

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 25 JUNE 2014, AT 7.00 PM

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

ALSO PRESENT:

Councillors W Ashley and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

| | |
|----------------|--|
| Glyn Day | - Principal Planning Enforcement Officer |
| Tim Hagyard | - Development Team Manager (West) |
| Peter Mannings | - Democratic Services Officer |
| Kevin Steptoe | - Head of Planning and Building Control Services |
| Alison Young | - Development Manager |

64 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor P Moore and seconded by Councillor Mrs R Cheswright that Councillor M Newman be appointed Vice-Chairman of the Development Management Committee for the 2014/15 civic year.

After being put to the meeting and a vote taken, Councillor M Newman was appointed Vice-Chairman of

the Development Management Committee for the 2014/15 civic year.

RESOLVED – that Councillor M Newman be appointed Vice–Chairman of the Development Management Committee for the 2014/15 civic year.

65 APOLOGY

An apology for absence was submitted on behalf of Councillor E Bedford. It was noted that Councillor S Bull was in attendance as substitute for Councillor E Bedford.

66 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members that the next scheduled training session would take place on Wednesday 23 July 2014, at 5.15 pm in Room 27, Wallfields, Hertford, prior to the next meeting of the Committee. Training had been arranged for two meetings running as the May 2014 meeting of the Committee had been cancelled.

The Chairman thanked Councillor A Burlton for his input at Development Management Committee over many years. She also welcomed Councillor P Ruffles back onto the Development Management Committee.

67 DECLARATIONS OF INTEREST

Councillor M Alexander declared a disclosable pecuniary interest in application 3/14/0639/FO, as he received a pension from GlaxoSmithKline. He left the room whilst this matter was considered.

68 MINUTES – 30 APRIL 2014

RESOLVED – that the Minutes of the meeting held on 30 April 2014 be confirmed as a correct record and signed by the Chairman.

69 3/13/1967/FP – DEMOLITION OF SOVEREIGN HOUSE AND REDEVELOPMENT TO PROVIDE 84 NO. RESIDENTIAL UNITS, 83 CAR PARKING SPACES, RELOCATED SUB-STATION AND ASSOCIATED ACCESS, AMENITY SPACE AND LANDSCAPING – AMENDED SCHEME AT SOVEREIGN HOUSE, HALE ROAD, HERTFORD, SG13 8EQ FOR TELEREAL TRILLIUM

Mr Gale 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 obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/13/1967/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor S Rutland–Barsby, as the local ward Member, commented that, whilst it would have been better to re-develop the whole site, she was sure that this application would encourage a further complimentary application for the remaining corner of the site. Therefore, she urged the Committee to approve the application.

The Director advised that the density of the proposed development was high at 207 dwellings per hectare. The neighbouring Pimlico Court development had been 135 dwellings per hectare.

Members were advised that the site was located within parking Zone 3 (as identified in the Councils SPD), but also on the edge with Zone 2. The Director stated that, under the Council's adopted parking standards, the maximum Zone 3 provision for the proposed development would be 124 spaces whilst the maximum for Zone 2 would be 83 spaces. The provision of 83 spaces within the development was therefore 41 spaces below the maximum for Zone 3.

The Director reported on various minor changes to the proposed planning conditions and that the planning condition for landscaping had been amended to prevent the provision of outdoor gardens, although it was understood that the applicant would prefer to retain these and did not see the need to omit such gardens. Members were advised that the only balcony on Gascoyne Way side was for the fourth floor at a recessed position where air issues should not be so problematic.

The Director recommended that the Section 106 obligations be amended to include survey and improvement works to the underpasses adjacent to the site.

Councillor P Ruffles thanked Officers for the fullness and logical detail of the report. He referred to the exacting challenge that Officers had set when having discussions with the applicant. He concluded that the application was the best fit for the site and he was supportive of the Officers recommendation.

Councillor G Williamson referred to the clear benefits of the application which would enhance this part of Hertford. He expressed concerns however that the application was contrary to East Herts policy in respect of retaining employment land and the 7% affordable housing provision was way below the usual 40% requirement.

Councillor M Alexander stated that the lack of affordable housing was disappointing given that this was a town centre location that would be ideal for affordable housing provision. Councillor M Newman stated that he was disappointed with the appearance of the proposed development. He was supportive of the conditions detailed in the report and asked that Officers be exacting in the application of those conditions.

The Director reminded Members that the design and review process was very much in line with standard

practice and the provisions of the National Planning Policy Framework. The Conservation Officer was happy with this application, the design benefits of which were as much about the building as the enhancement of areas around it.

The Director advised that the figures regarding affordable housing had been externally assessed. Members were also advised that flatted schemes were more costly to build than an estate of houses and levels of affordable housing were lower as a result of this additional cost. There were also costs associated with the demolition works and the basement of the existing building.

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 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 application 3/13/1967/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

70 3/14/0639/FO – VARIATION TO CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION REF: 3/13/1866/FP – ERECTION OF RESPIRATORY MANUFACTURING FACILITY WITH ASSOCIATED WORKS AT GLAXOSMITHKLINE PHARMACEUTICALS (WARE) LTD, PRIORY STREET, WARE, HERTFORDSHIRE, SG12 0DJ FOR GLAXOSMITHKLINE PHARMACEUTICALS

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0639/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 accepted the recommendation of the Director

of Neighbourhood Services as now submitted.

RESOLVED – that, in respect of application 3/14/0639/FO, planning permission be granted subject to the conditions detailed in the report now submitted.

71 3/13/2086/FP – CHANGE OF USE OF LAND TO GARDEN, ERECTION OF SHED, SUMMERHOUSE AND HARDSTANDING – RETROSPECTIVE APPLICATION AT LAND R/O NO.'S 13, 14, 15, 16, 17, 22, 42, 43, 44, 49, 50, 51 AND 52, PENNINGTONS, BISHOP'S STORTFORD, CM23 4LE FOR MR G GOODYEAR

Mr Walker addressed the Committee in objection to the application. Mr Clarke spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/13/2086/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the additional representations scheduled. Councillor N Symonds, as a local ward Member, expressed her concerns regarding the events that had preceded the submission of this application. She stated that she agreed with a lot of the points made by Councillor G Cutting in his letter to the Committee.

Councillor Symonds commented that the site was not landlocked and was supposed to be separated from the Thorley development along with the rest of St Michael's Mead. She concluded that the Committee should approve the application in line with the recommendations of the landscape Officer at paragraph 3.1 of the report now submitted.

Councillor K Crofton commented that the issue of the lost trees was not a relevant planning issue and the only matter at stake was the change of use of land to garden

and the erection of the sheds, summerhouses and hardstanding.

Councillor P Moore stated that the issues at stake included the loss of the green space buffer between this development and the surrounding housing developments. She believed that the loss of this green space and the damage to the fencing was quite distressing.

The Director stated that, as the trees were not protected by tree preservation order and did not lie within a Conservation Area, Members should not attach any weight in planning terms to their loss. Members were advised that the addition of land to the residential curtilage of properties for the introduction of hardstanding and summerhouses into residential gardens was not an unusual occurrence in the District.

Officers would not normally seek to ensure replacement trees or new tree planting in such situations. The Director concluded that a condition for the reintroduction of the landscape buffer would not meet the standard tests for conditions, particularly as the landscaping had not been protected by planning conditions or tree preservation order.

The Director also concluded that the issue regarding the relationship between the properties was not one Members should be concerned about, given that there were generous distances between the properties and the use of the land was conventional in the context of residential gardens.

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 3/13/2086/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

72 3/14/0596/FP – ERECTION OF A FARM MANAGER'S
DWELLING AT CLEMENTS FARM, BRICKENDON LANE,
BRICKENDON, HERTFORD, HERTS, SG13 8FG FOR A T
BONE AND SONS LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0596/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman stated that this application, for the proposed replacement of an existing mobile home with a permanent two storey farm manager's house, constituted a huge step up in terms of the scale of development on this site and this caused him a degree of unease as to how long the proposed development would remain a farmhouse.

The Director advised that there were no guidelines surrounding the size of an agricultural worker's dwelling and such a dwelling had to provide for the agricultural worker and family in a variety of situations. Officers had recommended that, should this application be approved, 'permitted development' rights would be removed regarding further extensions in what was a Green Belt location.

Councillor N Symonds reiterated that there must be very special circumstances for development in the Green Belt. She agreed with the points made by Councillor M Newman regarding the increase in the size of the property that was the subject of this application.

In response to a query from Councillor M Alexander, the Director advised that the agricultural tie linking the occupant to Clements Farm was such that any application to remove this connection would have to be backed up by evidence that there was no need for an agricultural worker on Clements Farm or in the locality.

Councillor G Jones proposed and Councillor M Alexander seconded, a motion that application 3/14/0596/FP be

refused on the grounds that, due to the size and scale of the proposed dwelling, the inappropriate nature of the proposed development in the Metropolitan Green Belt was not clearly outweighed by any agricultural justification for a farm manager at the site. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and section 9 of the National Planning Policy Framework.

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 3/14/0596/FP, planning permission be refused for the following reasons:

1. The application site lies within the Metropolitan Green Belt as defined in the East Hertfordshire Local Plan wherein permission will not be given except in very special circumstances for development for purposes other than those required for mineral extraction, agriculture, small scale facilities for participatory sport and recreation or other uses appropriate to a rural area. The proposed development constitutes inappropriate development, is harmful by definition and should not be approved except in very special circumstances. The harm by inappropriateness, the additional harm by the loss of openness and the adverse impacts on the rural character of the Metropolitan Green Belt due to the size and scale of the proposed dwelling are not clearly outweighed by any agricultural justification for a farm manager at the site. The proposal would therefore be contrary to policy GBC1 of the East Herts Local Plan Second Review April 2007 and section 9 of 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. The Council would like to draw the applicant's attention to the pre-application advice given in the officer's letters under ref. M/13/0150/01 dated 19th December 2013 and ref. M/13//0150/02 dated 4th March 2014.

73 3/12/2164/FP – ENHANCEMENT OF TUDOR SQUARE – AMENDED PROPOSAL AT TUDOR SQUARE, WARE. SG12 9XF FOR WARE TOWN COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/12/2164/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 3/12/2164/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

74 3/14/0349/FP – SINGLE STOREY REAR EXTENSION AND TWO STOREY FRONT EXTENSION AT 18 WOODHALL CLOSE, BENGEO, HERTS, SG14 3ED FOR MR S HIGGS

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0349/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 3/14/0349/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

75 3/14/0494/FP – CONSTRUCTION OF DETACHED ANNEXE AT THE HAVEN, ALBURY ROAD, LITTLE HADHAM SG11 2DW FOR MRS HOLDGATE

Jody Holdgate addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/14/0494/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Alexander commented on the enforceability of the second planning condition detailed in the report, in terms of whether the annexe could become a saleable property in its own right. Councillor M Newman referred to whether a separate access onto Watts Close would increase the possibility of the proposed annexe being a separate property. He queried whether there was any provision for preventing the introduction of a separate access.

The Director acknowledged that there was a risk that the

annexe could become a separate residential unit with separate boundaries to the main dwelling. He stated that the main issue was therefore whether this would be of any concern to the local planning authority.

Councillor G Jones stated that, whilst he would be concerned regarding the separation of the annexe from the main dwelling, he empathised with the comments of the public speaker and he was minded to support this application.

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 3/14/0494/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

76 E/11/0039/A – UNAUTHORISED USE OF INDUSTRIAL UNIT FOR THE DELIVERY OF HOT FOOD AT UNIT 4A HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, SG11 2DY

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/11/0039/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/11/0039/A on the basis now detailed.

RESOLVED – that in respect of E/11/0039/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.

77 E/12/0125/B – FAILURE TO COMPLY WITH CONDITION 11 OF PLANNING PERMISSION REF: 3/01/0608/FP WHICH REQUIRES THE REPLACEMENT PLANTING OF LANDSCAPE TREES WHICH HAVE DIED AT DOLPHIN YARD, MAIDENHEAD STREET, HERTFORD, SG14 1DR

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0125/B, enforcement action be authorised on the basis now detailed.

Councillor M Newman sought and was given clarification as to what action could be taken if the appellant failed to comply with the enforcement action that Members were being asked to authorise.

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/12/0125/B on the basis now detailed.

RESOLVED – that in respect of E/12/0125/B, 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.

78 E/13/0221/B – UNAUTHORISED USE OF PROPERTY AS A CHILDREN'S HOME AT NUTWOOD COTTAGE, WEST END ROAD, WORMLEY WEST END, HERTS, EN10 7QN

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/13/0221/B, 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/13/0221/B on the basis now detailed.

RESOLVED – that in respect of E/13/0221/B, 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.

79 E/12/0320/B – UNAUTHORISED RESIDENTIAL USE OF THE STUDIO, CHURCHFIELD ROAD, TEWIN, AL60JW

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/12/0320/B, 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/12/0320/B on the basis now detailed.

RESOLVED – that in respect of E/12/0320/B, 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.

80 DEED OF VARIATION ON A SHARED OWNERSHIP UNIT AT 4 LLOYD TAYLOR CLOSE, LITTLE HADHAM

The Director of Neighbourhood Services submitted a report seeking approval for a deed of variation to the Section 106 agreement relating to planning permission ref 3/1893-90OP, to remove the staircasing restriction on one shared ownership unit at 4 Lloyd Taylor Close, Little Hadham.

The Director advised that, despite the restriction, one of the shared ownership units had been staircased to 100% ownership and the freehold had been relinquished. Members were advised that this appeared to be a historic administration error that needed to be clarified for all parties. Officers had concluded that it was not in the

interests of the Council to pursue the matter any further and the recommendation would regularise the situation.

Councillor N Symonds referred to a covenant on the properties in Lloyd Taylor Close meaning that only people from Little Hadham could live in these properties. The Director confirmed that the current situation would allow the sale of the property on the open market. Councillor G Williamson sought and was given clarification of what would happen should the Committee not approve the deed of variation for 4 Lloyd Taylor Close. The Director stated that the occupants and the Authority might be compelled to take legal advice in that respect.

Councillor G Williamson proposed and Councillor N Symonds seconded, a motion that the decision regarding the deed of variation on the shared ownership unit at 4 Lloyd Taylor Close be deferred to enable Officers to investigate whether there was a separate restrictive covenant on the property and also what action was open to the Authority should the deed of variation be refused.

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

RESOLVED – that the decision on the deed of variation on the shared ownership unit at 4 Lloyd Taylor Close be deferred.

81 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 8.36 pm

Chairman

Date