

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 2 APRIL 2014, AT 7.00 PM

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

ALSO PRESENT:

Councillors M Carver, L Haysey, J Jones and
P Ruffles.

OFFICERS IN ATTENDANCE:

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

635 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that the following matters had
been withdrawn from the Agenda:

- 3/13/0804/OP – Land at Bishop's Stortford North –
Application by Bishop's Stortford North Consortium
and Landowners; and

- Planning Statistics.

636 MINUTES – 12 MARCH 2014

RESOLVED – that the Minutes of the meeting held on 12 March 2014 be confirmed as a correct record and signed by the Chairman.

637 3/13/2251/FP – DEMOLITION OF VACANT PUBLIC HOUSE AND BUILDING OF NEW RESIDENTIAL CARE HOME INCLUDING PARKING AND GARDEN AT 34 FANHAMS ROAD, WARE, HERTFORDSHIRE, SG12 7DQ FOR MR N MEYER

Mr Meyer addressed the Committee in support of 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 3/13/2251/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the Additional Representations Schedule, in particular two additional conditions that would ensure that the use of the property remained as proposed by this application.

Councillor M Alexander, as the local ward Member, stated that this pub had been empty for far too long. He commented that the site was unlikely to be used as a public house and this application represented a good reuse of the land.

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

RESOLVED – 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 3/13/2251/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

638 3/13/2268/RP – APPLICATION FOR APPROVAL OF RESERVED MATTERS IN RESPECT OF 3/11/0554/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF RESIDENTIAL DEVELOPMENT AND ASSOCIATED ROADWORKS, LANDSCAPING, MATERIALS AND PUBLIC OPEN SPACE – AMENDED PROPOSAL TO SUBSTITUTE HOUSE TYPES ON PLOTS 1-35 SITE A AND PLOTS 59-103 AND 125-140 SITE B AT TERLINGS PARK, EASTWICK ROAD, EASTWICK, HARLOW, HERTS, CM20 2QR FOR MILLER HOMES

Mrs Bickmore addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/2268/RP, the reserved matters be granted subject to the conditions detailed in the report now submitted.

The Director reminded Members that the Committee had already approved outline planning permission for what was a very significant addition to the local community. He stated that the approach taken so far had been to contain the development within the confines of the site and thereby reduce the impact on the surrounding green belt.

The Director believed that the approach would be that existing boundary treatments would remain on this site. He emphasised that the orientation of the proposed dwellings had already been approved by Members. Officers were seeking additional information in respect of boundary treatments in respect of this application.

The Director advised that this application proposed some changes to the layout and orientation of the dwellings.

Members were reminded that the proposed pedestrian access to the west of the site via Burnt Mill Lane would be retained as a link to the surrounding area.

The Director advised that the consultants acting for the applicant had undertaken a further site inspection visit in respect of ecological matters on 31 March 2014. This had confirmed that there was no further information or activity to report.

Councillor M Newman, as the local ward Member, commented that, where the proposed development fronted onto Eastwick Road, the boundary fence was embedded in woodland. He referred to an agreement with a previous developer that some of the razor wire on top of the boundary fence would be removed and, in places, the actual fence itself would be replaced with a more sympathetic design.

The Director stated that condition 5 could be amended to cover the means of enclosure used to surround the site to the north as well as to the west. In response to a query from Councillor D Andrews, the Director advised that the conditions dealing with permitted development rights also covered any details of gates within the site.

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 3/13/2268/RP, the reserved matters be granted subject to the following amended conditions:

1. Approved plans (2E10)

(13.141.002A, 13.141.003A, 13.141.004A,
13.141.100A, 13.141.101A, 13.141.102A,
13.141.103, 13.141.104, 13.141.105,
13.141.106, 13.141.107, 13.141.110A,
13.141.111, 13.141.112A, 13.141.113A,

13.141.114A, 13.141.115A, 13.141.116A,
13.141.117A, 13.141.118A, 13.141.119A,
13.141.120A, 13.141.121A, 13.141.125,
13.141.126)

2. Prior to the commencement of works above ground level for the dwellings hereby approved, the external materials of construction shall be 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.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure adjacent to a highway used for vehicular traffic as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

4. All materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority prior to the commencement of the

works associated with this hardsurfacing. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

5. Prior to the commencement of the development, full details of both hard and soft landscape proposals in respect of the western site boundary with Burnt Mill Lane and the northern boundary with Eastwick Road shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) 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.

6. Prior to the commencement of the works associated with pedestrian and cyclist access points onto Burnt Mill Lane (known as access points C and D), further details shall be submitted to and approved in writing by the Local Planning Authority to include sections

showing the changing land levels in the case of access point C and for both access points full details of both hard and soft landscape proposals. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Minor artefacts and structures (e.g. furniture, signs, lighting) (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) 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.

7. All hard and soft landscape works shown on the submitted drawings and additionally required by Conditions 5 and 6, shall be carried out in accordance with the approved details. New planting shall take place by the end of the first available planting season following the first occupation of the dwellings. 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.

8. Prior to the occupation of the first dwelling detailed plans to show the boundary treatment around the vehicular access into the site from Eastwick Road and the pedestrian public access into the open space shall be submitted to and approved in writing by the Local Planning Authority, together with a timetable for their provision. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality and the openness of the Green Belt and to ensure that an adequate public access is made into the public open space in accordance with the aims of Policies ENV1 and GBC1 of the East Herts Local Plan Second Review April 2007.

9. Provision and retention of parking spaces (3V23)
10. Prior to the occupation of the first dwelling house or in accordance with another timetable to be agreed with the LPA, the public footpaths/cycle paths and play areas within the public open space as shown on the approved landscape plans shall be provided and thereafter retained in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate provision within the public open space areas is made, in accordance with policies ENV1 and LRC3 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Outline permission relationship (07OP)
2. Planning Obligation (08PO)
3. The applicant is advised that development should proceed with caution and should the presence of any European protected species, and in particular Bats and Great Crested Newts , be found during the implementation of the development works should cease and advice should be sought from a suitably qualified ecologist on how to proceed lawfully.

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 and the Outline planning permission granted under lpa references 3/11/0554/OP and 3/13/1023/FO and the Reserved Matters granted under lpa reference 3/13/1215/RP is that permission should be granted.

639 3/14/0224/FP – GARAGE CONVERSION 48 THE COPSE,
HERTFORD SG13 7TX FOR MR P BURT

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0224/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 accepted the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/14/0224/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

640 3/14/0026/FP – TWO–STOREY SIDE EXTENSION WITH
REPLACEMENT GARAGE AT 3 BROAD GREEN WOOD,
BAYFORD SG13 8PS

Shirley Course addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0026/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director referred to the long standing national and local policies in respect of property extensions in Green Belt locations. Members were reminded that such extensions were not necessarily inappropriate provided that any development was not disproportionately larger than the main house.

The Director emphasised that each application for a property extension in the Green Belt was considered on its merits as and when each application was submitted. Members were advised that the properties at Broad Green Wood were closely related and there had been

various extensions to these properties over the years.

The Director stated that Officers generally sought to ensure that a degree of openness was maintained at first floor level between the properties at Broad Green to enable views to be maintained through to the Green Belt. Officers believed that there were no special circumstances for approving this application.

Members were also advised that an appeal inspector had, in reaching a decision on a similar application, ruled that an extension of this scale would be inappropriate in the Green Belt.

Councillor L Haysey, as the local ward Member, confirmed that the applicant, having sought pre-application advice in respect of this application, had initially been advised that the application would be approved. The applicant had subsequently been advised that the application was being reported to Development Management Committee and, in light of the appeal decision in respect of 6c, Broad Green Wood, Bayford, the application had been recommended for refusal.

Councillor Haysey believed that a majority of residents were supportive of the application. The Parish Council had not objected to the application and the Landscape Officer was also supportive. She believed that the development refused on appeal at property 6c was in a very different position on Broad Green Wood.

Councillor Haysey concluded that other extensions in this area were on a similar, if not greater, scale to the proposed development. She further believed that the reasons for refusal were not justified and she urged Members to support this application.

In response to a queries from Members, the Director confirmed that the proposed extension included solar panels in the roof space of 3 Broad Green Wood. Members were advised that the proposed extension

would only increase the floor space at ground and first floor level. The Director also confirmed that the house, as originally constructed, had a floor area of approximately 130 square metres and an existing conservatory at the rear of the property had a floor area of 32 square metres. The Director believed that the total increase in floor area from the existing and proposed extensions would be approximately 111 square metres, which constituted an 85% increase in the floor area of the original dwelling.

Councillor K Crofton commented that this application would be most suitable in this location and, although the gap between the properties would be reduced, this was a worthy application that would have a limited impact on the life of the village green at Broad Green Wood.

Councillor M Alexander stated that he was concerned in respect of the strong objections in paragraph 5.2 of the report now submitted. He was concerned in particular, regarding windows and overlooking of neighbouring properties.

Councillor G Jones commented that the inspector's appeal decision report had set a threshold beyond which development should not go.

Councillor N Symonds believed that, having visited the site, this application would be a step too far. She emphasised that the existing extensions were small and were to the rear of the properties and she would be voting against this application.

Councillor P Moore expressed concerns that, should this application be approved, it would not be long before other residents applied to build over other garages, which would leave the area very enclosed with little space between the dwellings to see the woodland views.

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

RESOLVED – that, in respect of application 3/14/0026/FP, planning permission be refused for the reasons detailed in the report now submitted.

641 E/13/0387/A – USE OF GARAGE AS AN INDEPENDENT DWELLINGHOUSE AT JOHNSONS THATCH, EAST END, FURNEUX PELHAM, HERTS, SG9 0JU

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0387/A, enforcement action be authorised on the basis now detailed.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/13/0387/A on the basis now detailed.

RESOLVED – that in respect of E/13/0387/A, the Director of Neighbourhood Services, in conjunction with the Director of Finance and Support Services, be authorised to take enforcement action on the basis now detailed.

642 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; and

(C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 7.43 pm