

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 25 APRIL 2018, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, S Cousins, J Goodeve,
D Oldridge, P Ruffles, T Stowe and
K Warnell

ALSO PRESENT:

Councillor S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Elaine Bell	- Solicitor
Rachael Collard	- Planning Officer
Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

463 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Casey, B Deering, J Jones and R Standley. It was noted that Councillors P Boylan, S Cousins, D Oldridge and P Ruffles were substituting for Councillors J Jones, M Casey, B Deering and R Standley

respectively.

464 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed back Elaine Bell to the Committee as cover for the Interim Legal Services Manager. The Chairman also welcomed Rachael Collard, Principal Planning Officer (Quality Places), to her first meeting of the Committee.

The Chairman summarised the new standardised procedure whereby all decisions must be proposed and seconded by Members before being voted on by the Committee.

The Chairman advised that application 3/17/1726/FUL - The construction of a new farmyard including 3 new agricultural buildings, associated yard area, cattle handling pens and silage storage area, landscaping and drainage at Tewin Water Farm, Churchfield Road, Tewin Water, Tewin AL6 0BW for William Brothers Partnership, had been withdrawn.

465 MINUTES - 27 MARCH AND 28 MARCH 2018

Councillor D Andrews proposed and Councillor M Allen seconded, a motion that the Minutes of the meeting held on 27 March 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

Councillor P Boylan proposed and Councillor R Brunton seconded, a motion that the Minutes of the

meeting held on 28 March 2018 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meetings held on 27 and 28 March 2018, be confirmed as correct records and signed by the Chairman.

466 3/17/2216/OUT - OUTLINE APPLICATION FOR 27 NO. DWELLINGS ON LAND WEST OF HIGH ROAD, HIGH CROSS FOR CRADDICK OR C/O AGENT

The Head of Planning and Building Control recommended that in respect of application 3/17/2216/OUT, planning permission be refused for the reasons detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Officers had recommended approval of the application in a report that had been withdrawn by Officers from the Agenda for the Committee meeting held on 31 January 2018. The Annual Monitoring Report that was published in February 2018 had since indicated that the Council was able to demonstrate 6.2 years of housing land.

The Head emphasised that prior to February 2018, the National Planning Policy Framework (NPPF) had stipulated that sustainable developments should be approved unless the harm significantly and demonstrably outweighed the benefits. Officers had therefore recommended the application for approval back in January as, at that time, the lack of a 5 years'

supply of housing outweighed the harm.

The Head stated that this judgement was no longer relevant and had fallen away. The test of significant and demonstrable harm was no longer relevant. The development plan comprised the current Local Plan and the emerging District Plan which was currently at a very advanced stage of pre adoption.

The site was located outside of the identified village boundary in the East Herts Local Plan Second Review April 2007 and the District Plan. This incursion into the wider countryside area and the harm that would still be caused coupled with the ability of the Authority to demonstrate more than 5 years' supply of housing were the main reasons for the change in the recommendation now in front of the Committee.

Councillor S Bosson addressed the Committee as the Chairman of Thundridge Parish Council.

Councillor D Andrews referred to the application site being beyond the village boundary. He commented on the concerns of residents in respect of flooding and the unsuitability of the estate style of the proposed development for High Cross. He and local residents were also concerned in respect of the siting of the access opposite a school.

Councillor Andrews stated that a bus service that started late, finished early and did not run on Sundays did not constitute a sustainable transport service. The other village services fluctuated in that the village had lost a pub and had gained a shop. He concluded that

there were a raft of other issues but Officers were absolutely correct in their recommendation for refusal for a site that was outside the village boundary and was in the rural area beyond the Green Belt.

Councillor D Oldridge commented on whether the appeal decision at North Road had changed the situation regarding this application since the January meeting of the Committee. He queried whether there had been any official discussions with the primary school or whether a single governor had stated their own personal views.

The Head stated that the appeal for the application on North Road had had no significant bearing on this application. Members should focus on the relevant policy considerations to this application, when making a decision.

The Head advised that the education points had not been explored further although the appeal had resulted in some additional development that would no doubt generate some additional children for the primary school. Members were advised that this application might generate an as yet unquantified number of potential pupils for the school.

The Head confirmed to Councillor D Andrews that GBC policies had been applied as the site was located beyond the boundary of the village. He further confirmed that, if Members were minded to support the recommendation, Policy VILL2, as referred to by Councillor D Andrews, could be included in the reasons for refusal on that basis that the application was not in

accordance with this policy.

Councillor D Andrews proposed and Councillor M Allen seconded, a motion that the Committee support the recommendation for refusal, subject to the inclusion of policy VILL2 in the refusal reasons on the basis that the application was not in accordance with this policy.

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 subject to the inclusion of policy VILL2 in the reasons for refusal.

RESOLVED – that in respect of application 3/17/2216/OUT, planning permission be refused for the following amended reasons:

1. The proposed development would be sited outside the village boundary of High Cross within the Rural Area beyond the Green Belt and would result in harm to the rural landscape. As a result the proposals are contrary to Policies GBC3, GBC14 and OSV1 of the East Herts Local Plan Second Review April 2007, Policies GBR2, DES1 and VILL2 of the emerging East Herts District Plan and the National Planning Policy Framework.

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 planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

467 3/18/0290/FUL - CONSTRUCTION OF TWO STOREY VEHICLE STORAGE BUILDING IN ASSOCIATION WITH EXISTING CAR SALES BUSINESS AT 295 - 297 STANSTED ROAD, BISHOP'S STORTFORD CM23 2BT FOR MR COTTENDEN

The Head of Planning and Building Control recommended that in respect of application 3/18/0290/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head referred to this being an application for full permission and the application was summarised for Members. The Head detailed the location of the site and summarised a number of key issues for the Committee. Members were advised that the proposed car deck to the rear of the workshop area would be 74 metres in height and 42 metres in depth. The ground level parking would be retained with the creation of 88 and 87 spaces respectively on the first and second storeys of vehicle storage on the site.

Members were advised that Officers considered that the proposed development was not out of character with the area. The Head detailed the conditions and referred to a contribution towards sustainable transport in respect of improvements to a nearby bus stop that had been requested by the Highway Authority. The Head also referred to a Section 278 agreement.

Mr Wade addressed the Committee in support of the application.

Councillor K Warnell commented on screening by trees to reduce the potential for overlooking. He commented on noise from vehicles using the metal access ramps at a nearby dealership with an identical car storage park located behind DIY sheds. He felt that noise mitigation should be considered for this site as this dealership was closer to residential properties.

Councillor P Boylan suggested that condition 6 should be amended so that deliveries and removals should only take place between the hours of 07:30 and 19:30 Monday to Friday, 07:30 and 18:30 on Saturdays and at no time on Sundays or Bank Holidays.

The Head confirmed that a condition could reasonably be applied in respect of the metal ramps and surfacing to keep noise to a minimum. Officers could also reasonably amend condition 6 as suggested by Councillor P Boylan. Councillor D Andrews suggested that a surface other than metal should be applied to the access ramps.

Councillor K Warnell proposed and Councillor M Allen seconded, a motion that in respect of application 3/18/0290/FUL, the Committee support the recommendation for approval subject to an additional condition that a surface other than metal be applied to the vehicle tracks on the access ramps and subject to an amended condition 6 regarding the removal of vehicles.

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, subject to the inclusion of an additional condition that a surface other than metal be applied to the vehicle tracks on the access ramps and the amendment of condition 6 regarding the removal of vehicles.

RESOLVED – that in respect of application 3/18/0290/FUL, planning permission be granted subject to the following amended conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision

Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

5. The development hereby approved shall only be used for the storage of vehicles in association with the car sales business and for no other purpose.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

6. Deliveries of vehicles and the removal of vehicles from the site shall only take place between the hours of 7:30 and 19:30 Monday to Friday, 7:30 and 18:30 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of the residential amenity and in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

7. Notwithstanding the approved plan 770.17.2, prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate:
 - (a) Proposed finished levels or contours
 - (b) Means of enclosure

- (c) Car parking layouts
- (d) Other vehicle and pedestrian access and circulation areas
- (e) Hard surfacing materials
- (f) Planting plans
- (g) Written specifications (including cultivation and other operations associated with plant and grass establishment)
- (h) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- (i) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only

be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

Reason: To ensure that the development takes place in a comprehensive manner having due regard for highway safety and

capacity and to ensure that the impact of construction traffic on the local road network is minimised.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and national guidance in section 7 of the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted), sufficient space shall be provided within the site to enable a car transporter vehicle to park, turn and re-enter the highway in a forward gear. This

area shall be levelled, surfaced and drained in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

Reason: In the interests of satisfactory development and highway safety.

11. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

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

12. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by MTC reference 2025 dated December 2017 submitted and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off rates to maximum of 5 l/s with discharge into existing wider site drainage system.

2. Provide attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

13. No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall also include:
 1. Implementing the appropriate drainage strategy based on attenuation and discharge.
 2. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

3. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 14 Prior to commencement of the development hereby permitted, details of materials used for the surfacing of the ramps and structure, including the vehicle parking and manoeuvring areas shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include information to demonstrate how the selected materials will minimise noise. Once agreed the development shall be carried out and retained in accordance with the approved details.

Reason: To ensure that noise caused by the use of the structure is minimised in the interests of the residential amenity in accordance with policy ENV1 and ENV24 of the East Herts Local Plan Second Review 2007.

Plan Numbers: HD17006/01 Rev A, HD17006/100, HD17006/02, HD17006/03, HD17006/04, HD17006/05, HD006/06,

HD17006/08, HD15006/150, 770.17.2, Flood Risk Assessment and Sustainable Drainage Strategy (MTC Engineering) 2025-FRA&DS- Dec2017, Transport Statement dated January 2018

Informatives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
3. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not

interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highwaysdevelopmentmanagement.aspx>

4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highwaysdevelopmentmanagement.aspx>
5. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public

highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:

<https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-anddeveloper-information/development-management/highways-developmentmanagement.aspx>

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

468 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 7.35 pm

Chairman
Date