

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 8 FEBRUARY 2017, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, R Brunton,
M Casey, B Deering, M Freeman,
J Goodeve, J Jones, D Oldridge, R Standley
and K Warnell.

ALSO PRESENT:

Councillors P Boylan, S Bull, S Cousins,
S Reed, 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
Alison Young	- Development Manager

562 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that Member training had been arranged for Thursday 23 February 2017 in respect of new District Plan policies and article 4 directions.

563 MINUTES – 11 JANUARY 2017

RESOLVED – that the Minutes of the meeting held on 11 January 2017 be confirmed as a correct record and signed by the Chairman.

564 3/15/2081/OUT – OUTLINE PLANNING FOR UP TO 160 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND TO NORTH OF STANDON HILL, PUCKERIDGE FOR MR J BOND

Ms Veater addressed the Committee in objection to the application. Mr Davis spoke for the application. Councillor P Boylan, as the local ward Member, addressed the Committee in respect of a number of detailed concerns regarding the outline application.

The Head of Planning and Building Control recommended that in respect of application 3/15/2081/OUT, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted.

The Head explained that this was an outline application with all matters reserved apart from the access to the south west corner of the site onto Cambridge Road. He detailed the legal position regarding outline applications and advised that a range of conditions could be applied as detailed in the report as well as a Section 106 legal agreement.

The Head set out the policy context with particular reference to the fact that the Council was unable to demonstrate a 5 year housing land supply. He referred to the National Planning Policy Framework (NPPF) test of whether the harm was significantly and demonstrably and whether it outweighed the benefits of 160 new homes.

The Head referred to the shortcomings highlighted by objectors and Officers had acknowledged the validity of some of the concerns. Officers had also considered a range of technical advice. Members were reminded that

the highways impact had to be judged as severe before permission could be refused on that basis.

Highways Officers and the applicant's highways consultant plus a consultant engaged by the Council had all concluded that the impact was acceptable in terms of highways safety and the capacity of the Cambridge Road/A120 junction.

Members were advised that the weight that could be given to the emerging District Plan and the local Neighbourhood Plan had to be tempered by the fact that there were unresolved objections. The Head concluded by referring to national policy and the substantial weight that had to be given to housing delivery. He detailed a number of relevant points detailed in the additional representations summary.

Councillor D Andrews highlighted the views of the highway authority and the consultants in terms of highways safety and the capacity of the Cambridge Road/A120 junction. He referred to the importance of a robust travel plan and expressed concerns regarding pedestrian safety. He commented on the damage to the pedestrian refuge and the evidence of vehicles having skidded before hitting this refuge.

Councillor D Andrews disagreed with the consultant's views that the junction had a good safety record. He referred to the 85th percentile speed and the view that motorists at this speed would only stop in time if a vehicle had started to turn out of Cambridge Road if they reacted immediately. He stated his concerns regarding the motorists who exceeded this speed.

Councillor D Andrews referred to the significant walk to bus stops and the difficulties of accessing the bus stop on the south side of the A120. He detailed the public transport options for commuting and other general travel out of the village. He summarised the village amenities and the considerable walks required to access them.

Councillor D Andrews concluded that on balance this scheme was too early and there were too many questions and issues to be resolved by planning conditions. He commented on the possibility that the concerns of the Environment Agency and Thames Water could be resolved by engineering solutions.

Councillor J Goodeve commented on the lack of further information from the Clinical Commissioning Group (CCG) regarding the justification for the £417,532.80 contribution detailed in paragraph 10.58 of the report. Councillor K Warnell referred to policies GBC2 and GBC3 and the issue of inappropriate development in the green belt. Councillor B Deering referred to unanswered questions regarding sustainability and a number of other uncertainties in the report.

Councillor R Brunton referred to other large strategic sites in the emerging District Plan. He stated that he was having trouble supporting this application in its current format as there were too many unknowns as referred to in paragraphs 10.9 and 11.2 of the Officer's report. He concluded that the applicant should consider the Neighbourhood Plan and bring forward a more detailed scheme. Councillor M Casey expressed his surprise regarding the south westerly access onto Cambridge Road. He referred to the possible closing of the Cambridge Road/A120 junction with access onto the A10.

Councillor D Andrews commented on the numbers of new homes with the benefit of planning permission in the area around Standon. He stated that a rough total was getting quite close to the total number of new homes detailed in the District Plan for Standon and Puckeridge. He also referred to the significant work that had gone to the Neighbourhood Plan.

The Head responded to the point raised by Councillor J Goodeve in respect of health services as well as the query regarding policies from the East Herts Local Plan

Second Review April 2007 raised by Councillor K Warnell. He also responded in detail to Members' queries regarding transport sustainability, highways and pedestrian safety and the emerging Neighbourhood Plan.

Councillor D Andrews proposed and Councillor B Deering seconded, a motion that application 3/15/2081/OUT be refused on the grounds that the application was contrary to policies ENV1, ENV2, OSV1 and OSV2 of the East Herts Local Plan Second Review April 2007; policies DES1, DES2, DES3 and VILL1 of the pre-submission District Plan 2016; and the NPPF. The proposals were also contrary to the aims of policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007; policies TRA1 and TRA2 of the pre-submission District Plan 2016 and section 4 of the NPPF.

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 3/15/2081/OUT, outline planning permission be refused for the following reasons:

1. The proposal, by reason of the location of new development on the elevated eastern end of the site, would result in a harmful visual impact in the wider landscape and views from the south and west. The harm identified cannot adequately be mitigated and the proposal is thereby contrary to policies ENV1, ENV2, OSV1 and OSV2 of the East Herts Local Plan Second Review April 2007; policies DES1, DES2, DES3 and VILL1 of the pre-submission District Plan 2016; and the NPPF.
2. The location of the site, with limited opportunities for future residents to make significant use of sustainable and active

means of transport and because of the scale of development proposed, is such that it performs poorly in transport sustainability terms with limited prospect that the harm caused as a result of this can be mitigated. As a result, the proposals are contrary to the aims of policies TR1 and TR4 of the East Herts Local Plan Second Review April 2007; policies TRA1 and TRA2 of the pre-submission District Plan 2016 and section 4 of the NPPF.

3. The proposal would result in additional vehicular movements at the junction of Cambridge Road/A120, which is already perceived to operate poorly in highway safety terms, thereby exacerbating the harm to both vehicular and pedestrian highway users. The proposal is thereby contrary to the aims and objectives of national planning policy set out in the NPPF and policies TRA1 and TRA2 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.

565 3/16/1877/OUT – ERECTION OF LOW CARBON CONTINUING CARE RETIREMENT COMMUNITY COMPRISING OF: 80 BED CARE HOME AND UP TO 96 CLASS C2 FLEXI CARE / ASSISTED LIVING UNITS. SHARED COMMUNAL FACILITIES INCLUDING SWIMMING POOL, GYMNASIUM, DAY CENTRE, THERAPY ROOMS, RESTAURANT, STORE/POST OFFICE, AND PUBLIC WOODLAND WALKING AREAS. ALL MATTERS RESERVED AT FORMER BRICKFIELDS, OFF COLE GREEN WAY, HERTINGFORDBURY FOR WOODLANDS RETIREMENT VILLAGE LTD

Mr Woroniecki addressed the Committee in objection to the application. Councillor S Rutland-Barsby, as the local ward Member, addressed the Committee in respect of her concerns that a non-determination appeal had been submitted. She referred in detail to a number of other significant concerns.

The Head of Planning and Building Control recommended that, in respect of application 3/16/1877/OUT, had East Herts Council been in a position to determine this application, it would have refused planning permission for the proposed development for the reasons detailed in the report now submitted.

The Head referred to the appeal for non-determination and illustrated how this situation had arisen. Members were advised that a number of outstanding technical matters had necessitated another period of consultation and the application had gone beyond the 13 week period for determination. Members were being asked to indicate what their decision would have been had they determined the application.

The Head detailed the application and advised that Officers had recommended refusal due to the potential for substantial harm to the openness of the metropolitan green belt. Members were advised that the Health and Safety Executive were concerned regarding the proximity of a gas pipeline to this site.

Officers felt that the benefits, including housing delivery, would not clearly outweigh the harm to the green belt. The Head detailed a number of points in the late representations summary. Councillor R Brunton felt that the application should be refused due to the potential harm to the green belt and the proximity of the gas pipe line.

Councillor D Andrews made reference to policy ENV26 of the East Herts Local Plan Second Review April 2007. Councillor B Deering highlighted the lack of any positives regarding this scheme. He referred to the weekly flooding of the B158.

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 3/16/1877/OUT, had East Herts Council been in a position to determine this application, it would have refused planning permission for the proposed development for the reasons detailed in the report submitted.

- 566 A) 3/16/2151/FUL AND B) 3/16/2152/LBC – CONVERSION OF EXISTING MALTINGS BUILDING TO 12 RESIDENTIAL UNITS WITH ASSOCIATED OFF-STREET PARKING AT CENTRAL MALTINGS, 14 NEW ROAD, WARE, SG12 7BS FOR MR M WARNER
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Mr Wood addressed the Committee in support of both applications.

The Head of Planning and Building Control recommended that in respect of application 3/16/2151/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted. The Head also recommended that in respect of application 3/16/2152/LBC, listed building consent be granted subject

to the conditions detailed in the report now submitted.

The Head detailed the site history and the current application and referred to additional parking spaces and the proposed landscaping scheme. Members were advised that Officers felt that a residential use was not the most appropriate use of the building and Officers had accepted that there would be some loss of employment.

Members were reminded that access issues were a civil matter between the relevant landowners. The Head acknowledged the potential for overlooking and advised that obscure glazing to lounge accommodation would be inappropriate in terms of the amenity of future occupiers.

Members were further advised that on balance, Officers considered the applications to be acceptable subject to conditions including a condition referred to by Councillor D Andrews regarding construction hours of working. Councillor R Standley expressed concerns regarding overlooking from the windows of the proposed development.

The Head confirmed to Councillor D Oldridge that no specific projects had been identified for the funding detailed on page 134 of the report submitted. Members agreed to a suggestion from Councillor M Allen that details of the proposed access and dust mitigation arrangements and construction hours of working should be submitted to and approved in writing by the local planning authority.

The Head confirmed that Members could give Officers delegated authority to seek up to the maximum funding provision, in relation to the Councils published policy position in the s106 planning Obligation Agreements SPD, in the Section 106 legal agreement. Councillor D Oldridge proposed and Councillor M Casey seconded, a motion that the application 3/16/2151/FUL be granted subject to Officers being given delegated authority to seek up to the maximum funding provision for the Section 106

legal agreement.

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

RESOLVED – that (A) in respect of application 3/16/2151/FUL, planning permission be granted subject to Officers being given delegated authority to seek up to the maximum funding provision in the Section 106 legal agreement, in relation to the Councils published policy position in the Section 106 Planning Obligation Agreements SPD, and subject to the conditions detailed in the report submitted and subject to the following amended conditions:

11. Prior to the commencement of any works details of the proposed access arrangements to the site and to the northern maltings building during construction works shall be submitted to and approved in writing by the local planning authority. Such details shall include the provision of space within the site to provide for the parking of construction workers vehicles and for the delivery and storage of materials. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of suitable access arrangements to the site and to adjacent residential properties during the construction of the development and to reduce any impact on kerbside parking in the area in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of the development details of construction methods

and dust mitigation measures shall be submitted to and approved in writing by the local planning authority. In connection with all site preparation and construction works, no plant or machinery shall be operated on the premises before 07:30hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays and not any anytime on Sundays or bank holidays.

Reason: To safeguard the amenities of nearby residents in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/16/2152/LBC, listed building consent be granted subject to the conditions detailed in the report submitted.

567 3/16/2114/HH – SUBTERRANEAN EXTENSION TO FORM BASEMENT SWIMMING POOL AND PARKING AREA AT ROWNEYBURY, HARLOW ROAD, SAWBRIDGEWORTH, CM21 0AJ FOR MR JOHNSON

Mr Cavill addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/2114/HH, planning permission be refused for the reasons detailed in the report now submitted.

The Head detailed the nature of the application and advised that the proposed development constituted inappropriate development in the metropolitan green belt in line with the policies of the National Planning Policy Framework (NPPF).

Members were advised the proposed scheme could cause substantial harm to the green belt and the application should only be approved if there were very

special circumstances. The Head referred to the positive impacts of the application as detailed in paragraph 10.17 of the report submitted.

Councillors M Allen, R Brunton, M Casey and J Jones expressed support for the scheme and referred in particular to the special circumstances why the application should be approved. Councillor D Andrews referred to how the large volume of soil excavated would be removed from the site. He felt that the scheme would not affect openness and he sought more detail regarding the visible elements of the application.

Councillor D Oldridge felt that the application could cause significant harm to the green belt and stated that the benefits did not outweigh the harm. He queried the depth of the underground development and expressed concerns that a significant chunk of green belt would have to be excavated.

Councillor K Warnell considered that there would be no visible harm from this project in a green belt location. The Head estimated the excavated depth to be approximately 2.5 to 3 metres. Members were advised that details of the stair casing, car lift and arrangements for spoil removal had not been submitted to Officers.

Councillor D Andrews proposed and Councillor M Allen seconded, a motion that application 3/16/2114/HH be deferred to enable Officers to seek additional information in relation to the details of the proposal.

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 3/16/2114/HH, planning permission be deferred to enable Officers to seek additional information in relation to the details of the proposal.

568 ITEMS FOR REPORTING AND NOTING

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 9.40 pm

Chairman
Date