MINUTES OF A MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON WEDNESDAY 21 JUNE 2017, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan, S Bull, M Casey, S Cousins, B Deering, M Freeman, J Goodeve, J Jones and D Oldridge.

ALSO PRESENT:

Councillors P Ruffles and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

57 APOLOGIES

Apologies for absence were submitted on behalf of Councillors P Ballam, R Brunton, R Standley and K Warnell. It was noted that Councillors P Boylan, S Bull, S Cousins and D Oldridge were substituting for Councillors P Ballam, R Brunton, K Warnell and R Standley respectively.

58 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the Minutes of the meeting held on 24 May 2017 would be submitted for approval as

a correct record at the Committee meeting on 19 July 2017.

59 DECLARATIONS OF INTEREST

Councillor J Jones declared a disclosable pecuniary interest in application 3/17/0876/LBC, on the grounds that he was the applicant. He left the room whilst this application was determined.

Councillor P Boylan declared an interest in application 3/17/0239/FUL, on the grounds that he had previous involvement with the application in his capacity as Chairman of Braughing Parish Council. He addressed the Committee as the adjacent ward Member then sat separately to the Committee and took no part in the debate or vote.

60 MINUTES – 17 MAY 2017

RESOLVED – that the Minutes of the meeting held on 17 May 2017 be confirmed as a correct record and signed by the Chairman.

61 3/17/0239/FUL – CONSTRUCTION OF 4 DWELLINGS COMPRISING OF 2 NO THREE BED SEMI-DETACHED, 1 NO FOUR BED DETACHED AND 1 NO FIVE BED DETACHED AND ALL ASSOCIATED PARKING AND ACCESS FACILITIES. CONSTRUCTION OF NEW DETACHED GARAGE FOR UNIT 4. CONSTRUCTION OF A CART LODGE TYPE GARAGE FOR USE BY CHESTNUTS. DEMOLITION OF DETACHED SWIMMING POOL BUILDING AT LAND ADJACENT TO CHESTNUTS, 5 GREEN END, BRAUGHING, SG11 2PE FOR MR BEN STEPHENS

Mr Webb addressed the Committee in objection to the application. Mr Stretton spoke for the application. Councillor Mrs Veater addressed the Committee on behalf of Braughing Parish Council. Councillor P Boylan addressed the Committee as the adjacent ward Member. Following this, he sat separately to the Committee and

took no part in the debate or vote.

The Head of Planning and Building Control recommended that in respect of application 3/17/0239/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and referred Members to the additional representations summary. He referred in particular to the additional commentary regarding the Highway Authority in that they had maintained their position that the application was acceptable in terms of highways safety. The Head summarised a number of submissions that had been received following the publication of the Committee report.

Members were advised of the usual set of circumstances regarding the out of date nature of the East Herts Local Plan Second Review April 2007 in relation to the National Planning Policy Framework (NPPF). The District Plan had not yet been examined in public and as such could not be given full weight in decision making by the Development Management Committee. The Authority remained in a position of being unable to demonstrate a 5 year supply of land for housing.

Members were reminded of the high test that had been set in that unless it could be demonstrated that there would be significant and demonstrable harm, applications for sustainable new residential development should be supported.

The Head referred to the unfavourable characteristics of Hull Lane which had been acknowledged by the Highway Authority. Members were advised however, that the Highway Authority did not consider the impact of the application to be severe in highway terms. Members were cautioned against making comparisons with other sites as their characteristics might be different and should not be taken into account in relation to this application.

The Head referred to the impact on the character and appearance of the area and reminded Members to weigh up all of the issues and opinions of advisers in their debate. They should pay particular attention to the presumption in favour of sustainable development. Officers had recommended approval as the benefits outweighed the harmful impacts.

Members debated the matter of Hull Lane being narrow and difficult for vehicles to ingress and egress safely as well as the issue of sub-standard site lines at the junction of Hull Lane and the B1368. Members felt that opportunities for accidents would increase at this already dangerous junction.

Councillor M Allen sought and was given clarification regarding the views of the Landscape Officer and the Conservation Officer. Councillor J Goodeve commented on why the access had not been from the B1368 for this site. Councillor S Bull referred to all of the objections in the report and stated that the height of the proposed development would be overbearing over all existing properties in the area.

Councillor B Deering stated that the application flew in the face of strong local opinion and a different type of local development should come forward that was more in keeping with the local Neighbourhood Plan. The Head stated that the junction referred to by Members did not have an accident record. Accidents had been recorded on Green End and 30 metres to the north of the Hull Lane junction.

As the proposed development was set back from the road, the visual impact would be more limited and Officers were unable to identify the harmful impact as a result.

Councillor M Casey proposed and Councillor S Bull seconded, a motion that application 3/17/0239/FUL be refused on the grounds that the proposed development

would exacerbate the current poor characteristics of Hull Lane and in particular, its limited width in the vicinity of the Green End junction and the limited sight lines at that junction. The proposals would have a detrimental, harmful and severe impact on current poor road safety conditions and were therefore contrary to policy TRA2 of the Council's pre-submission District Plan 2016 and the relevant requirements of the National Planning Policy Framework. The proposed development was out of keeping with the landscape context and character of Hull Lane and would appear as an overbearing form of development that was contrary to policies ENV1 and OSV1 of the East Herts Local Plan Second Review April 2007 and the requirements of the National Planning Policy Framework.

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

RESOLVED – that in respect of application 3/17/0239/FUL, planning permission be refused for the following reasons:

1. The proposed development, by virtue of the generation of additional vehicular traffic on Hull Lane and the junction of it with Green End, Braughing, will exacerbate the impact of the current poor characteristics of the Hull Lane roadway which comprise its limited width in the vicinity of the Green End junction and the limited sight lines at that junction. As a result, the proposals will have a detrimental, harmful and severe impact on current poor road safety conditions and are therefore contrary to policy TRA2 of the Council's pre-submission District Plan 2016 and to the relevant requirements of the National Planning Policy Framework (NPPF) (para. 32).

2. The proposed development by virtue of its size and scale is considered to be out of keeping with and will therefore fail to contribute to or assimilate well within the landscape context and character found along this part of Hull Lane. It will appear as an incongruous and overbearing form of development. As a result the proposals are contrary to policies ENV1 and OSV1 of the East Herts Local Plan (Second Review) April 2007 and contrary to the requirements of the National Planning Policy Framework (NPPF) (section 7).

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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.

62 3/17/0251/FUL – ERECTION OF 20 DWELLINGS WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS AT LAND AT NORTH DRIVE, HIGH CROSS FOR BEECHWOOD HOMES LTD

Mr Cheadle addressed the Committee in objection to the application. Mrs Thompson spoke for the application. Councillor S Bosson addressed the Committee on behalf of Thundridge Parish Council. Councillor D Andrews addressed the Committee as the local ward Member.

The Head of Planning and Building Control recommended

that in respect of application 3/17/0251/FUL, subject to a Section 106 agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant site history. He referred to the lack of a 5 year supply of housing land and the National Planning Policy Framework (NPPF) requirement that this be demonstrated by the Authority. Applications should be approved if they represented sustainable development and would not result in significant and demonstrable harm.

The Head referred to relevant and prevailing policies and commented on the character of this land as open space. The site did not have a formal designation in the East Herts Local Plan Second Review April 2007or in the emerging District Plan.

The Highway Authority had not sought to restrict the grant of planning permission and Officers had recommended approval based on the views of expert advisors. The Conservation Officer had acknowledged the impact on the setting of the adjacent listed building but felt that the weight that could be applied meant that the impact would not be unduly harmful. Members were referred to the comments of the conservation design team detailed in the late representations summary.

Councillor D Andrews referred to the locally significant open space and the listed buildings. He commented on his concerns regarding the access onto the High Road via North Drive. He referred in particular to damage to the site lines following improvements to the filling station shop as well as the installation of broadband junction boxes. He concluded that other opportunities existed for this development and this was not the right site for the proposed development in High Cross.

Councillors D Oldridge and M Casey referred to the

current and future categorisation of the village. They referred to the poor standards of the road and local objections to the increase in size of the village. They also commented on the disproportionate impact of the proposed development on a small rural village.

There was a lengthy general debate regarding the categorisation of the village and the value of the open space. Members debated the matter of the standard of local roads and in particular the state of North Drive. The Head referred to High Cross being a category 1 village in the Local Plan and a group 2 village in the emerging District Plan. Members were advised that limited infill development could be permitted in High Cross based on the policies of the emerging District Plan.

The Head added a note of caution in that the emerging District Plan could not be given significant weight. He stated that work was ongoing to advance the District Plan and he referred to the policy position regarding adoption of local roads by Hertfordshire Highways. He concluded by advising Members regarding adoption of local roads, the conflicting views regarding the value of land as open space and Tree Preservation Orders (TPOs).

The Chairman referred to this being an application for a modest number of dwellings including 7 affordable housing units. He referred to the need for the Development Management Committee to weigh up all of the issues in reaching a balanced decision.

Councillor D Andrews proposed and Councillor M Casey seconded, a motion that application 3/17/0251/FUL be refused on the grounds that the proposed development was located in a currently undeveloped area of land which performed an important function in the settlement by virtue of its historical association with the Church and the Rectory. The development proposals would result in a significant harmful impact to the function and character of the area and the proposals were therefore contrary to policies OSV1, ENV1 and HSG7 of the East Herts Local

Plan Second Review April 2007, section 7 and 12 of the National Planning Policy Framework and policies VILL2, DES3 and HA1 of the pre-submission District Plan 2016.

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

RESOLVED – that in respect of application 3/17/0239/FUL, planning permission be refused for the following reasons:

1. The proposed development is located in a currently undeveloped area of land which performs an important function in the settlement by virtue of its historical association with the Church and the Rectory located to the north, plays an important role in the setting of those heritage assets and is significant in the formulation of the character of this part of the settlement. The development proposals, utilising much of the undeveloped area of land, will result in a significant harmful impact and change to its function and character, by virtue of the introduction of considerable new built form. The proposals are thereby contrary to policies OSV1, ENV1 and HSG7 of the East Herts Local Plan Second Review April 2007, section 7 and 12 of the National Planning Policy Framework and policies VILL2, DES3 and HA1 of the pre-submission District Plan 2016.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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.

63 3/16/1253/FUL – ERECTION OF 27 NO RETIREMENT APARTMENTS (CATEGORY II SHELTERED HOUSING) WITH ASSOCIATED FACILITIES, CAR PARKING AND LANDSCAPING AT LAND NORTH OF PARK FARM INDUSTRIAL ESTATE, ERMINE STREET, BUNTINGFORD FOR MCCARTHY AND STONE RETIREMENT LIFESTYLE LTD

Mr Seaman and Mrs Rickards addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1253/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillors S Bull and J Jones welcomed the application and expressed their support as there was unmet demand for retirement living in Buntingford. The Head confirmed to Councillor J Jones that the Section 106 legal agreement did not include the £2,915 towards library services as this was a function of Hertfordshire County Council and not East Herts Council.

Councillor P Boylan commented that this application would be beneficial for those who wished to downsize into smaller units. He referred to the ageing population that was generally living longer. 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

3/16/1253/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report submitted.

64 3/17/0643/HH – REMOVE 140CM HIGH WOODEN PICKET AND TRELLIS BOUNDARY FENCE AND REPLACE WITH NEW 160CM HIGH WOODEN FENCE AT 1 MILL COTTAGES, HARE STREET ROAD, BUNTINGFORD, SG9 9HX FOR MR RHYS THOMAS

The Head of Planning and Building Control recommended that in respect of application 3/17/0643/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull suggested that a condition be applied for tree planting or a similar form of screening for the proposed replacement wooden fence. Councillor D Andrews commented on whether the proposed development was permitted development.

The Head confirmed that fencing next to roads was covered by permitted development up to 1 metre in height and this proposed fence was 1.6 metres meaning that planning permission was required. Members were advised that the condition suggested by Councillor S Bull would depend on whether the land in question was within the control of the applicant or Hertfordshire Highways.

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 3/17/0643/HH, planning permission be granted subject to the conditions detailed in the report.

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.

65 3/17/0876/LBC – REGULARISE THE RE-LOCATION OF MILESTONE 34 AT WEST SIDE OF A10, CORNER OF WHITELEY LANE/A10 FOR COUNCILLOR JEFF JONES

The Head of Planning and Building Control recommended that in respect of application 3/17/0876/LBC, listed building consent 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 3/17/0876/LBC, listed building consent be granted subject to the conditions detailed in the report.

66 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

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 10.02 pm

Chairman .....

Date .....