

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 4 FEBRUARY 2015, AT 7.00
PM

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

ALSO PRESENT:

Councillors W Ashley, G Cutting, L Haysey,
S Rutland-Barsby and K Warnell.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Paul Dean	- Principle 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

512 APOLOGY

An apology for absence was submitted on behalf of
Councillor G Jones. It was noted that Councillor T Page

was substituting for Councillor G Jones.

513 CHAIRMAN'S ANNOUNCEMENTS

At the invitation of the Chairman, the Head of Planning and Building Control advised that a special meeting of the Committee to determine the planning application relating to site ASR5 at Bishop's Stortford North had been scheduled for 7.00 pm on Monday 16 March 2015. This would be held in the Mitre Suite, Bishop's Stortford Football Club, Woodside, Dunmow Road, Bishop's Stortford.

The Director further advised that the Chairman had agreed to accept an urgent item of business onto the agenda in the interests of the efficient operation of the service and to avoid delay. This related to the Planning Appeal regarding applications 3/13/1762/FP and 3/14/1766/FP at Hertford Regional College.

514 MINUTES – 7 JANUARY 2015

RESOLVED – that the Minutes of the meeting held on 7 January 2015 be confirmed as a correct record and signed by the Chairman.

515 3/14/1583/FP – ERECTION OF 22 HOUSES INCLUDING 13 OPEN MARKET AND 9 SHARED OWNERSHIP TOGETHER WITH A NEW ACCESS TO DANE O'COYS ROAD AT LAND ADJOINING HOGGETTS END, DANE O'COYS ROAD, BISHOPS STORTFORD, FOR GRANGE BUILDERS LLP AND OTHERS

Jane Orsborn 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 with the Council and Hertfordshire County Council pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the matters detailed in the report to the 7 January 2015 meeting of this

Committee, planning permission be granted subject to the conditions detailed in the previous report, the additional conditions detailed in the supplementary report and the additional representations summary.

The Director advised that the application had been deferred to enable further consideration of the relevance of the policies detailed in the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads. The Director referred to additional conditions on pages 15 – 17 of the report plus an additional condition in the additional representations summary that had been designed to soften the impact of the fencing which had been implemented.

The Director referred to the options as regards affordable housing provision and reminded Members that the site at Bishop's Stortford North seemed to be the most appropriate location if funding was secured for affordable housing away from the application site.

Councillor K Warnell, as the local ward Member for Bishop's Stortford Meads, stated that if there was to be more housing on Dane O'Coys Road, there needed to be provision for pedestrians as there was currently no pavement at all. He also commented that this area formed a wildlife buffer zone between other development and the Areas of Special Restraint (ASRs) and it would be a shame to lose this green space.

Councillor Warnell commented on how the proposed dwellings would integrate with ASRs 3, 4 and 5 and the existing properties on Dane O'Coys Road. He argued that the proposed development would be out of keeping with the existing street scene and the local area. He concluded that Hertfordshire Constabulary preferred social housing to be scattered throughout a development rather than being concentrated in a single area.

Councillor D Andrews stated that there needed to be a sensible mix of housing and he would be reluctant to support an application where there would be no social

housing on the site. He agreed that any social housing should be mixed in with the whole development.

Councillor T Page referred to the validity of the Bishop's Stortford Silverleys and Meads Neighbourhood Plan. He took comfort from the fact that the emerging plan could be given some weight in decision making on planning applications.

Councillor Page emphasised that the application had not been scored against buildings for life 12 standards which was a key condition supporting policy HDP2 of the Neighbourhood Plan. He expressed concerns regarding amenity space and the size and distribution of the proposed dwellings as well as the provision of parking spaces and the admitted difficulties for those seeking to access town centre facilities.

The Director referred to the advanced stages of preparation as regards the Neighbourhood Plan. Members were reminded that whilst weight could be attached to this document, it had to be moderated as a referendum was still to be held and there had to be a yes vote before the Neighbourhood Plan could be adopted. Members were reminded of the general background picture regarding the policy elements that should be adhered to when determining planning applications.

The Director advised that whilst the application had not met all the policy requirements of the emerging Neighbourhood Plan, the Government had brought forward other work aimed at securing the sustainability of homes through building control regulations. Members were advised that, as regards parking provision and allotment provision, any harmful impact of the proposals was considered to be modest and that, overall, the benefits of the application outweighed the harm.

The Director stated that guidance produced by the Authority favoured the dispersal of social housing throughout a site but, for larger sites, up to 25 affordable housing units could be provided in one group. Officers

had acknowledged that the availability of facilities was reduced for this site but the future amenity provision linked to the emerging Bishop's Stortford North development had to be taken into account.

The Director further advised that some improvements would be made to the road network as part of this application. Members were reminded that this location was part of an allocated site in the local plan which had been identified as suitable for development.

Councillor N Symonds stated that she felt that affordable housing should be provided on this site instead of shared ownership properties. Councillor K Croften commented that shared ownership did constitute affordable housing and the applicant had made a good case for this being the most suitable outcome for this development.

In response to queries from Members relating to affordable housing, the Director spoke at length regarding the policy position of the Authority regarding this issue. Members were reminded that the applicant was supportive of a 75 % affordable rented and 25% shared ownership if that was the option Members preferred. Members were also reminded that Bishop's Stortford North afforded an opportunity for the delivery of more affordable housing units.

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 subject to the applicant or successor in title entering into a legal obligation with the Council and Hertfordshire County Council pursuant to Section 106 of the Town and Country Planning Act 1990 to secure the matters detailed in the report to the 7 January 2015 meeting of this Committee and the provision of on-site affordable housing in accordance with the Councils policy requirement of 75% affordable rented: 25% shared ownership, planning permission be granted subject

to the conditions detailed in the previous report, and the additional conditions detailed in the supplementary report and the additional representations summary.

516 REFERENCE 3/14/2037/CC – OUTLINE APPLICATION FOR THE CONSTRUCTION OF A 6-FORM ENTRY SECONDARY SCHOOL ON LAND TO THE SOUTH OF THE A120 WITH CHANGE OF USE OF A PARCEL OF LAND TO THE NORTH OF THE A120 FOR USE AS PLAYING FIELDS AND A PEDESTRIAN ACCESS BRIDGE TO LINK THE TWO SITES, EMERGENCY AND MAINTENANCE ACCESS WAY, ACCESS, PARKING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE

The Director of Neighbourhood Services recommended that, subject to the requirements detailed in the report now submitted, no objection be raised to outline application 3/14/2037/CC.

Councillor T Page summarised a number of points on behalf of Councillor G Jones who was the local ward Member. A key point was that the application for this secondary school was long overdue and the school was critical to the sustainability of Bishop's Stortford North. Councillor G Jones had referred to the access to the site being from Hadham Road rather than the A120 as well as the use of Green Belt land for playing fields.

Councillor Page referred to another key point from Councillor G Jones regarding the access to the western neighbourhood causing congestion on Hadham Road. Councillor G Jones was of the view that, in order to prevent unacceptable congestion for Hadham Road and the boulevard for the western neighbourhood, the proposed additional roundabout from the A120 must be in position before the school was opened, which in turn should not be later than 2017.

Councillor G Jones had also stated that the use of green belt land for playing fields was unacceptable given that there would need to be substantial earthworks to level the

site as well as permanent road access, external lighting changing facilities and an all-weather surface to the north of the bypass, particularly if there was to be a community use.

Councillor G Jones had concluded that the site was insufficient for a school as playing field provision was not possible without unacceptable harm to the green belt. He urged Members to object to this application due to the inappropriate development of the green belt and the unacceptable delay to the roundabout off the A120.

Councillor T Page stated that he shared the concerns of Councillor G Jones regarding traffic and he commented that the County Council should be pressed to get the roundabout off the A120 in place urgently. He stated that he was concerned regarding pupils from further afield using the proposed estate road off Hadham Road to access the proposed school.

The Director stated that Officers could not be sure how much residential development would be delivered before the school opened and it was therefore not known when the new roundabout would be installed on the A120 in relation to the opening date of the school. In order to provide an element of control Officers had advised that there should be no more than 3 forms of entry (3FE) at the proposed school before the new roundabout was installed.

Members were advised that further highways modelling work was being undertaken by the applicant to enable the County Council to understand the impact of the proposed school along with the impact of the Bishop's Stortford North development proposals.

The Director stated that it would be appropriate that educational need generated by the new residential development at Bishop's Stortford North would be accommodated by the proposed school meaning that a significant number of the journeys to the school would be from within the development site.

Councillor T Page disagreed with Councillor G Jones in that, whilst he cherished the green belt and would not want to see it given up lightly, Bishop's Stortford was exceedingly short of sporting facilities, particularly pitches.

Councillor Page stated that provided that the land remained open for public use and the access was safe, the green belt should be used and enjoyed as playing fields for the good of the schools and the community of Bishop's Stortford.

Members were advised that they had heard both sides of the case regarding the implementation of playing field uses in the green belt and although playing fields were not appropriate in the green belt in NPPF terms, the NPPF encouraged the use and enjoyment and leisure use of the green belt and Officers felt able to support this element of the proposals as the benefits far outweighed the harm. Councillor G Williamson expressed concerns that the use of the green belt beyond the A120 could be seen as the creep of the Bishop's Stortford North development boundary beyond the confines of the Areas of Special Restraint (ASRs).

Councillor N Symonds sought clarification regarding the expected opening date of the school given that the Section 106 agreement had not been signed. She commented on where disabled parents would park should they wish to watch their children play sport if they were unable to negotiate the proposed footbridge. The Director stated that the footbridge would have to be fully compliant with disability legislation to ensure access for everyone seeking to take advantage of the new sports facilities.

The Director reminded Members that they were not being asked to determine a planning application but to assist Officers in submitting the views of the Authority to Hertfordshire County Council as the Authority responsible for determining this application. Members were advised that there was a very tight timescale in that the intention was that this school would open in time for the 2017/18

school year.

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 subject to the requirements detailed in the report now submitted, no objection be raised to outline application 3/14/2037/CC.

517 3/14/2023/OP – OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF 13 DWELLINGS AT LAND SOUTH OF TANNERS WAY, HUNSDON, SG12 8QD FOR MR AND MRS P FINDLAY

Clare Hutchinson 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 3/14/2023/OP, outline planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Newman, as the local ward Member, stated that there was a very significant point as regards school capacity given that Hunsdon Primary School was at full capacity meaning that any children living in these proposed dwellings would not be able to attend this school.

Councillor Newman stated that the retail provision within the village was very limited and this weighed against the proposed development. He stressed that there was no train service and the bus services were very irregular, meaning that all shopping trips would involve the use of a car. Thus, the development was unsustainable in transport terms.

The Director reminded Members that Hunsdon was one

of the more sustainable settlements in East Herts due to the category one status of the village. The emerging District Plan allowed for a 10 % growth or at least 36 additional dwellings for Hunsdon either within the village boundary or in the rural area adjacent to the village periphery.

The Director advised that the Education Authority had not sought a Section 106 obligation in respect of primary school provision and Officers acknowledged that existing and future residents would be very reliant on the private car.

Councillor Newman reiterated the view of Officers that the proposal represented an inappropriate form of development that was contrary to the Council's rural area policies. He referred to the waste transfer station that had been first granted a licence 10 years ago.

Councillor Newman emphasised that the entire waste transfer operation was not limited as the conditions of use were unenforceable. He stressed that East Herts Environmental Health Officers considered that the site was causing a statutory noise nuisance that resulted in significant distress for existing local residents and would cause similar distress for residents of this site.

Councillor P Moore stated she could not support this application due to the impact of the waste transfer operations on the adjacent site. Members were advised that statutory consultation had not resulted in any requests for a noise assessment in relation to the future occupation of this site. The Director advised that Members could, however, defer the application to allow an assessment to be undertaken on the impact of noise and disturbance on the future occupants of the properties on this site.

Councillor N Symonds proposed and Councillor J Jones seconded, a motion that application 3/14/2023/OP be deferred to allow further consideration of the potential impact of noise and disturbance from the nearby

commercial site on the amenities of the future occupiers of the proposed dwellings.

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

RESOLVED – that in respect of application 3/14/2023/OP, planning permission be deferred to allow further consideration of the potential impact of noise and disturbance from the nearby commercial site on the amenities of the future occupiers of the proposed dwellings.

518 3/14/1514/FP – ERECTION OF AGRICULTURAL GRAINSTORE AND ASSOCIATED ACCESS AT LAND ADJACENT TO TEN ACRES NURSERY, KETTLE GREEN ROAD, MUCH HADHAM, SG10 6AQ FOR CHALDEAN ESTATE

Anne Peacock spoke for the application. Danny Simmonds addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1514/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor D Andrews stated that he had been asked to address the Committee on behalf of the local ward Member, Councillor M Carver. He drew Members' attention to the comments from Much Hadham Parish Council on page 89 of the report. He also referred to the comments from the objecting speaker regarding the impact of the proposed development on the character and appearance of the area.

Councillor Andrews commented that he was concerned that the roads were very narrow typical country lanes for the area although these lanes were relatively straight with

reasonable sight lines. He referred to the fatalities highlighted by the Parish Council although two of these incidents had occurred some distance from the site.

Councillor Andrews stated that he could not comment on the issue of dust at the grain store. He referred to the issue of the noise impact and the great deal of feeling in Much Hadham regarding this application. He supported the concern that traffic did not come down Kettle Green Road into Much Hadham.

Councillor Andrews stated that he would not welcome the additional HGV movements coming into his ward, and in particular, traffic using the narrow lanes into Barwick via Barwick Ford. He concluded that there was a balance to be struck in respect of this application.

Councillor M Newman referred to paragraph 7.12 of the report submitted, and stated that this area had been under agricultural use for many years resulting in the production of grain in need of transportation. He queried the logic of the assertion referred to in the report that the storage facility would cause additional traffic as the traffic was already present.

Councillor Newman stated that, in accordance with the NPPF, there could be no objection in principle to the provision of an agricultural building so long as this was appropriately designed and resulted in no significant or harmful visual impact. He concluded that the proposed development would be as well hidden as it possibly could be and there was arguably no less visually intrusive location for this grain store.

Councillor P Moore commented that this application seemed to be contrary to policy GBC7 on the basis that the proposed development would not be located next to existing buildings. She commented that an existing grain store had been demolished to make way for a housing development. Councillor E Bedford stated that he believed that the proposed development would have a harmful visual impact on the whole area.

The Director stated that Members had touched on all of the salient points and the principle of the proposed development was acceptable in planning terms. Members were referred to the additional representations summary regarding the issue of traffic generation as well as wording in the report covering the issues of visual impact and noise generation.

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 3/14/1514/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 519 3/14/0771/FP – RESURFACE EXISTING TENNIS COURTS TO CREATE 2 NEW FLOODLIT 3RD GENERATION (3G) FIVE-A-SIDE FOOTBALL PITCHES WITH SPECIALIST ALL WEATHER "3G" ARTIFICIAL GRASS. 4NO. 10 METRE HIGH FLOODLIGHTING COLUMNS AND 1 RETAINED TENNIS COURT AT HARTHAM LEISURE CENTRE, HARTHAM LANE, HERTFORD, HERTFORDSHIRE, SG14 1QR FOR MR C YEARLEY, SLM, HARTHAM LEISURE CENTRE
-

The Director of Neighbourhood Services recommended that in respect of application 3/14/0771/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 3/14/0771/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

520 PLANNING APPEAL: RESIDENTIAL DEVELOPMENT PROPOSALS, LAND EAST OF CAMBRIDGE ROAD, PUCKERIDGE (24 NEW HOUSES) REF: 3/14/1627/OP

The Director of Neighbourhood Services submitted a report updating Members in relation to the current circumstances regarding this application and to enable the position of the Council to be considered in the light of further relevant information. Members were reminded that the application had been refused by the Committee at its meeting in December 2014 .

The applicant had appealed this decision and the Authority had been asked to review its position in light of the appeal and this was now good practice in such situations. Members were reminded of the matters on which they had refused the application when faced with a recommendation for approval in light of the need to demonstrate a 10 year housing land supply.

The Director stated that Members had resisted the application partly on the basis that they were concerned that the Environment Agency (EA) was undertaking assessment work that included this site in respect of flood mitigation measures. The EA had stated that the development proposals would not add to the flood risk in that the application catered for itself due to the Sustainable Urban Drainage Systems (SUDS) features included as part of the application.

The Director stressed that Officers were advising that the third reason for refusal regarding flood mitigation should not be pursued at the forthcoming appeal whilst the other two issues of the refusal reasons would still be considered during the appeal process.

Councillor D Andrews sought clarification as to why the EA had given two adjacent sites different flood risk designations when they were separated by the very watercourse responsible for recent flooding. He stressed that it would occasionally be hugely helpful to have the EA and Hertfordshire Highways Officers present on

occasion to explain their position to Officers and Members and the public.

The Director stated that many of the flood modelling schemes had become significantly more sophisticated over the last 10 years and mitigation measures such as SUDS solutions, swales and balancing ponds were now in common usage. Members were reminded that it was not an uncommon situation for a site on one side of a watercourse to be predicted to flood when an adjacent site would not.

The Director stated that the EA and Hertfordshire Highways did not necessarily have the resources to talk to Officers and Members regarding specific applications although both Authorities might be willing to do so on occasion in future.

Councillor D Andrews proposed and G Williamson seconded, a motion that recommendation (C) be amended to read that the Head of Planning and Building Control, in consultation with the Chairman of the Committee and one other Member of the Committee, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council's statement and evidence to be submitted in relation to any forthcoming appeal.

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

RESOLVED – that (A) in relation to reasons for refusal 1 and 2, the Council prepares its case in relation to any forthcoming appeal with authority delegated to Officers to deal with matters arising as detailed in recommendation (C);

(B) in relation to reason for refusal 3, the Council does not pursue a case on this matter in relation to any forthcoming appeal, withdraws this reason,

and informs the appellant of its position; and

(C) the Head of Planning and Building Control, in consultation with the Chairman of the Committee and one other Member of the Committee, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council's statement and evidence to be submitted in relation to any forthcoming appeal.

521 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.

522 PLANNING APPEAL – HERTFORD REGIONAL COLLEGE

The Head of Planning and Building Control submitted a report updating Members in relation to the planning appeal in respect of Hertford Regional College site in Ware. Members were reminded that the Authority had dealt with 3 applications on the site, one for the college and two for residential development.

The Committee was reminded that two of these applications had been and were the subject of an appeal with a public enquiry due to start on 24 February 2015. Members were reminded that the affordable housing offer had been low at 6% and although the appellant had indicated that a revised offer may come forward, no firm offer had been received.

Members were reminded that the local ward Member had been closely following this application and it was therefore appropriate to involve that Member in the consultation process. Councillor D Andrews encouraged Officers to push hard for houses available for social rent as this was an ideal and sustainable location. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that authority be delegated to the Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member for Ware Chadwell, to alter, update and amend any aspect of the Council’s case to be made at the forthcoming appeal inquiry.

The meeting closed at 9.30 pm

Chairman
Date