

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
(FORMERLY CONTROL) COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 22 MAY 2013, AT 7.00 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, E Bedford, S Bull,
A Burlton, K Crofton, G Jones, G Lawrence,
P Moore, M Newman, N Symonds and
G Williamson.

ALSO PRESENT:

Councillors W Ashley, P Ballam, J Jones,
P Ruffles, S Rutland-Barsby, K Warnell and
J Wing.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Nicola Beyer	- Senior Planning Officer
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 Manager

17 APPOINTMENT OF VICE-CHAIRMAN

It was moved by Councillor M Alexander and seconded by Councillor P Moore that Councillor M Newman be appointed Vice-Chairman of the Development Management Committee for the 2013/14 civic year.

After being put to the meeting and a vote taken, Councillor M Newman was appointed Vice-Chairman of the Development Management Committee for the 2013/14 civic year.

RESOLVED – that Councillor M Newman be appointed Vice-Chairman of the Development Management Committee for the 2013/14 civic year.

18 APOLOGY

An apology for absence was submitted on behalf of Councillor D Andrews. It was noted that Councillor G Lawrence was in attendance as substitute for Councillor D Andrews.

19 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked Councillor S Rutland-Barsby for her excellent Chairmanship of the Committee during the 2012/13 civic year.

The Chairman advised that the following applications had been withdrawn:

- (a) 3/13/0239/AD and (b) 3/13/0240/LB – Proposed replacement illuminated shop sign and non-illuminated hanging sign at 17 Old Cross Hertford SG14 1RE for Mr M Tindale.

The Chairman advised that the matters referred to at minute 22 – Planning Appeal re Development of 160 Houses on Land North of Hare Street Road, Buntingford

(LPA 3/12/1657/FP), would be determined after application 3/13/0118/OP and prior to application 3/12/1417/RP.

The Chairman invited the Head of Planning and Building Control to advise Members that the District tour would take place on Friday 13 September 2013. Members were requested to advise Officers of sites that could be included in the tour.

Members were also advised that Officers hoped to arrange a planning office open day for Members to meet Officers and gain a better understanding of their work. Officers anticipated that this would take place on a Friday in June.

20 MINUTES – 20 MARCH 2013

RESOLVED – that the Minutes of the meeting held on 20 March 2013 be confirmed as a correct record and signed by the Chairman.

21 3/13/0118/OP – OUTLINE APPLICATION FOR APPROXIMATELY 100 HOUSES. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD FOR WHEATLEY HOMES LTD

Steve Baker addressed the Committee against the application. Robert Allaway spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title signing a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0118/OP, outline planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Jones, as the local ward Member, acknowledged the significant concerns of local residents.

He also stated that Officers had recommended approval of the application as the Authority had not demonstrated a 5 year supply of housing land.

Councillor J Jones stressed that no more housing should be allocated to Buntingford until the most suitable sites had been identified via the District Plan. He commented that Buntingford had seen an additional 165 dwellings built over and above the housing allocated to the town in the East Herts Local Plan Second Review April 2007.

Councillor J Jones stressed that more sustainable sites were available in Buntingford and a sequential test should be conducted for sites north and south of Hare Street Road. He requested that application 3/13/0118/OP be refused.

Councillor S Bull stated that prematurity was a valid reason for refusing this application. He stressed that the site was in the rural area beyond the green belt and approving this application would be contrary to sustainability policy in the NPPF. The application was also contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.

Councillor Bull emphasised that this site was unsustainable in terms of lack of transport, particularly cycle lanes. The site also lacked employment opportunities for residents and lacked high speed broadband. He stated that this site had no natural boundaries leaving this location open for further development. Councillor Bull concluded that application 3/13/0118/OP should be refused as development on this site would dominate the town.

Councillor P Moore stated that the application was unsustainable as the infrastructure was not in place to support the extra houses. Councillor Moore expressed concerns that the full planning permission could be for more than the 100 houses proposed by this outline application.

The Director advised that the issue of the acceptability of various sites for development was an ongoing consideration for the Planning Policy Team when making an assessment of suitable housing sites in East Herts to be included in the District Plan. Members were advised that the emerging District Plan must be compliant with the national policy and the most recent housing supply figures.

The Director advised that, the work undertaken to consider the assessment of potential housing sites in East Herts indicated development of some significant scale was likely in Buntingford. Members were advised that all of the potential development sites in Buntingford would have the same impact on the nearby infrastructure.

In response to queries from Councillor M Newman, the Director stressed that the outline nature of this application meant that all other matters were reserved apart from access. In addition to access therefore, Members should only concern themselves with the principle of development on this site.

Members were reminded that outline applications allowed for some degree of latitude about the number of dwellings which may finally come forward on any given site.

Members were also advised that legal advice had been sought regarding the issue of land supply. The situation which the Council was now addressing and was not an uncommon one and was one which many Authorities were addressing.

Councillor M Newman stated that he saw no reason why the Committee should support this application as all of the indicators were that this application should be refused.

In response to a query from Councillor G Jones regarding the presumption in favour of sustainable development, the Director advised that a presumption in favour of

sustainable development was referred to in the NPPF as being the central thread for all decision making on planning applications.

Members were advised that the Highway Authority and the Education Authority, as well as Officers responsible for Parks and Open Spaces, had not stated that this application would cause significant or demonstrable harm to Buntingford.

The Director stated that Officers felt that this application did not fail the test of Sustainability that was set out in the NPPF.

Councillor S Bull proposed and Councillor G Lawrence seconded, a motion that application 3/13/0118/OP be refused on the grounds that the application was premature and was contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007 and, in terms of the impact of the application on education, public transport, health facilities and local leisure provision, the proposals were contrary to policy SD1 of the East Herts Local Plan Second Review April 2007 and the policies of the National Planning Policy Framework.

After being put to the meeting and a vote taken, this was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted. Councillor M Alexander requested that the unanimous vote for the decision be recorded.

RESOLVED – that in respect of application 3/13/0118/OP, planning permission be refused for the following reasons:

1. The site lies in the Rural Area Beyond the Green Belt as defined in the East Herts Local Plan Second Review, April 2007, where development will only be allowed for certain

specific purposes. The proposals do not represent an acceptable form of development in that respect and are, therefore contrary to the aims and objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007. Prior to the publication of the East Herts District Plan, Part 1: Strategy, development at this time would prejudice the assessment process currently underway which will lead to the identification of land and the preferred strategy for residential and other development across the district. The proposals are therefore contrary to the objectives set out in that respect in the National Planning Policy Framework.

2. The proposed development, if permitted to proceed in advance of a full assessment of the impact of this and other potential development in the town, which may come forward through the District Plan process, will constitute an unsustainable form of development, particularly in relation to the impact and demand placed upon education, public transport, health facilities and local leisure provision. The proposal is therefore contrary to policy SD1 of the East Herts Local Plan Second Review April 2007 and the policies of the National Planning Policy Framework.

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 set out in this decision notice, the proposal is not considered to achieve an

acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

22 PLANNING APPEAL: DEVELOPMENT OF 160 HOUSES
ETC ON LAND NORTH OF HARE STREET ROAD,
BUNTINGFORD: LPA REF: 3/12/1657/FP

The Head of Planning and Building Control submitted a report updating Members in relation to the current circumstances relating to the appeal in respect of planning application 3/12/1657/FP, and also to enable the position of the Council to be reassessed.

Members were advised that, since the application was determined at the December 2012 meeting of the Committee, an appeal had been submitted and this appeal process had started on the 13 May 2013. The appeal would be addressed by means of a full public inquiry and this related to the 7 reasons for refusal imposed by the Committee.

The Director stated that the appellant had, since the determination of the application, sought to demonstrate that the reasons for refusal could be overcome and had submitted information to Officers on that basis. Members were advised that a majority of the reasons for refusal had been addressed following the receipt of this additional information.

The Director advised that, at the time of formulation of the report, 2 fundamental issues remained, in particular, the issue of prematurity. In relation to the second of these, impact on the highway, it appeared now that this was also resolved to the satisfaction of the Highway Authority.

The Director stated that Officers felt that the prematurity reason should not be pursued at the forthcoming enquiry.

Members were requested to endorse the position that the Authority offers no evidence and does not pursue its case

on the basis of reasons for refusal 1 (prematurity) and 2 (cemetery justification).

Members were also requested to delegate authority to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and local ward Members, to further review the position of the Authority in relation to the remaining refusal reasons and to determine how the Authority's case should be pursued.

In response to a number of queries from Councillor G Jones, the Director advised that the appellant had sought to demonstrate that the Authority's reasons for refusing a planning application had been addressed and overcome. The NPPF also sought to encourage a dynamic planning process that encouraged schemes to come forward for determination, in order to address issues of land supply and need.

The Director stressed that, setting aside the prematurity reason, Officers were asking Members for authority to continue a dialogue with the appellant, in consultation with the Chairman of the Committee and local Members in relation to the remaining refusal reasons and to determine how the Authority's case should be pursued at the forthcoming public inquiry.

Councillor M Newman stated that, for the Committee to be consistent in its decision making, the issue of prematurity should continue to be used. He referred to the cumulative effect of planning applications in Buntingford and also to the emerging District Plan, which would identify land allocations for residential developments in the Buntingford area.

Members were reminded that, should a further planning application be submitted, then the public would have the opportunity to comment and the Committee would have to consider and determine that application in the usual way.

In response to a query from Councillor M Newman, the Director advised that the preferred approach in the event of an appeal in relation to significant development proposals was for the appellant and the Local Planning Authority to seek to identify areas where differences could be minimised. The planning inspectorate expected this approach to be adopted and did not expect either side to adopt an entrenched position in the event of an appeal.

The Director advised Members that the previous report had reasons for refusal relating to the justification for the proposed cemetery, layout and design, the relationship between proposed and existing dwellings, children's play provision and the impact on trees. Members were further advised that, in relation to the cemetery issue, further information had been provided by the applicant and Officers considered that appropriate justification had been demonstrated for the proposed development in this respect.

Councillor G Jones proposed and Councillor A Burlton seconded, a motion that Members reject recommendation (A) as detailed in the report now submitted and Members endorse recommendation (B) as now detailed.

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

RESOLVED – that, in respect of the current planning appeal process regarding application 3/12/1657/FP, the position that the Authority offers no evidence and does not pursue its case on the basis of reasons for refusal 1 (prematurity) and 2 (cemetery justification), be rejected; and

(B) Authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Development Management Committee and local ward Members, to further review the position of the Authority in relation to the refusal reasons and to determine how the

Authority's case should be pursued.

23 3/12/1417/RP – RESIDENTIAL DEVELOPMENT OF 26 DWELLINGS – APPROVAL OF DETAILS IN RESPECT OF APPEARANCE, SCALE AND LAYOUT, FOLLOWING OUTLINE APPROVAL OF LPA REF. 3/10/2040/OP AT LAND OFF LONGMEAD, BUNTINGFORD, SG9 9EF FOR MATTHEW HOMES

Bob Jackson addressed the Committee against the application.

The Director of Neighbourhood Services recommended that Members confirm what their decision would have been had they been able to determine application 3/12/1417/RP.

Councillor S Bull, as the local ward Member, stated that, since the non determination of this application in February 2013, a revised planning application had been submitted following dialogue between the developer and Buntingford Town Council.

Councillor Bull commented that, whilst the new application had made no changes in terms of landscaping, there had been an attempt to address issues of concern regarding the height and massing of buildings adjacent to the existing properties.

The Director advised that a revised application had been submitted and whilst there were some minor changes to the mix of proposed dwellings, the application had not changed significantly since the meeting in February 2013. Members were reminded of a number of other relevant policies that reflected the previous concerns of the Committee in respect of the original application.

Councillor S Bull proposed and Councillor G Jones seconded, a motion that Members confirm that, if they had been able to determine application 3/12/1417/RP, they would have refused planning permission on the

grounds that the proposed development would result in a cramped layout and design that would be contrary to policy ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007. The application was also contrary to the aims and objectives of policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007; the Council's SPD on Affordable Housing and Lifetime Homes 2008 and the policies of the National Planning Policy Framework.

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

RESOLVED – that, had the Committee been able to determine application 3/12/1417/RP on 27 February 2013, it would have refused planning permission for the following reasons:

1. The proposed development, by reason of the size and scale of the proposed dwellings and the lack of public amenity space would result in a cramped layout and design, harmful to the character and appearance of the surrounding area and contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed affordable housing is not distributed across the site or integrated satisfactorily into the development. As a result, the proposal would fail to achieve a mixed, sustainable and inclusive community contrary to the aims and objectives of policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007; the Council's SPD on Affordable Housing and Lifetime Homes 2008 and the policies of the National Planning Policy Framework.
3. The layout of the proposed development provides insufficient natural surveillance of the proposed parking court to the south of the site

which would be detrimental to the provision of a safe and sustainable community for future residents, contrary to policies ENV1 and ENV3 of East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

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 set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

- 24 3/12/2161/FP – RELOCATION OF A EXISTING ALL WEATHER PITCH TO ALLOW CONSTRUCTION OF A NEW 5 COURT SPORTS FACILITY WITH CLIMBING WALL, 4 CHANGING ROOMS, FITNESS ROOM, SOCIAL SPACE AND VARIOUS STORAGE AND MEETING ROOMS AT HOCKERILL ANGLO EUROPEAN COLLEGE, DUNMOW ROAD, BISHOP'S STORTFORD, CM23 5HX FOR HOCKERILL ANGLO EUROPEAN COLLEGE

Simon Dennis and Louise Morton addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/2161/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds stated that whilst she was full of praise for the excellence of the college, the current sports

facilities did cause problems. She urged the Committee to support the Officer's recommendation.

Councillor A Burlton commented that the wider community in Bishop's Stortford should have the opportunity to use the new facilities. He emphasised that the proposed development would be highly visible due to the height of the building. He stated however, that he would support the application as new facilities were needed at the college.

The Director referred Members to paragraph 7.28 of the report submitted for a number of parameters that had been submitted by the college for the community use of the proposed development. Members were reminded that there were boarders on the school site who would have full access to the sports facilities outside of the college's operating hours.

The Director also stated that, the college had stated that a management company involving the college, Sport England and the Hertfordshire Sports Partnership would be formed. As such, Officers had attached a condition requiring that, prior to the commencement of the development, details of a scheme to make the sports hall available for public and community use shall be submitted to and approved in writing by the Local Planning Authority.

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 3/12/2161/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 25 3/12/2153/FP – EXTERNAL ALTERATIONS INCLUDING RAISING THE ROOF OF THE EXISTING PORCH, INFILL EXISTING DOORWAY, NEW GLAZING TO EXISTING DOOR OPENING AND INFILL OF WINDOWS ON THE APPROVED EXTENSION AT THE ARCHERS, HAVERS LANE, BISHOP'S STORTFORD, CM23 3PD FOR TESCO STORES LTD

John Mumby addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/2153/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 3/12/2153/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 26 A) 3/12/1955/FP AND B) 3/12/1956/LB – DEMOLITION OF THE EXISTING OUTBUILDINGS AND RENOVATION OF THE FORMER VICTORIAN SCHOOL. DEVELOPMENT OF THE FORMER SCHOOL PLAYGROUND AND OUTDOOR SPACE FOR 5NO 4 BED DWELLINGS AND 2NO 2 BED FLATS AT MUSLEY INFANT SCHOOL, MUSLEY HILL, WARE, SG12 7NB FOR MUSLEY HILL DEVELOPMENT LTD

John Douglas addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of applications 3/12/1955/FP and 3/12/1956/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor J Wing, as the local ward Member, commented that, whilst he had no issues with the need or plans to renovate the listed buildings at Musley Infant School, he did not believe this planning application was necessary to provide the funding for the renovation works.

Councillor Wing expressed concerns in respect of the impact of the applications on the local area, in particular the parking implications for the 3 surrounding roads, all of which were very heavily parked or were protected by yellow line restrictions.

Councillor Wing stated that any development that put additional pressure on car parking was inappropriate in this area. He stated that it was not uncommon for there to be barely 3 spaces available for parking on street, and often there were none.

Councillor Wing emphasised that this application must comply with the Authority's maximum standards in respect of parking. He also stated that buses often got into difficulties negotiating these roads due to illegal parking, and motorists dropping people off prior to parking elsewhere further exacerbated such situations.

Councillor Wing concluded that the site was unsuitable for use as a nursery as there was no protected safe outdoor play area and the site did not lend itself to the easy drop off and collection of children by car. The Committee was urged to reject both applications on the grounds of overdevelopment and the adverse impact on the residents and the surrounding area.

The Director stated that, following the advice of the Solicitor, Officers had suggested a revised wording of condition 3 on the basis that none of the residential units shall be occupied unless and until the listed school building has been fully repaired and refurbished to the satisfaction of the local planning authority, in accordance with a scheme to be first submitted to and approved in

writing by the local planning authority.

Councillor M Alexander stated that, whilst he would also like to see the listed building brought back into use, he could not support this application as it would result in unacceptable overdevelopment and the parking pressure was unacceptable. He also expressed concerns regarding the safe dropping off of children visiting the day nursery.

In response to a query from Councillor Alexander, the Director confirmed that Officers could not seek section 106 contributions as this application was for less than 10 dwellings. Councillor G Jones commented on the viability of the proposals covered by both the applications.

Councillor Mr Alexander proposed and Councillor S Bull seconded, a motion that applications 3/12/1955/FP and 3/12/1956/LB be deferred to enable Officers to consider whether the development was the minimum necessary to provide for the repair and restoration of the listed school building and to ensure that it would provide for a long term viable use of the listed building.

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 applications 3/12/1955/FP and 3/12/1956/FP, planning permission be deferred to enable Officers to consider whether the development was the minimum necessary to provide for the repair and restoration of the listed school building and to ensure that it would provide for a long term viable use of the listed building.

27 3/13/0204/FP – ERECTION OF 2 NO. 4 BEDROOM
DETACHED DWELLINGS WITH DETACHED GARAGES,
ASSOCIATED PARKING AND LANDSCAPING AT
BRICKENDON GRANGE GOLF CLUB, BRICKENDON,
HERTFORD, SG13 8PD FOR BRICKENDON GRANGE LTD

Paul Atton addressed the Committee against the application. Peter Warren spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0204/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to additional representations from objecting neighbours that had been summarised in the late representations summary. Councillor W Ashley, as the local ward Member, stated that Brickendon was a category 2 village. He also stated that the boundary of the village was undefined.

Councillor Ashley questioned the statement by Officers in the report that this site was located within the village boundary of Brickendon. He stated that, if the site was outside the village boundary, then green belt policies applied and no special circumstances had been demonstrated as to why this application outweighed green belt policy.

Councillor Ashley queried whether the size of the proposed dwellings could be classed as small scale given that the proposed size of each dwelling was 191 square metres. He stated that Brickendon was currently working on a neighbourhood plan.

Councillor Ashley concluded that residents in Brickendon also disagreed with Officers' views regarding the village boundary and the small scale designation applied to the proposed units. He urged Members to debate all aspects of this application and not reach a hasty decision.

Councillor P Moore stated that she had visited the site and could not see any reason why Members should not support the Officers' recommendation for approval. Councillor S Bull stated that this application was a finely balanced judgement but he had noted that the Conservation Officer had suggested the application should be approved.

Councillor Bull also stated that Affinity Water, the Countryside Access Officer, the Herts and Essex Wildlife Trust and the Ramblers Association were all supportive of the application. He concluded that, given the support of all of these organisations, he was supportive of the Officers' recommendation.

Councillor M Alexander stated that he would be voting against the application. He stressed that the Committee had always prided itself on taking note of the comments of Parish Councils. He stated that Brickendon Liberty Parish Council objected to the application on the grounds detailed at paragraph 4.1 of the report now submitted.

In response to comments from Councillors M Alexander, E Bedford, K Crofton, M Newman and G Williamson, the Director referred to Policy OSV2 stating that infill development in the Green Belt was acceptable within Category 2 Villages. The Director also stressed that many of the matters raised by Members were matters of judgement and ultimately the Committee had to come to a view on this application.

Councillor M Alexander proposed and Councillor E Bedford seconded, a motion that application be refused on the grounds that the application constituted inappropriate development in the Green Belt and was therefore be contrary to policy GBC1 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 3/13/0204/FP, planning permission be refused for the following reason:

1. The site is considered to lie outside the built up part of the village and within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. no such special circumstances are apparent in this case, and the proposal would therefore be contrary to policy GBC1 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 set out in this decision notice, 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 (9.55 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

- 28 3/13/0101/FP – CONVERSION OF THE FORMER PUBLIC HOUSE AND THE CONSTRUCTION OF A THREE STOREY SIDE EXTENSION TO FORM 3NO. TWO BED APARTMENTS AND OFFICE ACCOMMODATION AND CONSTRUCTION OF ONE DETACHED AND 4 SEMI DETACHED THREE STOREY, THREE BEDROOM HOUSES TOGETHER WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT THE RED COW PUBLIC HOUSE AND LAND TO REAR OF 58 DUNMOW ROAD, BISHOP'S STORTFORD CM23 5HL FOR INKGATE LTD
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Ann Finch addressed the Committee against the application. Paul Bloomfield spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0101/FP, 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 summary, as a number of points raised by the public speakers were addressed in that summary. Members were advised that other legislation covered the treatment of Japanese Knotweed and any condition on this matter would not meet the standard tests covered by circular 11/95.

The Director stated that a directive had been added by Officers in the event that the application was approved. This Directive stated that, if bats were found, the developer should contact a suitably qualified ecologist prior to proceeding with any further works on the site.

Councillor N Symonds stated that, although the Red Cow was not a listed building, it was very distinctive and the proposed development would overwhelm the original building. She stated that the proposed extension was too large and constituted overdevelopment.

Councillor Symonds also expressed concerns regarding the ingress and egress to and from this site. She stated

that this was one of the most congested areas of East Herts and 6 to 8 extra cars would have problems in an area where the traffic regularly reached almost as far back as the M11 motorway.

The Director confirmed that this application was for 5 dwellings. Members were advised that Officers felt that this development, whilst being overtly modern, would preserve the character of the former Red Cow Public House.

The Director also stated that the Conservation Officer was satisfied that the proposed scheme would not overwhelm the Red Cow. Members were advised that Officers were satisfied that the proposed development was acceptable in terms of overlooking or any overbearing impact on the surrounding street scene.

The Director concluded that the Highway Authority had requested a condition stating that, prior to the first occupation of the dwellings, a "Keep Clear" road marking should be laid on Dunmow Road across the proposed access to the site, in order to secure a satisfactory access appropriate to the development, which would be in the interests of safety and public convenience.

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 3/13/0101/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 29 3/13/0225/FP – FIRST FLOOR SIDE AND SINGLE STOREY REAR/SIDE EXTENSIONS AND CONVERSION OF GARAGE INTO A HABITABLE ROOM (REVISIONS TO LPA REFERENCE 3/12/1233/FP) AT HIGH OAKS, MUCH HADHAM, SG10 6DQ FOR MR J CAREY

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0225/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman commented that the application should be approved as this was a small building on a large site and there would be almost no impact resulting from this application.

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 3/13/0225/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

30 E/12/0096/B – UNAUTHORISED USE OF OUTSIDE SEATING AREA IN REAR GARDEN OF CAFÉ/RESTAURANT AT 25A ST ANDREW STREET, HERTFORD, HERTS, SG14 1HZ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0096/B, enforcement action be authorised on the basis now detailed.

In response to a query from Councillor M Alexander, the Director stated a period of compliance of one month was considered by Officers to be sufficient for the removal of the unauthorised outdoor seating area on this site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/12/0096/B on the basis now detailed.

RESOLVED – that in respect of E/12/0096/B, the Director of Neighbourhood Services, in conjunction

with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

31 E/11/0177/B – UNAUTHORISED WORKS TO A LISTED BUILDING AT RYE COTTAGE, TO REAR OF RYE HOUSE, RYE ROAD, HODDESDON, HERTS, EN11 0EJ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0177/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0177/B on the basis now detailed.

RESOLVED – that in respect of E/11/0177/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

32 E/10/0356/B – UNAUTHORISED STORAGE CONTAINERS AND FENCING AT LAND ADJ 1 BUTTERMILK HALL COTTAGES, BALDOCK ROAD, BUNTINGFORD, SG9 9RH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0356/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0356/B on the basis now detailed.

RESOLVED – that in respect of E/10/0356/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services,

be authorised to take enforcement action on the basis now detailed.

33 E/11/0103/A – UNAUTHORISED REPLACEMENT OF STAIRCASE AND FIRST FLOOR WALL AT 97 HIGH STREET, BUNTINGFORD, HERTS, SG9 9AE

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0103/A, enforcement action be authorised on the basis now detailed.

Councillor S Bull referred to the sad situation on this site in that the current owner had purchased the property unaware that works had been carried out without planning permission 10 years ago.

He referred to the high quality of the workmanship that had been carried out to create the unauthorised wide staircase. Councillor Bull stated that enforcement action should be deferred so that Officers could explore solutions to this very reserved case.

The Director stated that, unfortunate as this case was, the personal circumstances of the appellant could not be given significant weight in planning terms. He reminded Members that the unauthorised works to this listed building were a criminal offence.

The Director stressed that a deferral would not be appropriate and Members should take a decision whether or not to take enforcement action in order to preserve and protect the rich variety of listed buildings in East Herts.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0103/A on the basis now detailed.

RESOLVED – that in respect of E/11/0103/A, the Director of Neighbourhood Services, in conjunction

with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

34 E/11/0263/B – UNAUTHORISED FENCE ATTACHED TO LISTED BUILDING AT THE WHITE HOUSE, 99 HIGH STREET, WATTON-AT-STONE, HERTS, SG14 3SZ

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0263/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/11/0263/B on the basis now detailed.

RESOLVED – that in respect of E/11/0263/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

35 E/13/0012/B – FIRST FLOOR WINDOWS INSERTED INTO FLANK ELEVATION OF PROPERTY IN BREACH OF CONDITIONS AT 7A CURRIE STREET, HERTFORD, HERTS, SG13 7DA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0012/B, enforcement action be authorised on the basis now detailed.

Members were referred to the additional information detailed in the late representations summary. Officers would continue to negotiate for an acceptable solution with the owner of this site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for

enforcement action to be authorised in respect of the site relating to E/13/0012/B on the basis now detailed.

RESOLVED – that in respect of E/13/0012/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

36 E/12/0296/B – UNAUTHORISED ADVERTISEMENTS AT ERMINE COURT, CORONATION ROAD, WARE, HERTS, SG12 9BH

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0296/B, legal proceedings be authorised on the basis now detailed.

In response to a query from Councillor M Alexander, the Director advised that a section 224 notice gave Officers authority to commence legal proceedings and Officers would proceed to a prosecution if there continued to be no response from the owner of the site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for legal proceedings to be authorised in respect of the site relating to E/12/0296/B on the basis now detailed.

RESOLVED – that in respect of E/12/0296/B, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to commence legal proceedings on the basis now detailed.

37 BISHOP'S STORTFORD NORTH: PUBLIC BRIEFING

The Head of Planning and Building Control submitted a report inviting Members to consider the arrangements for the operation of a Public Briefing in respect of the proposals relating to Bishop's Stortford North.

Members were advised that Officers would arrange a public briefing in respect of an outline planning application relating to ASR sites 1–4 at land referred to as Bishop's Stortford North and other applications relating to the site. This application was one of a number of applications that would be reported to a special meeting of the Committee in October 2013.

The Head of Planning and Building Control stated that it was anticipated that the event would be open to the public and would be chaired by the Chairman of the Development Management Committee. An open invitation would also be extended to all District Councillors. Officers anticipated that the Chairman and other nominated Members would put questions to the applicants, who would also be able to take questions from the public.

Councillor G Jones stated that he was, in principle, happy with the opportunity to question the developers on the proposals. He stated however that the planned date of 13 June 2013 was not far away and two of the anticipated applications had not been submitted to Officers. He sought clarification on a number of points of detail such as the opportunity for objectors to contribute and his concerns over questions being submitted in advance of the event.

Members were advised that Officers anticipated that objectors and other parties would be able to put questions to the developers. Officers were keen to ensure the manageability of this event and Members might have views on the fine detail of these arrangements. Members were advised that giving the questions in advance to the developers would give them the chance to formulate an informative response.

Councillor A Burlton commented on whether the event should be put back a few weeks to the middle of July to allow the other applications to be submitted and also to allow more time for questions to be formulated by all of

the interested parties.

Councillor M Newman stated that he was more than happy to endorse the Officers' recommendations, subject to the date being later than was suggested by the Head of Planning and Building Control. He stated that questions on the day, in addition to any that were submitted in advance, should not necessarily be excluded.

Councillors A Burlton and N Symonds stated that they would prefer the developers did not have the questions in advance, as the speakers that attended might be public relations experts rather than people who could give informative answers to the questions that were being asked.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendations as now detailed.

RESOLVED – that (A), subject to a revised date being organised for July 2013, the arrangements for the operation of a Public Briefing to consider the development proposals relating to Bishop's Stortford North be endorsed; and

(B) final arrangements for the Briefing be delegated to the Head of Planning and Building Control to confirm in consultation with the Chairman of the Development Management Committee.

38 LEGAL UNDERTAKING IN RELATION TO DEVELOPMENT AT GOLDINGS, HERTFORD (REF 3/98/1849/FP)

The Head of Planning and Building Control submitted a report inviting Members to consider possible action, if necessary and appropriate, to ensure compliance with the Legal Undertaking in respect of application 3/98/1849/FP and development at Goldings, North Road, Hertford.

The Director advised that a landscape management plan had been submitted in draft form. The Council's Landscape Officer had stated that the draft plan did not comply with the Legal Undertaking and Members were requested to endorse further work by Officers to ensure compliance with the obligations of the undertaking and, if necessary, give Officers the authority to pursue legal action to ensure compliance with the legal undertaking.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation as now detailed.

RESOLVED – that the Director's recommendation for legal action, if necessary and appropriate, to ensure compliance with the Legal Undertaking in relation to application 3/98/1849/FP and development at Goldings, North Road, Hertford, be approved.

39 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 10.37 pm

Chairman

Date