

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 25 FEBRUARY 2015, AT 7.00
PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, K Crofton, G Jones, P Moore,
M Newman, P Ruffles, N Symonds,
K Warnell and G Williamson.

ALSO PRESENT:

Councillors P Ballam, M Carver, L Haysey,
M Pope and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Christopher Barnes	- Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

545 APOLOGY

An apology for absence was submitted on behalf of

Councillor J Jones. It was noted that Councillor K Warnell was substituting for Councillor J Jones.

546 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the special meeting of the Committee due to be held at 7.00 pm on Monday 16 March 2015. This would be held in the Mitre Suite, Bishop's Stortford Football Club, Woodside, Dunmow Road, Bishop's Stortford to determine the planning application relating to site ASR5 at Bishop's Stortford North.

547 MINUTES – 4 FEBRUARY 2015

RESOLVED – that the Minutes of the meeting held on 4 February 2015 be confirmed as a correct record and signed by the Chairman.

548 3/14/1827/FP – ERECTION OF AN ANAEROBIC DIGESTER PLANT AND ASSOCIATED SILAGE COMPOUND AT CLEMENTS FARM, BRICKENDON LANE, BRICKENDON, HERTFORD, HERTS, SG13 8FG FOR R BONE

Adrian McNeece addressed the Committee in objection to the application. Jane Orsborn spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1827/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the late representations summary in respect of information regarding habitats on this site, local flooding and a summary explaining the principles of anaerobic digestion. Members were advised that the National Grid had no objections to the application.

Councillor P Ruffles commented that as regards the special circumstances and the Green Belt, there would be no improvement in the landscape resulting from the

proposed development. He expressed concerns regarding the road traffic elements of the proposed development.

Councillor Ruffles referred to policy TR20 in relation to the importance of clear and precise information regarding traffic generation from other sites owned by the applicant. The Director confirmed that greater certainty could be produced and the relevant condition could be linked to a plan that clearly identified the sites owned by the applicant that would be contributing material for the digester. The applicant would have to seek permission in future should they wish to vary the condition.

Councillor P Moore sought clarification on what Officers felt were the very special circumstances that led them to recommend approval of planning permission in the Green Belt. The Director advised that the 2012 National Planning Policy Framework (NPPF) encouraged the move to a low carbon economy for small scale energy generation. Members were reminded that one third of East Herts was made up of Green Belt land and East Herts Local Plan policies supported sustainable energy generation.

The Director confirmed that Officers had concluded that the impact of the proposed development would be minimal and there were strong policy presumptions in favour of sustainable development. Officers felt that weight could be given to these beneficial aspects such that harm was clearly outweighed and very special circumstances were thereby evident.

Councillor M Newman stated that he was fully supportive of the recommendation and he was a firm believer in energy generation that did not utilise fossil fuels. He commented that anaerobic digestion was a very efficient method of energy generation that did not rely on wind or the sun.

The Chairman referred to the evidence of flooding from

Brickendon Brook along Brickendon Lane. She expressed concerns regarding the narrow and sub-standard nature of this road along its entire length from the B158 through to Brickendon.

The Director confirmed to Councillor N Symonds that some of the material for the digester would come from the land holdings of Clements Farm and would therefore not affect the public highway. Members were reminded that Officers had control over the specific locations where material could be moved from for the digester. The Director stated that it would be in the applicant's interest to utilise on site storage and to ensure the efficient movement of the material.

Councillor K Crofton stated that the site was at a low level and was located a long way from the road. He did not feel that anyone would be adversely affected by the vehicular movements associated with this application. He commented that the cattle and slurry and associated odours were already present and he felt that all of the concerns had been satisfactorily addressed by Officers.

Councillor G Jones referred to the relatively insignificant increase in traffic resulting from a development that would clearly be inappropriate development in the Green Belt. He referred to the 3 particular areas highlighted in the report whereby the application had to be justified by very special circumstances.

Councillor Jones concluded that the site would be very difficult to see and the Green Belt arguments regarding the benefits of renewable energy provision and the diversification of agricultural businesses were very much subjective judgements.

The Director advised that Members had to assign weight to all of the matters under consideration rather than restricting their thought processes to any one single issue. He concluded that Members had to decide whether the benefits of the application clearly outweighed

the potential for harm to the Green Belt and therefore very special circumstances were demonstrated.

Councillor M Alexander proposed and Councillor P Moore seconded, a motion that application 3/14/1827/FP be refused on the basis that the application constituted inappropriate development in the Green Belt and was therefore contrary to policy GBC1 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. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/14/1827/FP, planning permission be refused for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. No such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and Section 9 of the National Planning Policy Framework (NPPF).

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, East Herts Council has considered, in a positive and proactive

manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

549 3/14/1102/OP – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 4 NO 4 BEDROOMED DWELLINGS AT IDEAL FARM, BRAUGHING FRIARS FOR R RAFFERTY, 2 AGRICULTURE LTD

Brian Barrow addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1102/OP, planning permission be refused for the reasons detailed in the report now submitted.

The Chairman stated that Braughing Parish Council had no objection to the application but they would have preferred to see the four dwellings restricted to the northern part of the site and the Parish Council was disappointed that the applicant was still seeking to locate one property to the south where there were no other buildings or development in an area of fields and open land.

Councillor M Newman referred to pre-application advice given to the applicant that the proposed development should be restricted to the northern part of the site. He referred to the importance of verifying the applicant's position that one property had to be located to the south to maintain the viability of the application.

Councillor M Alexander commented that he had not seen anything that would sway him from supporting the Officer's recommendation for refusal. 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 3/14/1102/OP, planning permission be refused for the reasons detailed in the report now submitted.

- 550 A) 3/14/1841/FP – MIXED USE DEVELOPMENT INCLUDING THE CONVERSION OF THE FORMER MCMULLENS BREWERY TO 7 NO. RESIDENTIAL APARTMENTS AND BUSINESS AND COMMUNITY UNITS; AND B) 3/14/1842/LB – MIXED USE DEVELOPMENT INCLUDING THE CONVERSION OF THE FORMER MCMULLENS BREWERY TO 7 NO. RESIDENTIAL APARTMENTS AND BUSINESS AND COMMUNITY UNITS AT 26 OLD CROSS, HERTFORD, HERTS, SG14 1RD FOR WHITE HART DEVELOPMENTS
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The Director of Neighbourhood Services recommended that in respect of applications 3/14/1841/FP and 3/14/1842/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the late representations summary for details regarding comments from the Council's Head of Communications, Engagement and Cultural Services and the Council's Legal Officer. Members were advised that some amendments to the proposed conditions were detailed in the representations summary.

Councillor P Ruffles commented that the address at the head of the report was incorrect as the site was some distance from Old Cross. He referred to a comment in paragraph 5.2 of the report submitted regarding the opening up of a blocked up window and whether this could be left as part of the dormer window considerations. The Director confirmed that the applicant's conservation architect was fully aware of the issue of the opening up of the blocked window and this had been accepted by the

Conservation Officer.

Councillor D Andrews welcomed the application and stated that he was very pleased to see this site being developed and this application would facilitate this process. He commented that he looked forward to enjoying the community use elements of the proposed development.

In response to a comment from Councillor G Jones regarding existing Section 106 obligations, the Director advised that the Section 106 commitments in respect of the long term management of the community space had been superseded by the planning conditions regarding the refurbishment of this community space.

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 3/14/1841/FP and 3/14/1842/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

551 3/14/2301/FP – DEMOLITION OF THE EXISTING HOTEL BUILDINGS AND REDEVELOPMENT TO PROVIDE A NEW CARE HOME WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND RELATED WORKS AT THE ROEBUCK HOTEL, WADESMILL ROAD, WARE, SG12 9DR FOR AKA PLANNING

David Madden addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/2301/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ballam, as the local ward Member, stated that she was very pleased with this application and was supportive of it. She referred to the applicant's intentions being made clear at a well-attended public exhibition and she was pleased to see that the applicant had addressed the previous reasons why residential development had been refused.

Councillor Ballam welcomed the way the applicant had worked with Hertfordshire Highways and neighbours to address their concerns. She stated that she was sure that the proposed widening of the pedestrian footway would be a great improvement. She acknowledged and accepted the applicant's position that the existing building was beyond repair and could not be saved.

Councillor Ballam referred to a letter from a local GP practice to the Hertfordshire Mercury that stated that there was already a care home in Ware and she had responded to point out that this planning application could not be refused on that basis. She concluded that she hoped that those responsible for GP provision would take this concern on board. She stated that this was an excellent scheme that would bring a great number of jobs to Ware.

The Chairman and Councillor P Moore commented on their concerns regarding the inadequacy of only one lift in a care home environment with 70 bedrooms and up to 80 staff. Councillor Moore was particularly concerned when considering the client group likely to be in occupation in this facility.

The Director advised that the applicant would very likely be fully aware of their obligations to meet the appropriate building control requirements regarding the provision of lifts.

Councillor M Alexander stated that Members should be proud of the outcome that had been achieved for this site following the refusal of the previous residential scheme on this site. 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 3/14/2301/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 552 3/14/1615/FP – DEMOLITION OF EXISTING INDUSTRIAL UNITS; ERECTION OF 3NO. 5 BEDROOM DETACHED DWELLINGS, 2 NO. SINGLE STOREY (B1) OFFICE BUILDINGS, CREATION OF ASSOCIATED PARKING AREAS AND ANCILLARY WORKS AT FORMER HELMER AND DYER YARD, HIGH WYCH LANE, HIGH WYCH, SAWBRIDGEWORTH, CM21 0JJ FOR HELMER AND DYER AND SONS LTD
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Melanie Parker addressed the Committee in objection to the application. Miranda Rogers spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1615/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor M Carver, as the local ward Member, stated that this was an interesting case and he hoped that Members had been to visit the site as seeing the situation there was a key issue. He stated that this was an important site in the centre of the village of High Wych that was visible from both High Wych Lane and High Wych Road. The site was at the junction of both these roads and was therefore in the centre of the village.

Councillor Carver advised that the site was badly run down and had been in this state for a number of years. He commented that the listed building was very much in need of attention and he detailed what he felt would be three gains for the village should this application be approved. He felt that the recommendation for refusal

was solely based on the views of the Conservation Officer.

Councillor Carver concluded that the listed building would become a focal point in High Wych and any harm resulting from this scheme would be outweighed by the community benefits. He encouraged the Committee to approve the application subject to suitable conditions in consultation with the local ward Member and the Committee Chairman.

Councillor M Newman expressed concerns regarding the regrettable loss of low cost general employment land. He stated that it was all too easy to displace low cost commercial floor space with high quality and expensive offices.

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 3/14/1615/FP, planning permission be refused for the reasons detailed in the report now submitted.

553 3/14/1851/FP – CHANGE OF USE OF NINE PARKING SPACES TO HAND CAR WASH AND VALETING OPERATION INCLUDING INSTALLATION OF AN OFFICE AND ERECTION OF A CANOPY WITH ILLUMINATION AT TESCO, 1 BISHOP'S PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD, CM23 4DA FOR WAVES CONSULTANCY LIMITED

Steven Shaw addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1851/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones stated that he had asked for this matter to be reported to the Committee because the operating hours of the proposed development exceeded the opening hours of the Tesco store on Sundays and also as it was relatively close to residential properties.

Councillor Jones commented that the car park also served a number of other retail outlets as well as the largest GP Surgery in Bishop's Stortford and a community centre. He stressed that the car park served the 400 or so properties at Bishop's Park and would also serve around 800 additional dwellings at Bishop's Stortford North.

Councillor Jones sought clarification from Officers regarding the issue of the car park barrier being closed at 4 pm on Sundays as this would prevent the car wash operating between 4 and 5 pm on Sundays. He also referred to the issue of cars queuing in a car park where there was no dedicated queuing space for this.

The Director advised that the store closing time on Sundays was 4 pm and condition 5 could be amended to ensure that the car wash operation also ceased at 4 pm. Members were advised that queuing cars would only affect the internal operation of the car park and Officers would only be concerned if the queue reached the public highway.

Councillor Jones referred to the loss of 9 spaces and also the possibility of further spaces being unavailable due to queuing traffic. He also expressed concern that there would be a loss of two disabled spaces and there would also be insufficient spaces for Tesco shoppers and for those using the community hall and the South Street Surgery.

Councillor Jones concluded that he did not believe that noise would be a major issue but residents would hear the operation of the car washing process most of the time and the noise impact would be consequently greater than

the noisiest situation likely to occur at this site at present.

The Director confirmed that although there would be a loss of 9 spaces the design and access statement did highlight that many of the users of the car wash would also be using the Tesco store. Members were advised that the floor space of the store required a maximum of 387 spaces and the store had operated successfully for a number of years alongside the other shops and community facilities.

The Director reported that there had been some concerns raised regarding instances of overspill parking onto surrounding residential streets. Officers could attach a condition requiring that the disabled spaces be provided elsewhere within the car park. Members were advised that Hertfordshire Highways had not raised any concerns regarding this application.

The Director concluded that the noise issue was a key consideration and there would inevitably be some impact for residents. Members were advised that Environmental Health and Planning Officers were satisfied that the impact of the proposed development could be mitigated by acoustic fencing and other measures to avoid significant harm for the occupants of neighbouring residential properties.

Councillor D Andrews expressed concerns that the proposed development was so close to residential dwellings when there were other areas of the car park that were much further away from houses. He stated that the car wash could be sited much more sympathetically and he was surprised that existing disabled bays were so far away from the store entrance.

Councillor K Warnell stated that queuing traffic would prevent the use of spaces and cars already parked could be blocked in. He was also of the view that more than 9 spaces would be affected by the proposed development. He referred to the loss of the 308 bus service to this site

resulting in more journeys being made by car.

Councillor K Crofton stated that any additional noise resulting from the proposed development was unacceptable as was any subsequent illumination. He stressed that the consequences of either of these issues would be unacceptable for the neighbouring households.

Councillor M Alexander commented that the constant frequency of the jet washing operation would be unacceptably noisy and he was also concerned regarding the overspray from the jet washing process. He concluded that this style of car wash and valeting operation would be better suited to a garage style environment.

Councillor D Andrews proposed and Councillor P Ruffles seconded, a motion that application 3/14/1851/FP be deferred to allow Officers to enter into further negotiations with the applicant with regard to the siting of the proposal and the nature of the operation.

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 3/14/1851/FP, planning permission be deferred to allow Officers to enter into further negotiations with the applicant with regard to the siting of the proposal and the nature of the operation.

554 **E/13/0321/B – THE UNAUTHORISED USE OF PART OF THE FARMYARD AND PART OF BUILDING FOR CAR STORAGE AT EAST END GREEN FARM, EAST END GREEN, HERTFORD, HERTS, SG14 2PD**

The Director of Neighbourhood Services recommended that in respect of the site relating to E/14/0321/B, enforcement action be authorised on the basis now

detailed.

Councillor M Alexander queried how many motor vehicles were being stored in the farmyard. The Director undertook to provide a written response to Members after the meeting. 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/14/0321/B on the basis now detailed.

RESOLVED – that in respect of E/14/0321/B, 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.

555 PUBLIC SPEAKING ARRANGEMENTS FOR THE SPECIAL DEVELOPMENT MANAGEMENT COMMITTEE MEETING DEALING WITH APPLICATIONS 3/13/0886/OP AND 3/13/1501/OP – LAND AT BISHOP'S STORTFORD NORTH

The Head of Planning and Building Control submitted a report inviting Members to consider public speaking arrangements for the special meeting of the Committee on 16 March 2015, dealing with applications 3/13/0886/OP and 3/13/1501/OP relating to land at Bishop's Stortford North (ASR5).

Members were advised that Officers were suggesting that a total period of 15 minutes should be permitted for those who wished to speak in objection to the proposals. The same total period would then be offered to any supporting parties.

Members were asked to consider and endorse these proposals. The Committee agreed that 30 minutes be made available in total for objectors with the same total time being offered to those wishing to speak in support.

RESOLVED – that at the Development

Management Committee meeting scheduled for 16 March 2015 relating to planning applications 3/13/0886/OP and 3/13/1501/OP, 30 minutes be made available in total for objectors with the same total time being offered to those wishing to speak in support.

556 **PLANNING APPEAL: DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A MIXED USE DEVELOPMENT COMPRISING 101 RESIDENTIAL (C3) APARTMENTS AND EMPLOYMENT (B1) SPACE, ALONG WITH ASSOCIATED HIGHWAY AND LANDSCAPE WORKS AT LAND AT CRANE MEAD, WARE, HERTS, SG12 9PY, REF: 3/14/1408/FP**

The Director of Neighbourhood Services submitted a report updating Members in relation to the current circumstances regarding the appeal detailed in the report. Members were requested to consider the position of the Council in the light of further relevant information.

Members were reminded that they had refused the application on the land at Crane Mead at the Committee meeting held in November 2014. The Director stated that Officers were seeking delegated authority to alter, amend and update the Council's case in consultation with the local ward Member and the Committee Chairman.

Councillor D Andrews referred to the concerns Members had regarding the offer of 6 affordable housing units in a proposed development of 100 dwellings. He argued that if the scheme was not viable with more than 6 affordable housing units then the scheme was not viable at all.

Councillor Andrews stated that the scheme must be viable as all homes were eventually purchased by somebody so were by definition affordable. He concluded that the site was eminently sustainable due to its proximity to the train station and the town centre with good facilities on hand. The site was therefore, ideal for a good mix of owner occupier, shared ownership and affordable housing.

Councillor G Williamson sought clarification regarding the nature of the changes that Officers might have to react to when formulating the Council's case. The Director stated that Officers were solely seeking permission to continue to consider all the issues that were relevant to the appeal. Officers were only able to anticipate what these issues might be and there was no absolute certainty as to what topics might arise throughout the appeal process.

The Director stated that the issue of a 5 year supply of housing land in East Herts was a recurring theme as the issue of viability assessments in respect of affordable housing. Officers were seeking to ensure that they framed the Council's case in the most up to date manner possible. Members endorsed the recommendations detailed in the report.

RESOLVED – that (A) the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council's reasons for refusal, including their withdrawal if appropriate, and the evidence to be submitted in relation to the forthcoming appeal; and

(B) during the period following the forthcoming local elections and prior to the appointment of a Chairman of the Committee, the consultation detailed in (A) will only be required with the local ward Member.

557 ITEMS FOR REPORTING AND NOTING

In response to a query from Councillor G Jones, the Director confirmed that the information referred to in the last paragraph on page 117 of the report submitted had not been included in the supporting data tables. He apologised and undertook to provide this information separately to Members.

RESOLVED – that the following reports be noted:

(A) Planning Appeals: Inquiry and Informal Hearing dates; and

(B) Enforcement update.

The meeting closed at 9.04 pm

Chairman
Date