

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 1 FEBRUARY 2012, AT 7.00
PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M Alexander, S Bull, A Burlton,
Mrs R Cheswright, J Demonti, G Jones,
G Lawrence, M Newman, S Rutland-Barsby,
J Taylor and B Wrangles.

ALSO PRESENT:

Councillors D Andrews, P Ballam, E Bedford,
L Haysey, P Moore, M Pope, P Ruffles and
J Wing.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

ALSO IN ATTENDANCE:

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585 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the next Officer organised training session would take place on 29 February 2012 at 5.15 pm and would cover Listed Buildings and Conservation Areas.

The Chairman also advised that Officers had approached Trevor Roberts Associates with a view to arranging a 3 hour external training session to cover issues arising from the Localism Bill. This would take place in March 2012 at a date and time to be agreed.

Finally, the Chairman advised that applications 3/11/1511/FP and 3/11/1635/FP would be moved up the agenda and determined first.

586 DECLARATIONS OF INTEREST

Councillor M Alexander declared a personal and prejudicial interest in application 3/11/1635/FP, in that he was a Board Member for Riversmead Housing Association. He left the room during consideration of this matter.

587 MINUTES

RESOLVED – that the Minutes of the meeting held on 4 January 2012 be confirmed as a correct record and signed by the Chairman.

588 3/11/1511/FP – CHANGE OF USE OF LAND TO A PRIVATE GYPSY AND TRAVELLER CARAVAN SITE COMPRISING 3 NO. MOBILE HOMES, 2 NO. TOURING CARAVANS, ASSOCIATED HARD STANDING AND INSTALLATION OF SEPTIC TANK (PART RETROSPECTIVE) AT LAND NORTH OF THE OLD COACH ROAD, BIRCH GREEN, HERTFORD SG14 2LP FOR MESSRS THOMAS AND MILEY CASH

Mr Gary O’Leary addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/11/1511/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that the planning inspectorate had confirmed that a valid appeal had been lodged against non-determination of the application. The Committee was advised that Members should determine the application as they would have done had this appeal not been lodged.

The Director stressed that although Officers had considered the application on the basis that the applicant met the criteria for gypsy and traveller status, there had been no evidence submitted to support that status. Members were advised that Officers reserved the right to challenge the status of the applicants at any subsequent appeal.

The Director referred to a number of typographical errors in the report and these were covered in the additional representations schedule circulated in advance of the meeting. Members were advised that Officers felt that appropriate weight had been given to appropriate Regional Spatial Strategy (RSS) policies, based on the gypsy and traveller accommodation assessment carried out by the Authority.

The Director reminded Members that the Council's Conservation Officer had recommended that the application be refused due to the likely impact on the adjacent listed buildings.

Councillor L Haysey, as the local ward Member, addressed the Committee in objection to the application. She stated that the report was very succinct and the application was an excellent case study of planning in terms of extant appeals and potential future appeals.

Councillor Haysey stressed that this was a wholly unacceptable form of development in the green belt and

the Committee should continue the recent support given to the local residents by refusing this application.

Councillor M Alexander referred to the amount of time spent by Officers in relation to this application. He reminded the Committee that this scheme was contrary to Green Belt policy.

Councillor S Rutland-Barsby also praised the Officers and, so there was public record of Members' gratitude for their work in relation to this site, expressed her particular satisfaction with Officers securing a high court injunction on the Saturday of a Bank Holiday weekend.

The Director advised that policies HSG10, OSV3 and PPS5 should be added to the reasons for refusal on this application, and that PPS5 was particularly relevant in relation to the protection of the listed buildings and heritage assets.

Councillor M Alexander proposed and Councillor S Bull seconded, a motion that the Committee accept the Officer's recommendation as detailed in the report now submitted.

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

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1511/FP, planning permission be refused for the following amended reasons:

1. The proposal represents inappropriate development within the Green Belt and, together with the provision of necessary access improvements and visibility splays, would be detrimental to the openness of the Green Belt; the character and appearance of

this part of the village, and the setting of the adjacent listed buildings. The matters put forward by the applicants in support of the proposal are not considered to be ones to which such weight can be attached as to clearly outweigh the harm to the Green Belt and the other identified harm. The proposed development is therefore contrary to policies GBC1, ENV1, HSG10 and OSV3 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance 2: Green Belts, and PPS5: Planning for the Historic Environment.

2. The site lies within an area of known groundwater importance (Source Protection Zone 3) but the application fails to demonstrate that the proposed means of sewerage disposal would be appropriate and not result in harm to groundwater. As such, the proposal is contrary to policy ENV20 of the East Herts Local Plan April 2007 and government advice given in Circular 03/99 and PPS23 – Planning and Pollution Control.

589 3/11/1635/FP – CHANGE OF USE FROM GARAGE UNITS TO FURNITURE RECYCLING SCHEME AT HOE LANE GARAGES, HOE LANE, WARE, SG12 9LS FOR RIVERSMEAD HOUSING ASSOCIATION

Joanne Belsey addressed the Committee in opposition to the application. Mr Ian Richardson spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1635/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that the suggested hours of operation in relation to this application were 11 am to 3

pm. Members were referred to condition 3 as being incorrect on page 117 of the report now submitted.

Councillor M Pope, as the local ward Member, addressed the Committee in objection to the application. He stated that although this application represented a worthy scheme, Hoe Lane Garages, Hoe Lane was the wrong location.

Councillor Pope stated that anything other than a domestic use for the garages was inappropriate due to its proximity to a major junction of a busy road. The site was also in close proximity to a pub, a vet's surgery and a number of residential units occupied by elderly and vulnerable residents.

Councillor Pope stressed that this application would exacerbate parking problems on Hoe Lane, which were attributed to users of the vet's surgery, the pub and students using Hertford Regional College and also commuter parking for users of Ware Station.

Councillor Pope stated that a pedestrian crossing for Hoe Lane was crucial for pedestrian safety. He stressed that although leaving furniture at the site was to be by appointment only, it was inevitable that people would turn up outside these times.

Finally, Councillor Pope expressed concern over the possible dumping of furniture and white goods close to the site. He also referred to the possible fire risk and conditions being made more favourable for vermin.

Councillor S Bull commented that Riversmead Housing Association was a very responsible organisation and Hertfordshire Highways had not sought to restrict planning permission for this application. Councillor Bull also stressed that the scheme, if approved, would be temporary for one year.

Councillor B Wrangles stated that, although this was a

worthwhile scheme, the site was too close to residential houses. She commented that an industrial location might be a more appropriate location and hoped that, should the application be approved, the local Member would carefully monitor the use of the site. Councillor Wrangles stated that she would be abstaining from voting.

Councillor A Burlton queried whether parking was a problem in the area as the garages hadn't been used for cars for some years. He expressed concerns as to whether the site would be used for furniture refurbishment as this would be detrimental to the environment. He also queried how the applicant would prevent vandalism, particularly as furniture was easier to set on fire than cars.

Councillor M Newman commented that the garages were already being used for furniture storage, albeit in an unregulated fashion. He stated that the traffic should not be an issue with staff arriving in the morning and customers arriving by appointment only. He believed that putting what appeared to be a disused facility to good use could only be viewed in a positive light.

The Director advised that the area was not used for parking and had been sealed off from the surrounding area to prevent further vandalism. He stressed that the site would be similarly secured outside of the proposed hours of operation to prevent inappropriate access.

Members were reminded that the concerns on parking did not relate specifically to this site but were more in relation to parking pressures on Hoe Lane. These pressures were attributed to commuter parking, local schools and students using Hertford Regional College.

The Director advised that Hertfordshire Highways and Officers were of the view that parking problems would not be exacerbated as there would be a minimal workforce and the hours of use would be outside of sensitive times for parking such as for the school run or commuters using Ware Station.

The Director commented that Hertfordshire Highways had judged that the criteria for a pedestrian crossing on Hoe Lane had not been met and this application would not result in significant additional pedestrian activity.

The Director also advised that Officers felt the scheme was acceptable as the permission was temporary in nature and this would allow a judgement to be made as to whether the use was appropriate in this location in the longer term.

Councillor S Bull proposed and Councillor M Newman seconded, a motion that the Committee accept the Officer's recommendation as detailed in the report now submitted.

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

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1635/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

590 3/11/2041/FO – VARIATION OF CONDITION 29 OF PLANNING REFERENCE 3/07/2531/FP TO AGREE A PROPOSED MINOR MATERIAL CHANGE TO THE BUILDINGS APPROVED - VARIATION TO PLOTS 8, 13, 14, 15, 16, 17 AND 18 AT SEVEN ACRES, 49 UPPER GREEN ROAD AND 54 AND 56 UPPER GREEN ROAD, TEWIN FOR TAYLOR WIMPEY NORTH LONDON

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2041/FO, subject to a deed of variation in respect of the original Section 106 agreement dated 3 March 2011 to ensure that its requirements were properly related to this proposal,

planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the information detailed in the additional representations schedule circulated in advance of the meeting.

Councillor A Burlton commented that a 30% increase in the size of approved buildings at plots 8, 13, 14, 15, 16, 17 and 18 Upper Green Road and at 54 and 56 Upper Green Road could not be considered as a minor material change.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2041/FO, subject to a deed of variation in respect of the original Section 106 agreement dated 3 March 2011 to ensure that its requirements were properly related to this proposal, planning permission be granted subject to the conditions detailed in the report now submitted.

591 3/11/2032/SV – MODIFICATION OF SECTION 106 AGREEMENT TO PLANNING PERMISSION 3/07/1569/OP IN RESPECT OF CLAUSES 3.4.4.1 AND 3.4.4.2 WITHIN SCHEDULE 3 – AFFORDABLE HOUSING AT LAND AT LEVENTHORPE SCHOOL FOR LEACH HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2032/SV, the Section 106 legal agreement be varied as detailed in the report now submitted and authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to agree the detailed wording of the proposed variation.

After being put to the meeting and a vote taken, the

Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/11/2032/SV, the Section 106 legal agreement be varied as detailed in the report now submitted; and

(B) authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to agree the detailed wording of the variation.

592 3/11/1559/FP – ERECTION OF REPLACEMENT DWELLING AS AMENDMENT TO PREVIOUS PLANNING APPROVAL REF: 3/07/1789/FP AT THE MANOR HOUSE, ASPENDEN ROAD, WESTMILL, BUNTINGFORD, HERTS , SG9 9LA FOR MR AND MRS D CATHERALL

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1559/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1559/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

593 3/11/2031/SV – MODIFICATION TO ANNEXE B, SCHEDULE 3 OF THE SECTION 106 AGREEMENT RELATING TO LPA REFERENCE 3/08/0840/FP – TO AMEND THE TENURE MIX OF AFFORDABLE HOUSING TO 50% RENTAL UNITS AND 50% INTERMEDIATE HOUSING, AT LAND OFF TYLERS CLOSE, BUNTINGFORD FOR LEACH HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2031/SV, planning

permission be refused for the reasons detailed in the report now submitted.

In response to a number of queries from Councillor M Newman, the Director advised that once housing market assessment work had been concluded as part of the Local Development Framework (LDF) process, the Authority would be in a better position to identify housing need across the District.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2031/SV, planning permission be refused for the reasons detailed in the report now submitted.

594 3/11/2046/SV – MODIFICATION OF SECTION 106 AGREEMENT TO PLANNING PERMISSION 3/08/0840/FP IN RESPECT OF CLAUSES 3.1 AND 3.2 WITHIN SCHEDULE 3 – AFFORDABLE HOUSING AT LAND OFF TYLERS CLOSE, BUNTINGFORD FOR LEACH HOMES

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2046/SV, the Section 106 legal agreement be varied as detailed in the report now submitted and authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to agree the detailed wording of the proposed variation.

In response to a query from Councillor A Burlton, the Director advised that the applicants were entitled to seek to amend Section 106 legal agreements, but that the Committee retained discretion on whether to approve or refuse such applications.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/11/2046/SV, the Section 106 legal agreement be varied as detailed in the report now submitted; and

(B) authority be delegated to the Director of Neighbourhood Services, in consultation with the Director of Internal Services, to agree the detailed wording of the variation.

595 3/11/1387/FP – EXTENSIONS TO BRICK BUILT 1960S BUILDING AND ERECTION OF NEW DWELLING TO THE REAR WITH ASSOCIATED ACCESS AND LANDSCAPING AT GREAT HORMEAD VILLAGE HALL, GREAT HORMEAD, BUNTINGFORD, SG9 0NR FOR HORMEAD VILLAGE HALL MANAGEMENT COMMITTEE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/1387/FP, subject to the applicants 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 and summary of reasons approved by the Committee at its meeting of 12 October 2011.

The Director updated Members regarding the signing of the Section 106 legal obligation on this application. He stated that the proposals included a single dwelling which, when the plot for it was sold, would finance improvements to Great Hormead Village Hall, Great Hormead.

The Director advised that Officers had sought to control this situation with the legal agreement restrictions detailed in the report now submitted, in particular, a requirement that the house should not be occupied until the new village hall was occupied and available for use.

The Director stated that the applicant's solicitor had correctly indicated that the trustees of the village hall were bound by other legislation outside of the planning regulations. However, the applicants' Solicitor was

concerned that the currently proposed restrictions would prevent the development from coming forward. On that basis, Officers had recommended that permission could be granted subject to an agreement that specified that the funding could only be used in relation to the proposals contained in this planning application, but did not require completion of the works to the hall in advance of the new house.

The Director advised that additional consultation had not been carried out locally as this report related to a trigger for a Section 106 legal obligation as opposed to a planning application.

The Director stated that Officers could carry out further consultation if Members felt this was necessary, but would prefer to have the Committee's views as to whether Members were broadly supportive of this application before considering whether to conduct further consultation.

In response to a query from Councillor Mrs R Cheswright, the Director confirmed that the safeguards being proposed by Officers were to ensure that the funding could only be used for the fundamental revitalisation of Great Hormead Village Hall and not for other works that the Great Hormead Village Hall Management Committee might seek to carry out.

In response to a query from Councillor M Newman regarding the alternative approach suggested by the Authority's solicitor, the Director stated that a further alternative approach to this matter was to require that the proceeds of sale of the residential plot were lodged with East Herts Council. The legal agreement would then require that details of the arrangements for the subsequent release of the funding should be submitted to and agreed by the Authority.

The Director advised that the applicant would need to permit East Herts Council to register an interest in the site

and any associated costs of this approach would have to be met by the applicant.

Councillor G Jones proposed and Councillor S Bull seconded, a motion that there be no change to the Section 106 Legal Agreement in that the works to the Great Hornead Village Hall must be completed before the new dwelling was occupied.

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 supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/1387/FP, subject to the applicants 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 and summary of reasons approved by the Committee at its meeting of 12 October 2011.

596 3/11/2019/FP – TWO STOREY SIDE EXTENSION AT WHEATFIELDS, KETTLE GREEN ROAD, MUCH HADHAM, SG10 6AF FOR MR C SULLIVAN

Mr Danny Simmonds addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2019/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application

3/11/2019/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

597 3/11/2057/FP – DETACHED OPEN CART LODGE AT ELM SIDE, HORSESHOE LANE, GREAT HORMEAD, SG9 0NQ FOR MR WHITE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/2057/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/2057/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

598 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 8.00 pm

Chairman

Date
