

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
(FORMERLY CONTROL) COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 19 JUNE 2013, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Ruffles and K Warnell.

OFFICERS IN ATTENDANCE:

Nicola Beyer	- Senior Planning Officer
Glyn Day	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

66 APOLOGIES

Apologies for absence were submitted on behalf of Councillors E Bedford and K Crofton. It was noted that Councillors J Jones and G Lawrence were in attendance as substitutes for Councillors K Crofton and E Bedford.

67 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised Members that a briefing event would be held at 5.15 pm in Room 27 prior to the 17 July 2013 meeting of the Committee. The briefing related to M11 corridor transport infrastructure issues and would be conducted by a Transport Officer from Essex County Council.

Members were also reminded that the Bishop's Stortford North Public Briefing was due to take place in the Charis Centre, Water Lane, Bishop's Stortford at 7.00 pm on Thursday 18 July 2013. Officers anticipated that the developers would present the applications involved and Members could then ask questions.

Members would be informed of final arrangements in the next couple of weeks. Members were requested to give some thought to the questions they may ask and to inform Officers so that the event could be run efficiently with a minimum of duplication.

68 DECLARATIONS OF INTEREST

Councillor S Bull declared a disclosable pecuniary interest in applications 3/13/0513/FP and 3/13/0518/LC, in that he received a pension from the Co-op. He left the room whilst these matters were considered.

69 MINUTES – 22 MAY 2013

RESOLVED – that the Minutes of the meeting held on 22 May 2013 be confirmed as a correct record and signed by the Chairman.

- 70 A) 3/13/0279/FP AND B) 3/13/0280/LB – CONVERSION OF SECOND AND THIRD FLOORS AT MAURICE HOUSE TO 10NO. ONE BED SELF CONTAINED FLATS WITH INSERTION OF 2NO. NEW TIMBER WINDOWS AT MILLARS THREE, SOUTHMILL ROAD, BISHOP'S STORTFORD, CM23 3DH FOR REEDSIDE LTD
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The Director of Neighbourhood Services recommended that, in respect of applications 3/13/0279/FP and 3/13/0280/LB, planning permission and listed building consent be granted respectively subject to the conditions detailed in the report now submitted.

Councillor N Symonds, as the local ward Member, stated that the units on the top floor at Millers Three had been empty for some time. She also commented that there was no car parking available on this site.

Councillor Symonds referred to the site as being part of a thriving business area with numerous small businesses such as cafes and takeaways. She stated that the applications should be refused on the grounds of insufficient car parking provision.

Councillor Symonds referred to the proximity of two nearby dance schools and her concerns regarding the additional traffic posing a danger to the children using those facilities.

Councillor A Burlton stated that there were 10 parking spaces on site, which equated to one per unit. He also pointed out that users of the site may park in nearby roads. He concluded that the Committee couldn't reasonably refuse the application on the basis of insufficient car parking provision.

Councillor M Newman referred to paragraph 7.15 of the Officers report. He commented that, if it was the case that the on site parking was allocated to various parts of the building and the management and enforcement of that car parking was the responsibility of the freeholder or a

management company, then he was comfortable with that arrangement.

Councillor G Jones referred to the often chaotic situation regarding car parking at Millers Three. He commented that the other uses of the site, such as the nightclub and restaurants and takeaways, were not the most compatible with a residential use. He stated that the purchasers of the residential units would, however, be aware of those uses.

Councillor G Jones expressed concern over the conversion of offices to residential where 16 month business lets had been unsuccessful during a recession. He stated that if too many units were lost to residential use then this would be to the disadvantage of Bishop's Stortford during periods of economic recovery.

Councillor G Jones stated that, if the whole area became a mix of the current uses on the site, then this change of character would be detrimental to a listed building with an industrial heritage. He sought reassurance from Officers regarding the likely scale of residential development in future on this site.

The Director advised that 10 car parking spaces were proposed and the Council's Supplementary Planning Document (SPD) on car parking stipulated a requirement for a maximum of 12.5 spaces.

Members were advised that, if the building was used as Offices, then 13 spaces would be required. Officers felt therefore that a reason for refusal on car parking could not be justified as this application would not result in an increase in demand for car parking on the site.

The Director advised that, regarding the issue of noise, Environmental Health Officers had requested a condition requiring that details of sound insulation shall be submitted to and approved in writing by the Local Planning Authority.

The Director stated that Government guidance centred on making the best use of underused accommodation in town centres. Members were advised that new legislation had come into effect regarding permitted development rights and that, in future, such changes of use could be carried out without planning permission where a building was not listed. Officers had additional control over this site as there was a listed building involved. Nevertheless, those permitted development rights were a material consideration

The Director advised that, whilst the character of Millers Three would change slightly, Officers felt that the proposed scale of the development was acceptable in terms of NPPF policy, as the overall industrial heritage of this area would not be adversely affected as there would remain a good mix of uses on the site. Members were reminded that they would have control over any further development on the site.

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

RESOLVED – that in respect of applications 3/13/0279/FP and 3/13/0280/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

71 3/13/0528/SV – DEED OF VARIATION TO S106 OBLIGATION DATED 15 APRIL 2005 UNDER PLANNING REFERENCE 3/04/0657/OP - TO INSERT AN ADDITIONAL CLAUSE, FOLLOWING CLAUSE 2.4, STATING THAT SUCCESSORS IN TITLE DOES NOT INCLUDE LEASEHOLDERS AT 95–97 LONDON ROAD, BISHOP'S STORTFORD, CM23 3DU FOR CALA HOMES LIMITED

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0528/SV, subject to the

expiry of a 21 day period subsequent to the date of notification of the application by the applicant, and as provided in an appropriate certificate to the Council and subject to no new and substantive matters of objecting being raised as a result, the legal agreement be varied to add the following clause:

- Except for restrictive covenants capable of affecting an individual dwelling unit, the reference to 'successors in title' in the agreement does not include leaseholders.

The Director advised that this application followed on from an application approved in 2004 that had permitted the development on this site, subject to a number of Section 106 legal obligations. The current application sought to amend the agreement by the addition of a further clause which would state that the 'successors in title' to the agreement did not include leaseholders.

Members were advised that this would ensure that individual purchasers of the flats would not become liable for any commuted sums that had not been paid and would not have to be signatories to any deed of variation.

The Director summarised the reasons why this situation had arisen. He referred to the legal advice from the Hertfordshire County Council's solicitor, as well as the advice from the East Herts Council's solicitor, which had subsequently led to this application being submitted.

Councillor G Jones commented that, if any future developer in possession of this site went into administration, would there be any risk that the outstanding Section 106 monies would not be secured. Councillor Jones made the point that, as some of the units were now occupied, the full Section 106 obligations should have been paid by now.

The Director advised that the risk of not securing the full Section 106 obligations was no greater now than it had

been when the original application was determined in 2004.

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 3/13/0528/SV, subject to the expiry of a 21 day period subsequent to the date of notification of the application by the applicant, and as provided in an appropriate certificate to the Council and subject to no new and substantive matters of objection being raised as a result, the Section 106 legal agreement be varied to add the following clause:

Except for restrictive covenants capable of affecting an individual dwelling unit, the reference to ‘successors in title’ in the agreement does not include leaseholders.

- 72 (A) 3/13/0513/FP AND (B) 3/13/0518/LC – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 1NO 1 BED ROOMED FLAT, 4NO 2 BED ROOMED FLATS, 9NO 2 BED ROOMED HOUSES, 4NO COMMERCIAL UNITS WITH A1, A2, B1(A) B1(B), B1(C) USE AND ASSOCIATED CAR PARKING AND LANDSCAPING AT FORMER CO-OP SITE, STAR STREET, WARE, SG12 7AA FOR MR P ROBERTS

Maurice Swain addressed the Committee against the application. Philip Roberts spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director of Neighbourhood Services also recommended that, in respect of application

3/13/0518/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

Councillor P Moore stated that applications 3/13/0513/FP and 3/13/0518/LC would enhance this corner of Star Street and Bowling Road. She emphasised that these homes were needed and car parking spaces were being provided for each unit. Councillor Moore commented that she was supportive of the applications and was satisfied with the planned entrance to the site and with the proposed single exit.

Councillor M Alexander stated that he was also supportive of the applications on what was a primary route into Ware. He stressed that he was glad that there was at last going to be some development on the corner of Bowling Road and Star Street.

Councillor M Newman commented that the proposals were a very imaginative design and were preferable to many more modern mundane proposals.

The Director stressed that almost every development had an impact in some way shape or form and, so long as Members had considered whether the benefits of the applications outweighed the impact of the proposals, then reaching a decision on that basis was entirely acceptable.

Members were advised that the development at Bowsher Court was in fact higher than the proposed development so the buildings at Bowsher Court may have a greater impact on the proposed units than they in turn would have on Bowsher Court.

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

RESOLVED – that (A) subject to the applicant entering into a legal obligation pursuant to Section

106 of the Town and Country Planning Act 1990, in respect of application 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted; and

(B) in respect of application 3/13/0518/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

73 3/13/0540/FP – AMENDMENTS TO APPROVED PLANS TO PLOT 2 APPROVED UNDER REF. 3/12/1094/FP AT PLOT 2, LAND AT WHITEHALL LEYS, WHITEHALL ROAD, BISHOP'S STORTFORD, CM23 2JL FOR GRANGE BUILDERS

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0540/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

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 3/13/0540/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

74 3/13/0130/AD – THE ERECTION OF TWO SIGN BOARDS AT WARRENWOOD INDUSTRIAL ESTATE, STAPLEFORD, SG14 3NU FOR EAST HERTS DISTRICT COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0130/AD, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the plan displayed on the screen at the meeting. Members were advised that the plan printed in the Agenda had not been entirely

accurate in terms of the location of the proposed advertisement boards.

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 3/13/0130/AD, planning permission be granted subject to the conditions detailed in the report now submitted.

75 E/13/0100/A – UNTIDY CONDITION OF LAND AT 58 MAZE GREEN ROAD, BISHOP'S STORTFORD, CM23 2PL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0100/A, enforcement action be authorised on the basis now detailed.

Members were reminded that, in March 2007 and January 2010, two previous Section 215 notices had been issued and served against the owner of 58 Maze Green Road. The owner had failed to comply with both previous notices and works in default had been carried out by the Authority.

Members were advised that vegetation had now grown to such an extent that Officers were seeking authority for another section 215 notice to address the re growth in the front and rear gardens of the property. Members were further advised that Enforcement Officers were working with fellow Officers to explore other options to the Section 215 notices.

In response to a query from Councillor S Bull regarding the responsibility of maintaining gardens if a housing association was involved, the Director advised that this was a privately owned property.

Members were advised however that, if a housing

association had been involved, then Officers would have liaised with the relevant organisation on Enforcement Matters. The housing association would then be expected to take the matter up with the appropriate tenant.

In response to a query from Councillor A Burlton, the Director confirmed that Members would be kept up to date once other options to enforcement action had been considered. Councillor M Alexander requested that it be noted that this was a privately owned dwelling.

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/13/0100/A on the basis now detailed.

RESOLVED – that in respect of E/12/0100/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.

76 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.

The meeting closed at 7.52 pm

Chairman
Date