

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 24 FEBRUARY 2016, AT 7.00
PM

PRESENT: Councillor D Andrews (Chairman).
Councillors M Allen, K Brush, S Bull,
M Casey, B Deering, M Freeman, J Jones,
J Kaye, D Oldridge, T Page and K Warnell.

ALSO PRESENT:

Councillors P Ballam, R Brunton, J Goodeve,
L Haysey, P Moore, M Pope, S Rutland-
Barsby, R Standley and M Stevenson.

OFFICERS IN ATTENDANCE:

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| Paul Dean | - Principal Planning Enforcement Officer |
| Tim Hagyard | - Development Team Manager (West) |
| Nurainatta Katevu | - Property and Planning Lawyer |
| Peter Mannings | - Democratic Services Officer |
| Kevin Steptoe | - Head of Planning and Building Control Services |
| Alison Young | - Development Manager |

602 APOLOGY

An apology for absence was submitted on behalf of Councillor P Ruffles. It was noted that Councillor B Deering was substituting for Councillor P Ruffles.

603 MINUTES – 3 FEBRUARY 2016

RESOLVED – that the Minutes of the meeting held on 3 February 2016 be confirmed as a correct record and signed by the Chairman.

604 3/15/2217/OUT – OUTLINE APPLICATION FOR THE DEMOLITION OF 30 WICKLANDS ROAD AND THE ERECTION OF 14 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS AND LAYOUT AT HUNSDON LODGE FARM, DRURY LANE, HUNSDON SG12 8NU FOR CHASE GREEN DEVELOPMENTS LIMITED

Mr Reid addressed the Committee in objection to the application. Miss Cass spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2217/OUT, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor R Brunton, as the local ward Member, addressed the Committee regarding a number of local issues and concerns. He referred to the poor access and drainage as well as the history of flooding. He urged Members to refuse the application or apply the conditions suggested by Hunsdon Parish Council if they were minded to approve the scheme.

The Head of Planning and Building Control summarised the application and detailed the relevant policy background to the proposed development. He advised that Members should approve planning permission unless the adverse impacts of an application clearly outweighed the benefits. The Head reiterated the lack of a 5 year housing land supply and stressed that there were no relevant changes to policy or material planning considerations since the application had been refused at

the October 2015 meeting of the Committee.

The Head detailed the change to the proposed drainage solution and the robust position of Hertfordshire Highways in that there was some capacity on the local roads and the National Planning Policy Framework (NPPF) was explicit in stating that this impact had to be severe before an application could be refused on highways grounds.

The Head advised Councillor T Page that Members did not need to revisit the issues that had been addressed when the application had been previously considered unless there had been any changes in circumstances. Officers were not aware of any changes and Members should focus the debate on the issues on which they had based their previous decision to refuse.

Councillor T Page was advised that Officers had not been able to establish whether the financial contribution towards health care facilities was required and this had not therefore been included in the Section 106 legal agreement. Councillor K Warnell expressed a number of concerns regarding drainage and the maintenance of the proposed underground storage. He also expressed concerns regarding the highways issues relevant to the application.

The Head of Planning and Building Control advised that the applicant remained willing to undertake works offsite to mitigate existing drainage problems. He advised that the scheme would not increase the pressure on the drainage system beyond the status quo with the existing greenfield site.

The Head commented that the provision of a piped drainage solution with underground storage tanks did not represent as sustainable a strategy as was proposed in the previously refused application but was nevertheless an acceptable drainage solution. He advised that the parking survey had been conducted solely to ascertain how much road space was available for residents'

parking. He detailed the conditions that were being sought by Hunsdon Parish Council.

The Head of Planning and Building Control responded to a number of further queries and concerns from Members regarding the proposed development and the planning conditions. 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 3/15/2217/OUT, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

- 605 3/15/2502/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING REF. NO. 3/14/1766/FP TO PROVIDE 2NO ADDITIONAL GROUND FLOOR APARTMENTS RESULTING IN THE DEMOLITION OF THE EXISTING BUILDINGS AND THE CREATION OF 51NO. TWO, THREE AND FOUR BEDROOM HOUSES AND APARTMENTS, PLUS ASSOCIATED ROADS, CAR PARKING AND LANDSCAPING AT LAND WEST OF HERTFORD REGIONAL COLLEGE, LONDON ROAD, WARE FOR MR CHARLES CHURCH
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Mr Dawes addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2502/VAR, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Pope, as the local ward Member, addressed the Committee regarding a number of concerns in respect of overdevelopment and inadequate car parking provision. He also referred to the inadequate level of

affordable housing proposed by the applicant. He concluded by supporting the comments of Hertfordshire Highways regarding parking and a green travel plan.

The Head detailed the nature of the application and advised Members that one of the two additional units was designated as affordable. The overall level of affordable housing had increased to 27.5% and this weighed in favour of the scheme.

Members were advised that the parking provision remained at 70 spaces and the additional pressure of two extra units was acceptable given the comments of an appeal inspector that this was a highly sustainable location. Members were reminded that there would be no severe impact in terms of parking or highway safety.

The Head responded to a query from the Chairman by summarising what was covered by the lifetime homes standard as regards car parking spaces. Councillor J Kaye commented that parking problems in East Herts town centres would become more prevalent if applications such as this were approved.

Councillor D Oldridge proposed and Councillor K Brush seconded a motion that the application be approved subject to an additional condition that prior to commencement of above ground works, a detailed scheme of parking allocation and measures to prevent unauthorised access to the parking provision shall be submitted to and agreed in writing by the local planning authority.

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

RESOLVED – that in respect of application 3/15/2502/OUT, subject to the signing of the Section 106 legal agreement detailed in the report,

planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

21. Prior to commencement of above ground works a detailed scheme of parking allocation and measures to prevent unauthorised access to the parking provision shall be submitted to and agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure adequate provision of off-street parking in accordance with policy TR7 of East Herts Local Plan Second Review April 2007.

606 3/15/1118/FUL – REDEVELOPMENT OF THE SITE TO PROVIDE 34NO. DWELLINGS (8 NO. 1 BED FLATS, 18 NO.2 BED FLATS AND 8 NO. 4 BED TOWNHOUSES) TOGETHER WITH ASSOCIATED CAR PARKING AND LANDSCAPING AT 356-364 WARE ROAD, HERTFORD, SG13 7ER FOR TAYLOR WIMPEY NORTH THAMES

The Head of Planning and Building Control recommended that in respect of application 3/15/1118/FUL, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Stevenson, as the local ward Member, addressed the Committee in respect of a number of matters relevant to the application. The Head explained that this was a brownfield site in an urban area where the former use had been a car show room. He referred to a number of issues that Members should consider when determining the application.

The Head responded to concerns from Councillor J Kaye regarding parking standards and insufficient provision by stating that the proposed provision allowed for at least one space per unit and two spaces for some of the larger

housing units. The parking provision was one space below the maximum standards detailed in the current adopted plan.

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 3/15/1118/FUL, subject to the signing of the Section 106 legal agreement detailed in the report, planning permission be granted subject to the conditions detailed in the report now submitted.

607 3/15/2395/FUL – ERECTION OF NEW CARE HOME FOLLOWING THE DEMOLITION OF EXISTING CARE HOME INCLUDING, ACCESS, PARKING, TREES AND LANDSCAPING AT HILLVIEW RESIDENTIAL CARE HOME, 17 COLLETT ROAD, WARE, SG12 7LY FOR B AND M CARE

The Head of Planning and Building Control recommended that in respect of application 3/15/2395/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Ballam, as the local ward Member, addressed the Committee in respect of the concerns of local residents. She urged the Committee to take these into account when determining the application.

The Head summarised the application and stated that there was no in principle objection to the proposed development. Members were advised that the Conservation Officer had not objected to the application. The Head highlighted a number of material planning considerations and referred Members to the additional representations summary. Members were referred in particular, to conditions 11 and 15 regarding unexpected contamination and construction traffic.

The Head assured the Chairman that the final bullet point of condition 15 could be amended to include a reference to areas for loading and unloading and the storage of materials. 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 3/15/2395/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

608 3/15/2405/VAR – VARIATION OF CONDITIONS 13 (ACCESS) AND 15 (LANDSCAPING) OF PLANNING PERMISSION 3/13/1721/FP (ALLOWED ON APPEAL) TO ENABLE A PHASED COMPLETION OF PARKING AND ACCESS AREAS AND LANDSCAPING AND TO ENABLE PHASED OCCUPATION OF THE DEVELOPMENT OF 2NO. TWO/THREE STOREY BUILDINGS COMPRISING 26 AFFORDABLE FLATS AND 2NO. TWO STOREY BUILDINGS COMPRISING 8 AFFORDABLE FLATS, PARKING ,GARDENS AND LANDSCAPING AT 102-124 COZENS ROAD, WARE, SG12 7HW FOR BUGLER DEVELOPMENTS LTD

The Head of Planning and Building Control recommended that in respect of application 3/15/2405/FUL, 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 Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/15/2405/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

609 3/15/2408/FUL – DETACHED DWELLING WITH NEW VEHICULAR ACCESS AND PEDESTRIAN ACCESS AND RELATED LANDSCAPE WORKS AT LAND ADJACENT TO CHERRY TREE HALL, 19 DATCHWORTH GREEN, DATCHWORTH. SG3 6TL FOR MR AND MRS C AND J HUGHES

Parish Councillor Wilkins addressed the Committee in objection to the application. Mr Cunliffe spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2408/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the policy position with particular reference to Local Plan policy OSV2 regarding infilling and the forthcoming District Plan. He assured Members that they could make decisions prior to this plan being finalised and they should approve planning permission unless the application would cause significant and demonstrable harm.

The Head referred to the Section 52 legal agreement between the Authority and the landowner which was an agreement in the 1980s restricting development on this land based on the planning policies in place at that time. He emphasised that it was appropriate for Members to reach another judgement this evening based on the planning policies that applied now.

The Property and Planning Lawyer responded to queries from Councillors J Jones and K Warnell by stating that the Section 52 legal agreement was still enforceable. She commented however, that it was for the Local Planning Authority to decide whether enforcement was required. She concluded that Members could approve the application and it would then be for the applicant to discharge the Section 52 agreement before commencing the development.

The Property and Planning Lawyer commented that the only legal challenge could come from someone who felt aggrieved that the Section 52 agreement had not been enforced. She advised that the Council as the sole beneficiary of the Section 52 agreement could seek to discharge the benefit of the Section 52 by agreement or via the lands tribunal.

The Head of Planning and Building Control responded to queries from Members by stating that the location remained unchanged in the emerging District Plan and Datchworth was not currently provided with a settlement boundary. He advised that Local Plan policy OSV2 allowed for development to take place within the built up area. He advised that the policy definition of infill was the insertion of up to 5 small dwellings within the built up area of the village. He concluded that the emerging District Plan would define the village boundaries across East Herts.

The Head replied to a comment from the Chairman by stating that a single large dwelling would have less impact than a collection of 5 smaller dwellings in what was a significant sized plot providing that there was no long lasting damage to the appearance of the locality. A single larger dwelling also ensured that there remained space for landscaping that would not be possible with multiple housing units.

The Head concluded that there was a mix of development already in place in that the existing properties around the village green were of varied sizes and design and Members had to reach a judgement on the impact of the proposed development. 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 3/15/2408/FUL, planning permission be granted

subject to the conditions detailed in the report now submitted.

610 3/15/2462/SV – REMOVAL OF SECTION 106 PLANNING OBLIGATION RELATING TO PLANNING PERMISSION 3/95/0461/FP AT BLACKFIELD FARM, MANGROVE LANE, HERTFORD, SG13 8QH FOR MR D WHITLOW

The Head of Planning and Building Control recommended that in respect of application 3/15/2462/SV, planning permission be granted for the removal of the Section 106 Legal Agreement associated with planning permission 3/95/0461/FP.

The Head advised that the Section 106 Legal Agreement was redundant as the annexe on this site had been granted a certificate of lawfulness for use as an independent residential dwelling. The Head responded to a query from Councillor M Freeman by explaining how this situation had arisen. 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 3/15/2462/SV, planning permission be granted for the removal of the Section 106 Legal Agreement associated with planning permission 3/95/0461/FP.

611 E/14/0422/A – UNAUTHORISED CREATION OF ACCESS TRACK ON SITE TO THE NORTH OF WASTE TRANSFER DEPOT, FILLETS FARM, HUNSDON, SG12 8QA

The Head of Planning and Building Control recommended that in respect of the site relating to E/14/0422/A, 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/14/0422/A on the basis now detailed.

RESOLVED – that in respect of E/14/0422/A, the Head of Planning and Building Control, in conjunction with the Head of Democratic and Legal Support Services, be authorised to take enforcement action on the basis now detailed.

612 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.

The meeting closed at 9.32 pm

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| Chairman |
| Date |