

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 3 FEBRUARY 2016, AT 7.00
PM

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

ALSO PRESENT:

Councillors Mrs R Cheswright, I Devonshire,
P Moore and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Paul Dean	- Principal Planning Enforcement Officer
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Caroline Robins Ella Wright	- Solicitor - Planning Enforcement Officer
Alison Young	- Development Manager

550 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors K Brush, M Casey, J Kaye and K Warnell. It
was noted that Councillors R Brunton, J Goodeve and R

Standley were in attendance as substitutes for Councillors J Kaye, M Casey and K Warnell respectively.

551 MINUTES – 6 JANUARY 2016

RESOLVED – that the Minutes of the meeting held on 6 January 2016 be confirmed as a correct record and signed by the Chairman.

552 3/15/2197/FUL – DEMOLITION AND REMOVAL OF EXISTING ALLIOTT HOUSE, MEDICAL CENTRE, AND OTHER HARD LANDSCAPING ON THE SITE, AND THE CONSTRUCTION OF 2NO. BOARDING HOUSES AND 1NO. DAY HOUSE; A MIX OF RED BRICK AND TIMBER CLAD BUILDINGS, WITH PITCHED ROOF FORMS, NEW OPEN GREEN SPACE AND ASSOCIATED LANDSCAPE, AND REPLANTING TO THE NORTH BOUNDARY OF THE SITE AT BISHOPS STORTFORD COLLEGE, MAZE GREEN ROAD, BISHOPS STORTFORD FOR BISHOP'S STORTFORD COLLEGE

Mr Cox addressed the Committee in objection to the application. Mrs Hutchinson spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2197/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised of the amendments to mitigate the concerns raised on the previous application. Officers considered that the relationships between the proposed development and the surrounding area were acceptable and there had been no objections from statutory consultees. Officers felt that the scheme complimented the character and appearance of the area.

The Head assured Councillor T Page that the standard hours of working condition had been applied on the

advice of Environmental Health and no further noise mitigation was considered necessary in this case. Members were also advised that any noise or disturbance would be best addressed by Environmental Health legislation.

Councillor M Allen proposed and Councillor T Page seconded, a motion that a condition be added stipulating that the development shall only be occupied by the pupils and staff of Bishop's Stortford College. After being put to the meeting and a vote taken, this motion was declared CARRIED.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now amended.

RESOLVED – that in respect of application 3/15/2197/FUL, planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

1. The development hereby permitted shall be occupied only by the pupils and staff of Bishop's Stortford College.

Reason: To protect the amenities of adjacent residents in accordance with policy ENV1 of the East Herts Local Plan second review April 2007.

553 3/15/1691/OUT – OUTLINE PLANNING APPLICATION FOR A DEVELOPMENT OF UP TO 8 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT POINTS OF ACCESS ONTO GREEN END (B1368) AT LAND EAST OF GREEN END FARM, GREEN END, BRAUGHING FOR THE FAIRFIELD PARTNERSHIP

Parish Councillor Boylan addressed the Committee in objection to the application. Mr Atton spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1691/OUT, outline planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history, including the changes made since the previous refusal.

The Committee was advised that the application constituted sustainable development and Members were reminded that the National Planning Policy Framework (NPPF) stipulated that applications should be granted unless there would be significant and demonstrable harm that would outweigh the housing need. There were no highways safety concerns and Officers considered the application to be acceptable subject to the conditions detailed in the report.

In reply to comments from Councillors S Bull and J Jones, the Head confirmed that condition 6 covered archaeological matters. Members were advised that the site was located in flood zone 1 which was the lowest of the flood risk zones and there would not normally be such a significant level of detail on sustainable drainage measures considering that this was not a major application.

The Head advised that some Sustainable Urban Drainage System (SuDS) measures had been proposed as with the previous scheme and this would be the responsibility of the developer and then normally a management company. The Authority had not previously objected on the grounds of flood risk and more information would be available when the reserved matters application was submitted.

Members were advised that the Landscape Officer no longer objected to the application and Officers had attached a condition that the ridge heights on the western

portion of the site should not exceed 8 metres above the existing ground level. The Head confirmed that the infrastructure impact would be small and Officers had not sought a Section 106 legal agreement due to the size of the scheme.

The Head confirmed to Councillor P Ruffles that Officers would have a dialogue with the Landscape Officer, the Conservation Officer and the applicant at the reserved matters stage in light of Members' concerns and the condition regarding the maximum ridge height of 8 metres.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/1691/OUT, outline planning permission be granted subject to the conditions detailed in the report now submitted.

554 3/15/1952/FUL – ERECTION OF THREE DETACHED DWELLINGS, GARAGES AND ACCESS ROAD AT LAND AT THE OLD STATION YARD, WINDMILL WAY, MUCH HADHAM, SG10 6BN FOR SWING LTD

Mr Turton addressed the Committee in objection to the application. Mrs Styles spoke for the application. Councillor I Devonshire, as the local ward Member, addressed the Committee in respect of a number of issues and concerns regarding the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1952/FUL, planning permission be granted subject to the conditions detailed in the report now submitted. Members were referred to the additional representations summary for an amended condition regarding land contamination issues.

The Head summarised the application and advised that

the site was just outside a category 1 village but was adjacent to the village meaning that the application was a sustainable form of development. Members were again reminded that the National Planning Policy Framework (NPPF) stipulated that applications should be granted unless there would be significant and demonstrable harm that would outweigh the housing need.

The Head stated that there would be no significant harm to the character and appearance of the area and there would be no adverse impacts in terms of highways, ecology and neighbour amenity, subject to the conditions detailed in the report.

Officers had received legal advice regarding an outstanding Section 52 legal agreement on the basis that this related to an earlier outline application where planning permission had not been implemented and had therefore expired. This agreement was not enforceable and was therefore not a material planning consideration.

In response to Members' comments, the Head stated that either Station Road or Windmill Way could be used for access, although the traffic from 3 additional houses would not be significant. Members were reminded that this application could not be expected to mitigate the pre-existing poor condition of the highway.

The Head of Planning stressed that most of the mature category A trees would be retained as would an area of mature planting on the boundaries of the site. This was good in terms of mitigating the visual impact of the development as well as providing a corridor for the protected species.

The Property and Planning Lawyer confirmed that the Section 52 agreement had been signed but had not been implemented. This agreement had been superseded by a subsequently implemented planning permission and it would therefore be unreasonable for the Authority to attempt to enforce the Section 52 agreement. The 1971

Town and Country Planning Act had been superseded by the 1990 Act which had in turn been superseded by more recent legislation and the NPPF.

The Head confirmed that bats tended to forage across the site and follow hedgerow boundaries and condition 13 in the report would ensure that the protected species were looked after.

Councillor J Jones proposed and Councillor S Bull seconded, a motion that application 3/15/1952/FUL be deferred to facilitate further consultation with the applicant regarding the ecology issues in respect of bats and roman snails and also with the Council's Arboricultural Officer regarding the trees.

After being put to the meeting and a vote taken, this motion was declared LOST. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/1952/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

555 E/13/0099/B – UNAUTHORISED ADVERTISEMENTS ATTACHED TO A GRADE II BUILDING AT CAFÉ ROUGE, 1-3 PARLIAMENT SQUARE, HERTFORD, HERTS, SG14 1EX

The Head of Planning and Building Control recommended that in respect of the site relating to E/13/0099/B, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Head of Planning and Building Control's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0099/B on the basis now detailed.

RESOLVED – that in respect of E/13/0099/B, the Head of Planning and Building Control, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

556 BISHOP'S STORTFORD NORTH, ASR5 UPDATE

The Head of Planning and Building Control submitted a report updating Members in relation to the development proposals at the Bishop's Stortford North ASR5 site and the outstanding planning application determination.

The Solicitor reminded Members that ASR5, Bishop's Stortford North, had been the subject of two applications one of which was the subject of an appeal to the planning inspectorate. The other application had been approved and the Section 106 agreement had to be concluded significantly in advance of the appeal inquiry date.

Members were advised that in order to submit evidence by the deadline of 15 March 2016 for the appeal inquiry due to start on 12 April 2016, preparatory work would commence on 15 February 2016. If the Section 106 agreement was not concluded and resulted in this work being aborted then the Council could be vulnerable to a successful claim for costs.

Councillor T Page commented that two Bishop's Stortford Members had not been consulted regarding the Section 106 legal agreement, as agreed by the Committee on 18 August 2015. He believed that such consultation should be carried out before a decision was reached by Members.

The Head responded to a number of other queries from Members. The Committee agreed that recommendation (A) of the report now submitted, would be subject to consultation with the Chairman of the Development Management Committee, the Executive Member for

Development Management and Council Support, as well as any two Members who represented Bishop's Stortford wards and who were members of this Committee.

The Committee accepted the recommendations of the Head of Planning and Building Control as now amended.

RESOLVED – that (A) subject to consultation with the Chairman of the Development Management Committee, the Executive Member for Development Management and Council Support, as well as any two Members who represented Bishop's Stortford wards and who were members of this Committee, the Head of Planning and Building Control be authorised to undertake all necessary and appropriate actions on behalf of the Council in relation to any case to be submitted to the outstanding appeal inquiry, in order to ensure that any risk of exposure to a claim for costs against it was minimised; and

(B) subject to all planning mitigation obligations being secured in line with the resolution of this Committee at its meeting of 18 August 2015, the actions detailed in (A) above can, if required, allow a unilateral obligation to be accepted in relation to matters currently being dealt with in an agreement to which the County Council was party.

557 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; and
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and

(D) Planning Statistics.

The meeting closed at 8.55 pm

Chairman

Date