

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 6 NOVEMBER 2013, AT 7.00
PM

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

ALSO PRESENT:

Councillors P Ballam, P Ruffles and
K Warnell.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

ALSO IN ATTENDANCE:

Isabella Tafur - Francis Taylor Buildings,
Inner Temple, London

327 APOLOGY

An apology for absence was submitted on behalf of Councillor A Burlton. It was noted that Councillor T Page was substituting for Councillor A Burlton.

328 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised Members that the special meeting of the Committee to deal with outline planning applications relating to Bishop's Stortford North, had been rescheduled for Thursday 5 December 2013.

329 DECLARATIONS OF INTEREST

Councillor S Bull declared a disclosable pecuniary interest in application 3/13/0513/FP, in that he received a pension from the Co-op. He left the room whilst this matter was considered.

330 MINUTES – 9 OCTOBER 2013

RESOLVED – that the Minutes of the meeting held on 9 October 2013 be confirmed as a correct record and signed by the Chairman.

331 3/13/1215/RP – APPLICATION FOR APPROVAL OF RESERVED MATTERS IN RESPECT OF 3/11/0554/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR ERECTION OF 200 RESIDENTIAL UNITS AND ASSOCIATED ROADWORKS, LANDSCAPING, MATERIALS' AND PUBLIC OPEN SPACE AT TERLINGS PARK, EASTWICK ROAD, EASTWICK, HARLOW, HERTS, CM20 2QR FOR BLOOR HOMES SOUTH MIDLANDS

David Joseph addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/13/1215/RP, East Herts Council agree to a variation of the Section 106 agreement associated with Ipa references 3/11/0554/OP and 3/13/1023/FO, to remove wording regarding Designated Protected Areas which prevented shared ownership units being staircased to 100%.

The Director also recommended that, in respect of application 3/13/1215/RP, the reserved matters be approved subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations schedule in respect of comments from the County Highway Authority and Eastwick and Gilston Parish Council. Councillor M Newman, as the local ward Member, praised the work of the applicant and the Parish Council in working together in a very satisfactory manner to secure the improvements detailed at paragraph 7.10 of the report now submitted.

Councillor Newman stated that he understood and appreciated the residual concerns of the Parish Council in respect of primary and secondary school provision. He acknowledged however, that the site had always been earmarked for development and had been granted outline planning permission about a year ago. He concluded that there was very little that could be done regarding the Parish Council's residual concerns.

Councillor T Page sought and was given clarification as to whether the staircasing of the shared ownership units to 100% would lead to a loss of protection of the affordable housing stock. The Director acknowledged that there would be an impact in terms of properties available as affordable housing.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now submitted.

RESOLVED – that (A) in respect of application 3/13/1215/RP, East Herts Council agree to a variation of the Section 106 agreement associated with lpa references 3/11/0554/OP and 3/13/1023/FO, to remove wording regarding Designated Protected Areas which prevented shared ownership units being staircased to 100%; and

(B) in respect of application 3/13/1215/RP, the reserved matters be approved subject to the conditions detailed in the report now submitted.

332 3/13/1042/FP – RESIDENTIAL DEVELOPMENT
COMPRISING 113 FLATS WITH ASSOCIATED CAR
PARKING, LANDSCAPING AND RELATED WORK AT LAND
AT CRANE MEAD, WARE, SG12 9PT FOR MARKS MILL
LLP

Mr Waite addressed the Committee in objection to the application. Martin Robeson spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1331/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that, in respect of the second reason for refusal, the applicant had reviewed their viability appraisal and confirmed that they were prepared to provide 12 affordable units with a tenure split of 75% affordable rented and 25% shared ownership. Members were advised that the 12 units would equate to 10.6% of the total build.

The District Valuation Service (DVS) had previously advised that 18 affordable units could be provided, which was 16% of the total build. The Director stated that, on the basis of a reduced Section 106 contribution of £282,271, the DVS had since revised this estimate to 21 units or 18.5% of the total build.

The DVS had also indicated that there was scope to increase this further if the developer negotiated on the developer profit of 20%, which was at the higher end of the industry norm. The Director confirmed that Officers considered that the second refusal reason should remain.

The Director advised that the proposed site layout remained poor and the development failed to provide a coherent and attractive street scene. Officers therefore, recommended the third refusal reason was also retained.

Members were advised that, in light of the robust justification provided by Hertfordshire County Council for the education contributions, the applicant has stated that they were now content to fund these contributions. As such, none of the financial contributions were in dispute and the fourth refusal reason was no longer required.

Councillor E Bedford stated that, whilst he was conscious of the need for housing, this site benefited from ample parking and close proximity to Ware station. He concluded that the site should be retained for employment purposes.

Councillor T Page stated that it was important that balance was achieved between employment and housing and this had previously been a very important employment site.

The Committee supported the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/13/1042/FP, planning permission be refused for the following reasons:

1. The site is identified in the East Hertfordshire Local Plan as primarily reserved for employment use. The proposal would result in the loss of valuable employment land to the

detriment of the economic wellbeing of the District and the Local Planning Authority does not consider that there is no reasonable prospect of the site being used for its designated employment use. The proposed residential use is not therefore justified and would be contrary to policies EDE1, EDE2 and WA7 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance contained in the National Planning Policy Framework.

2. The proposed development fails to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and national planning policies contained within the National Planning Policy Framework.
3. The design and layout of the proposed development on the Starsgate site provides for poor amenity and outlook for units closest to the Railway Line and fails to take the opportunity to improve the way the area works by completing the landscaped pedestrian / cyclist route between Crane Mead , The River Lee and Ware Station. The proposal is in these respects poorly designed, contrary to policy ENV1 of the East Herts Local Plan and guidance in the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended) 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.

333 3/13/0513/FP – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3NO 1 BEDROOMED FLATS, 5NO 2 BEDROOMED FLATS, 6NO 2 BEDROOMED HOUSES, 1NO A1 RETAIL UNIT WITH 4NO OFFICES ABOVE AND 3NO UNITS FOR A1, A2 OR B1 USE AND ASSOCIATED ATM, CAR PARKING AND LANDSCAPING AT FORMER CO-OP SITE, STAR STREET, WARE, SG12 7AA FOR MR P ROBERTS

Phil Roberts addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the applicant or successor in title entering into a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Members were advised that the applicant had requested a revision of condition 16 so that all HGV service deliveries to the premises from Star Street would only be made between 22:00 hrs to 07:00 hours and 10:00hrs to 15:00hrs. The Director advised that this was suggested to enable the efficient servicing of the retail unit without impacting on the peak hours of traffic flow.

In response to a query from Councillor M Newman, the Director confirmed that an existing bus shelter close to the site would be relocated very slightly from its current location.

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 3/13/0513/FP, planning permission be granted subject to the conditions detailed in the report now submitted and subject to the following amended condition:

16. All HGV service deliveries to the premises from Star Street shall only be made between the following times 22:00hrs to 07:00hrs and 10:00hrs to 15:00hrs.

Reason: In the interests of highway safety and the free and safe flow of traffic and in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

334 3/11/0267/FP – CONSTRUCTION OF 3 NO. DETACHED DWELLINGS AT 37 LOWER ROAD, GREAT AMWELL, WARE, SG12 9SZ FOR MR JIM DEFILLIPO

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0267/FP, 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 recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/11/0267/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

335 3/13/1635/FP – INSTALLATION OF ATM UNIT WITH LOCKABLE COVER AT TESCO STORES, HAVERS LANE, BISHOP'S STORTFORD CM23 3PD FOR TESCO STORES LTD

George Cutting addressed the Committee against the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1635/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds, as a local ward Member, stated that the parking situation in this area was a serious concern. She expressed concern that town centre residents and shoppers would drive to and from the Tesco store on the Havers Estate as there were only 2 parking spaces at the town centre Tesco. She emphasised that the site was on a walking route to 3 local schools and the parking situation and additional traffic was creating a very dangerous situation for school children and pedestrians.

Councillor T Page commented that the application would adversely affect the vitality of the local economy, in particular local shops. He stated that the application would undermine the corporate priorities of the Authority, particularly in terms of people and prosperity. The Director stressed that Members should determine the application on the basis of local plan policies and the policies of the National Planning Policy Framework (NPPF).

Councillor Page commented that an inward facing ATM machine would protect the residents from the disruption of a 24 hour operation as the machine would be unavailable outside of the store's opening hours.

Councillors M Alexander and S Bull commented that this application for an external outward facing ATM machine

was unnecessary on this site as customers could already get cash back in the Tesco store.

The Director advised that the impact of the application on other local stores was not the issue for Members to determine. Members should be solely considering the impact of an ATM machine on the site.

Councillor K Crofton commented that the ATM could be an advantage to local shops if residents had ready access to cash without having to go into Tesco to get cash back. He stated that he did not see how an ATM would exacerbate issues of Anti-Social Behaviour if this was already a problem in the vicinity of this site.

In response to a query from Councillor M Alexander, the Director advised that Officers had liaised with the applicant since March 2013 and the applicant remained keen to pursue the application in its current form.

Councillor N Symonds proposed and Councillor T Page seconded, a motion that application 3/13/1635/FP be refused on the grounds that the use of the proposed ATM would result in additional activity with associated noise and disturbance with the potential for anti-social behaviour, which would have a harmful impact on the amenity of local residents and was therefore contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007. The proposed development would also have an adverse impact on the vitality of other retail uses in the vicinity and was therefore also contrary to policy STC8 of the East Herts Local Plan Second Review April 2007.

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 submitted.

RESOLVED – that in respect of application 3/13/1635/FP, planning permission be refused for

the following reasons:

1. The use of the proposed ATM would result in additional activity with associated noise and disturbance and has the potential to result in anti-social behaviour which together would have a harmful impact on the amenity of local residents. The proposal is thereby contrary to policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would increase the attractiveness of the application site's retail use in comparison to other retail uses in the vicinity potentially harmfully impacting on their viability. The potential loss of other retail uses would be contrary to policy STC8 of the East Herts Local Plan Second Review April 2007.

336 A) 3/13/1226/FP – TWO STOREY REAR EXTENSION WITH ALTERATIONS, AND REPAIRS/REPLACEMENT OF FENESTRATION (AMENDMENT TO PERMISSION REFERENCE 3/13/0295/FP), AND 3/13/1227/LB - AMENDMENTS TO LISTED BUILDING CONSENT 3/12/0294/LB (TWO STOREY REAR EXTENSION WITH ALTERATIONS REPAIRS/REPLACEMENT OF FENESTRATION) TO AMEND PROPOSED GLAZING ON THE SOUTH FACING COURTYARD ELEVATION AND ROOF WINDOWS ON THE WEST FACING COURTYARD ELEVATION AT 25 CASTLE STREET, HERTFORD SG14 1HH FOR MR AND MRS THORNTON

The Director of Neighbourhood Services recommended that, in respect of applications 3/13/1226/FP and 3/13/1227/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and votes taken, the Committee supported the recommendations of the

Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of applications 3/13/1226/FP and 3/13/1227/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

337 3/13/1513/FO – VARIATION OF CONDITION 3 (RESTRICTION OF USE) OF PLANNING APPROVAL REF 3/06/0604/FP TO PROVIDE OFFICE ACCOMMODATION WITHIN THE UPPER FLOOR OF THE DETACHED GARAGE AT LONGCROFT, MONKS GREEN LANE, BRICKENDON, HERTFORDSHIRE, SG13 8QL FOR WILLIAM ASHLEY AND PARTNERS

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1513/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Moore expressed concerns that this was a retrospective application that showed a lack of respect for the formal consultative process. She stated that an approval of this application would send the wrong message to the applicant and the wider community of East Herts.

Councillor D Andrews commented on whether the workspace in the live work units had been fully utilised. He also sought clarification in respect of whether Members were approving the removal of an onerous condition or granting retrospective planning permission.

Councillor E Bedford expressed his concern that this was a retrospective application. He referred to whether the application was to be determined in the same way as if it was not retrospective. He stated that, in his view, the proposed development made very little difference to the site.

Councillor T Page commented that the application concerned him from the point of view of a lack of transparency. He hoped that the Minutes would reflect the fact that there had been a recent dialogue of communication between Officers and the applicant.

Councillor M Alexander stated that Members did not like retrospective applications as they took away the possibility of attaching additional conditions. He stated that Members might have added conditions on this application covering a bat survey, materials of construction and also the hours of construction.

Councillor Alexander stated that he could see no reason why this application should be approved and there should be a discussion with the applicant and Officers to establish whether Longcroft was being used to its full potential.

The Director confirmed that the application was retrospective in nature. Members were however, advised that the Committee should determine the application using the same set of policies as if the application had been submitted in the usual way. Members were advised that all of the correct process had been followed prior to this application being brought to Committee.

The Director advised that although this was a Green Belt location, the Council's planning policies were largely supportive of the conversion of a modest area of floor space of 56 metres squared. Members were further advised that the Council's policies did not apply a sequential approach to whether a parent property should be used as office space in preference to the upper floor of a detached garage.

Councillor P Moore proposed and Councillor N Symonds seconded, a motion that application 3/13/1513/FO be deferred to enable Officers to consider further information necessary to determine the application in consultation with the Chairman and Vice-Chairman of the Committee.

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 submitted. Councillor T Page requested that his abstention from voting be recorded.

RESOLVED – that in respect of application 3/13/1513/FO, planning permission be deferred to enable Officers to consider further information necessary to determine the application in consultation with the Chairman and Vice-Chairman of the Committee.

338 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.

339 EXCLUSION OF PRESS AND PUBLIC

The Committee passed a resolution pursuant to Section 100(A)(4) of the Local Government Act 1972 to exclude the press and public during consideration of the business referred to in Minute 340 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A of the said Act.

340 PLANNING APPEALS, LAND NORTH AND SOUTH OF HARE STREET ROAD, BUNTINGFORD

The Director of Neighbourhood Services submitted a

report inviting Members to further consider the implications for the Council with regard to outstanding planning appeals in respect of land North and South of Hare Street Road, Buntingford. Members were reminded of the recent planning history for both sites.

The Director advised Members of the timescales for the forthcoming joint public inquiry since planning appeals had been submitted against both refusals of planning permission. The Director advised Members that Officers were recommending that the Authority present no evidence at the forthcoming joint public inquiry dealing with the above planning application proposals.

The Director also recommended that all parties would be immediately advised of the position of the Local Planning Authority.

The Director invited Isabella Tafur, a Barrister from Francis Taylor Buildings, to give Members advice in relation to the Council's position regarding both appeals. Following this, the Barrister answered a wide range of detailed questions from Members.

The Committee supported the recommendations as now detailed. Councillors S Bull and T Page requested that their dissent from this decision be recorded.

RESOLVED – that (A) the Authority presents no evidence to the forthcoming joint planning appeal public inquiry dealing with the planning application proposals relating to Land North and South of Hare Street Road, Buntingford; and

(B) all relevant parties be immediately advised of this position.

The meeting closed at 9.45 pm