

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 16 SEPTEMBER 2015, AT
7.00 PM

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

ALSO PRESENT:

Councillors P Ballam, R Brunton, J Goodeve,
L Haysey, G Jones, P Moore, M Pope,
S Reed, S Rutland-Barsby, R Standley and
M Stevenson.

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
Stephen Tapper	- Senior Planning Officer

Alison Young

- Development
Manager

261 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Jones and A McNeece. It was noted that Councillors S Bull and J Cartwright were in attendance as substitutes for Councillors J Jones and A McNeece respectively.

262 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that application 3/15/0149/FP – Part demolition and refurbishment of existing garden centre with café extension; erection of foodstore (approx. 2,047 sqm net sales) with café and external seating, extended service road, new roundabout from Amwell Hill and other associated highways, servicing and landscaping works, Van Hages Garden Centre, Amwell Hill, Great Amwell, Ware, Hertfordshire, SG12 9RP for Van Hage Garden Company Ltd, had been withdrawn.

263 DECLARATIONS OF INTEREST

Councillors D Andrews and P Ruffles declared disclosable pecuniary interests in application 3/14/2144/OP, in that they were elected Members of the Local Authority that was the applicant. They left the room whilst this matter was considered.

264 MINUTES – 18 AND 19 AUGUST 2015

RESOLVED – that the Minutes of the meetings held on 18 and 19 August 2015, be confirmed as correct records and signed by the Chairman.

265 3/14/2144/OP – RESIDENTIAL DEVELOPMENT (163 DWELLINGS), ALTERATIONS TO PATMORE CLOSE, INTERNAL ACCESS AND PARKING, LANDSCAPING, OPEN SPACE AND RELATED WORKS; ALL MATTERS RESERVED FOR LATER APPROVAL APART FROM ACCESS (APPLICATION B) FOR LAND AT PATMORE CLOSE, HADHAM ROAD, BISHOP'S STORTFORD FOR HERTFORDSHIRE COUNTY COUNCIL

In the absence of the Chairman and Vice–Chairman, it was proposed by Councillor M Allen and seconded by Councillor J Cartwright that Councillor M Freeman be appointed Chairman for this item. After being put to the meeting and a vote taken, Councillor M Freeman was appointed Chairman for this item.

Mr Rhodes and Mr Francis addressed the Committee in objection to the application. Mr Lewis spoke for the application.

In respect of application 3/13/0886/OP, the Director of Neighbourhood Services recommended that upon completion of the Section 106 agreement, planning permission be granted as detailed in the report now submitted.

The Director summarised the detailed information contained in the additional representations summary. He referred in particular to the clause restricting the implementation of this application until an alternative school site had been secured.

The Director advised that, as the applicant was Hertfordshire County Council, the powers of enforcement would pass to East Herts as the County Council could not enforce against itself. He referred to conditions regarding noise attenuation and the maintenance of access for emergency services. Members were advised that the application delivered in terms of the funding sought for highways mitigation by the Highway Authority.

Councillor G Jones, as the local ward Member, stated that the key issue was whether there was sufficient secondary school provision elsewhere in Bishop's Stortford and policy BIS7 of the East Herts Local Plan Second Review April 2007 was the only relevant policy. He argued that there would not be sufficient provision elsewhere in the town and now was not the time to take the risk of releasing this site for housing. Councillor G Jones concluded that he would like to see improved footpath links to the town centre and provision for open recreational space with walkways and cycle ways.

The Director reminded the Committee that there was the potential for another school site and Hertfordshire County Council was taking the necessary steps to secure this with a land swap agreement. The County Council had also approved a planning application for a new secondary school. The Director advised that controls were proposed to prevent development from taking place on this site unless alternative school provision had been secured.

Councillor K Warnell stated that most of the Bishop's Stortford Silverleys and Meads Neighbourhood Plan policies had been met aside from policies HDP1 and HDP4. He stressed that the traffic modelling had not taken account of all the relevant roundabouts and the proposed development would result in more traffic than was apparent from the Officer's report.

The Director advised that modelling clearly showed that the amount of traffic using Patmore Close was very small in the context of the overall traffic volume on Hadham Road. Members were reminded that the National Planning Policy Framework (NPPF) was very clear that an objection on traffic grounds could not be sustained unless the traffic impact was going to be severe. The Director emphasised that the emergency services were satisfied so long as there was active traffic management during construction.

In reply to a query from Councillor J Kaye, the Director

confirmed that the NHS had a recent policy of seeking Section 106 contributions from developers. A new strategy for the release of new capacity for Bishop's Stortford was being developed and an analysis of the current situation had revealed that existing surgeries had some, albeit limited, spare capacity and were not turning patients away.

In response to a query from Councillor T Page, the Director advised that the highway authority was content with the proposed access arrangements as were the emergency services. Councillor J Cartwright commented that this site was much better suited to housing than a school use and the traffic impact of a school would be significantly more severe.

After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Director of Neighbourhood Services as now detailed and as further amended by the details set out in the additional representations summary.

RESOLVED – that in respect of application 3/14/2144/OP, the recommendations of the Director of Neighbourhood Services as now detailed be approved and as further amended by the details set out in the additional representations summary.

266 3/15/1012/VAR – VARIATION OF CONDITION 8 (APPROVED PLANS) OF PLANNING PERMISSION 3/13/0804/OP (ERECTION OF 2,200 DWELLINGS) TO UPDATE THE APPROVED HOUSE TYPES TO ADDRESS CHANGES TO THE BUILDING REGULATIONS AT AREA B1, LAND AT BISHOP'S STORTFORD NORTH, HADHAM ROAD, BISHOP'S STORTFORD FOR PERSIMMON HOMES

Mr Smith addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended

that in respect of application 3/15/1012/VAR, planning permission be granted as detailed in the report now submitted.

Councillor G Jones, as the local ward Member, addressed the Committee regarding the relevance of two Neighbourhood Plan policies. He referred to policy HDP3 and design standards and policy HDP4 and the housing mix strategy as being of particular relevance. He expressed concerns that only two Neighbourhood Plan policies had been considered.

The Director advised that this application would be one of a number the Authority would have to determine following changes to building regulation standards that would be implemented via the building regulations process.

Members were advised that as of 1 October 2015, a new national set of construction standards would be in place. This would mean that the Council could not apply local standards unless an appropriate local plan policy was in place to justify the local standards. The weight that could be given to neighbourhood Plan policies had to take into account these new circumstances.

Councillor T Page proposed and Councillor K Warnell seconded, a motion that application 3/15/1012/VAR be deferred to allow Officers to consider the linkages between this application, the East Herts Local Plan Second Review April 2007 and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan.

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 3/15/1222/HH, planning permission be granted as detailed in the report now submitted.

267 3/14/2132/OP – OUTLINE CONSENT FOR THE ERECTION OF A LOW CARBON CONTINUING CARE RETIREMENT COMMUNITY COMPRISING OF: 80 BED CARE HOME AND UP TO 96 C2 FLEXI CARE / ASSISTED LIVING UNITS. SHARED COMMUNAL FACILITIES INCLUDING SWIMMING POOL, GYMNASIUM, DAY CENTRE, THERAPY ROOMS, RESTAURANT, STORE/POST OFFICE, TENNIS COURTS, BOWLING GREEN, ALLOTMENTS/GARDENING AREAS AND PUBLIC WOODLAND WALKING AREAS AT FORMER BRICKFIELDS, OFF COLE GREEN WAY, HERTFORD, SG14 2LF FOR MR L J ELMERMANN

Mr Woroniecki addressed the Committee in objection to the application. Mr Trigg spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/2132/OP, planning permission be refused for the reasons now detailed.

Councillor S Rutland-Barsby, as the local ward Member, stated that as regards Green Belt policy, she was surprised that this application placed this large development even further out into the Green Belt. She referred to the importance of preserving village integrity in East Herts and this application would join Hertingfordbury and Hertford in a ribbon of development.

Councillor Rutland-Barsby referred to the issues of access and flood risk and she stressed that it was the Council's responsibility to ensure safe access for residents. She commented that this application did not demonstrate a safe access at all times. She urged the Committee to accept the Officer's recommendation and refuse the application.

The Director stated this this was the fourth application for a retirement community on this site. He detailed the nature of the application and reminded Members that all matters were reserved. He detailed the location of the site and advised that this latest application moved the

proposed development outside of the protected woodland into open land.

The Director set out a number of issues that were relevant to the application and Members were referred to the narrative detailed in the additional representation summary. Councillor J Kaye referred to the isolated location of the site and he made the point that many elderly people preferred to have access to a high street. He concluded that this development was being proposed in entirely the wrong location.

Councillor P Ruffles stated that this outline application had been recommended for refusal on absolutely clear policy grounds. He agreed that this was the wrong place for a retirement community and he would be supporting the Officer's recommendation.

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 3/14/2132/OP, planning permission be refused for the reasons now detailed.

268 3/15/1019/REM – RESIDENTIAL DEVELOPMENT OF 26 DWELLINGS – APPROVAL OF DETAILS IN RESPECT OF LANDSCAPING FOLLOWING OUTLINE APPROVAL OF LPA REFERENCE 3/10/2040/OP AT LAND OFF LONGMEAD, BUNTINGFORD, SG9 9EF FOR MATTHEW HOMES

The Director of Neighbourhood Services recommended that in respect of application 3/15/1015/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the site history and stated that the Landscape Officer had no objections to the application. In response to a query from Councillor S Bull regarding planning enforcement, the Director confirmed that Officers

were reliant on local ward Members and the public for notification of any breaches of planning control.

The Director assured the Committee that Officers had the power to take enforcement action if required to ensure compliance with the conditions and in particular the maintenance of landscaping for a period of 5 years. 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 3/15/1019/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

269 3/14/1299/FP – CHANGE OF USE OF LAND FROM AGRICULTURAL TO CAR PARKING FOR 92 VEHICLES TOGETHER WITH COACH PARKING AND TURNING, AND UPGRADED VEHICULAR ACCESS AT FIELD ADJACENT TO HERTFORD RUGBY CLUB, HOE LANE, WARE, HERTS, SG12 9NZ FOR HERTFORD RUGBY FOOTBALL CLUB

Mr Marley addressed the Committee in objection to the application. Mr Roat spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1299/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Pope, as the local ward Member, stated that although he supported the activity of Hertford Rugby Club, he was concerned over the concreting of part of the District's Green Belt for a car park. He referred to the role of the Green Belt in preventing the coalescing of land between towns.

Councillor Pope agreed that the vehicular access to the Rugby Club needed to be improved. He supported the introduction of boundary fencing adjacent to 60 Hoe Lane

but was not supportive of speed humps due to increased engine noise.

Councillor J Cartwright stated that any coalescence of the Green Belt would be modest and the benefits of the proposed development would be outweighed by the minimal encroachment into the Green Belt. He commented that he had found the current access to be extremely challenging.

Councillor J Kaye stated that he felt that the suggestion of the local ward Member regarding boundary fencing should be taken up. He was also concerned regarding the loss of Green Belt for a concrete car park even though Officers had referred to the openness of the proposed development. Councillor K Brush also expressed concerns regarding the encroachment of the proposed development into the Green Belt.

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 3/14/1299/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

270 3/14/2013/FP – PROPOSED RETENTION OF MEADOW BARN AND ASSOCIATED POLE BARN AS A PERMANENT FUNCTION FACILITY AND CHANGE OF USE OF THE APPROVED FUNCTION BARN (REF: 3/10/1200/FP) TO PROVIDE A SPA FOR HOTEL GUESTS AND VISITORS, WITH THE INSERTION OF A FIRST FLOOR TO PROVIDED TWO RESIDENTIAL FAMILY UNITS FOR RECUPERATIVE NEUTROPENIC CHILDREN AT TEWIN BURY FARM HOTEL, HERTFORD ROAD TEWIN AL6 0JB FOR MR V WILLIAMS

Mr Williams addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/2013/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the nature of the application and referred to the site history. He stated that very special circumstances had to be demonstrated to justify development in the Metropolitan Green Belt. Officers were satisfied that very special circumstances had been demonstrated in this case and the application had policy support in terms of the support and encouragement of rural businesses.

Members were referred to the information detailed in the additional representations summary. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services as now submitted and as further amended by the details set out in the additional representations summary.

RESOLVED – that in respect of application 3/14/2013/FP, planning permission be granted subject to the conditions detailed in the report now submitted and as further amended by the details set out in the additional representations summary.

271 3/15/1011/FUL – ERECTION OF 2NO 2 BEDROOMED DWELLINGS AND 5NO 4 BEDROOMED DWELLINGS WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT LAND AT WALNUT CLOSE, MUCH HADHAM, SG10 6AJ FOR MARDEN HOMES

Mr Morgan addressed the Committee in objection to the application. Mr Firth spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/1011/FUL, 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.

The Director set out the details of the application and stated that due to the location of the site there was no in principle objection to the application. Members were advised that there were no concerns regarding traffic generation or highways safety and appropriate visibility splays could be achieved.

The Director set out a number of other issues that were relevant to the application and which had led Officers to recommend to Members that the scheme should be approved.

In response to a query from Councillor S Bull, the Director confirmed that following a query from the Council's Solicitor that the proposed tenancy arrangements for the affordable housing were set out in the recommendation, this had been amended to 1 unit being provided as rented and 1 unit as shared ownership.

In reply to a query from Councillor J Kaye, the Director confirmed that the site was formerly part of the garden of Yewtree House. The Director advised that the Conservation Officer was satisfied that the relationship between the proposed development and heritage assets was acceptable.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services as now submitted and as further amended by the details set out in the additional representations summary.

RESOLVED – that in respect of application 3/15/1011/FUL, 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 and as further amended by the details set out in the additional representations summary.

272 3/15/1269/FUL – ERECTION OF 1 NO. 4 BEDROOMED DETACHED HOUSE AT LAND TO THE REAR OF 26 CHANTRY ROAD, BISHOP'S STORTFORD, CM23 2SF FOR MR JOSEPH MCKENZIE

At this point (9.48 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

Mr Paul addressed the Committee in objection to the application. Mrs Chambers spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/1269/FUL, 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 advised that there was no objection in principle to the application as the site was located in the built up area of Bishop's Stortford. The Director set out a number of other issues that were relevant to the application and concluded that the scheme would cause no harm to the character and appearance of the area.

Councillor K Warnell stated that he was the ward Member that had requested the application come before the Committee and he had been approached by both the applicant and objectors. 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 3/15/1269/FUL, planning permission be granted

subject to the conditions detailed in the report now submitted.

273 3/15/1222/HH – RETROSPECTIVE PLANNING
PERMISSION FOR THE ERECTION OF TWO DETACHED
CART-LODGES WITHIN THE FRONT GARDEN AT HIGH
OAKS, MUCH HADHAM, SG10 6DQ FOR MR J CAREY

The Director of Neighbourhood Services recommended that in respect of application 3/15/1222/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director detailed the history of the site and Members were advised that a limited extensions policy was in place as the site was located in the rural area beyond the Green Belt. Officers had reached the conclusion that the scale and impact of the application was appropriate and the overall impact of the application on the street scene was acceptable.

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 3/15/1222/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

274 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 10.05 pm

Chairman

Date