

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 31 JANUARY 2018, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, M Casey, S Cousins,
M Freeman, J Goodeve, J Jones and
D Oldridge.

ALSO PRESENT:

Councillors I Devonshire, L Haysey,
M Pope, S Reed, P Ruffles, S Rutland-
Barsby, T Stowe and G Williamson.

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Fiona Dunning	- Planning Officer
Peter Mannings	- Democratic Services Officer
Nick Reed	- Planning Assistant/Officer
Kevin Steptoe	- Head of Planning and Building Control Services

ALSO IN ATTENDANCE:

Tracy Clarke	- Chartered Arboriculturist
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331 APOLOGIES

Apologies for absence were submitted on behalf of Councillors P Ballam, B Deering, R Standley and K Warnell. It was noted that Councillors P Boylan, S Bull, S Cousins and D Oldridge were substituting for Councillors P Ballam, R Standley, K Warnell and B Deering respectively.

332 CHAIRMAN'S ANNOUNCEMENTS

The Chairman introduced and welcomed Simon Aley (Interim Legal Services Manager) and Fiona Dunning (Planning Officer) to their first meetings of the Committee. Members were also advised that a training session had been arranged for tomorrow evening at 7 pm at Wallfields.

The Chairman advised that he agreed to a request by the applicant that application 3/17/2502/FUL be considered first.

333 MINUTES – 6 DECEMBER 2017

RESOLVED – that the Minutes of the meeting held on 6 December 2018 be confirmed as a correct record and signed by the Chairman.

334 PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR CONSIDERATION BY THE COMMITTEE

The Committee Chairman invited the Head of Planning and Building Control to make a statement in respect of

demonstrable housing land supply. The Head gave a verbal update regarding the latest Annual Monitoring Report (AMR) and advised that the Authority could now demonstrate 6.2 years of housing supply in terms of deliverable sites. He referred to the National Planning Policy Framework (NPPF) test that Members had been adhering to in that significant weight be given to housing delivery as the East Herts Local Plan Second Review April 2007 was out of date.

Members were advised that the proposed modifications to the District Plan following the examination in public had been published and would be considered by Council on 6 February 2018. The weight that could be applied to the deliverability of the sites detailed in the District Plan was now significant and Members should take this into account when considering the applications on this agenda and in future decision making.

The Head concluded that the NPPF test that had stipulated that applications should be approved unless the harm significantly and demonstrably outweighed the benefits should no longer be applied. Officers would update Members as required where the reports referred to a lack of a 5 year supply as they had been published before the latest position was made public in the AMR.

The Head advised that application 3/17/2216/OUT had been deferred from the Agenda by agreement with the applicant following the very recent changes in position. The Chairman had agreed that this item be considered at the next meeting of the Committee.

RESOLVED – that the report be noted.

335 3/17/2502/FUL – CHANGE OF USE FROM GOLF COURSE TO GOLF COURSE WITH 26 LEISURE LODGES (PART RETROSPECTIVE) AT GREAT HADHAM GOLF AND COUNTRY CLUB GREAT HADHAM ROAD MUCH HADHAM SG10 6JE FOR ARCADIA ESTATES LIMITED

The Head of Planning and Building Control recommended that in respect of application 3/17/2502/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Head summarised the application which was part retrospective involving self-contained leisure lodges. A formal sustainable urban development strategy was required for this major application and as this had not been submitted, the Lead Local Flood Authority (LLFA) had objected to the application.

The leisure lodges were intended for sale and would result in income for the club, but Officers considered that this benefit was not outweighed by the significant harm to the rural area beyond the green belt and the application was therefore recommended for refusal.

Mr Morgan and Mr Bailey addressed the Committee in support of the application. Councillor I Devonshire addressed the Committee as the local ward Member. Councillors P Boylan, D Oldridge, M Allen and D Andrews asked a number of questions in relation to the nature of the proposed development and the technical details regarding flood risk and the position

of the LLFA.

The Head referred to the classification of the proposed development as a special residential use whereby the usual policies regarding residential development would apply. The same definition was included in the draft District Plan.

Members were advised that the design and access statement stipulated that the proposed leisure lodges would include plumbing and kitchen facilities and would therefore be self-contained. The latest position of the LLFA was clarified and Members were reminded that there was a national requirement that details of drainage be submitted regarding the impact on and off the application site.

Members were further advised of a concern that the lodges could be used 365 days a year by the same person without any limitations on occupancy. The design and access statement indicated that the proposed lodges could be let out for a week at a time although there was no unilateral undertaking covering how they would be controlled.

Councillor M Casey stated that he took exception to the fact that 8 leisure lodges had been erected on this site without planning permission. He commented that 26 leisure lodges on open land was unacceptable. In response to a comment from Councillor Casey regarding getting the existing 8 lodges removed from the site, Members were advised that any enforcement action would be carried out by Officers under delegated powers.

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 3/17/2502/FUL, planning permission be refused for the reasons detailed in the report.

- 336 3/17/1558/REM – RESERVED MATTERS FOR 3/14/2200/OP FOR THE APPROVAL OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE IN RESPECT OF THE ERECTION OF 85NO DWELLINGS LAND SOUTH OF FROGHALL LANE, WALKERN, HERTFORDSHIRE FOR MEARS NEW HOMES LTD AND ALDWICK HOUSING GROUP LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/1558/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and referred to the 6 additional comments from residents in the additional representations summary. Members were reminded that 40% of the proposed dwellings would be affordable housing. The Head highlighted a number of the proposed conditions and referred to a signed unilateral undertaking as detailed in the report.

Members were advised that a design review workshop had addressed a number of the concerns and subsequent amendments regarding this application. The Head stated that a number of further concerns

and objections were addressed in the report and the planning conditions.

The Head concluded that the impacts of the application were outweighed by the benefits and Officers were recommending approval of the application.

Mr Goatley addressed the Committee in support of the application. Mr O'Brien addressed the Committee on behalf of Walkern Parish Council.

Councillor P Boylan commented on how the objections of the Conservation Officer had been interpreted by Officers in reaching their recommendation. He stated that the concerns of the Crime Prevention Officer had not been followed up in the report. He expressed concerns that details of street lighting had not been provided as referred to in paragraph 8.30 of the report. Councillor Boylan sought clarification on the status of the Walkern Neighbourhood Plan and the Inspectors report.

The Head confirmed that the views of the Conservation Officer had been taken into account although the site was not located in a conservation area. Officers did not consider that the proposed development constituted urban sprawl. The Walkern Neighbourhood Plan could not yet carry full weight as it had not been accepted as appropriate at this stage for a local neighbourhood plan referendum.

Members were advised that the single point of access had not given rise to any objections from the fire

authority or any other relevant authority regarding safety or crime prevention. The Head stated that pedestrians would be able to access the site via Froghall Lane and these issues could not be reasons for refusal now as they had been addressed when the outline application was determined.

The Head confirmed that if garages met the standards for internal dimensions then they were counted as spaces. Members were reminded of the availability of other car parking in front of residential dwellings and of the relevant policy standards. The Head pointed out that Walkern was a settlement with limited alternative transport options.

The Head confirmed to Councillor R Brunton that Walkern was a group 1 village and was designated as such in the draft District Plan. Members were advised that condition 6 could be amended in respect of street lighting on the basis that no development could commence until details were provided to Officers.

The Head responded to a comment from Councillor P Boylan that a condition could be applied to restrict permitted development rights to prevent further alteration of the garages.

In response to comments from a number of Members regarding this reserved matters application and application 3/17/1749/REM, the Interim Legal Services Manager advised that any applicant could submit a number of reserved matters applications and they must be determined on the planning merits of each individual application. Members were not in a position

of exercising a preference of any one application over another or should not be seeking to do so on behalf of a developer.

Councillor D Andrews proposed and Councillor S Cousins seconded, a motion that the application be approved subject to additional conditions being applied to ensure that details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and the garages shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and not as additional living accommodation or for any commercial activity.

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 submitted.

RESOLVED – that in respect of application 3/17/1558/REM, planning permission be granted subject to the conditions detailed in the report and subject to the following additional conditions:

16. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development

shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

17. The garage(s) shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and not as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities in the interests of highway safety to safeguard the amenities of adjoining occupiers, and in accordance with policies ENV9 and TR7 of the East Herts Local Plan Second Review April 2007.

337 3/17/1749/REM – RESERVED MATTERS FOR 3/14/2200/OP FOR THE APPROVAL OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE IN RESPECT OF THE ERECTION OF 85NO DWELLINGS LAND SOUTH OF FROGHALL LANE FOR MEARS NEW HOMES LTD AND ALDWICK HOUSING GROUP LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/1749/REM, planning permission be granted subject to the conditions detailed in the report now

submitted.

The Head summarised the application and updated Members in respect of the planning conditions. 40 % affordable housing was proposed and the details of the proposed housing mix was set out on pages 93 and 94 of the report submitted.

The Head stated that the design review panel had not considered this application but were aware of the site plan. Members must exercise their judgement in weighing up the benefits and impacts of the proposed development.

Mr Goatley addressed the Committee in support of the application. Mr O'Brien addressed the Committee on behalf of Walkern Parish Council. The Head responded to a number of comments from Members regarding the proposed housing mix in respect of this application.

Councillor D Andrews proposed and Councillor P Boylan seconded, a motion that application 3/17/1749/REM be approved subject to additional conditions being applied to ensure that details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and the garages shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and not as additional living accommodation or for any commercial activity.

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 submitted.

RESOLVED – that in respect of application 3/17/1749/REM, planning permission be granted subject to the conditions detailed in the report and subject to the following additional conditions:

15. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

16. The garage(s) shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and not as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision

of off-street parking facilities in the interests of highway safety to safeguard the amenities of adjoining occupiers, and in accordance with policies ENV9 and TR7 of the East Herts Local Plan Second Review April 2007.

338 3/17/2052/FUL – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A PART FOUR, PART FIVE STOREY BUILDING COMPRISING SEVEN COMMERCIAL UNITS (ONE DOUBLE) IN A MIX OF A1(RETAIL), A3 (RESTAURANTS/CAFÉ) AND (A5) HOT FOOD TAKEAWAY USES AND 32 RESIDENTIAL UNITS, TOGETHER WITH ASSOCIATED ACCESS PARKING AND LANDSCAPING AT 4-18 AMWELL END, WARE FOR OMEGA LAND HOLDINGS

The Head of Planning and Building Control recommended that in respect of application 3/17/2052/FUL, subject to a legal agreement, outline planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and referred to the location of the site. Members were reminded of the matter of the 5 years supply of housing land and the elements that were related to windfall developments. The Head stated that this site was one that had not been specifically earmarked for development.

Members were advised that no affordable housing was proposed, due to viability impact considerations, and that there was a beneficial impact to the heritage assets in the vicinity of the proposals. The Head

emphasised that although a reduction in the preferred parking provision had come forward this was mitigated by the availability of alternative transport provisions.

Members were reminded that the issue of housing supply had been given positive weight and Officers felt that that any harm was outweighed by the benefits.

Mrs Wakelin addressed the Committee in support of the application. Councillor M Pope addressed the Committee as the local ward Member.

Councillor D Andrews expressed concerns regarding the lack of amenity and parking. He also commented that the suggestion of the Canals and Rivers Trust in paragraph 5.3 of the report submitted, be imposed should the application be approved. He referred, in particular, to the imposition of a condition restricting surface water discharge into The Cut during construction.

Councillor Andrews also referred to paragraph 9.7 of the report submitted and suggested that any chain link shuttering would be discrete and effective to avoid an unattractive street scene. He referred to some of the existing chain link shuttering being a problem in this respect in this location on Amwell End.

Councillor J Jones commented on the affordable housing provision and referred to the residential units being good properties for first time buyers. He commented on the proposed parking provision as a step in the right direction. Councillor J Jones considered that the application would vastly improve

Amwell End and commented on whether any provision had been made for cycle parking.

Councillor M Allen commented favourably regarding affordable housing and the application in general. He was concerned however, in respect of the lack of a contribution towards leisure facilities and he felt this would adversely affect the viability of the town.

Councillor D Oldridge expressed a hope that the 10 existing public diagonal parking spaces would continue to be available on Amwell End in front of this site. He referred to the traffic impact and commented on the Section 106 contributions in terms of the limited benefits for the community.

The Head advised that viability assessment advisers had informed Officers that a full range of Section 106 provision would render the application unviable. Officers had acknowledged the impact of the application in terms of some harm but the assessment of the benefits had led to the conclusion that the harm was outweighed by the benefits.

The Head stated that where transport alternatives existed, Officers were able to apply a reduction to the parking standards judged to be acceptable in planning terms. In terms of improvements to the area known as The Cut, this could have been achieved but would have resulted in a lower provision of car parking than currently proposed. Officers felt that the current proposals represented the most beneficial use of the space.

Members were advised that the adopted and emerging parking standards would require 32 cycle parking spaces for the residential element of the proposal and this application proposed 33 spaces. No additional cycle parking was proposed for the commercial space.

The Head responded to comments from Councillors D Andrews and J Goodeve regarding the viability issues for this site both currently and in the future. Councillor D Oldridge commented on the availability of footway for pedestrians accessing this site. He expressed an element of dissatisfaction with the proposed financial contributions. The Head clarified the position in respect of the Section 106 contributions detailed at the end of the report.

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 3/17/2052/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report.

- 339 3/17/2655/FUL – DEMOLITION OF EXISTING PROPERTY AND ERECTION OF A 3 STOREY BUILDING COMPRISING 14 NO. RESIDENTIAL UNITS (14 X 2 BED) (USE CLASS C3) ABOVE RETAIL USE AT GROUND FLOOR (USE CLASS A1) MEASURING 396M2 (GIA), ALONG WITH ASSOCIATED LANDSCAPING AND PROVISION OF 31 NO. CAR AND 18 CYCLE SPACES AT THE BRIDGE HOUSE, NORTH ROAD, HERTFORD FOR MR ROSS SMITH
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The Head of Planning and Building Control recommended that in respect of application 3/17/2655/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Head summarised the application and referred to the additional representations summary. Members were advised of a number of constraints due to the location and orientation of the site. The Head stated that Hertfordshire County Council had objected to the application regarding Sustainable Urban Drainage Solutions (SUDS) and highways.

Members were reminded that although the pub was closed it continued to be a community facility and appeal decisions elsewhere had demonstrated that weight could be given to the reuse and retention of such facilities. The Head referred in particular to policy LRC11.

Members were advised that following pre-application advice to the applicant by Officers and their consideration of the application, there were too many issues of concern and the recommendation was for refusal.

Mr Ferlisi addressed the Committee in objection to the application. Mr Pittock spoke for the application.

Councillor D Andrews referred to the comments from the Highway Authority in paragraph 8.17 of the report submitted. He stated that he was unimpressed with the application and with the assertion that Officers had been unhelpful with their pre-application advice.

Councillor S Cousins referred to the Bridge House as an old iconic building that currently served as a poor gateway to Hertford. He felt that a much better gateway was needed in this location. Councillor J Goodeve emphasised that this was an inappropriate design and massing on a prominent site. The building was the first thing seen by passengers arriving at Hertford North and a more sympathetic design was required on this site.

Councillor D Oldridge questioned what value the pub was given as it had been closed for some time. He stated that the inappropriate design was out of character with the surrounding area and more thought needed to be given to the access arrangements.

Councillor D Andrews considered that this application had been submitted prematurely without pursuing the advice provided at pre-application stage and without full consideration of policy LRC11.

The Head advised Members to be cautious regarding the issue of retail business competition as planning policies did not seek to prevent competition.

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 3/17/2655/FUL, planning permission be refused for the reasons detailed in the report.

340 3/17/2030/REM – APPROVAL OF RESERVED MATTERS FOLLOWING OUTLINE APPROVAL 3/14/2023/OP IN RESPECT OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 13 DWELLINGS – LAND SOUTH OF TANNERS WAY FOR THOMAS SINDEN DEVELOPMENTS LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/2030/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and stated that the applicant had advised that the bricks previously proposed were not now available and an alternative option had been submitted and condition 2 had been amended as per the late representations summary.

Councillor R Brunton commented that the principle of development had been established and the applicant had engaged with Officers and Hunsdon Parish Council. He referred to the compromise that had been achieved between all parties in respect of this application.

Councillors S Bull and D Andrews commented favourably in respect of the proposed affordable housing. 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

3/17/2030/REM, planning permission be granted subject to the conditions detailed in the report.

341 3/17/0975/OUT – OUTLINE PLANNING FOR THE ERECTION OF UP TO 18 DWELLINGS, ALL MATTERS RESERVED APART FROM ACCESS AT LAND ON THE EASTERN SIDE OF ALBURY ROAD, LITTLE HADHAM FOR JOHN RUANE

The Head of Planning and Building Control recommended that in respect of application 3/17/0975/OUT, had East Herts Council been in a position to determine the application, planning permission would have been refused for the reasons detailed in the report now submitted.

The Head advised that the Applicant's Agent had contacted Members by email to explain why an appeal had been submitted for non-determination of this application. Members were advised that an additional reason for refusal relating to the location of the proposed development in the rural area beyond the Green Belt was now proposed. The policies restricting development in this area now carried more weight as the Authority could demonstrate more than 5 years supply of housing.

Mrs Lloyd-Williams addressed the Committee on behalf of Little Hadham Parish Council. Councillor G Williamson addressed the Committee as the local ward Member.

The Head confirmed to Councillor J Jones why the application had not been reported to Members for a determination in the usual way. Officers often had to

prioritise schemes submitted to the Authority.

Members were advised that, given the changed position in relation to housing land supply, it was recommended that a further reason be added to those detailed in the report for refusal had the Council been in a position to make a determination in relation to the application.

Members were advised that the balance of considerations had changed in relation to housing land supply and Officers had now recommended that a further reason for refusal be added to those detailed in the report. Members were being asked to confirm the Council's position in terms of making a determination in relation to this application based on the conflict with policies in the existing Local Plan and emerging District Plan relating to development permissible in the Rural Area beyond the Green Belt.

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 3/17/0975/OUT, had East Herts Council been in a position to determine the application, planning permission would have been refused for the following reasons:

1. The proposed development is located in the Rural Area beyond the Green Belt in both the East Herts Local Plan Second Review April 2007 and in the draft East Herts

District Plan 2016. In that location the development of land for housing is inappropriate and harmful to the development strategy approach in both plans to direct development to the most suitable locations and to ensure the protection of the smaller rural settlements and the wider countryside. The proposals therefore are contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007 and to policy GBR2 of the pre submission consultation East Herts District Plan 2016.

2. The proposed development, by reason of its scale and density, would result in significant harm to the character of the site and the surrounding landscape, and would harm the setting and approach to the village and the use of the public footpath. The proposal would therefore be contrary to policies GBC3, GBC14, ENV1, of the East Herts Local Plan Second Review April 2007, policies GBR2, DES1, DES2 and DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework.
3. The proposed development, by reason of its location, scale and density would result in future occupiers being reliant on private motor cars to access employment, services and facilities in larger settlements and as such would represent an unsustainable form of development. This is contrary to

policies GBC2, ENV1, SD1 and TR1 of the East Herts Local Plan Second Review April 2007, policies GBR2, INT1 and TRA1 of the draft District Plan and Section 4 of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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. The proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

At this point (9.53 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

- 342 3/17/1787/VAR – VARIATION OF CONDITION 2 (APPROVED DRAWINGS) OF 3/14/1583/FP FOR A RESIDENTIAL DEVELOPMENT OF 22 HOUSES TO ALLOW AN ADJUSTMENT TO THE WESTERN BOUNDARY AND CHANGES TO THE FRONT ELEVATION AT PLOT 12, HOGGATES END, DANE O'COYS ROAD, BISHOP'S STORTFORD, CM23 2JH FOR GRANGE BUILDERS
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The Head of Planning and Building Control

recommended that in respect of application 3/17/1787/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that this modest amendment application had been reported to Members as the original application was a major scheme. 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 3/17/1787/VAR, planning permission be granted subject to the conditions detailed in the report.

- 343 3/17/2197/VAR – VARIATION OF CONDITION NO. 2 (APPROVED PLANS) OF PLANNING PERMISSION 3/16/0115/FUL - ERECTION OF 57 UNITS OF ASSISTED LIVING EXTRA CARE (USE CLASS C2) ACCOMMODATION FOR THE FRAIL ELDERLY AND 24 UNITS OF RETIREMENT LIVING' SHELTERED ACCOMMODATION INCLUDING COMMUNAL FACILITIES AND CAR PARKING. (MAINTAINING THE DESIGN, SCALE AND MASSING OF THE APPROVED BUILDING) AT SOVEREIGN HOUSE, HALE ROAD, HERTFORD FOR YOURLIFE MANAGEMENT SERVICES LTD
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The Head of Planning and Building Control recommended that in respect of application 3/17/2197/VAR, subject to a deed of variation to the original Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed a number of minor amendments. The conditions had been reassessed for the parent application and the outstanding conditions would be applied subject to the amendments to conditions 3, 4, 14 and 15 as detailed in the late representations summary.

Following comments from a number of Members regarding fire regulations and building control, the Head advised that, in this case, the building control service was being provided by a third party company rather than Local Authority Building Control. Applicants were able to approach independent inspectors and had done so for this application.

Councillor M Freeman commented that part of the building control process involved satisfying the requirements of the relevant fire authority. Following a number of other comments from Members, the Head referred to the legislation adhered to by the Health and Safety Executive.

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 3/17/2197/VAR, subject to a deed of variation to the original Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report.

344 CONFIRMATION OF TREE PRESERVATION ORDER NO.2
2017 P/TPO 608 AT 47 QUEENS ROAD, HERTFORD, HERTS,
SG13 8BB

The Executive Member for Development Management and Council support submitted a report inviting Members to consider the objections to the making of the Tree Preservation Order (TPO) received by the tree owner and her daughter. Members were asked to consider the objections and reasons for making the TPO and to determine whether Tree Preservation Order No 2 2017 P/TPO 608 should be confirmed.

The Consultant Chartered Arboriculturist advised that an application had been made to fell the tree due to its size and proximity to the house and boundary wall. The Authority had objected to the application and an emergency TPO was in effect.

Officers had assessed the situation and had made an objective assessment as to the value of the tree. Officers had met with the owner of the property and following a discussion of the issues, the owner understood the Council's position in terms of balancing private concerns and public amenity.

The owner of the property had maintained her position in that she did not want the TPO to be confirmed. Officers felt that the matter of the boundary wall could be addressed by replacing the wall with a fence. There was no evidence that the property itself was being damaged by the tree in question and the tree could be pruned and maintained at its current size with a TPO in place.

Following comments from Councillors D Andrews and P Boylan, the Head of Planning and Building Control advised that the matter of damage caused by the tree to the pavement or highway could be explored separately to the TPO process.

Following a comment from Councillor D Oldridge, Members were advised that the applicant could apply to carry out future management works to the tree at any time to mitigate any issues. The Committee accepted the recommendation of the Executive Member for Development Management and Council Support as now submitted.

RESOLVED – that Tree Preservation Order No 2 2017 P/TPO 608 be confirmed without modification.

345 PUBLIC SPEAKING ARRANGEMENTS FOR THE DEVELOPMENT MANAGEMENT COMMITTEE MEETING DEALING WITH APPLICATION 3/17/2588/OUT – 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 Committee meeting to be held on 28 February 2018, dealing with application 3/17/2588/OUT relating to land at Bishop's Stortford railway station.

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 Committee meeting to be held on 28 February 2018 dealing with application 3/17/2588/OUT – land at Bishop’s Stortford Railway Station.

346 ITEMS FOR REPORTING AND NOTING – NOVEMBER AND DECEMBER 2017

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 10.20 pm

Chairman
Date