

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 7 JANUARY 2015, AT 7.00
PM

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

ALSO PRESENT:

Councillors P Ballam, M Carver, T Herbert,
P Phillips, S Rutland-Barsby and J Wing.

OFFICERS IN ATTENDANCE:

Christopher Barnes	- 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

456 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Alexander and Mrs R Cheswright. It was noted that Councillor S Bull was substituting for Councillor Alexander.

457 CHAIRMAN'S ANNOUNCEMENTS

The Vice–Chairman advised that the Chairman was unwell and he would be chairing the meeting.

458 MINUTES – 10 DECEMBER 2014

RESOLVED – that the Minutes of the meeting held on 10 December 2014 be confirmed as a correct record and signed by the Chairman.

459 3/14/1583/FP – ERECTION OF 22 HOUSES INCLUDING 13 OPEN MARKET AND 9 SHARED OWNERSHIP TOGETHER WITH A NEW ACCESS OFF DANE O'COYS RD, BISHOP'S STORTFORD FOR GRANGE BUILDERS LLP AND OTHERS

Jane Orsborn and Tony Prior 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 3/14/1583/FP, planning application be granted subject to the conditions detailed in the report now submitted.

The Director advised that the first issue for Members to consider was the principle of development on this site. Officers were of the view that planning permission should be granted as this site was part of a wider area of land identified for residential development.

Members were advised that there were options for the mix of subsidised housing as part of this application and the achievable options were detailed on page 22 of the report. The Director stated that the current policy of the Authority was to ensure that such provision was provided within a development site as there were generally limited options to secure provision elsewhere.

The Director commented that the site was located

immediately adjacent to the wider Bishop's Stortford North ASR sites where some provision of subsidised housing could be made. Members were advised that the Council's Solicitor was concerned that an adverse precedent would be set if the 100% shared ownership option was selected contrary to Council policy.

The Director stated that if the Committee considered that the development proposal had merit in principle; Members should attach limited weight to the preference of the applicant for off-site provision of subsidised housing.

Councillor G Jones disagreed with the conclusions of paragraph 6.13 that the Bishop's Stortford Silverleys and Meads Neighbourhood Plan could not be given significant weight until the document had been considered further and subjected to a referendum, given that the final content of the plan was known. He also expressed some concern regarding the impact of the conclusions of paragraph 6.13 on other Neighbourhood Plans across the District and the lack of weight that could be assigned to documents that had been the subject, in this case, of at least two years work.

Councillor N Symonds stated that she was very concerned that no social housing had been included on the site as part of this application. She commented that the application constituted overdevelopment of the site and ingress and egress would be very difficult into what was currently a muddy field with no proper access road.

Councillor Symonds commented that Bishop's Stortford Town Council and Chantry Community Association were against the application and she was concerned over the impact of the application on wildlife. She stated that the site was the last area of green space left in this part of Bishop's Stortford apart from Hoggates Wood.

Councillor P Moore expressed concerns in respect of the point raised on page 12 of the report that the main Bishop's Stortford North development area was a more suitable location for social housing. She was also

concerned in respect of the assertion that owner occupiers looked after property and the environment better than those who rented. Councillor Moore expressed her support for the application on the basis of option (a) on page 20 of the report as regards the tenure of affordable housing.

In response to a question the Director stated that there was no history of previous planning applications on this site as regards residential development of this nature. Members were reminded that the site had been identified as within an area that was, in principle, acceptable for development as part of the Bishop's Stortford North allocation.

The Director acknowledged the characteristics of the locality with regard to highways access. Members were advised that improvements to the existing unsurfaced and surfaced access roads would be required if the application was supported. However any engineering improvements would not be so significant as to alter the character of the area.

The Director advised that the Council's affordable housing policies supported the delivery of both shared ownership properties and those which were rented through Registered Providers. Members were advised that this application did then include social or affordable housing. However, the Council's current policy preference was for the provision of 25% shared ownership and 75% rented accommodation.

The Director advised that the Neighbourhood Plan and the weight that could be assigned to it were covered by a relatively new area of legislation and cases were now being tested across the country. Members were advised that some Neighbourhood Plans had been given weight in their emerging stages with regard to the principle of the location of areas of development.

The Director stressed that the Bishop's Stortford Silverleys and Meads Neighbourhood Plan did not

suggest that there should be no residential development in this location and therefore, there was no issue between the Neighbourhood Plan and the development proposals with regard to the development in principle.

Members were reminded that, unlike emerging District Plans which moved from draft concepts to final plans, Neighbourhood Plans were supported or rejected on the basis of a referendum vote and until that vote had taken place there had to be some uncertainty that they would proceed to completion.

Councillor G Jones proposed and Councillor N Symonds seconded, a motion that application 3/14/1583/FP be deferred to enable further consideration to be given to the weight that can be assigned to the emerging Bishops Stortford Silverleys and Meads Neighbourhood Plan, and consideration of the proposals in light of that.

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 3/14/1583/FP, planning permission be deferred to enable further consideration to be given to the weight that can be assigned to the emerging Bishops Stortford Silverleys and Meads Neighbourhood Plan, and consideration of the proposals in light of that.

460 3/14/0369/FP – DEMOLITION OF EXISTING PUBLIC HOUSE AND ERECTION OF PUB/RESTAURANT WITH GUEST ACCOMMODATION, CAR PARKING, LANDSCAPING AND PLAY AREA AT THE JOLLY WAGGONERS, WIDFORD ROAD, MUCH HADHAM, SG10 6EZ FOR SANDHILL HOME LTD

Mr Key addressed the Committee in objection to the application. Mr Thackray and Mr Sneddon spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/0369/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred Members to the late representations summary for additional comments for and against the proposed development. Members were advised that amended layout plans had been submitted which indicated the potential for an increased level of parking provision on the site. The Director advised that the revised plans had not been the subject of public consultation.

Councillor M Carver, as the local ward Member, referred to this being an application for the replacement of a derelict but once vibrant and well respected public house and restaurant with a similar facility that included limited guest accommodation. He commented that Members had received a very extensive critique in respect of the report from those who objected to the application.

Councillor Carver stated that the Officer should be praised for thoroughly addressing the proposals and all points of concern that had been raised on the basis of their planning relevance only. He also praised the Highways engineer for thoroughly engaging with this application.

Councillor Carver urged Members to consider the hierarchy of planning policy as well as the policies of the National Planning Policy Framework (NPPF). He concluded that all of the planning policy arguments had been balanced by Officers and he urged Members to do the same. Councillor Carver stated that the community input from Much Hadham residents was an equal balance of support and objection.

Councillor S Bull welcomed the application and stated that Hertfordshire Highways had no objections in what was one of the prettiest villages in East Herts. Councillor

G Williamson stated that an application for a pub on a site that previously had a pub was preferable to other potential forms of development.

Councillor P Ruffles referred to the hierarchy of planning matters and highlighted that the highways considerations in the report did not accord with his understanding that, as regards off site highways improvements, pedestrians were generally given a greater consideration than cars in highways terms.

Councillor G Williamson commented that the application could be deemed to be inappropriate development in the rural area beyond the Green belt. He stated that this was not a sustainable location in transport terms as the bus service was very thin and he could not see many customers arriving by bus.

The Director advised that the footway improvements in the form of a wider footway would be limited to the area immediately in front of the application site. Members were advised that there did not appear to be any prospect of a more extensive widening of the footway between the site and the main area of the village because land was either not available or this would require a narrowing of the road carriageway which was likely to be unacceptable.

Members were advised that, the character of the footway and the highway in this area was not untypical of many rural areas of the District.

Councillor J Jones stated that he was supportive of the application and he acknowledged that the new pub needed other facilities and guest accommodation in order to be financially viable. He concluded that the proposed development would be of great benefit to the Much Hadham community.

Councillor G Jones commented that the design of the proposed development was not very coherent and the plans could have been to a higher architectural standard.

He accepted the view of Hertfordshire Highways but it was clear that the location was unsustainable in transport terms and all journeys to the site would realistically be by car.

The Director stated that pubs across the country had struggled to survive in the prevailing economic climate and the solution that pubs had deployed was to extend their offer and Members should have regard to the viability risk. Members were advised that, in terms of transport sustainability, it was acknowledged that visits to the site by pedestrians would not be likely to be much other than ramblers in the summer months.

The Director advised that the NPPF set out that when considering transport sustainability in rural areas, account also needed to be taken of other policies in the framework. In response to a comment from Councillor K Crofton, Members were advised that policy OSV8 was a saved policy that could be given due weight.

Members were asked whether they wished to give a view on the amended plans for additional car parking. The Director stated that authority could be delegated to Officers, in consultation with the Chairman of the Committee and the local Ward Member, to consider responses received in relation to any further consultation and determine the application accordingly.

In reply to a query from Councillor N Symonds regarding the additional car parking being provided on a permeable surface, the Director advised that Officers could discuss this with the applicant. Members were advised that the additional car parking had not been subject to public consultation and the Committee could delegate authority to Officers to conduct such consultation.

Councillor S Bull proposed and Councillor K Crofton seconded, a motion that application 3/14/0369/FP be granted subject to further consultation solely in relation to a revised on-site parking layout.

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

RESOLVED – that (A) in respect of application 3/14/0369/FP, planning permission be granted subject to the conditions detailed in the report now submitted and the outcome of (B) below; and

(B) authority be delegated to Officers, in consultation with the Chairman of the Committee and the local Ward Member, to consider responses received in relation to the further consultation and determine the application accordingly.

- 461 (A) 3/14/1594/FO – VARIATION OF CONDITION 2 (APPROVED PLANS) OF PLANNING PERMISSION 3/12/1955/FP (THE DEMOLITION OF EXISTING OUTBUILDINGS AND THE RENOVATION OF THE FORMER VICTORIAN SCHOOL) TO PROVIDE AN ADDITIONAL 3 CAR PARK SPACES TO SUPPORT ADDITIONAL CLASSROOM MEZZANINE LEVEL; AND (B) 3/14/1593/LB – INSTALLATION OF NEW TIMBER AND STEEL FLOOR TO FORM A MEZZANINE LEVEL WITHIN THE EXISTING BUILDING CREATING ADDITIONAL CLASSROOM SPACE AND ADDITION OF NEW PAINTED METAL RAILINGS AND GATES TO MATCH EXISTING (MODIFICATIONS TO 3/12/1956/LB) - AMENDED POSITION OF STAIRWELL AND FURTHER AMENDMENT TO MEZZANINE FLOOR AT MUSLEY INFANTS SCHOOL, MUSLEY HILL, WARE, HERTFORDSHIRE, SG12 7NB FOR MUSLEY HILL SCHOOL LTD
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Mr Douglas and Ms Williams addressed the Committee in support of the applications.

The Director of Neighbourhood Services recommended that in respect of applications 3/14/1594/FP and 3/14/1593/LB, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor J Wing, as the local ward Member, stated that he would be less concerned if the conditions presented to the Committee were enforceable in planning terms. He referred to his objection to the previous application on the grounds of overdevelopment on the site.

Councillor Wing queried whether Members would have still approved so many residential properties on the site had that application included the mezzanine floor and increased size of the school. He stated that he considered that the original application was excessive and did not meet the maximum parking standards as the area was particularly stressed as regards on street parking.

Councillor Wing concluded that this site was already overdeveloped and he urged the Committee to reject both applications as they would place additional parking pressures on an area that was already under severe parking stress.

The Director reminded Members that the existing building had a lawful planning use for school purposes and planning permission was not normally required for a mezzanine floor within an existing school building. Members were advised that planning permission was required for the additional car parking and listed building consent was required as the school was a listed building.

The Director advised that it would be sensible for Members to determine application 3/14/1593/LB, the listed building consent, before application 3/14/1594/FO. The Committee was reminded that it would be unwise to refuse application 3/14/1594/FO if Members were supportive of the listed building consent application.

Councillor E Bedford commented that he did not feel that the addition of the proposed mezzanine floor would pose any problems particularly as this would not be attached to the main fabric of the building. He emphasised that additional floor space made this a viable proposition and

the internal alterations would be unobtrusive and would not affect the external appearance of the listed building. He concluded that the parking issue would not be so severe as to be a major problem and he felt that double yellow lines or “keep clear” markings could be used to alleviate problems outside the school.

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 in respect of applications 3/14/1593/LB and 3/14/1594/FO, listed building consent and planning permission be granted subject to the conditions detailed in the report now submitted.

462 3/14/1799/FP – ERECTION OF A NEW CARPORT AT 32 BISHOPS ROAD, TEWIN WOOD, TEWIN, AL6 0NW FOR MR E ISMAIL

The Director of Neighbourhood Services recommended that in respect of application 3/14/1799/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director confirmed to Councillor G Jones that the Authority would be able to control the proposed construction materials as the applicant had submitted the relevant information on the submitted drawings.

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 3/14/1799/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

463 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, the Committee note and endorse the decision of the Director to issue, under delegated authority, an enforcement notice on the basis now detailed.

The Director advised that the original Enforcement decision had a compliance period of 6 months and Officers had not served this notice as the appellant had assured the Authority that they would vacate the property within 3 months. Officers were aware however, that this had not occurred and Members were being asked to endorse the action, taken under delegated authority, to issue an Enforcement action with a 3 month compliance period so that no further time was lost.

After being put to the meeting and a vote taken, the Committee accepted the Director's recommendation to endorse the enforcement action taken 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 action of the Director of Neighbourhood Services, taken under delegated authority, to take enforcement action on the basis now detailed, be endorsed.

464 ITEMS FOR REPORTING AND NOTING

The Committee congratulated Officers on the performance statistics detailed in the report in respect of planning applications. Councillors G Jones and N Symonds requested that Officers include some performance information in future in respect of Planning Enforcement.

The Director stated that Enforcement Matters were not generally in the public domain and in many cases,

following investigation; the outcome was that there was no breach of planning control. The Director advised that figures that did not identify specific cases would be presented to Members.

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 8.37 pm

Chairman
Date