

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 19 AUGUST 2015, AT 7.00
PM

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

ALSO PRESENT:

Councillors S Bull, K Crofton and S Rutland-
Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Paul Dean	- Principal Planning Enforcement Officer
Simon Drinkwater	- Acting Chief Executive/Director of Neighbourhood Services
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

226 APOLOGY

An apology for absence was submitted on behalf of Councillor K Brush.

227 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that Officers from Hertfordshire County Council Highways would be giving a presentation in respect of Highways Assessment of Development Proposals at 7 pm in the Council Chamber, Wallfields on Wednesday 2 September 2015.

228 3/14/2200/OP – RESIDENTIAL DEVELOPMENT FOR UP TO 85 HOUSES INCLUDING SITE ACCESS, PUBLIC OPEN SPACE AND LANDSCAPING. LAND SOUTH OF FROGHALL LANE, WALKERN, STEVENAGE, HERTS, SG2 7PH

Mr Jenner addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that had East Herts Council been in a position to determine application 3/14/2200/OP, it would have refused planning permission for the proposed development for the reasons detailed in the report now submitted.

The Director also recommended that Members consider the planning appeal procedure currently confirmed by the Planning Inspectorate as Written Representations, and given the level of public interest in the application proposal, whether this was appropriate or whether the Council should seek that the matter be processed through the Informal Hearing procedure.

The Director further recommended that authority be delegated to the Head of Planning and Building Control to

formulate the case to be submitted on behalf of the Council to the forthcoming appeal, including dealing with all matters as might be required in relation to a potential planning legal agreement and conditions which may be applied, were the proposals to be approved.

The Director detailed the nature of this outline application where all matters were reserved apart from access. The application was contrary to rural area policy GBC3 as Walkern was a category 1 village. The applicant had lodged an appeal against non-determination and Members were being asked to indicate what their decision would have been had they determined the application.

Members were advised that the applicant had referred to the lack of a 5 year housing land supply and they had also referred to the presumption in favour of sustainable development. The Director referred to the overwhelming local objection to the application and the comments and points detailed in the late representations summary.

Councillor K Crofton, as the local ward Member, addressed the Committee in objection to the application. He urged the Committee to support the Officer's recommendations.

Various Members expressed concerns on the scale of the proposed developed, its impact on Walkern, parking and access.

The Director confirmed to Councillor P Ruffles that all of the written representations would be forwarded onto the Planning Inspectorate. After being put to the meeting and votes taken, the Committee accepted the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/14/2200/OP, the recommendations of the Director of Neighbourhood Services to have refused planning permission had the application

been determined, be approved as now submitted.

229 3/15/1114/VAR –VARIATION OF CONDITION 2 (APPROVED PLANS OF PLANNING PERMISSION 3/14/1048/FO) – MINOR AMENDMENTS TO THE POSITION AND ORIENTATION OF PLOTS 85 – 88 AND CHANGE OF HOUSE TYPE FOR PLOT 87 TO INCLUDE FRONT DORMER WINDOWS AT LAND NORTH OF HARE STREET ROAD, BUNTINGFORD FOR TAYLOR WIMPEY (UK) LTD

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 to make reference to amended application 3/15/1114/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the location of the site and set out the details of the application for minor variations relating to an approved plans condition. Members were referred to paragraph 7.2 of the report for the full details of the proposals.

The Director concluded that this scheme would, in effect, be a complete new planning permission for the site and this meant that the previous list of conditions had to be applied as detailed in the report.

Councillor J Jones commented on whether the application should be deferred as it affected the rerouting of a footpath and a report was expected from the Rights of Way Officer regarding 3 possible routes. He concluded that elements of this application would impact on the third route which was the preferred option of Buntingford Town Council and local residents.

The Director referred the Committee to a plan that had been circulated with the late representations summary that showed the layout of the site and the route of the footpath. Members were advised that this application did

not include any alteration to the footpath as diverting a footpath was a separate process.

The Director confirmed to Councillor J Jones that it was difficult to see how this application would impact on the location of the footpath as shown on the submitted plans. If however, the footpath was diverted or altered, then further applications might be required to address any impact that this might have on the layout of the development.

Councillor J Jones proposed and Councillor T Page seconded, a motion that application 3/15/1115/VAR be deferred pending the outcome of a report from the Rights of Way Officer regarding the diversion of footpath 21.

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 3/15/1114/VAR, subject to the applicant or successor in title entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 to make reference to this amended application, planning permission be granted, subject to the conditions detailed in the report now submitted.

230 3/15/1363/VAR – VARIATION OF CONDITION 2
(APPROVED PLANS OF PLANNING PERMISSION
3/14/1860/FP) – VARIATION TO ALLOTMENT
LANDSCAPING PROPOSALS – POSITION OF FOOTPATH
AND BOUNDARY TREATMENTS AT LAND NORTH OF
HARE STREET ROAD, BUNTINGFORD SG9 9HN, FOR
TAYLOR WIMPEY (NORTH THAMES)

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering

into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990 to make reference to amended application 3/15/1363/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director set out the nature of this relatively minor application and explained that the site was allotment land related to land north of Hare Street Road, Buntingford. Members were advised that a previous application had provided a cycle link towards The Causeway.

The Director stated that this cycle link was no longer possible due to issues with connecting with the Causeway and common land. The applicant was seeking to amend the proposed development to remove the link.

Councillor J Jones commented that he was surprised there was no access to the Causeway from the allotment. He stated that he had no objections to what was a minor variation. 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 3/15/1363/VAR, subject to the applicant or successor in title entering into a Deed of Variation 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.

231 3/15/0986/HH – CONSTRUCTION OF A DETACHED GARAGE BLOCK AT THE LODGE, MANOR OF GROVES, HIGH WYCH LANE, HIGH WYCH, SAWBRIDGEWORTH, CM21 OJL

The Director of Neighbourhood Services recommended that in respect of application 3/15/0986/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the nature of the application and set out the extensive planning history of the site. Members were reminded that the Council's policy was not supportive of disproportionate extensions in the Green Belt, unless there were other issues that outweighed the harm.

Councillor T Page sought and was given clarification as to the judgements that Members should be making when determining this application. Councillor M Casey expressed concerns regarding the incremental nature of this application and believed that the enforcement notice should be enforced before planning permission was approved for a replacement building.

The Director detailed the location of the existing dwelling on the site as well as the outbuilding. The appeal Inspector had made the point that further planning applications coming forward might negate the need for the total demolition of the outbuilding so Enforcement Officers were currently awaiting the outcome of this planning application before any further action was taken.

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 3/15/0986/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

232 3/15/0863/HH – DEMOLITION OF EXISTING OUTBUILDING, SINGLE STOREY EXTENSIONS AND RAISING OF ROOF AT THREE LILLIES LODGE, HIGH WYCH ROAD, HIGH WYCH, CM21 OJE

The Director of Neighbourhood Services recommended that in respect of application 3/15/0863/HH, planning permission be granted subject to the conditions detailed

in the report now submitted.

The Director detailed the history of the site and set out the planning merits of the application. Members were reminded that as the site was located in the Green Belt the Committee should consider whether this application constituted inappropriate development.

The Director concluded that due to the very limited impact of the proposed development Officers did not feel that the proposed development would result in significant harm to the Green Belt in this case. Members were referred to the additional information contained in the additional representations summary.

Councillor M Casey expressed concerns regarding the incremental nature of the proposed development that had resulted in a residential dwelling where an application for such a dwelling would not have been approved in the Green Belt.

Councillor J Jones stated that he was supportive in that the application would result in an attractive property in the Green Belt. He emphasised that the existing outbuilding was currently an eyesore and this application did not constitute overdevelopment on what was a very large plot.

The Director advised that a breach of planning control was not, initially in itself, illegal. Members were reminded that development can become lawful over the passage of time.

The Director concluded that a complete new residential dwelling would be inappropriate development in the Green Belt. The reuse of an existing building would however, not constitute inappropriate development and would therefore comply with Green Belt policy. 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 3/15/0863/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

233 3/15/1226/HH – ERECTION OF DETACHED CAR PORT, GARAGE BLOCK, CONVERSION OF GARAGE TO HABITABLE ACCOMMODATION AND SINGLE STOREY FRONT EXTENSION AT AULDEBYRE, CLAPGATE, ALBURY, SG11 2JL

Mr Osborne addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/1226/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the nature of the application on a site that was located in the rural area beyond the Green Belt. Officers felt that the extensions were disproportionate, but consideration also needed to be given to the impact of the proposed development on the site and the surrounding area. Members were advised that the level of test was lower due to the site not being a Green Belt location.

The Director highlighted the narrow access on the plans and stated that the relationship between the properties was not unusual in terms of the vehicular access and the separation distance between the buildings. He stated that replacement tree planting might not be possible due to the proximity of the proposed development to the neighbouring dwelling.

Members were advised that the activity via the single access between the properties was limited and Officers considered that the visual impact of the application would not be unacceptable in terms of Council policy. The

Director reminded Members that conditions restricting further development were not necessary as further planning applications would be required to allow further development.

Councillor M Casey expressed concerns regarding the access arrangements linked to this application. He queried the practicality of the proposed detached car port with an access from the public highway. Councillor M Allen stated that he had observed a small car parked in the entrance and there was barely enough room to open car doors to exit the vehicle.

The Director confirmed to Councillor J Jones that there was no standard width for vehicular access to residential dwellings. The Chairman commented on the issue of tree screening and security lighting impacting on the neighbouring property. The Director confirmed that it would be entirely reasonable to apply a condition requiring the details of lighting to be submitted and agreed prior to commencement of the development. The Director referred to the garage in terms of whether it would be used for that purpose as garages were often used for storage. Members were advised to focus on whether the proposed development was of an acceptable scale in this location.

Councillor D Andrews proposed and Councillor D Oldridge seconded, a motion that a condition be applied to control the lighting. After being put to the meeting and a vote taken, this motion was declared CARRIED. 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 3/15/1226/HH, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following additional condition:

5. Lighting Details (2E27).

234 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 8.30 pm

Chairman
Date