

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 30 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 R Beeching, E Buckmaster,
J Jones, G Lawrence, M McMullen,
P Phillips, P Ruffles and S Rutland-Barsby.

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
Stephen Tapper	- Senior Planning Officer
Alison Young	- Development Manager

655 MINUTES – 2 APRIL 2014

RESOLVED – that the Minutes of the meeting held on 2 April 2014 be confirmed as a correct record and signed by the Chairman.

656 3/13/0804/OP – LAND AT BISHOP'S STORTFORD NORTH – APPLICATION BY BISHOP'S STORTFORD NORTH CONSORTIUM AND LANDOWNERS

Mr Rivers addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, subject to the referral of the application to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, in respect of application 3/13/0804/OP:

1. In consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Democratic and Legal Services be authorised to complete a section 106 Agreement in accordance with the heads of terms as detailed in Essential Reference Paper 'A'.
2. in consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment, any two Members who represent Bishop's Stortford wards and who are members of this Committee and the Head of Democratic and Legal Services, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Democratic and Legal Services be authorised to complete a section 106 Agreement as may be amended, in all cases to ensure a satisfactory development.

3. upon completion of the section 106 Agreement in respect of application 3/13/0804/OP, planning permission be GRANTED subject to the conditions set out in Essential Reference Paper 'B', with amendments to conditions 38-40 to ensure a greater degree of monitoring of the traffic impact. The details of the amended conditions to be agreed in line with the following resolution; and
4. in consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment plus any two Members who represent Bishop's Stortford wards and who are Members of the Committee, in advance of the issuing of the planning permission, the Head of Planning and Building Control be authorised to add or remove conditions and directives and make such changes to the wording of them as may be necessary, to ensure clarity and enforceability, and to ensure a satisfactory development.

Councillor G Jones stated that he would like to see a timeline submitted that would guarantee the implementation of a completely sustainable development, as he was keen to avoid a situation whereby houses were completed without the completion of the appropriate supporting infrastructure. He expressed concerns in respect of drainage design and the comments of the Landscape Officer.

Councillor Jones stated that he was seeking a deferral to ensure his concerns were addressed and further improvements made to the scheme. He highlighted the possible increase in traffic due to the potential changes to the scheme.

Councillor N Symonds also expressed concerns regarding traffic impact and education provision.

The Director advised Members that the provisions of the

Section 106 Legal Agreement would include a range of triggers to ensure that key infrastructure elements of the scheme would be delivered at certain stages of the development.

The Director confirmed that Hertfordshire Highways and Hertfordshire County Council had requested some very ambitious and early triggers for the delivery of highways and education infrastructure within the Legal Agreement. The design and layout of the proposed schools would be considered through further planning applications.

Members were also advised that the scope of the proposals remained unchanged in that the scheme was for 2,200 houses and approving this application would not be approving a more significant development than Members had supported on 30 January 2014.

The Director pointed out that the flood risk issue was a balance between the most favourable designs in terms of soft drainage measures and the implementation of effective solutions. Members were advised that Officers considered that the soft drainage solutions being proposed were significant. The Landscape Officer would generally always seek to maximise the proposed landscaping features of an application.

The Director set out that the use of green roof designs would mean a move away from traditional house designs and the implication of this could be more contemporary design which had not generally received support locally. Officers were confident that all of the necessary safeguards were in place to ensure a satisfactory development.

In response to queries from Councillor A Burlton, the Director confirmed that no planning decision would be issued until the legal agreement had been signed. The Director provided a detailed breakdown of the layout of the site including the play areas and primary education provision in the western neighbourhood. Provision would

be put in place to ensure the maintenance of the trees and minor unadopted roads.

Members were advised that, in endorsing the recommendation, they would be giving Officers the authority to achieve further minor changes to the scheme where these were considered to be improvements. This would be subject to agreement with the Chairman, the Executive Member for Community Safety and Environment plus any two Bishop's Stortford Members who were Members of the Committee.

The Director concluded that the issue of highway capacity had been covered on the basis that mitigation measures would be brought forward if traffic exceeded predicted levels. Members were advised that, as per the previous decision of the Committee, further changes to the conditions regulating this matter were to be agreed with the appropriate Members.

In response to comments from Councillors P Moore and D Andrews regarding traffic, access and flooding, the Director advised that Officers had significant control over the issues of traffic and access issues. Officers were also satisfied that the concerns of the Environment Agency had been overcome and Members could be comfortable that the flood risk would be no greater than the status quo.

Councillor E Bedford stated that the applicant had been most helpful in engaging with Officers and residents. He stated that he was confident that Officers would continue to be diligent in making sure that the conditions and Section 106 legal agreement would ensure a satisfactory development.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/13/0804/OP be deferred to enable the landscape scheme to be improved in line with the design principles of the applicant and to the satisfaction of the Landscape Officer and also the

submission of further details in respect of drainage to the satisfaction of the Council's engineer and the submission of a timeline that would guarantee the implementation of a completely sustainable development.

After being put to the meeting and a vote taken, this motion was declared LOST. After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now detailed, subject to the referral of the application to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009.

RESOLVED – that, subject to the referral of the application to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, in respect of application 3/13/0804/OP, the recommendations of the Director of Neighbourhood Services be approved as now detailed.

- 657 3/14/0060/OP – ERECTION OF HIGH DEPENDENCY CONTINUING CARE RETIREMENT COMMUNITY COMPRISING OF: 80 BED CARE HOME UP TO 96 C2 EXTRA CARE/ASSISTED LIVING UNITS PUBLIC WOODLAND WALKING AREAS. SHARED COMMUNAL FACILITIES INCLUDING SWIMMING POOL, GYMNASIUM, DAY CENTRE, THERAPY ROOMS, RESTAURANT, STORE/POST OFFICE AND SURGERY LOCATED IN A CENTRAL PURPOSE DESIGNED CARE AND MANAGEMENT FACILITY SHARED EXTERNAL COMMUNAL FACILITIES INCLUDING TENNIS COURTS, BOWLING GREEN, GARDENING AREA AND WOODLAND WALKING AREA AT FORMER BRICKFIELDS, OFF COLE GREEN WAY, HERTFORD, SG14 2LF FOR MR L J ELMERMANN
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Mr Wischhusen addressed the Committee in objection to the application. Mrs Lerner spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0060/OP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor S Rutland-Barsby, as a local ward Member, commended Officers for an excellent report and the cogent and thorough representation from Hertford Town Council. She stated that this site had returned to nature in its entirety many years ago and there remained no activity for this area to qualify as a brownfield site.

Councillor Rutland-Barsby expressed concerns that, should this application be approved, Hertingfordbury would be joined to Hertford in a ribbon of development. She referred to the irresponsibility of locating such development where many of the potential access routes would be frequently closed due to flooding. She urged Members to accept the Officer's recommendation.

The Director referred Members to the additional representations summary. 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 3/14/0060/OP, planning permission be refused for the reasons detailed in the report now submitted.

658 3/14/0094/OP – OUTLINE PLANNING APPLICATION FOR A DEVELOPMENT OF UP TO 10 DWELLINGS WITH ALL MATTERS RESERVED EXCEPT HIGHWAY ACCESS ONTO GREEN END (B1368) ON LAND EAST OF GREEN END FARM, GREEN END, BRAUGHING, SG11 2PG FOR THE FAIRFIELD PARTNERSHIP

Mr Boylan addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended

that, in respect of application 3/14/0094/OP, planning permission be refused for the reasons detailed in the report now submitted.

The Chairman, as the local ward Member, referred to the 44 letters of objection that had been received by Officers. She also highlighted that fact that Braughing had already seen the recent construction of 54 new residential dwellings. She stated that she could not have put the case for refusal any better than the public speaker against this application.

Councillor P Moore stated that this application had been proposed on a totally inappropriate site, which was located in flood zone 2. She commented that, due to the steep gradients of the site and the fact that the proposed development would be overbearing, she would be voting against this application.

The Director reminded Members that the emerging District Plan was still subject to consultation so should not be given significant weight by Members. Members were advised that, depending on the volume and content of objections made during the current consultation period, the policies set out in the emerging District Plan would start to attract weight following the completion of the consultation.

The Director stated that the Committee should base any decision making on the policies of the East Herts Local Plan Second Review April 2007, except where the policies of the National Planning Policy Framework (NPPF) had moved matters on in policy terms. 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 3/14/0094/OP, planning permission be refused for the reasons detailed in the report now submitted.

659 3/13/1820/FP – DEMOLITION OF EXISTING LAFARGE
TARMAC DEPOT BUILDINGS AND STRUCTURES.
CONSTRUCTION OF A MIX OF 8 SUSTAINABLE
DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY
WORKS, LANDSCAPING, WATER MANAGEMENT AND
FOOTPATH PROVISION AT LAND ADJOINING SACOMBE
ROAD, WATERFORD FOR JOHN DUFFIELD

Mr McCabe addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1820/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor P Phillips, as a local ward Member, stated that the benefits of the application to the Bengeo Ward, Hertford and to East Herts outweighed the risks of harm to the Green Belt. He confirmed that the 8 sustainable dwellings would produce no CO² when in occupation and would utilise rainwater harvesting. Councillor Phillips concluded that there was significant local support for this application and he urged the Committee to approve the application.

The Director reminded Members of the presumption against development in the Green Belt. Members were advised however that, due to the provisions of the NPPF, development could be permitted on previously developed land so long as this would not cause additional harm than any existing development.

The Director concluded that Officers were of the view that the proposed development would cause further harm than the existing use of the site. The Committee should therefore approach the matter on the basis that the proposed use constituted inappropriate development and was contrary to the purposes of green belt, specifically, protecting the countryside from encroaching development. Members should then assign weight to the

likely benefits that could result from this application and determine if they clearly outweighed the harm.

In response to comments from Councillors P Moore and G Williamson, the Director advised that the Council had no control over land ownership and could only control land use. Members were advised that Officers considered the design, layout, building materials and aspirations of the applicant should not outweigh the issue of Green Belt policy, because there was not a locationally specific requirement for the development to be located here.

Councillor K Crofton stated that this was a very exciting development that represented a very good use of the site and the likely benefits far outweighed the issue of Green Belt policy. Councillor N Symonds requested that the applicant take particular care to protect wildlife, with particular regard to the impacts of the application on basking adders. She stated that this application was a step too far and she would be supporting the Officer's recommendation for refusal.

Councillor M Alexander stated that this application should be approved for 8x code 6 accredited zero carbon dwellings, subject to very strict legal conditions to ensure that the sustainable credentials were not lost in favour of more luxury dwellings.

Councillor G Jones proposed and Councillor M Alexander seconded, a motion that application 3/13/1820/FP be granted on the basis that there were special and unique circumstances for approving the application, namely the aspirational and demonstrative nature of the proposed development, that outweighed the policy presumption against development in the Green Belt.

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, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of matters delegated to Officers to determine, planning permission be granted for application 3/13/1820/FP, subject to conditions, the details of which were delegated to Officers to formulate.

660 3/14/0411/FP – REDEVELOPMENT TO PROVIDE A NEW COLLEGE BUILDING, CAR PARKING, ASSOCIATED ACCESS AND LANDSCAPING, INCLUDING DEMOLITION OF EXISTING BUILDINGS AT HERTFORD REGIONAL COLLEGE, SCOTTS ROAD, WARE, HERTS, SG12 9JQ FOR HERTFORD REGIONAL COLLEGE

Mr Forbes addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0411/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds stated that she was supportive of the application. She expressed concern regarding asbestos in what was a very old building. She also expressed concerns regarding the hours of construction commencing at 7:30 am on weekdays. She stated that a start time of 8:30 am would be better.

Councillor M Alexander commented that the application would provide education and employment and would add to the economic life of Ware. He suggested that Officers should apply the industry standard in respect of hours of construction.

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 3/14/0411/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 661 3/13/1654/FP – USE OF THE LAND FOR FISHING, SWIMMING, SHOOTING, SEGWAY HIRE, WEDDINGS AND FUNCTIONS. ERECTION OF MARQUEE BETWEEN 1ST MARCH AND 30TH SEPTEMBER; THE RETENTION OF AN ASSOCIATED STORAGE CONTAINER; THE EXTENSION OF HARD STANDING TO FORM AN ACCESS TO THE MARQUEE AND THE CHANGE OF USE OF LAND FOR OVERFLOW CAR PARKING. (RETROSPECTIVE) AT REDRICKS LAKES, REDRICKS LANE, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 0RL FOR MITCHELL EDWARDS, REDRICKS LEISURE PARK LTD

Mr Newton addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/1654/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor R Beeching, as a local ward Member, summarised the local feeling towards the various activities at Redricks Lake. He stated that the proposed activities provided a valuable function that allowed residents to enjoy a natural unspoilt countryside area that supported East Herts Council's aspirations in terms of health and wellbeing.

Councillor Beeching concluded that there had been no objections from Hertfordshire Highways, the Environment Agency or Hertfordshire Ecology. He urged the Committee to approve the application as the benefits of the application outweighed the harm that could be caused to the Green Belt.

In response to a query from Councillor M Alexander regarding the planning history of the site, the Director advised that the open water swimming had intensified in regularity to the point where this required planning permission and, as the marquee was left in situ during the summer months, this was a semi permanent structure that also required planning permission.

The Director confirmed that Officers considered that, at the current scale and frequency of events, the use of the site for swimming, segway hire, shooting and bird of prey events was considered to be ancillary to the lawful use of the site. Members were advised that enforcement action was not considered expedient in respect of the open water swimming. The Director emphasised that, should the intensity or extent of those uses increase in the future, the Council would need to reconsider the expediency test for enforcement action.

The Director concluded that, whilst it was not considered expedient to take enforcement action to secure the removal of the access track to the marquee, it was recommended that an enforcement notice was required for the removal of the hardstanding upon which the marquee was erected to ensure that it was not subsequently used for parking, which would have a detrimental impact on the openness and rural character of the area.

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

RESOLVED – that, (A) in respect of application 3/13/1654/FP, planning permission be refused for the reasons detailed in the report now submitted; and

(B) in respect of 3/13/1654/FP, 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.

662 3/14/0254/FP – ERECTION OF 1 NO. FIVE BED AND 1NO. FOUR BED DETACHED DWELLINGS WITH ASSOCIATED OFF-STREET PARKING, LANDSCAPING AND NEW VEHICULAR ACCESS AT THE COTTAGE, CAUTHERLY LANE, GREAT AMWELL, SG12 9SD FOR MRS J MAYES

Mr Richardson addressed the Committee in objection to the application. Ms Mayes spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0254/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillor S Bull read out the key points from a lengthy e-mail that had been sent to all Members of the Committee. He referred to references in the e-mail to the relative openness of the site and to the fact that it was bounded on all sides by steep banks and mature landscaping, which prevented clear public views into the site. The e-mail concluded that the application was infill development that was in accordance with policies GBC1 and OSV2 of the East Herts Local Plan Second Review April 2007.

The Director reminded Members that the East Herts Local Plan and the NPPF were clear in stating that residential development in the Green Belt was inappropriate. Members were advised that the lack of public views into the site did not alter the weight to be assigned to this harm and the Committee had to consider whether there were other issues that clearly outweighed the harmful impact this application would have on the Green Belt.

Councillor S Bull proposed and Councillor K Crofton seconded, a motion that application 3/14/0254/FP be approved on the grounds that that the application was in accordance with policies GBC1 and OSV2 of the East Herts Local Plan Second Review April 2007.

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

RESOLVED – that, in respect of application 3/14/0254/FP, planning permission be refused for the reasons detailed in the report now submitted.

663 3/13/2273/FP – TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION AT 4 LOWER COTTAGES, THE CAUSEWAY, BRENT PELHAM, BUNTINGFORD, SG9 0HN FOR MR JAMES CLAGUE

Mr Clague addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/2273/FP, planning permission be refused for the reasons detailed in the report now submitted.

Councillors P Moore and N Symonds addressed the Committee in support of the Officer's recommendation for refusal. 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 3/13/2273/FP, planning permission be refused for the reasons detailed in the report now submitted.

664 3/14/0016/FP – ERECTION OF RESIDENTIAL ANNEXE (BUILDING PREVIOUSLY APPROVED AS GARAGE UNDER REF: 3/10/1997/FP) AT 5 BLUEBELL WALK, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 0JQ FOR MR S GRAYSTON

The Director of Neighbourhood Services recommended

that, in respect of application 3/14/0016/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor E Buckmaster, as a local ward Member, referred to the debatable designation of this structure as a residential annexe. He stated that he felt that this application should be refused. He referred to the frustration of local residents with this application and he commented that, should residential use of the annexe become permanent, then full planning permission should be applied.

The Director reminded Members that the application, although retrospective, had to be determined using the same set of policies and procedures as if it were an application for new development, in this case the relevant Local Plan policy was ENV8 and Officers felt that this residential annexe was of a scale that was in accordance with that policy.

In response to comments from Councillors P Moore and M Alexander, the Director gave the definition that Officers used when designating a structure as a residential annexe.

At this point (9.50 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

Councillor P Moore proposed and Councillor M Alexander seconded, a motion that application 3/14/0016/FP be refused as the application had the potential to be harmful to the amenity of adjoining residents by reason of loss of privacy, noise and disturbance and was therefore contrary to policies GBC1, ENV8 and ENV1 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. Councillor M Alexander requested that his vote in support of this motion be

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

RESOLVED – that, in respect of application 3/14/0016/FP, planning permission be refused for the following reasons:

1. The proposal by reason of its siting away from the main house is not capable of being used as an integral part of the dwelling and constitutes inappropriate development in the Green Belt. In addition, it has the potential to be harmful to the amenity of adjoining residents by reason of loss of privacy, noise and disturbance. It is thereby contrary to policies GBC1, ENV8 and ENV1 of the East Herts Local Plan Second Review April 2007.

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 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.

665 LAND AT ASPENDEN ROAD, BUNTINGFORD

The Director of Neighbourhood Services submitted a report seeking confirmation from Members that the stated reasons for refusal of application 3/13/1399/OP, in respect of proposed residential development at Land East of Aspenden Road, Buntingford, appropriately reflected

the scope of the concerns raised by Members at the Committee meeting on 12 March 2014.

The Director confirmed that the applicants believed that policy ENV25 of the Local Plan, which was referred to in the second reason for refusal, had not been raised by Members during the meeting. The applicant had sought clarification as to why that policy objection formed part of the second reason for refusal.

The Director believed that Members' concerns had been clearly articulated at an early stage in the 12 March 2014 meeting in relation to the impact of traffic noise from the A10 on future occupants of the proposed development. Members were advised that policy ENV25 of the East Herts Local Plan Second Review April 2007 was the relevant policy.

Members were reminded that Councillor P Moore had raised the issue of noise impact at an early stage of the meeting, commenting that Environment Health's suggestion for acoustic fencing and mechanical ventilation implied that residents would not be able to open windows due to the close proximity of the A10.

Members confirmed the second reason for refusal as now detailed.

RESOLVED – that, in respect of application 3/13/1399/OP, the Committee confirmed that the second reason for refusal appropriately reflected Members' concerns relating to the impact of traffic noise on future occupiers of the development and that the inclusion of the reference to policy ENV25 was appropriate to that concern.

666 ENFORCEMENT UPDATE

The Director of Neighbourhood Services submitted a report that had been requested by Members of the Development Management Committee in respect of the

latest situation regarding current Enforcement Notices and Enforcement Statistics.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

667 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.
- (D) Planning Statistics.

The meeting closed at 9.58 pm

Chairman
Date