1. Three year Time Limit (1T12)
2. Levels (2E05) – after ‘proposed buildings’ insert ‘and showing the relationship of any proposed earthworks to existing trees,’
3. Approved Plans (2E10)
4. Materials of construction (2E11)
5. Withdrawal of PD (Part 1 Class A) (2E20) – Amend reason to :- “In permitting this development, the local planning authority considered that other material planning considerations, including the existence of unexpected permitted development rights for the existing dwelling, clearly outweighed the harm to the Green Belt. The application of further permitted development rights in respect of the larger replacement dwelling is likely to result in development harmful to the openness, character and appearance of the Green Belt, contrary to Policy GBC1 of the East Herts Local Plan second review April 2007 and the National Planning Policy Framework”
6. Withdrawal of PD (Part 1 Class B) (2E19) – Amend reason as 5 above
7. Contaminated land survey and remediation (2E33)
8. Tree/Hedge retention and protection (4P05)
9. Tree/natural feature protection (4P07)
10. Tree protection: excavations (4P09)

11. Tree protection: Earthworks (4P10)
12. Prior to commencement of the development hereby permitted, detail of the energy efficiency measures proposed to be incorporated within the design of the replacement dwelling shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.

Reason: The provision of energy efficiency benefits within the new development was given weight in the balance of considerations that were found to clearly outweigh the harm to the Green Belt, in accordance with policy GBC1 of the East Herts Local Plan second review 2007 and the National Planning Policy Framework. The condition is required to ensure that those benefits are realised.

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; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

518 3/16/1946/FUL – CONSTRUCTION OF 5 BEDROOM DETACHED DWELLINGHOUSE WITH DETACHED GARAGE AT CHERRY TREES, WHITE HALL LANE, BISHOP'S STORTFORD FOR MR A YOUNG (LAKEMOUNT PROPERTIES LTD)

The Head of Planning and Building Control recommended

that in respect of application 3/16/1946/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head confirmed that the application was being reported to Members due to the requirement for a legal agreement. He referred to the provision of affordable housing and advised that there had been no objections received by Officers. The Head responded to a query from Councillor D Andrews regarding the lack of specific information regarding the level of financial contribution for fire hydrants. The Committee Chairman commented on the importance of wheel washing for all construction traffic.

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 in respect of application 3/16/1946/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report.

- 519 A) 3/16/1735/HH – ERECTION OF FENCING AND OUTBUILDING; B) 3/16/1934/HH – RENOVATION AND REFURBISHMENT OF LISTED BUILDING INCLUDING REMOVAL OF EXISTING FRONT GATES AND INSTALLATION OF NEW 5 BAR GATE AND PERSONNEL GATE AND NEW TIMBER WEATHER BOARDING TO FRONT AND SIDE ELEVATIONS; C) 3/16/1935/LBC – INTERNAL AND EXTERNAL ALTERATIONS TO LISTED BUILDING INCLUDING INSTALLATION OF A NEW STAIRCASE. CREATION OF A FAMILY BATHROOM, ADDITION OF INSULATION, RENOVATION AND/OR REPLACEMENT OF FRONT DOOR AND WINDOWS, NEW ENTRANCE GATES AND NEW CLADDING TO REAR AND SIDE ELEVATIONS AT 24 GREEN END, BRAUGHING, WARE, SG11 2PG FOR MR PETER BOYLAN
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The Head of Planning and Building Control recommended

that in respect of applications 3/16/1735/HH and 3/16/1934/HH, planning permission be granted subject to the conditions detailed in the report now submitted. The Head of Planning and Building Control also recommended that in respect of application 3/16/1935/LBC, listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head summarised the applications and referred to the significant dialogue that had taken place regarding these applications. Members were advised that Officers were supportive due to the positive impact on the historical integrity of the listed building.

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

RESOLVED – that in respect of applications 3/16/1735/HH, 3/16/1934/HH and 3/16/1935/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report.

520 A) 3/16/2134/HH AND B) 3/16/2135/LBC – SINGLE STOREY LEAN-TO EXTENSION AND NEW DETACHED GARAGE AT YEW TREE COTTAGE, GREEN END, DANE END, WARE FOR MR AND MRS YOUNG

The Head of Planning and Building Control recommended that in respect of application 3/16/2134/HH and 3/16/2135/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head summarised the proposed development covered by both applications. After being put to the meeting and votes taken, the Committee accepted the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of applications 3/16/2134/HH and 3/16/2135/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report.

521 ENFORCEMENT UPDATE

The Principal Planning Enforcement Officer submitted a report providing Members with an enforcement update including the up to date situation regarding enforcement statistics and cases that were currently still active but had been opened before 2016. He confirmed to Councillor K Warnell that Officers were doing all they could with existing resources to deal with estate agent signage. Members noted the report and the recommendations now detailed.

RESOLVED – that (A) the enforcement statistics be noted; and

(B) the update in relation to Enforcement Cases that had been opened before 2016 and were still active, be noted.

522 ITEMS FOR REPORTING AND NOTING

The Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.50 pm

Chairman

Date