

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 8 MARCH 2017, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Ballam, S Cousins and
S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

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

596 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Brunton, J Jones and J Kaye. It was noted that Councillors S Bull, S Reed and P Ruffles were substituting for Councillors R Brunton, J Kaye and J Jones respectively.

597 DECLARATIONS OF INTEREST

Councillor D Andrews stated that he had no disclosable pecuniary interest in applications 3/14/2143/OP and 3/14/2145/OP, but for the avoidance of doubt he would leave the room as he was a Member of Hertfordshire County Council. He left the room whilst these matters were considered.

Councillor P Ruffles declared that he would remain in the room whilst applications 3/14/2143/OP and 3/14/2145/OP were considered but would take no part in the debate or vote. He explained that he was a Member of Hertfordshire County Council but had not been closely involved in these applications.

598 MINUTES – 8 FEBRUARY 2017

RESOLVED – that the Minutes of the meeting held on 8 February 2017 be confirmed as a correct record and signed by the Chairman.

599 A) 3/14/2143/OP – RESIDENTIAL DEVELOPMENT (247 DWELLINGS) ALTERATIONS TO PATMORE CLOSE, INTERNAL ACCESS AND PARKING, LANDSCAPING, OPEN SPACE AND RELATED WORKS (APPLICATION A) AND B) 3/14/2145/OP – RESIDENTIAL DEVELOPMENT (84 DWELLINGS) ALTERATIONS TO PATMORE CLOSE, INTERNAL ACCESS AND PARKING, LANDSCAPING, OPEN SPACE AND RELATED WORKS (APPLICATION C) AT LAND TO THE SOUTH OF HADHAM ROAD, BISHOP'S STORTFORD FOR HERTFORDSHIRE COUNTY COUNCIL

The Head of Planning and Building Control recommended that, in respect of applications 3/14/2143/OP and 3/14/2145/OP, had East Herts Council been in a position to determine these applications, it would have granted planning permission for the proposed development subject to an appropriate range of conditions and the completion of legal agreements under Section 106 of the Town and Country Planning Act 1990.

The Head referred to the appeal for non-determination and set out the planning history and the context of these applications on this site. He set out the policy background and advised that part of this site had been reallocated for open land in the pre-submission version of the emerging District Plan.

The Head referred to the policy position whereby the reserve school site on Hadham Road would be released for housing if an alternative school site became available. The Bishop's Stortford North development proposals did include a site for a secondary school and this therefore, enabled the Hadham Road site to be released for housing. A land swap agreement had now been signed between the County Council and the developers of Bishop's Stortford North and this was the reason why application B had been supported.

The Head detailed a number of other principal issues that the Committee should consider. Members were advised that they were now being asked to indicate what their decisions would have been had they determined these applications. The Head confirmed to Councillor M Casey that the land swapped in relation to application B was sufficient to deliver a secondary school of up to 8 forms of entry (8FE). He responded to Councillor Casey's query regarding education provision by setting out a number of potential options for school delivery.

The Head confirmed that Members must reach a view on these applications due to the forthcoming appeal process. He also pointed out that the land swap agreement and the publication of the pre-submission version of the emerging District Plan were significant reasons why further extension of time agreements had not been possible beyond October 2016.

The Head responded to a query from Councillor B Deering regarding the advanced stages of the emerging District Plan, the issue of unresolved objections and the

importance of compliance with the National Planning Policy Framework (NPPF). The Head confirmed to Councillor M Casey that the impact on Skellies Wood would be more positive than negative and this woodland would be protected and managed in line with conditions to ensure enhanced protection and management than was currently the case.

The Head concluded by referring to a number of relevant considerations including the sustainability of the proposed schemes, the provision of education infrastructure and the ongoing requirement of a 5 years supply of housing land.

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 applications 3/14/2143/OP and 3/14/2145/OP, had East Herts Council been in a position to determine these planning applications, it would have granted planning permission for both applications, subject to an appropriate range of conditions and the completion of legal agreements under Section 106 of the Town and Country Planning Act 1990 to ensure that appropriate infrastructure matters were addressed.

600 3/16/1392/REM – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR 3/13/0813/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 13 DWELLINGS AT LAND TO THE NORTH OF PARK FARM INDUSTRIAL ESTATE, ERMINE STREET, BUNTINGFORD, SG9 9AZ FOR WESTON HOMES

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/16/1392/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the reserved matters application

on a site where outline planning permission for the principle of 13 dwellings on site had been granted in April 2014. The application included detached and semi-detached dwellings on either side of the proposed central access road.

Officers would have preferred to see the provision of a visual stop to development to the western end of the site. Members were advised that this was inappropriate in order to maintain access to land to the west. The development included Sustainable Urban Drainage Solutions (SUDS) and landscaping and each dwelling had been provided with a reasonable amount of amenity space. Officers were satisfied with the relationships between the dwellings and the development to the North.

Members were advised that Hertfordshire Highways were satisfied with the proposed access and the scheme complied with the emerging District Plan and the adopted Local Plan in terms of car parking standards.

The Head stated that the emerging Neighbourhood Plan was not supportive of tandem parking and neither was Buntingford Town Council. Officers did not consider it to be reasonable however for planning permission to be refused on that basis due to the outline planning permission and the emerging nature of the Neighbourhood Plan.

The Head concluded that the provision of additional car parking would adversely affect residential amenity and the overall design quality of the proposed development. Officers felt that, on balance, the reserved matters application was acceptable subject to the conditions detailed in the report.

Councillor S Bull accepted the points made by Officers in respect of car parking. He expressed concerns regarding on-street parking and in respect of the proposed development being totally out of keeping with the character of the area.

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 reserved matters application 3/16/1392/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

601 3/16/1742/FUL – DEVELOPMENT OF 12 NO DWELLINGS AND ASSOCIATED ACCESS AND LANDSCAPING, INCLUDING IMPROVEMENTS TO PUBLIC FOOTPATH AT NINE ASHES, ACORN STREET, HUNSDON FOR EWIN DEVELOPMENTS LTD

Mr Griffiths and Mr Miles addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1742/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Head stated that Officers were aware that an appeal against non-determination had been lodged, although the Authority had not received confirmation from the Planning Inspectorate that the appeal had been validated or registered.

Officers were seeking this confirmation as soon as possible and it was proposed that the recommendation be altered to the effect that if the appeal was not confirmed as valid as at the date of this Committee meeting then the resolution of the Committee would constitute the formal decision of the Council and a decision notice would be issued.

If however, the appeal was confirmed as valid at the date of this Committee meeting, then the resolution of the Committee would be submitted to the Inspectorate as part

of any future appeal proceedings. The Head summarised the application and referred to the Council's obligation to demonstrate a 5 years supply of housing land. Members were advised that Officers considered the site to be a reasonably sustainable location.

The Head also advised that the application was acceptable in terms of the impact on listed buildings, highways safety, parking, ecology and the impact on neighbouring properties. Members were advised of local problems with flooding although the Lead Local Flood Authority had stated that the drainage system could be made acceptable.

Officers had concluded however, that the scheme could not be supported due to the significant adverse impact on the surrounding area. This adverse impact outweighed the benefits of the proposal in terms of contributing to the 5 years housing land supply.

Councillor M Freeman expressed concerns regarding access with particular reference to pedestrians using a single footpath in an area where tyre marks of vehicles on the verges were very evident. He also expressed concern that it should not take an unacceptable planning application to trigger the rectification of an existing flooding problem which the relevant authorities should be working to resolve. Councillor D Andrews emphasised that it was not the responsibility of the Lead Local Flood Authority to rectify flooding resulting from surface water run-off from what was a very extensive area.

The Legal Services Manager endorsed the point made by the Head of Planning and Building Control regarding the need to amend the recommendation following the appeal on non-determination and the uncertainty over the appeals validity.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion for a second reason for refusal regarding the impact of the proposed development on

heritage assets. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendation of the Head of Planning and Building Control as now amended.

RESOLVED – that (A) in respect of application 3/16/1742/FUL, if the appeal against non-determination of the application was not valid as at 8 March 2017, planning permission be refused for the reasons detailed in the report now submitted and subject to the following additional reason:

2. The proposed development, by reason of its siting and scale, would result in a harmful impact on the setting of the listed heritage assets to the west and south west of the application site. It would thereby be detrimental to national planning policy guidance set out in section 12 of the National Planning Policy Framework.

(B) if the appeal against non-determination of the application was valid as at 8 March 2017, then the Council would have refused planning for the same reasons as in (A) above.

602 3/16/2310/FUL – CHANGE OF USE OF FORMER AGRICULTURAL BUILDING FOR COMMERCIAL B1(B) AND B1(C) AND OR B8 USE AT LAND ADJACENT TO HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, SG11 2DY FOR MR M COLLINS

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/16/2310/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that the scheme was in keeping with the character of the area and access was considered to be acceptable by Officers and by Hertfordshire Highways. Officers also considered that any impact from a B1 or a

B8 use would not result in a significant increase in vehicle traffic, noise or disturbance.

Officers had suggested conditions regarding the future use of the site and to ensure the traffic movements and hours of use were acceptable to the amenity of the small number of houses located near to this site. The Head referred to a proposed amendment to condition 6 and a new condition 7 to ensure that the use of the site remained appropriate in the rural area and did not impact unduly on nearby residents.

The Head summarised the relevant site history following queries from Councillors K Warnell and M Allen. 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 3/16/2310/FUL, planning permission be granted subject to the following amended conditions:

6. No new external lighting shall be installed without the prior consent of the Local Planning Authority.

Reason: In the interests of the amenity of the site and surroundings in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent amended Order, the use of the building shall be limited solely to those defined in Use Classes B1(b), B1(c) or B8 and for no other purposes.

Reason: To ensure that the use of the building remains appropriate to the rural area in terms

of traffic generation and impact on the amenities of nearby residential properties in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

603 PUBLIC SPEAKING ARRANGEMENTS FOR THE SPECIAL DEVELOPMENT MANAGEMENT COMMITTEE MEETING DEALING WITH APPLICATIONS 3/16/0530/OUT AND 3/16/0707/FUL – LAND AT BISHOP'S STORTFORD RAILWAY STATION

The Head of Planning and Building Control submitted a report inviting Members to consider public speaking arrangements for the special meeting of the Committee dealing with applications 3/16/0530/OUT and 3/16/0707/FUL relating to land at Bishop's Stortford railway station.

The Head advised that, for this special meeting, a total period of 20 minutes would be permitted for those who wish to speak in objection to the proposals. The same total period would be offered to any supporting parties resulting in a total of 40 minutes public speaking.

Officers would establish appropriate deadlines for registration of requests to speak and all other normal arrangements for public speaking would apply. Where any matters were raised with regard to the arrangements which were not addressed by this report, it would be subject to a decision by the Committee Chairman.

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 the revised arrangements for public speaking, as now detailed, be applied to the special meeting of the Committee dealing with applications 3/16/0530/OUT and 3/16/0707/FUL – land at Bishop's Stortford Railway Station.

604 TOWN AND PARISH COUNCIL SPEAKING AT
DEVELOPMENT MANAGEMENT COMMITTEE

The Head of Planning and Building Control submitted a report inviting Members to consider the possibility of introducing a dedicated speaking opportunity for Town and Parish Councils at Development Management Committee and to consider an amendment to current arrangements in relation to planning applications which have an associated Listed Building consent application also under consideration.

Members debated at length the equitability and merits of the suggested scheme. Councillor D Andrews proposed and Councillor S Bull seconded, a motion that the recommendation be supported for a one year trial period, subject to the deletion of the following bullet point from page 181 of the report:

- Any other matters which become apparent after the consideration of this report and which are not addressed by Members during the meeting, would be resolved by the Chairman of the Committee.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that the introduction of a dedicated opportunity for Town and Parish Councils to speak at Development Management Committee in relation to planning applications be supported for a one year trial period;

(B) current public speaking arrangements be amended so that only one period of 3 minutes is allowed each for speakers in objection and in favour of planning application proposals where there is also a related Listed Building consent application under consideration; and

(C) the proposed amendments to the speaking arrangements be introduced at the commencement of 2017/18 civic year.

605 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, 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 8.38 pm

Chairman
Date