

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
(FORMERLY CONTROL) COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 17 JULY 2013, AT 7.00 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton, K Crofton,
P Moore, M Newman, T Page, N Symonds
and G Williamson.

ALSO PRESENT:

Councillors W Ashley, J Jones and P Ruffles.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Lorraine Blackburn	- Democratic Services Officer
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Team Manager (West)
Kevin Steptoe	- Head of Planning and Building Control Services

128 APOLOGY

An apology for absence was submitted on behalf of
Councillor G Jones. It was noted that Councillor T Page

was in attendance as substitute for Councillor G Jones.

129 CHAIRMAN'S ANNOUNCEMENTS

Members were reminded that the Bishop's Stortford North Public Briefing was due to take place in the Charis Centre, Water Lane, Bishop's Stortford at 7.00 pm on Thursday 18 July 2013.

130 MINUTES – 19 JUNE 2013

RESOLVED – that the Minutes of the meeting held on 19 June 2013 be confirmed as a correct record and signed by the Chairman.

131 3/13/0737/RP – RESIDENTIAL DEVELOPMENT OF 26 DWELLINGS - APPROVAL OF DETAILS IN RESPECT OF APPEARANCE, SCALE AND LAYOUT, FOLLOWING OUTLINE APPROVAL OF LPA REF. 3/10/2040/FP AT LAND OFF LONGMEAD, BUNTINGFORD, SG9 9EF FOR MATTHEW HOMES

Mr Nigel Chowney addressed the Committee against the application. Mr Bob Harrington spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0737/RP, planning permission be granted subject to the conditions detailed in the report now submitted. He drew attention to the additional representations which had been submitted and circulated to Members.

Councillor S Bull welcomed the changes but expressed concerns regarding the height of some of the houses on the basis that, in future, occupiers might wish to apply for loft conversions and the effect this would have on neighbouring residents. He stated that the pitch of the roofs was very steep and sought assurance that the footpath would be maintained.

Councillor M Newman referred to the height of the roofs

and the angle of the pitch and felt this was unduly high. He asked whether permitted development rights could be removed in relation to loft conversions.

The Director advised that the design and pitch was not unusual and that permission had been granted for similar properties, adding that shallower roofs might impact on their visual appearance. In terms of the removal of permitted development rights, he advised that this would impact on the building regulations and the occupier would have to submit a planning application for a loft conversion. The Director stated that the site was remote from other properties in Buntingford.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/0737/RP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 132 A) 3/13/0333/FP AND B) 3/13/0334/LC – DEMOLITION OF THE ROEBUCK HOTEL AND ERECTION OF 2NO 3 BEDROOM HOUSES, 8NO 4 BEDROOM AND 4NO 5 BEDROOM HOUSES TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING, LANDSCAPING AND RELATED WORK AT THE ROEBUCK HOTEL, BALDOCK STREET, WARE, SG12 9DR FOR ONE PROPERTY GROUP AND AKERRON HOTEL GROUP LTD
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Mr Trevor Dodkins spoke for the application.

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0333/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director of Neighbourhood Services also recommended that, in respect of application 3/13/0334/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

The Chairman read out the contents of an email from Councillor J Wing who strongly opposed the application.

The Director referred to the additional representations which had been received to the application, including a list of additional conditions required by the Environment Agency. He added that an amended layout plan had also been submitted.

Councillor M Alexander referred to the loss of employment and employment land in Ware and the surrounding area. He stressed the need for the District to have local employment and stated that the Roebuck Hotel had been a very popular venue many years ago.

Councillor Alexander reminded Members that the owner of Fanhams Hotel had recently put in an application for 50 additional rooms. He queried what the owners were doing to ensure that the hotel was viable. He stated that there was no affordable housing within the proposal and queried the rationale of putting a five bedroomed house next to a fire station. He urged Members not to agree to the loss of employment land.

Councillor D Andrews stated that the Roebuck Hotel had a lot of potential and that Ware did not need more houses. This view was supported by Councillor S Bull who referred to the hotel's previous use as a conference centre. He suggested that the hotel was being allowed to be run down and this was having a negative impact on the community. Councillor S Bull commented that the hotel was in a good position for further development and improvement.

Councillor E Bedford referred to the hotel's earlier

success and that poor management of the bar showed that the place was being allowed to run down. Councillor K Crofton referred to the need to retain business in the town and the removal of the hotel would be a tragedy.

The Director urged Members to be cautious in their deliberations and reminded them that their decisions must be made solely on planning issues. Policies around loss of sites which generated employment would be appropriate considerations.

Councillor P Moore stated that a hotel was needed in Ware and that these were not nostalgic considerations. She added that money had not been invested in the hotel.

Councillor M Newman recognised the attraction of the hotel and stressed the need to find other business opportunities which might generate employment in the area.

Councillor M Alexander proposed and Councillor D Andrews seconded, a motion that applications 3/13/0333/FP and 3/13/0334/LC be refused on the grounds that this would result in the loss of employment land and be detrimental to the conservation area.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee rejected the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/13/0333/FP, planning permission be refused for the following reason:

1. The current hotel use of the site provides valuable local employment and the council is not satisfied that the continued use of the site for a hotel or for other employment generating uses has been fully explored without success.

The loss of the site would be detrimental to the economic wellbeing of the town, contrary to policy EDE2 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

(B) in respect of application 3/13/0334/LC, conservation area consent be refused for the following reason:

1. In the absence of an approved scheme for the redevelopment of the site, the loss of the existing building would be detrimental to the character and appearance of the Ware Conservation Area, contrary to the National Planning Policy Framework.

133 3/13/0711/FO – CHANGE OF USE OF 2NO. CLASS B1 OFFICE BUILDINGS TO CREATE 12NO. 1 AND 2 BED RESIDENTIAL DWELLINGS – VARIATION OF APPROVED PLANS IN RESPECT OF LANDSCAPING AGREED UNDER LPA REFERENCE 3/12/1409/FP AT BUILDINGS 6 AND 7, BLUECOATS AVENUE, HERTFORD, HERTS, SG14 1PU FOR BLUECOATS JOINT VENTURE

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference 3/12/1409/FP, to include reference to application 3/13/0711/FO, 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 supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that, subject to the applicant or successor in title entering into a deed of variation in respect of the existing legal agreement previously agreed under LPA reference

3/12/1409/FP, to include reference to application 3/13/0711/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

- 134 3/12/0834/FO – VARIATION OF CONDITION 26 OF LPA REF. 3/03/2047/FP TO ALLOW THE SPORTS HALL TO BE USED FOR PUBLIC AND COMMUNITY USE BETWEEN THE HOURS OF 8AM AND 11PM MONDAY TO SATURDAYS AND 9AM TO 10PM ON SUNDAYS AND BANK HOLIDAYS AND FOR 24 HOURS USE UP TO 10 TIMES A YEAR AT ST MARY'S CATHOLIC SCHOOL, WINDHILL, BISHOP'S STORTFORD, HERTS, CM23 2NQ
FOR ST MARY'S CATHOLIC SCHOOL

Mr Bonich spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/12/0834/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Bull supported Mr Bonich's comments adding that it was a wonderful opportunity for young people in the area.

Councillor A Burlton supported the application and was pleased to see that its use for 24 hours up to 10 times a year was not needed and that this would now only be twice a year.

Councillor N Symonds referred to the fact that this was the only sports hall in that part of town. She also supported the application.

Councillor T Page referred to an email which Councillor G Jones had asked him to read out expressing concern regarding the extension of hours adding that the school only needed this twice a year.

Councillor K Crofton supported the application adding that

the proposal was well away from residents homes and cautioned against being overly restrictive.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services.

RESOLVED – that in respect of application 3/12/0834/FO, planning permission be granted subject to the following amended conditions:

1. The use of the sports hall shall be restricted for use by members of the public between the hours of 8am and 11pm Monday to Saturdays and 9am to 10pm on Sundays and Bank Holidays and used for 24 hours up to 2 times a year by members of the public.

Reason: In the interests of the amenities of neighbouring occupants and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

2. The school shall keep a written log of any use of the hall by members of the public after 11pm (Mondays to Saturdays) and 10pm (on Sundays or Bank Holidays) and shall upon request provide that log to the local planning authority within 14 days.

Reason: To ensure that the local planning authority is able to monitor the restricted use of the sports hall in the interests of the amenities of nearby occupiers and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

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 (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

- 135 (A) 3/13/0368/FP AND (B) 3/13/0369/LC – DEMOLITION OF OUT BUILDINGS AND COVERED YARD ADJOINING THE RIVER, ERECTION OF A SINGLE HOUSE, ALTERATIONS AND EXTENSIONS TO CONVERT FORMER SORTING OFFICE TO 11 HOUSES, REFURBISHMENT OF OFFICE BUILDING, EXTERNAL WORKS AND APPROPRIATE HARDSCAPING AT LAND TO REAR OF 57 HIGH STREET, WARE, HERTFORDSHIRE, SG12 9AD FOR KEITH ASHMAN, WHITE HART DEVELOPMENTS
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The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0368/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director of Neighbourhood Services also recommended that, in respect of application 3/13/0369/LC, conservation area consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Alexander referred to the access and egress arrangements and the fact that 11 houses would generate at least 11 cars. He questioned how emergency, refuse and construction vehicles could access the site.

Councillor M Newman expressed concern at the design of

the new build which, he felt, was not in keeping with the other buildings. He was also unhappy with the access and egress especially for emergency vehicles.

Councillor P Moore referred to the very narrow access to the site. Councillor E Bedford suggested that the proposals be redesigned or modified to suit the riverside.

The Director explained that the building design had to be sympathetic within the Conservation Area and referred to the fact that the gazebo was a listed building. He agreed that the access was constrained but that the buildings needed a use to survive and that the Highways Agency had stated that a commercial use of the area was less preferential. As this was not a new-build, the impact of construction vehicles would be kept to a minimum.

The Director referred to the fact that the existing building currently had asbestos within it, which would need to be removed. He referred to comments which had been received from the Environment Agency that flooding on this site was unlikely. On balance, Officers felt that the proposals would be an improvement to the riverside site and the gazebo.

The Director acknowledged that it was a long narrow plot and that there were issues regarding services and access. He referred to the fact that it was in a town centre location and that the Council would get the benefits of reusing the building and supporting small schemes in the area. He added that larger properties would generate more vehicles but smaller properties might attract commuters. He reminded Members of the Council's parking standards in that the Council would accommodate a reduction in parking standards in community centre locations.

Councillor M Newman proposed and Councillor M Alexander seconded, a motion that applications 3/13/0368/FP and 3/13/0369/LC be refused on the grounds that the design of the building on the southern

part of the site was inappropriate to the character of the area and that the absence of an acceptable scheme for the demolition of the site would have a harmful effect on the area.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/13/0368/FP, planning permission be refused for the following reasons:

1. The proposed new build dwelling at the southern end of the site is considered to be of an inappropriate design that fails to respect the character and appearance of the surrounding area including the adjacent river setting and the Ware Conservation Area. The proposal is thereby contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.
2. Flooding Sequential Test (BO92).

(B) in respect of application 3/13/0369/LC, conservation area consent be refused for the following reason:

1. In the absence of satisfactory proposals for the use or development of the southern part of the site, the demolition of the riverside building is considered to have a harmful and unacceptable impact on the character and the appearance of the Ware Conservation Area, contrary to Section 12 of the National Planning Policy Framework.

136 3/13/0343/SV – MODIFICATION OF S106 AGREEMENT FOR 3/10/1522/FP TO REDUCE THE AFFORDABLE HOUSING PROVISION FROM 23 UNITS TO 13 UNITS ON GROUNDS OF ECONOMIC VIABILITY AT WALLACE LAND, BUNTINGFORD ROAD, PUCKERIDGE, SG11 1RT FOR RIALTO HOMES LTD

The Director of Neighbourhood Services recommended that, subject to the time limit and the conditions detailed in the report now submitted, in respect of application 3/13/0343/SV, East Herts Council agrees to a variation of the Section 106 agreement to reduce the number of affordable houses to 13 units, comprising 10 units for social rent and 3 units for shared ownership.

Councillor D Andrews referred to the viability assessment adding that he was not unsympathetic to the application but that the village needed social housing. He stated that such housing need not be cheap, adding that most were let at current market value. He referred to the costs of the archaeological works and of the need to work with the developer to find something closer to the affordable housing figure previously agreed. Councillor Andrews stated that the developers should have known that the site was opposite a major Roman conurbation.

Councillor A Burlton referred to the developer's error in his costings, stating that it was not an issue for the Council to resolve, but for the developer to absorb.

Councillor T Page stated that he could not see the relevance of the legal modification adding that it was the developer's miscalculation. He referred to the Council's duty to young people, particularly in villages to provide affordable housing and that agreeing to this request would set a precedent. Councillor N Symonds supported this viewpoint adding that the developers should have looked at the cost of the land to see if they could afford to build.

Councillor M Alexander stated that the Council would not

have originally approved this from the viewpoint of 13 affordable homes and stated that this was a dangerous digression from policy.

Councillor S Bull referred to the fact that Rialto had been in business a long time and should have known the cost of land. Councillor P Moore referred to the need to build communities for families. She would not support the proposal.

The Director stated that independent advice had been sought in relation to the viability of costs and suggested that there was an element of negotiation needed in relation to the number of units and that due consideration and recognition needed to be given to the archaeological costs. He stated that it was reasonable for the developers to achieve a profit at the market value of the site.

The Director emphasised that reducing the number of units would not create a precedent, as each would be considered on its merits. He referred to the need for the Council to deliver housing and that it did not have adequate land in this particular area and of its designation for housing purposes in the development plan. The Director stated that professional independent advice had recommended that the Council accept the revised scheme.

Councillor K Crofton urged Members to be flexible adding that it was an exceptional situation and that, unless the Council did something, it could lose a good development. He urged the need for further consideration and negotiation.

The Director was uncertain that further scrutiny of the figures would bring about anything different to what was being proposed.

Councillor A Burlton proposed and Councillor D Andrews seconded, a motion that the application be deferred to

enable Officers to enter into further discussions to seek to secure enhanced affordable housing provision.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Director of Neighbourhood Services as now detailed.

RESOLVED – that the application be deferred to enable Officers to enter into further discussions to seek to secure enhanced affordable housing provision.

137 3/13/0616/FP – TWO STOREY REAR EXTENSION WITH BALCONY, FIRST FLOOR SIDE EXTENSION WITH ROOFLIGHTS AND CONVERSION OF LOFT SPACE AT FARTHINGS, STATION ROAD, MUCH HADHAM, SG10 6AX FOR MR F HIGGS

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0616/FP, planning permission be granted subject to the conditions detailed in the report now submitted. He referred to an email from Councillor M Carver which had been circulated to all Members expressing his concerns about the application.

Councillor P Moore stated that she had visited the site and that it was not possible to see the house from the street. She could see nothing wrong with the application, adding that there were mainly large homes in the area.

Councillor S Bull referred to the fact that the property had undergone a number of improvements over the years.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/0616/FP, planning permission be granted subject to the conditions detailed in the report now

submitted.

- 138 3/13/0631/FP – PROPOSED WORKS COMPRISING DEMOLITION OF EXISTING OUTBUILDING AND TWO STOREY REAR EXTENSION AT GARDEN COTTAGE, CHURCH LANE, HUNSDON, SG12 8PP FOR MR P LAVELLE
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The Director of Neighbourhood Services recommended that, in respect of application 3/13/0631/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman expressed his concerns about the application, its footprint and access to the site primarily on the grounds that he felt that the site was overdeveloped and because of its impact on Copt Hall. In response to a query, the Director provided an explanation on the dimensions of the property in terms of its square footage.

Councillor K Crofton stated that this application was not harming anyone and of the need to take note of Officer's advice. He believed that the application would be successful on appeal if Members refused it.

Councillor M Newman proposed and Councillor T Page seconded, a motion that application 3/13/0631/FP be refused on the grounds that this amounted to overdevelopment of the site.

After being put to the meeting and a vote taken, this motion was declared LOST.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/0631/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

139 3/13/0946/PO – PRIOR NOTIFICATION APPLICATION FOR CHANGE OF USE FROM CLASS B1 (OFFICE) TO CLASS C3 (DWELLINGS) AT HIGH OAK HOUSE, COLLETT ROAD, WARE, SG12 7LY FOR HIGH OAK GROUP

The Director of Neighbourhood Services recommended that, in respect of application 3/13/0946/PO, prior approval was not required in respect of transport and highways impacts; contamination risks on site and flooding risks prior to beginning the development.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/0946/PO, prior approval was not required in respect of transport and highways impacts; contamination risks on site and flooding risks prior to beginning the development.

140 VALIDATION REQUIREMENTS FOR PLANNING AND LISTED BUILDING CONSENT APPLICATIONS – LOCAL LIST CONSULTATION

The Head of Planning and Building Control submitted a report inviting Members to consider the 'local list' requirements for the validation of planning and listed building applications. Members were also invited to agree consultation with relevant stakeholders on the 'local list'.

The Committee approved the proposal as now detailed.

RESOLVED – that consultation with relevant stakeholders on the proposed 'local list' of validation requirements for planning and listed building consent applications be approved.

141 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 9.35 pm

Chairman
Date