

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 5 DECEMBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Ballam,
M Casey, S Cousins, B Deering, J Jones,
J Kaye, P Ruffles and T Stowe

ALSO PRESENT:

Councillors G Jones and S Rutland-Barsby

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Stephen Tapper	- Senior Planning Officer

284 APOLOGIES

Apologies for absence were submitted on behalf of

Councillors P Boylan, R Brunton and S Bull. It was noted that Councillors P Ballam and S Cousins were substituting for Councillors P Boylan and R Brunton respectively.

285 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping issues in relation to the fire alarm, exits, the need to silence mobile devices and the unisex toilets outside of the Council Chamber. The Chairman advised that the Head of Planning and Building Control had copies of the National Planning Policy Framework (NPPF) to hand to Members after the meeting.

The Chairman highlighted the dates of 23 July 2001 to 18 December 2018 and drew Members attention to the 17 years and 5 months that Liz Aston had worked with charm and focus in reliably supporting the Council's Planning Service. The Chairman drew attention to Liz being his go to person for advice and he thanked her for her support of the Development Management Committee for many years. He wished her well for the future on behalf of Members.

286 MINUTES - 7 NOVEMBER 2018

Councillor P Ruffles proposed and Councillor J Kaye seconded, a motion that the Minutes of the meeting held on 7 November 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 meeting held on 7 November 2018, be confirmed as a correct record and signed by the Chairman.

287 CONFIRMATION OF TREE PRESERVATION ORDER NO 3 2018 P/TPO 613 AT LAND ADJACENT TO THE POPLARS, EAST END GREEN, HERTFORD, HERTS. SG14 2PD

The Executive Member for Development Management and Council support submitted a report inviting Members to consider the objections to the making of the Tree Preservation Order (TPO) received by the adjacent property owner. Members were asked to consider the objections and reasons for making the TPO and to determine whether Tree Preservation Order No 3 2018 P/TPO 613 should be confirmed without modification.

The Arboricultural Officer advised Members that the order was in respect of 4 field maples growing on parish council land. A conservation area notification had been received and permission had been granted in the past to crown reduce the trees.

Members were advised that the householder wished to remove the trees due to concerns regarding subsidence and loss of light. The Arboricultural Officer advised that there was no evidence of subsidence and the trees could be pruned to assist with concerns over lack of light or shading. The field maples made an important contribution to the rural character of East End Green.

Councillor J Kaye commented on the previous 30%

crown reduction of the trees and referred to the lack of evidence of subsidence. He stated that the key point was that the trees could be pruned as detailed on page 18 of the report submitted. The Arboricultural Officer confirmed to Councillor J Jones that the TPO, if approved, could not be removed. The householder could apply to fell the trees if it was proven that they were causing a problem.

In response to a comment from Councillor M Casey, the Interim Legal Services Manager, confirmed that East Herts Council could not be held liable for any damage to property as the trees were growing on land owned by the Parish Council.

Councillor T Stowe commented that he had been to the site and believed the trees to be fine and not causing problems. The Arboricultural Officer confirmed that the roots can extend beyond the canopy and would find the easiest route of growth.

Councillor M Allen proposed and Councillor J Jones seconded, a motion that Tree Preservation Order No. 3 P/TPO 613 should be confirmed without modification. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendation of the Executive Member for Development Management and Council Support as now submitted.

RESOLVED – that Tree Preservation Order No 3 2018 P/TPO 613 be confirmed without modification.

288 CONFIRMATION OF TREE PRESERVATION ORDER NO.4
2018 P/TPO 614 AT HITCH LANE COTTAGE, PATMORE
HEATH, HERTS SG11 2LX

The Executive Member for Development Management and Council support submitted a report inviting Members to consider the objections to the making of the Tree Preservation Order (TPO) received by the owner of the tree. Members were asked to consider the objections and reasons for making the TPO and to determine whether Tree Preservation Order No 4 2018 P/TPO 614 should be confirmed without modification.

The Arboricultural Officer advised that a written application had been made to fell a mature and fairly large field maple within the Patmore Heath conservation area. The reasons given were risk of damage to Hitch Green Cottage, shading and interference with telephone lines. Members were advised that a yew tree had been removed after roots were found to be underneath the floor in a ground floor room.

The Arboricultural Officer advised that there was no evidence that this mature field maple had caused or would cause subsidence and the tree was an important public amenity. Mr Chapman addressed the Committee in objection to Tree Preservation Order No 4 2018 P/TPO 614 being confirmed without modification.

In response to comments from Councillor J Jones regarding evidence of damage to Hitch Lane Cottage,

the Chairman referred to evidence he had received from a professional arboricultural contractor. Following a request from Councillor J Kaye, the Chairman dictated the contents of the letter to the Committee. The Chairman commented on the public accessibility of this evidence.

The Arboricultural Officer confirmed to Councillor D Andrews that there was a prevailing south westerly wind in this location and this had been the case for the lifespan of this tree. Officers had assessed the tree and would not seek confirmation of a TPO where there was a risk of a tree failing.

Members were advised that the Authority could not agree to the felling of every tree where there might be a risk of subsidence. Subsidence was a complex issue that could be influenced by a number of factors. The field maple had public amenity value and there was no evidence that this tree was causing any problems.

Councillor M Casey commented on the level of information and qualifications that would be required to convince Officers that a tree should be removed. The Arboricultural Officer advised that she would expect a report covering the species of the tree and an analysis of the type of soil it was sitting on. She would also expect to see an engineer's report regarding any movement to a property or cracks to suggest that a tree was causing problems.

Councillor P Ballam commented on whether further crowning works would reduce the risk to the property. Councillor B Deering queried whether the requirement

for evidence had been explained to the applicant. The Chairman pointed out that this matter could be deferred pending further information being submitted.

Councillor D Andrews stated that the field maple appeared to be a sound tree in good condition and he would not be supportive of deferring a decision. The Head of Planning and Building Control commented that this matter had to be determined prior to the next meeting of the Committee if the 6 month deadline for confirming the TPO was to be met.

Councillor D Andrews proposed and Councillor P Ruffles seconded, a motion that Tree Preservation Order No. 4 P/TPO 614 should be confirmed without modification. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendation of the Executive Member for Development Management and Council Support as now submitted.

RESOLVED – that Tree Preservation Order No 4 2018 P/TPO 614 be confirmed without modification.

- 289 3/18/0652/OUT - OUTLINE PLANNING FOR UP TO 260 DWELLINGS (OF A RANGE OF SIZES, TYPES AND TENURES, INCLUDING AFFORDABLE HOUSING) AND A CARE HOME (USE CLASS C2) OF UP TO 66 BEDS TOGETHER WITH PUBLIC OPEN AND AMENITY SPACE, ASSOCIATED LANDSCAPING, HIGHWAYS (INCLUDING FOOTPATHS AND CYCLEWAYS), PARKING, DRAINAGE, UTILITIES AND SERVICE INFRASTRUCTURE WORKS - ALL MATTERS RESERVED ON LAND BETWEEN FARNHAM ROAD, KITCHENER ROAD AND MORBURY AVENUE, ST MICHAEL'S HURST, BISHOP'S STORTFORD FOR COUNTRYSIDE PROPERTIES (UK) LTD, COUNTRYSIDE HOUSE, THE DRIVE, BRENTWOOD CM13 3AT

The Head of Planning and Building Control recommended that in respect of application 3/18/0652/OUT, subject to a deed of variation to the existing legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principle Planning Officer, on behalf of the Head of Planning and Building Control, summarised the application and clarified that the school site was not included in this application. A care home had also been approved separately to this application at the September meeting of the Committee and a condition had been included on this application covering the location of the care home.

Members were advised that the increase in the number of units by 150 was substantial but was from quite a low base. The density would increase from a low 11 units per hectare to a more usual 35 units per hectare due to more 2 and 3 bedroom housing being

proposed. Members were referred to page 51 onwards in the report submitted regarding the proposed housing mix.

The Principle Planning Officer advised that this revised proposal included affordable housing at 40% in line with planning policy. The applicant was not prepared however to include 84% rented and 16% shared ownership as the applicant had based the contributions on a pre-District Plan Policy scenario. The applicant had however put forward significant Section 106 legal obligations for County Council, District Council and Town Council services and projects.

The applicant had also agreed a compromise offer of 70% affordable rented accommodation and 30% shared ownership to the satisfaction of the Council's Housing Services Officer. Members were advised that the Section 106 contributions on the original application would now be varied to only apply to phases A and B for the original 329 dwellings fronting onto Farnham Road and Rye Street.

Members were advised that a further variation to the Section 106 legal agreement regarding the 260 dwellings proposed as part of phase C plus would give rise to a more beneficial financial situation in terms of contributions for affordable housing and wider provision of services, as detailed in Essential Reference Paper A. This included substantial contributions towards education provision, community buildings and off-site sports provision as well as other kinds of community facilities. A figure of over £1 million had

also been proposed for primary care services.

The Officer concluded that care had been taken to ensure that the Section 106 contributions were specifically targeted in line with Community Infrastructure Levy (CIL) regulations to ensure a sound Section 106 legal agreement. Members were advised that all environmental considerations were addressed in paragraph 8.20 and a number of following paragraphs in the report submitted.

In response to a query from the Chairman regarding the resilience of the District Plan and policies BISH1a and BISH3, Members were advised that this application was submitted after the formulation of the District Plan and it was acceptable to increase density within the boundaries of the site. Developers were also being advised to make efficient use of space within housing development sites.

Councillor M Casey referred to shortfall in affordable housing being made up in the second phase. He commented on whether the full 40% could be insisted upon for the entire development. The Principle Planning Officer advised that the Authority was tied to a policy of 40% and the viability of the development had to be kept in mind. .

The Principle Planning Officer responded to a number of comments from Councillor J Kaye in respect of care home provision and bus services for new residents. Members were advised that offering free bus passes for a 3 month trial period was a widely used practice to encourage bus use and to get residents used to the

local bus provision.

Members were also advised that the existing 310 bus service would be diverted for a period of time and there would then be a new service launched for the residents of Bishop's Stortford North.

The Head of Planning and Building Control responded to comments from the Chairman and Vice-Chairman regarding the figure of 329 in the District Plan for this site. He referred in particular to the requirement for a minimum of 18,458 dwellings across the District. The Head also referred to the NPPF requirement for sustainable developments and that, whilst the site specific policy referred to the provision of 329 new dwellings, all relevant policies of the Development Plan have to be taken into account when making a determination.

The Interim Legal Services Manager and the Head responded to a number of further points made by the Committee in respect of housing density. Councillor M Casey proposed and Councillor P Ruffles seconded, a motion that in respect of application 3/18/0652/OUT, the Committee support the recommendation for approval, subject to a deed of variation to the existing legal agreement and subject to the conditions detailed in the report submitted.

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

RESOLVED – that in respect of application 3/18/0652/OUT, subject to a deed of variation to the existing legal agreement, planning permission be granted, subject to the conditions detailed in the report submitted.

290 3/18/1544/FUL - NEW B1 OFFICE BUILDING WITH ASSOCIATED PARKING (PART RETROSPECTIVE) AT UNIT 2A HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM

The Head of Planning and Building Control recommended that in respect of application 3/18/1544/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Service Manager (DM) Quality and Performance), on behalf of the Head of Planning and Building Control, summarised the application for a new B1 Office building in the rural area beyond the Green Belt and some distance beyond the settlement boundary for Little Hadham. Members were reminded of the location of the site and the relevant planning history.

Members were advised that new economic development was permitted so long as this was sustainable in line with policy EDE2 in reference to the rural economy. The Service Manager confirmed that Officers concerns were based on whether the site was sustainable for new employment generating uses. Officers had referred in the report to the likely exclusive use of the motor vehicle to access the site.

The Service Manager referred to commentary from the

applicant in respect the public bus provision along the A120. Members were reminded that this provision was limited and there was limited public footpath on one side of the busy A120 and no footpath on Church End.

Members were advised that the visual impact of the proposed development and the proposed extension to the extent of the commercial development away from existing development had led Officers to recommend refusal due to likely harm to the rural area.

Mr Helme addressed the Committee in objection to the application. Mrs Izod spoke for the application.

The Service Manager confirmed to Councillor M Casey that the site was originally a farm and the site had also been home to the bottling plant for Hadham Water. Since that business had ceased to exist, a number of applications had been determined on their own merits to convert the buildings on the site to commercial properties. Members were further advised of a long and complicated planning history for this site. Officers believed this location to be unsustainable due to the likely predominant reliance on the private motor vehicle to access the site.

Councillor J Kaye made a number of comments regarding whether this was a brownfield site and he also commented on his concerns in respect of roads and the bridleway. He believed that a lot depended on the car traffic in and out of the site during the daytime.

Councillor Andrews referred to bus timetables and

commented that there was a workable bus service. He stated however that there was a significant walk from bus stops and passengers would have to cross the A120 twice. He also referred to the bridleways and footpaths being challenging in the autumn and winter months. He also sought clarity around the brownfield nature of the site.

Councillor P Ballam commented on the infrequent 351 bus service between Hertford and Bishop's Stortford. She also commented on the rural area bridleways being dangerous for horse riders, cyclists and pedestrians as they were also being used by motor vehicles.

The Service Manager detailed the NPPF description of brownfield sites and she referred in particular to previously developed land. Members were reminded that rural area policy did allow for limited infilling in sustainable locations. The Service Manager summarised the transport assessment that had been carried out for this application, the results of which were summarised in paragraph 8.28 on pages 90 and 91 of the report submitted.

Councillor J Jones commented on the creation of employment in a rural area as a result of this application. He asked if Officers could clarify the situation as regards District Plan policy and the provision of employment in a rural area. Councillor Jones believed that the transport assessment figures for the A120 would soon be out of date due to the imminent commence of works on the Little Hadham bypass.

Councillor B Deering commented on the importance of employment opportunities in rural areas. The Service Manager commented on the development strategy covering development within group 2 villages, all of which were located within a rural area in the District. Members were advised that small scale employment was an acceptable form of development in rural East Herts.

The Service Manager confirmed that what might be acceptable as a small scale employment use in one area of East Herts might not be acceptable elsewhere in the District. Members were advised that the relationship between the A120 and bus routes could very likely change once the construction of the bypass was completed.

The Chairman referred to the traffic being exceptional in this location on the A120. He believed that traffic could exit the site onto the A120 due to the lulls in traffic on one side of the road or the other whilst vehicles were being held at the Little Hadham traffic lights.

Councillor D Andrews commented on the diversion of bus services down the A10 away from the villages of Thundridge, Wadesmill and Colliers End. Councillor J Jones commented that there was still a bus service covering the old A10 route. Councillor T Stowe believed that the traffic impact of this application might prove to be a nightmare in this area. He commented on the likely increase in traffic speeds on the A120 once the bypass was constructed.

Councillor M Casey proposed and Councillor T Stowe seconded, a motion that in respect of applications 3/18/1544/FUL, the Committee support the recommendation for refusal, subject to the reasons detailed in the report submitted.

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

RESOLVED – that in respect of application 3/18/1544/FUL, planning permission be refused, for the reasons detailed in the report submitted.

291 ITEMS FOR REPORTING AND NOTING

Councillor D Andrews commented on the challenging of the decision of the Planning Inspectorate in respect of Great Hadham Golf and Country Club. The Head of Planning and Building Control advised that the appeal regarding Hertford Golf Club would be heard between 12 March and 15 March 2019.

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 8.33 pm

Chairman
Date