

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 20 AUGUST 2014, AT 7.00
PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, E Bedford, S Bull,
K Crofton, J Jones, P Moore, P Ruffles,
N Symonds, K Warnell, G Williamson and
M Wood.

ALSO PRESENT:

Councillors W Ashley, P Ballam, G Cutting
and J Mayes.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Paul Dean	- 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

186 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors D Andrews, G Jones and M Newman. It was

noted that Councillors S Bull, K Warnell and M Wood were substituting for Councillors D Andrews, G Jones and M Newman respectively.

187 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised that Officers had arranged an organised visit to the site for a proposed Solar Energy Farm at Great Munden on Monday 1 September 2014, at 6.00 pm.

Members were asked to inform the Head of Planning and Building Control if they were able to attend this site visit. Transport had been arranged and this would collect Members from the Standon Community Centre and would drop Members back at this location after the site visit.

188 MINUTES – 23 JULY 2014

RESOLVED – that the Minutes of the meeting held on 23 July 2014 be confirmed as a correct record and signed by the Chairman.

189 3/13/2223/FP – DEMOLITION OF THE BUNGALOW, THE STABLES AND HAZELWOOD FARM AND THE ERECTION OF 57 RESIDENTIAL UNITS TOGETHER WITH ACCESS AND ASSOCIATED ANCILLARY WORKS AT HIGH ROAD, REAR OF NORTH DRIVE, HIGH CROSS, SG11 1AD FOR DAVID WILSON HOMES, NORTH LONDON

Mr Parkin addressed the Committee in objection to the application. Mr Hayman spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/2223/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ruffles read out a number of comments on behalf of the local ward Member, Councillor D Andrews. Councillor Andrews had referred to the significant outcomes of the informed negotiations and also praised the efforts of the Parish Council, the Case Officer as well as an East Herts Engineering Officer for their contributions to this application.

Councillor Andrews had regretted that the applicant had not placed less emphasis on piped drainage solutions in favour of an open channel flood relief scheme, which would result in an enhanced street scene with additional biodiversity and green space.

Councillor Andrews had also referred to the commitment from the developer to work with the Parish Council in transferring the ownership of a strip of land to ensure there could never be vehicular access to and from North Drive and to assist in the provision of play facilities for children.

Councillor G Williamson stated that he could not think of any other examples in East Herts where a settlement would increase in size by 50% as a consequence of a planning application. He referred to policy OSV1 and expressed his concern that this would be significant over expansion of the village.

Councillor P Moore referred to the 22 affordable units and she sought and was given clarification regarding the percentage split between social rent and shared ownership units. The Director referred to the significant additional information in the additional representations schedule, in particular the drainage issues and historical drainage problems that would be resolved by this application. The Director concluded that although this was a substantial increase in the size of the village, the location remained an identified site within the boundary of the village.

The Chairman referred to the access being opposite a chicane in the road which, in her opinion, would be dangerous. The Director referred to differing views relating to chicanes and highway safety. Members were reminded that Hertfordshire Highways had not raised this as an objection to this application.

Councillor P Ruffles referred to the importance of ensuring that condition 6 was sufficiently robust to prevent access to the development site via North Drive. He also referred to the significant population increase for the community affected by this application.

Councillor Ruffles commented that the application would not be an ugly bolt on form of development and would, in his view, integrate well with the existing community. He referred to the difficulties of removing water from the site and stated that he was inclined to support the application.

Councillor N Symonds commented on whether the application should be deferred to allow submission of further information regarding what the development would look like and, in particular, information regarding construction materials. The Director updated the Committee in respect of the materials that would very likely be used in construction of the development.

The Director confirmed that condition 6 was sufficiently robust to protect North Drive from the proposed development. Members were reminded that all of the conditions and the provisions of the Section 106 agreement had to meet certain standard tests in terms of their reasonableness and enforceability.

In response to queries from Councillor K Crofton and G Williamson, the Director confirmed that the Council's policies sought to ensure the provision of a range of community facilities for new developments. Members were reminded that as the proposals addressed the fundamental issue of drainage in the area, which resulted in a significant cost, a reasonable view had to be taken as

to what else could be achieved in terms of amenity provision.

Councillor P Ruffles proposed and Councillor M Alexander seconded, a motion that application 3/13/2223/FP be deferred to enable Officers to seek the provision of children's play facilities as part of the development.

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 3/13/2223/FP, planning permission be deferred to enable Officers to seek the provision of children's play facilities as part of the development.

- 190 3/14/1048/FO – VARIATION OF CONDITION 2 (APPROVED PLANS OF PLANNING PERMISSION 3/13/1000/FP) WITH AMENDED LAYOUT TO ALLOW FOR A SEWER EASEMENT TO BE PROVIDED. HOUSE TYPES AB, AC, AE AND J TO HAVE RIDGE HEIGHTS REDUCED AT LAND NORTH OF, HARE STREET ROAD, BUNTINGFORD, HERTS FOR TAYLOR WIMPEY (UK) LTD

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990, to make reference to amended application 3/14/1048/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Jones stated that he was glad that the ridge heights had been reduced. He also referred to whether the provision of allotments could be brought forward rather than awaiting the sale of the 38th property on the open market.

Councillor S Bull emphasised that the residents of Buntingford did not want the access for this development coming out onto The Causeway.

The Director confirmed that the issues of the allotments, the cemetery and the associated access had all been considered as part of the appeal process in December 2013. Members were also advised that the principle matters that were considered as part of the appeal process remained in place and could be implemented.

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 subject to the applicant or successor in title entering into a Deed of Variation pursuant to Section 106 of the Town and Country Planning Act 1990, to make reference to amended application 3/14/1048/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

- 191 3/14/0970/RP – APPROVAL OF RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING FOLLOWING APPROVAL OF 3/13/0118/OP FOR THE ERECTION OF 105 DWELLINGS, ROADS, SEWERS, GARAGES, LANDSCAPING AND ANCILLARY WORKS AT LAND SOUTH OF HARE STREET ROAD, BUNTINGFORD FOR WHEATLEY HOMES LTD
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Mr Waite addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that, subject to no new substantive objections being raised in respect of the amended plans by 28 August 2014, in respect of application 3/14/0970/RP, planning permission be granted, subject to the conditions detailed in the report now submitted.

The Director confirmed that the Environment Agency and the Council's engineers remained satisfied that the drainage elements of the application were acceptable.

Councillor J Jones commented on why the application was being determined when the consultation period was ongoing and he queried why this application could not have determined at the September 2014 meeting. The Director confirmed that the timescale for a major application was 3 months and the application had been received in May.

Councillor Jones questioned whether the 5% increase to 105 dwellings was reasonable and acceptable when the application was originally approved on appeal for 100 dwellings.

Councillor Jones emphasised that the application included 37 x4 bedroom homes whereas the appeals inspector had given weight to the need for additional housing for younger families in Buntingford. He stated that Officers had noted that such families would be unlikely to afford such large detached homes and there was a proven demand for bungalows.

Councillor Jones commented that the proposed 259 parking spaces was inadequate for the 304 bedrooms provided by this application, especially as most of the 66 garages would be used as garden sheds.

He concluded that there were access issues onto the site and he also referred to the attenuation pond and footpath 21, which those with local knowledge knew could only be used by able bodied people.

The Director advised that some of the issues referred to by Councillor Jones were matters of principle that Members would not be able to revisit in determining this application. Members were advised that the parking provision was in excess of policy requirements so this reduced any ability for the Authority to seek amendments

to this.

The Director reminded Members that the Authority remained in a position where delivery of new housing was modest and in the previous year only around a third of the amount of provision had been delivered. The Director stated that the application was an acceptable design in an acceptable location and, if Members deferred the matter, it would appear very likely that the same scheme would come back before the Committee with very little changed.

Members were advised that if modest issues were put in front of housing delivery, the Authority would be challenged on an increasingly regular basis for not delivering housing in line with the principal thrust of the NPPF.

Councillors P Moore, K Warnell and K Crofton supported the points made by Councillor Jones.

Councillor J Jones proposed and Councillor S Bull seconded, a motion that application 3/14/0910/RP be deferred to enable further negotiations with the applicant with regard to the house types proposed as part of the development.

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 3/14/0970/RP, planning permission be deferred to enable further negotiations with the applicant with regard to the house types proposed as part of the development.

192 3/14/0914/FP – DEMOLITION OF THE EXISTING BUILDINGS AND REDEVELOPMENT TO PROVIDE A CARE HOME (USE CLASS C2), CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS AT LEASIDE DEPOT, WARE, SG12 7QE FOR GORING ESTATES LTD

Mr Arnold addressed the Committee in objection to the application. Mr Marks and Mr Shellard spoke for the application.

The Director of Neighbourhood Services recommended that subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/14/0914/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman summarised the views of Councillor P Ballam, as the local ward Member. Councillor Ballam had stated the importance of ensuring that all vehicular access was via the petrol filling station access on Widbury Hill and Star Street and not via the Plaxton Estate. Councillor Ballam had also commented that residents were largely supportive of the application so long as the access was not via the Plaxton Estate.

The Director referred to the additional representations schedule and advised that Hertfordshire Highways would prefer an access via Plaxton Way but Highways Officers accepted that the existing site had an access that was via the petrol station.

The applicant proposed an access via the petrol station but had not precluded an access via Plaxton Way so either could be used for vehicular access.

The Director referred to a restriction on a previous appeal decision regarding vehicular access via Plaxton Way. Officers had not felt it reasonable to add a condition restricting access via the residential area.

Councillor E Bedford expressed concern that this was the only petrol station in Ware and, during peak times, traffic queued back onto Widbury Hill. He commented that ambulances and doctors would find access impossible during the peak periods. He stressed that the access needed to be widened and reconfigured.

Councillor N Symonds stated a GP surgery's view that Ware had sufficient care homes and there were insufficient doctors to support another care home. The Director stated that there was a provision within the Section 106 legal agreement for a contribution towards a further doctor's surgery in Ware and this had been requested by the NHS following consultation procedures.

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 subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/14/0914/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 193 3/14/0739/FP – CHANGE OF USE FROM CAR SHOWROOM (SUI GENERIS) TO A5 (HOT FOOD TAKEAWAY), NEW SHOPFRONT AND EXTRACT AND VENTILATION SYSTEM AT FORMER HUNTS MOTOR GARAGE, 30 NORTHGATE END, BISHOP'S STORTFORD, CM23 2EU FOR YUM III LTD

Mrs Jones and Mr Risby addressed the Committee in objection to the application. Mr Unwin spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0739/FP, planning permission be granted subject to the conditions detailed

in the report now submitted.

The Director referred Members to the additional representations summary. He stated that it was for Members to consider the various issues raised by the application. Officers were of the view that policy supported the commercial reuse of buildings of this nature. Officers felt that, on balance, this application could be supported.

Councillor K Warnell, as the local ward Member, stated that the change of use from a car show room open from 9 am to 5 pm to a take away operation from 11 am to 11 pm seemed perverse in what was now an increasingly residential area.

Councillor Warnell commented that the proposed change of use opposite a pedestrian crossing and on a busy feeder road in the form of Rye Street would be detrimental to the amenity of local residents. He queried the exact meaning of the applicant's intention to store the delivery mopeds on site and he felt that he would be failing the residents of his ward if he supported this application.

Councillor N Symonds agreed with the points made by Councillor Warnell and she had noted the comments made by Bishop's Stortford Town Council. She objected to the comment made by the supporting public speaker regarding objectors commenting from outside Hertfordshire. She confirmed that all of the e-mails she had received had been from local residents.

Councillor Symonds expressed concern that a take away in this location would be dangerous for pedestrians who used Bryan Road as a cut through to Grange Paddocks and she was also concerned as Rye Street was a dangerous and busy road. She concluded that the application was not within the town centre and would have a detrimental effect on the conservation area of Bishop's Stortford.

Councillor M Wood supported all of the points made by Councillors K Warnell and N Symonds and he was concerned in particular in respect of the effect of the application on the amenity of the residents of Bryan Road and Northgate End.

The Director reminded Members that the issue of the number of representations and where these came from was less relevant than the issues that had been raised. Members were reminded that planning policies supported the reuse of commercial buildings and Members must consider whether the change of use was so unacceptable as to be harmful.

The Director advised that Hertfordshire Highways had not objected to the application and Officers felt that the additional pedestrian and vehicle traffic would not be unacceptable in this location.

Members should consider whether the proposed activity was sufficiently harmful to justify a refusal of planning permission. Members were reminded that the whole town centre was within the Bishop's Stortford Conservation Area and, as this was not a historic building, the impact on the conservation area would be benign.

Councillor N Symonds proposed and Councillor K Warnell seconded, a motion that application 3/14/0739/FP be refused on the grounds that the proposed development would result in a harmful impact on residential occupiers in the vicinity of the site by virtue of additional activity, noise and general disturbance and the application was therefore contrary to policy ENV1 of the East Herts Local Plan Second Review April 2007 and 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 3/14/0739/FP, planning permission be refused for the following reasons:

1. The proposed development would result in a harmful impact on residential occupiers in the vicinity of the site by virtue of additional activity, noise and general disturbance. It would thereby be contrary to policy ENV1 of the 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) Order 2012 (as amended). 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.

194 3/14/0926/FP – NEW SINGLE STOREY DWELLING AT 19A GYPSY LANE, GREAT AMWELL, WARE SG12 9RL FOR MR K KESSLER

Mr Tansley addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0926/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the extra information contained in the additional representations summary. Officers had recommended a number of additional conditions following contaminated land surveys and piling works. Members were also reminded that the existing summer house and the other outbuildings on the site would be demolished as part of this application.

In response to a comment from Councillor P Moore regarding special circumstances for building in the Green Belt, the Director advised that, as Great Amwell was a category 2 village, no special circumstances were required as planning policies permitted limited infilling in such situations.

In response to a query from Councillor G Williamson regarding another application that Members had rejected in line with a recommendation from Officers, the Director stated that the refused application would have impacted on the openness of an area whereas this application was on a site that was tucked away so the impact on the openness of the Green Belt would be fairly limited.

Councillor P Ruffles stated that this application would not look right in this location. He referred to the definition of infilling in a category 2 village and stated that he would not be supporting this application. Councillor E Bedford expressed concern that this application would have too much of an adverse impact on the amenity of local residents.

In response to queries from Councillors N Symonds and K Warnell in respect of the definition of infill development, the Director read out a definition of infill development contained in the East Herts Local Plan Second Review April 2007 and Officers felt that this application would not adversely impact on the character and appearance of the area. The NPPF stated that development in rear gardens was inappropriate where an application adversely impacted on the character and appearance of the surrounding area.

In response to a query from Councillor M Alexander regarding the planning history of the current annexe, the Director confirmed that Officers were unaware of the planning history of the current annexe. Members were advised that there would be no tie between the new single storey dwelling and the existing development on the site.

Councillor N Symonds stated she was concerned that approving this application would set a dangerous precedent for this area. The Director reminded Members that there was no policy objection regarding back land development and the Council's policies were more in relation to the impact of a development. Members should confine their considerations to this application and should not make comparisons with other applications in the District.

Councillor K Warnell proposed and Councillor E Bedford seconded, a motion that application 3/14/0926/FP be refused on the grounds that the proposed development would be out of keeping with the grain of development and would result in a harmful impact on the character and appearance of the locality and would therefore be contrary to policies ENV1, HSG7 and OSV2 of the East Herts Local Plan Second Review April 2007 and 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 3/14/0926/FP, planning permission be refused for the following reasons:

1. The proposed development, by virtue of its location and relationship to existing dwellings in the area, would be out of keeping with the grain of development and would result in a

harmful impact on the character and appearance of the locality. It would thereby be contrary to policies ENV1, HSG7 and OSV2 of the 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) Order 2012 (as amended). 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.

- 195 3/14/0847/FP – CHANGE OF USE FROM AGRICULTURAL USE TO 1 STATIC HOLIDAY CARAVAN IN THE FORM OF A LOG CABIN AT ELBOW LANE FARM, ELBOW LANE, HERTFORD HEATH, SG13 7QA FOR MR SEAMUS BOURKE

Mrs Walker addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0847/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Alexander sought and was given clarification as to why the permission would only be permitted until 30 October 2016 and what would happen after that date. Members were advised that additional landscaping would assimilate the building into the local area and this could

be applied as a condition by Members if a more permanent permission was approved.

The Director confirmed to Councillor Alexander that Hertford Heath Parish had not commented on the application. The Chairman sought and was given clarification that this was a temporary construction that arrived in two sections and was bolted together on site.

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

RESOLVED – that, in respect of application 3/14/0847/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 196 3/14/1130/FP – SINGLE STOREY REAR EXTENSION TO REPLACE CONSERVATORY, FIRST FLOOR SIDE EXTENSION AND REPLACEMENT DORMER WINDOW AT LAVENDER COTTAGE, HARE STREET, SG9 0DY FOR MR S OSBORNE

The Director of Neighbourhood Services recommended that, in respect of application 3/14/1130/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 accepted the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/14/1130/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 197 E/14/0019/B – UNAUTHORISED FENCING, GATES AND COVERED AREA AT 35A TOWNSHEND STREET, HERTFORD, SG13 7BP

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0019/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/14/0019/B on the basis now detailed.

RESOLVED – that, in respect of E/14/0019/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.

198 E/13/0312/B – MATERIAL CHANGE OF USE OF BARN TO VEHICLE REPAIR/STORAGE USE AT NEW HALL FARM, FANHAMS HALL ROAD, WARESIDE, SG12 7SD

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0312/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/13/0312/B on the basis now detailed.

RESOLVED – that, in respect of E/13/0312/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.

199 E/14/0064/A – UNAUTHORISED FASCIA SIGNAGE FOR RUMBLES FISH BAR AT 78 LONDON ROAD, SAWBRIDGEWORTH, CM21 9JN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0064/A, 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/14/0064/A on the basis now detailed.

RESOLVED – that, in respect of E/14/0064/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.

200 E/11/0283/B – UNAUTHORISED LAYING OF HARD STANDING MATERIAL AT LAND TO THE WEST OF 12 BIRCH GREEN, HERTFORD, SG14 2LP

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/14/0283/B, no further action be taken in respect of the enforcement notice issued on 21 October 2011 requiring the removal of hard standing from the site.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for no further action to be taken in respect of the enforcement notice issued on 21 October 2011 requiring the removal of hard standing from the site.

RESOLVED – that, in respect of E/14/0283/B, no further action be taken in respect of the enforcement notice issued on 21 October 2011 requiring the removal of hard standing from the site.

201 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 9.44 pm

Chairman
Date