

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 9 JANUARY 2013, AT 7.00
PM

PRESENT: Councillor S Rutland-Barsby (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton,
Mrs R Cheswright, G Lawrence, P Moore,
M Newman and T Page.

ALSO PRESENT:

Councillors W Ashley, P Ruffles, N Symonds
and G Williamson.

OFFICERS IN ATTENDANCE:

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

525 APOLOGY

An apology for absence was submitted on behalf of Councillor G Jones.

526 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the importance of attending the next scheduled training session on 27 February 2013 at 5.15 pm in Room 27, Wallfields, Hertford.

527 DECLARATIONS OF INTEREST

Councillor D Andrews declared a disclosable pecuniary interest in application 3/12/1040/OP, in that he was employed by the Sainsbury's group of companies and Sainsbury's used to own the site that was the subject of this application. He left the room whilst this matter was considered.

Councillor P Moore declared a disclosable pecuniary interest in application 3/12/1805/FP, in that she sat on the steering committee with the applicant. She left the room whilst this matter was considered.

Councillor E Bedford declared a disclosable pecuniary interest in application 3/12/1805/FP, in that his son was the next door neighbour of the applicant. He left the room whilst this matter was considered.

528 MINUTES – 5 DECEMBER 2012

RESOLVED – that the Minutes of the meeting held on 5 December 2012 be confirmed as a correct record and signed by the Chairman.

529 3/12/1040/OP – OUTLINE PLANNING APPLICATION (ALL MATTERS RESERVED WITH THE EXCEPTION OF ACCESS, LAYOUT AND SCALE) COMPRISING DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES ON SITE AND ERECTION OF NEW STORAGE AND DISTRIBUTION CENTRE (USE CLASS B8) WITH ANCILLARY OFFICES, GATEHOUSE, VEHICLE MAINTENANCE UNIT, VEHICLE WASH, FUEL ISLAND, PLANT, HGV PARKING AND SURFACE CAR PARK, ALTERATION OF FOOTBALL CLUB ACCESS AND PARKING, ENGINEERING, LANDSCAPING AND ASSOCIATED WORKS AT FORMER SAINSBURYS DISTRIBUTION DEPOT, LONDON ROAD, BUNTINGFORD, SG9 9JR FOR PROLOGIS UK LIMITED

Joanne Dieguez addressed the Committee against the application. David Smith spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1040/OP, outline planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the comments detailed in the additional representations schedule. Councillor S Bull, as the local ward Member, referred to the inevitability of development on this site and he praised the considerable amount of work carried out by the applicant on this application. Councillor Bull referred to the 9% decrease in the volume of the proposed storage and distribution centre. He stated however that he remained concerned about the HGV movements to and from the site.

Councillor Bull praised the applicant for reducing the visual impact of the application by substituting the proposed multi storey car park with a surface level car park. He expressed concern however, that the access was still from London Road as opposed to access only from the existing roundabout. He stated that he would like the application to be implemented with the minimum

possible disruption for residents.

Councillor M Newman referred to the heavy traffic flows on the A10 between Royston and Buntingford. He commented that the traffic to and from this site should be controlled by conditions so that the peak flows were outside of the rush hour periods.

Councillor Mrs R Cheswright stated that, although situated on the edge of Buntingford, this site was close to a large number of residential dwellings. She expressed concerns over the height of the proposed development and referred to the likelihood of traffic problems resulting from 600 people accessing and leaving the site.

Councillor E Bedford reminded Members that this site had always been a depot and the size of the proposed development was a commercial decision based on the viability of the application. He stated that the impact of the traffic movements was exaggerated as there would be an element of car sharing and some staff might well cycle to the site or arrive on foot. He concluded that the impact of the application in terms of investment for the local economy was a very important factor to consider.

The Director acknowledged that the buildings proposed by the applicant would be visible but Members were reminded that there were already buildings on the site with a height of 22.5 metres. Officers were satisfied however, that there was sufficient space around the site to mitigate the impacts of the development.

Members were advised that that overall floor space would be less than the existing buildings but there would be an increase in volume and height. The Director stressed that Hertfordshire Highways had not objected to the application and had pointed out that the traffic movements would be less than the movements that could occur if the site was utilised with the existing use.

The Director concluded that the impact on London Road

had been assessed as acceptable via the TRICS database by Hertfordshire Highways and the applicants' transport consultant, on the basis that not everyone would work on site every day.

In response to queries from Councillor Mrs R Cheswright regarding HGVs being restricted from using London Road and also in respect of noise during demolition works, the Director advised that conditions 16, 25 and 29 should mitigate these areas of concern. The Director referred to the applicant's Noise Assessment, which acknowledged that there were potentially significant short term effects of noise during the demolition and construction phases of the proposed development.

Councillor A Burlton referred to the need for such buildings to be of a certain height to incorporate the technology required to ensure that distribution centres operated efficiently. He sympathised with residents' concerns but stated that there should not be any overlooking as the sides of the building would very likely be sheet metal. He also referred to the economic benefits of the development, in particular the 300 jobs that would be created.

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 3/12/1040/OP, outline planning permission be granted subject to the conditions detailed in the report now submitted.

- 530 3/12/1804/RP – ERECTION OF 81 DWELLINGS AND ASSOCIATED DETAILS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE (PHASE II) AT THE FORMER TRINITY CENTRE, LADY MARGARET GARDENS, WARE, SG12 7TL FOR CROUDACE HOMES LTD

Tim Bowden addressed the Committee against the

application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1804/RP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Alexander, as the local ward Member, expressed concerns regarding the single point of access into what was becoming an ever larger cul-de-sac in East Herts. He also expressed concerns that a majority of the roads within the development would remain in private ownership. He queried whether any discussions had taken place with the applicant in respect of the remit of a management company to maintain the road network on this site.

The Director stated that the single point of access had always been included in the plans for this site but Members were reminded that an additional emergency vehicle access was proposed from Evergreen Road. Members were advised that Hertfordshire Highways Officers were satisfied that the single point of access was acceptable.

The Director also stated that it was now the policy of County Highways to only adopt the primary roads of most new developments. Members were advised however, that Officers had attached a condition to ensure the creation of a management company to facilitate the management and maintenance of any non-adopted common areas of the site.

Councillor T Page stated that a development of 81 dwellings, many of which were affordable, was a positive step in ensuring provision of homes for young people bringing up families. He commented however, that there was very little amenity land in a development with a density of 45.5 dwellings per hectare. He also shared Councillor Alexander's concerns regarding the single narrow access road to the site.

Councillor D Andrews also expressed concerns regarding the site access and the density of the proposed development. He also stated that the parking provision of 1.67 spaces per dwelling was a concern, especially when considering the distance between the site and Ware train station and other local amenities. He also commented that many of the residents would work up or down the A10 corridor and would require at least one car per household.

The Director acknowledged that, whilst the density of dwellings was high, this assimilated well with phase 1 of the development at the Former Trinity Centre and was also in accordance with the previously approved outline application for phase 2.

Members were reminded that outline planning permission had already been approved for 81 dwellings on this site. The Director also confirmed that there was a triangular area of play space within the site and also a larger area of land to the north that would be given over to the District Council to form a much larger area of amenity land for the combined benefit of both phases of the development.

In response to Members' concerns regarding car parking, the Director advised that the parking standards are maximum standards.

The Director confirmed that Officers, as well as Officers from County Highways, were satisfied that the proposed parking provision was sufficient. Members were also advised to bear in mind the issue of housing land supply, particularly where a site assisted with supplying housing and was a site allocated for such housing in the Local Plan.

Councillor M Newman commented on whether conditions could be applied to mitigate the concerns of the objecting speaker in relation to residents parking in Evergreen Road to access the application site. Councillor Newman

also referred to the £83,625 towards sustainable transport improvements, in terms of how this funding was to be spent as there was no mention of this in the conditions.

The Director stated that there was little Officers could do to control parking in Evergreen Road as this was outside the application site. Members were reminded that the Section 106 contribution of £83,625 was tied to the original outline planning consent and was intended for the provision of bus stop improvements and a traffic regulation order.

In response to a concern from Councillor D Andrews regarding the loss of the turning head, the Director advised that this had only been a temporary feature on phase 1 of the development pending completion of phase 2. Members were advised that it was now considered preferable to convert this space to a landscaped open area to improve the character and appearance of the development.

Members were further advised that turning space was available within the spine road of the development, so that larger vehicles would not have to drive into the smaller secondary roads.

In response to a query from Councillor M Newman, the Director confirmed that parking provision was related to the size of the units on any planning application. The Director confirmed that Officers felt this application represented a good development in terms of the scale, size and mix of tenure as well as an appropriate density of development.

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

Councillors M Alexander, D Andrews, P Moore and T Page requested that their votes against this decision be recorded.

RESOLVED – that in respect of application 3/12/1804/RP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 531 3/12/1784/FO – TO VARY CONDITION 1 OF 3/12/0355/FP TO CHANGE EXPIRY DATE OF PERMISSION AND VARY CONDITION 2 TO AMENDED DRAWINGS FOR USE OF LAND FOR THE SITING OF A RESIDENTIAL MOBILE HOME IN THE FORM OF A LOG CABIN FOR A TEMPORARY 3 YEAR PERIOD FOR OCCUPATION BY A STOCKMAN AT DALMONDS WOOD FARM, MANGROVE LANE, BRICKENDON, HERTFORD, HERTFORDSHIRE, SG13 8QJ FOR EAMON BOURKE
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The Director of Neighbourhood Services recommended that, in respect of application 3/12/1784/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule. Members were advised that Officers had suggested an additional condition to restrict the size of the caravan as the definition of a caravan in planning terms could include a much larger 'twin unit' that would be more visible in the surrounding area.

Councillor E Bedford sought clarification that the temporary use would cease after 3 years as this site was within the Green Belt. The Director confirmed that a 3 year temporary permission was already in place for a log cabin and that after 3 years the applicant could submit an application for a further period or for another form of development.

Members were advised that Enforcement Officers did monitor the timescales for temporary permissions in terms of whether applications were submitted for permanent planning permission.

The Director stated that an applicant would, after the three year period, have to either demonstrate the permanent need for a mobile home on this site or apply for a permanent dwelling at the end of the period permitted for a temporary use.

In response to a further query from Councillor Bedford, the Chairman and the Director confirmed that it was for the applicant to demonstrate the need for a permanent mobile home or dwelling on this site.

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 3/12/1784/FO, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following additional condition:

5. Unless otherwise agreed in writing by the local planning authority, the permission hereby granted shall be for a single residential mobile home on the site of up to 40sqm in area.

Reason: To ensure that the impact of the development within the Green Belt is an acceptable one in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2001.

532 3/12/1805/FP – USE OF PART OF GROUND FLOOR FOR THE PURPOSES OF CHILDCARE ON A DOMESTIC PREMISES FOR UP TO 20 CHILDREN AT DHOON, EPPING GREEN, HERTFORD, HERTFORDSHIRE, SG13 8NB FOR SAMANTHA BAKER

Dominic Bedford addressed the Committee against the application. Graham Fisher spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1805/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

In response to an enquiry from Councillor Mrs R Cheswright as to whether Officers knew the outcome of the appeal in respect of application 3/12/0814/FP, the Director confirmed that the appeal decision had not been received by Officers.

Councillor M Alexander stated that he was impressed with the conditions suggested by Officers. He expressed concerns however, in terms of how these conditions would be enforced. Councillor D Andrews expressed similar concerns regarding the enforceability of the conditions and the impact of the application on neighbour amenity.

Councillor A Burlton commented that 2, 3 or 4 year old children made a substantial amount of noise when playing in a residential garden environment. Councillor M Alexander stated that the concept of this application was a lovely idea but a residential garden in a category 3 village was the wrong location.

The Director advised that there was a range of ages that would be catered for by this application, such as younger children up to and including those of school age. Officers had acknowledged that there would be an impact of the proposed use.

Members were advised that there were controls that could be applied within and beyond the planning system. Members must consider whether the impact of the application was acceptable in planning terms and also whether the impact on neighbour amenity could be controlled by conditions. Members were reminded that any conditions must meet the usual 6 standard tests applied nationally.

In response to concerns from Councillors M Alexander, A Burlton and Mrs R Cheswright, the Director confirmed that the maximum number of children catered for would be 20 and Officers had attached a condition stating that there should be no more than 10 children in the garden at any time.

In response to a query from Councillor M Alexander in respect of the enforceability of that condition, the Director stressed that the applicant had a part to play in the form of good and acceptable management of the proposed use.

The Director advised that residents would be able to inform Officers if conditions were not being adhered to. Members were reminded that the conditions applied by Officers met all of the 6 standard tests and the condition regarding children in the garden had been applied in the past by the planning inspectorate.

Councillor M Alexander proposed and Councillor A Burlton seconded, a motion that application 3/12/1805/FP be refused on the grounds that the proposed use of the site for childcare for up to 20 children would result in an unacceptable increase in noise and disturbance to neighbouring occupiers to the detriment of their residential amenity. It would thereby be contrary to policies ENV1, EDE6 and EDE3 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1805/FP, planning permission be refused for the following reasons:

1. The proposed use of the site for childcare for

up to 20 children would result in an unacceptable increase in noise and disturbance to neighbouring occupiers to the detriment of their residential amenity. It would thereby be contrary to policies ENV1, EDE6 and EDE3 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

Summary of Reason for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, 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. However, for the reasons now detailed, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

- 533 A) 3/12/1496/FP AND B) 3/12/1497LB – CHANGE OF USE OF EXISTING AGRICULTURAL BUILDINGS TO 3 NO. HOLIDAY LET UNITS, 1 NO. 4 BED DWELLING AND 1 NO. 3 BED LIVE/WORK UNIT WITH ASSOCIATED B1 OFFICE AT LORDSHIP FARM, GREEN END ROAD, DANE END SG12 0NS FOR LORD CARTER OF COLES
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The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1496/FP and 3/12/1497/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman commented that the buildings concerned were very notable and architecturally pleasing. He hoped that the conditions suggested by Officers would

reflect the architectural value of these buildings and would be stringently enforced.

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

RESOLVED – that in respect of applications 3/12/1496/FP and 3/12/1497/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

534 3/12/1713/FP – TWO STOREY AND SINGLE STOREY FRONT EXTENSIONS AND FIRST FLOOR FLANK WINDOW AT 21, BROADLEAF AVENUE, BISHOP'S STORTFORD, CM23 4JY FOR MR AND MRS SCOTT

Gillian Gill addressed the Committee against the application. Salvatore Amico spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/1713/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman advised Members that the local ward Member, Councillor Mrs D Hollebon, had requested that it be noted that she was in objection to this application. Councillor N Symonds, as a local Member, addressed the Committee to express her concerns regarding the size of the proposed extensions to 21 Broadleaf Avenue. She stated that the application did not respect the amenity of nearby residents' dwellings.

Councillor Symonds referred to policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007. She highlighted the likely impact of the application in terms of loss of privacy, loss of light and overshadowing for the occupants of 27 Cedar Park. Councillor P Moore commented that she had visited the site and was also

very concerned in respect of the substantial impact and the proximity of the proposed development to 27 Cedar Park.

In response to a query from Councillor M Newman, the Director confirmed that policy ENV5 of the East Herts Local Plan Second Review April 2007 was the most relevant in terms of the impact of the application on neighbour amenity and the impact of the application on the character and appearance of the surrounding area.

The Director advised that, due to the unusual orientation of 21 Broadleaf Avenue and 27 Cedar Park, any loss of sunlight would be restricted to the early part of the day and Members must consider whether the impact of the proposed development was so significant to justify a refusal of planning permission.

In response to a query from Councillor M Alexander regarding the measured distance between 27 Cedar Park and the proposed extensions, the Director advised that the OS Base measurement was 13 metres compared to the 10 metres referred to by the objecting speaker. Officers were not able to give a more accurate picture without coming back to Members at a later date. The Director stressed that any difference in this measurement of the scale identified would not have resulted in a change to his recommendation for approval.

Councillor M Newman commented that the application would result in the built form of 21 Broadleaf Avenue extending across about 95% of the boundary between this property and 27 Cedar Park. He stated that the built form of 21 Broadleaf Avenue currently extended across approximately 40% of the boundary between the two properties.

Councillor P Moore proposed and Councillor E Bedford seconded, a motion that application 3/12/1713/FP be refused on the grounds that the proposed front extension, by reason of its size, siting and cumulative length with the

existing dwelling, would result in an overbearing impact on the occupiers of number 27 Cedar Park. The proposal was thereby contrary to policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/12/1713/FP, planning permission be refused for the following reasons:

1. The proposed front extension by reason of its size, siting and cumulative length with the existing dwelling would result in an overbearing impact on the occupiers of number 27 Cedar Park. The proposal is thereby contrary to policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012, 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. However, for the reasons now detailed, the proposal was not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

535 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 9.12 pm

Chairman
Date