

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 24 JUNE 2015, AT 7.00 PM

PRESENT: Councillor D Andrews (Chairman).
Councillors K Brush, J Cartwright, M Casey,
M Freeman, J Jones, J Kaye, A McNeece,
D Oldridge, T Page, P Ruffles and K Warnell.

ALSO PRESENT:

Councillors P Ballam, R Brunton, J Goodeve,
G Jones, P Moore, R Standley and
N Symonds.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principle Planning Enforcement Officer
Tim Hagyard	- Development Team Manager (West)
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

103 APOLOGY

An apology for absence was submitted on behalf of Councillor M Allen. It was noted that Councillor J Cartwright was in attendance as substitute for Councillor Allen.

104 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that application 3/14/2250/FP

would be determined prior to application 3/14/2292/FP.

105 MINUTES – 10 JUNE 2015

RESOLVED – that the Minutes of the meeting held on 10 June 2015 be confirmed as a correct record and signed by the Chairman.

106 3/14/2250/FP – TWO STOREY SPORTS HALL / TEACHING FACILITY AT CHAUNCY SCHOOL, PARK ROAD, WARE, SG12 0DP FOR THE CHAUNCY SCHOOL

Mr Marshall addressed the Committee in objection to the application. Mr Tombs spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/2250/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor R Standley, as the local ward Member, addressed the Committee in opposition to the application. She referred to the loss of recreational green space and loss of pitches and the potential for traffic gridlock. She urged the Committee to support the views of Ware Town Council and refuse the application.

The Director summarised the details of the application and detailed the reasons why this application needed to be determined prior to application 3/14/2292/FP. Members were advised that there would be shared benefits with adjoining primary schools and there was no in principle objection to the application in accordance with local plan policies and the policies of the NPPF.

Councillor D Oldridge stated that the new facility could only be a positive outcome for the school. He commented on whether the additional classrooms were necessary as part of plans to expand the school. Councillor J Kaye commented on the demand for the use of the proposed hall outside of school hours. He also

queried whether the traffic investigation had been carried out before or after Asda had opened. Councillor M Freeman questioned whether condition 8 should read prior to commencement rather than prior to first occupation.

The Director confirmed that there was no policy objection to the growth of the school as educational needs had to be met and Council policy also sought to ensure the shared use of facilities. Members were advised that the wording in condition 8 was appropriate as prior to commencement conditions were used very sparingly.

The Director concluded that as regards Asda, studies had been ongoing for a long time, although there had been no representation from Hertfordshire Highways in respect of this application. The Asda scheme had included traffic calming for the Park Road area and whilst Officers acknowledged the likely increase in traffic congestion, Hertfordshire County Council Highways had judged the incremental increase to be acceptable.

In response to a query from Councillor K Brush, the Director advised that the principle of community access was covered by a proposed condition detailed in the report. The full details were due to be agreed between the Authority and the applicant.

Councillor T Page commented that the conditions should clearly state the hours of community use for the sports hall. The Director confirmed that there was an in principle agreement that the facility would be available for community usage. If however, Members wanted further clarification, Officers could ask the applicant for further details.

Councillor J Cartwright emphasised that it was essential that a school of this size had a large purpose built sports facility. He commented that there would always be the demand for the community use of such a facility. The Director encouraged Members, if they felt the matters to

be dealt with by condition did not give enough certainty, to specify more clearly what they wished to see in the conditions regarding community use.

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 3/14/2250/FP, planning permission be granted subject to the conditions detailed in the report now submitted and as further amended by the details set out in the additional representations summary.

- 107 3/14/2292/FP – DEVELOPMENT OF LAND AT CHAUNCY SCHOOL TO DELIVER 47 HOMES (18 HOUSES AND 29 FLATS), ASSOCIATED CAR PARKING AND AMENITY SPACE AND NEW VEHICULAR ACCESS, LAND AT CHAUNCY SCHOOL, PARK ROAD, WARE
FORRIVERSMEAD HOUSING ASSOCIATION

Mr Marshall addressed the Committee in objection to the application. Mr O'Sullivan spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/2292/FP, subject to referral to the Secretary of State in respect of the loss of the playing field and the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor R Standley, as the local ward Member, addressed the Committee in opposition to the application. She read out a letter from the Secretary of State and drew the Committee's attention to the resolution of Ware Town Council to object to the application. She referred to traffic congestion, parking concerns and the loss of playing fields. She urged the Committee to support the views of Ware Town Council and refuse the application.

The Director summarised the details of the application and set out the location of the site. Members were reminded that there had been a large number of letters of support and objection and the Committee was provided with a summary of the issues that had been raised.

The Director referred to policy LRC1 and advised Members that the loss of playing fields was acceptable in the light of the provision of the new sports facility. In response to a query from the Committee Chairman, the Director confirmed that should the application be approved, it would be referred to the Secretary of State for Communities and Local Government.

Councillor J Kaye referred to the lack of bus services in the area and stated his concern that there would be insufficient car parking provision. He also referred to whether the traffic survey was done before or after Asda opened on 14 May 2015. He expressed concerns regarding the selling of part an educational establishment for housing.

Councillor D Oldridge referred to the major issue of traffic and he commented on whether Park Road was wide enough to accommodate the extra traffic. He also queried why the applicant was seeking 47 new dwellings in terms of whether a lesser number would be acceptable.

The Director confirmed that the application complied with affordable housing policy and the applicant had made it clear that 47 units was the number needed to fund the development. In response to comments from Councillors K Warnell and T Page, the Director reminded Members they had to determine the application based on the relevant policies of the development plan the NPPF and other relevant material considerations.

Members were advised that the application was policy compliant in that the loss of the green space was mitigated by the proposed replacement facility which

offered provision which would be equal to or better than the previous use.

Councillor K Brush sought and was given some clarification regarding the figures and percentages in respect of affordable housing. The Director confirmed that 40% of the proposed development would be affordable housing and there would be 11 units for rent and 8 for shared ownership. Members were referred to paragraph 1.3 of the report submitted for details regarding the mix of units on the site.

Councillor P Ruffles commented on how much weight should be given to the response from Sport England. The Director confirmed that Policy LRC1 of the Local Plan was policy consistent with the relevant statements in the NPPF. Members were also given a summary of the position that had been taken by Sport England in that its policy approach was always to resist the loss of open playing fields and ancillary uses.

Councillor Ruffles queried whether Officers had data that detailed the traffic assessment figures for traffic linked to the playing fields and the traffic for community use. The Director acknowledged the different usage patterns but stated that Officers had no figures to present to Members on this matter.

Councillor J Cartwright emphasised that the community gained far more than what was being lost as part of this application. He commented that this site would be a desirable place to live and he did not see what residents would need a car for due to the proximity to supermarkets, a major employer in GSK and due to the rail and bus transport links.

Councillor M Casey believed that this application was contradictory in that paragraphs 7.7 and 7.9 of the report indicated that there was limited demand for indoor provision whilst this application was for an indoor provision at the expense of outdoor playing fields.

The Director reminded Members not to lose sight of the need for housing delivery and the need to demonstrate a 5 year supply of housing development land in East Herts. He stated that there was a sustainable element to this site, but it was acknowledged that all sites had an impact and balancing those issues was part of the decision making process.

Members were provided with a detailed breakdown of the provisions of local plan policy LRC1. The Committee was reminded that around 20 to 25% of the outdoor space at the school would be sacrificed for an indoor provision with quality facilities and there would still be a significant amount of outdoor sports provision at the school.

The Director concluded by reminding Members that the proposed parking provision of 89 spaces was close to the required provision of 91 spaces. He stated that the impact on Park Road was acknowledged but the overall impact of the scheme was far outweighed by the benefits of the application.

The Committee Chairman commented that the proposed replacement sports provision was far better than the pitches that were being lost. After being put to the meeting and a vote taken, there being an equality of votes, the Chairman exercised his casting vote in support of the Officer's recommendation.

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

RESOLVED – that in respect of application 3/14/2292/FP, subject to referral to the Secretary of State in respect of the loss of the playing field and the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions detailed in the report now submitted.

108 3/15/0413/FUL – ERECTION OF 120 RESIDENTIAL UNITS, 100 SQM OF COMMERCIAL FLOORSPACE, PROVISION OF A LINK ROAD BETWEEN MILL ROAD AND MEAD LANE AND PASSENGER INTERCHANGE, ASSOCIATED CAR PARKING, LANDSCAPING AND GROUNDWORKS AT LAND BETWEEN MILL ROAD AND MEAD LANE, HERTFORD FOR REDROW HOMES LTD (SOUTH EAST DIVISION)

Catherine Dove addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/0413/FUL, 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, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that a scheme for 107 dwellings plus a commercial unit had already been approved for this site and preparatory works had commenced to implement that permission. Members were advised of the details of this revised scheme which included an increase to 120 units and a revised parking layout to accommodate 8 additional spaces.

Members were referred to the revised conditions and the additional representations summary. The Director concluded that few new issues were raised by this application as the principle had already been established by the previously approved scheme.

In reply to a query from Councillor M McNeece, the Director confirmed that the NHS Clinical Commissioning Group (CCG) had not come back to Officers in respect of how the financial contribution of £370,035.60 would be utilised.

Councillor P Ruffles stated that he was broadly supportive

of the application. He disagreed with the public speaker's statement that the application was vastly improved and he considered that the revised scheme represented a tolerable change. He stressed the importance of ensuring that the new link road kept traffic away from the entrance to Dicker Mill.

Councillor Ruffles requested that Officers ensure that light materials were used that matched the development on the other side of Mill Road. He emphasised that the bins located between the conservation area and the Grade 2 listed Hertford East Station should be moved so as not to be adjacent to the proposed development.

Councillor K Brush stated that this was an entirely sustainable and modest application in the middle of the town where there were excellent transportation links. He concluded that the 75% social rent provision was very good and this was a highly desirable improvement.

The Director reminded Members that a condition covering samples of materials had been included as part of the recommendation. The Committee was also reminded of the high quality of materials that had been used on adjoining developments.

The Director stated that the details of the road junctions were covered by a condition that these details should be agreed with the Highway Authority and Officers were aware of the importance of securing a high quality development for this site. As regards the bins, Members were advised that depending on the location of the bins, this issue would be covered by the discharge of conditions or via Planning Enforcement.

In response to a number of queries from Councillor M Casey, the Director confirmed that the application included the substantial figure of 40% affordable housing and all of the Section 106 figures had come from the various relevant departments and consultees at Hertfordshire County Council. The Director confirmed

that the Section 106 figures covered the whole development of 120 dwellings.

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 3/15/0413/FUL, 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, planning permission be granted subject to the conditions detailed in the report now submitted and as further amended by the details set out in the additional representations summary.

109 3/15/0564/OP – OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 4 NO 4 BEDROOMED DWELLINGS AT IDEAL FARM, BRAUGHING FRIARS, SG11 2NR FOR 2 AGRICULTURE LTD

The Director of Neighbourhood Services recommended that in respect of application 3/15/0564/OP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director summarised the application and Members were reminded that a similar scheme had been reported to the Committee a number of months ago. The Director advised that this revised application sat more comfortably within the layout of the area.

The Director stated that although the application was contrary to policy and was proposed in one of the least sustainable locations in East Herts, Officers were supportive due to proposed clearance of the site and the improvements to the character of the area. Members were advised that the conditions would be amended to clarify that the submission of a construction method statement would require the demolition of the existing

structures at the site.

In response to a query from Councillor K Warnell, the Director assured Members that policy GBC3 of the East Herts Local Plan Second Review April 2007 still had synergy with the National Planning Policy Framework (NPPF). The Director advised that Members should judge whether the benefits of the application outweighed its impact in terms of sustainability.

In reply to a comment from Councillor T Page, Members were advised that due to the significant size of the plots, Officers were not seeking provision of open amenity land or that it be required that such land should be transferred to Braughing Parish Council as suggested by the Parish Council.

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 3/15/0564/OP, planning permission be granted subject to the conditions detailed in the report now submitted.

110 3/15/0196/FP – INTERNAL ALTERATIONS TO CONVERT 5 MAISONNETTES INTO 10 FLATS AT 1-6 DEAN HOUSE, HAVERS LANE, BISHOP'S STORTFORD, CM23 3GB FOR MR T DEAN

Mr Dean addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/0196/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor N Symonds, as the local ward Member, referred to an extended history of objection to this

application from Bishop's Stortford Town Council and from residents. She referred to concerns regarding increased traffic, inadequate parking and increased school traffic on a school route as well as overdevelopment. She concluded by highlighting concerns regarding access for delivery/refuse vehicles, loss of amenity and strain on existing community facilities.

The Director summarised the application and advised that the argument in respect of overdevelopment carried limited weight as the increase in unit numbers was modest and there would be no changes to the external appearance of the building.

The Director advised that concerns regarding the demand for car parking centred on no clear identification of the ownership of spaces. Members were advised that the parking provision was deficient but only by a limited number of spaces, subject to the ownership issue, and the Committee should judge whether there would be any additional harm caused by the increase in units. Officers felt that the local road most likely to be affected by the scheme, Norfolk Way, could accommodate additional parked vehicles.

Councillor K Warnell commented that although some 60% of the current occupants had no cars, any future occupants could all drive resulting in one car per unit. He emphasised that this was a busy area with bus routes and local shops that were open late. He concluded that overspill parking onto Norfolk Way could dangerously impede access to a significant number of houses.

Councillor M Casey commented on whether the application should be rejected on the basis of inadequate parking as there would be less than the 15 spaces required by parking standards. The Committee Chairman commented that he had observed 15 free spaces when he had visited the site. The Director confirmed that, if the emerging standards were considered, a discount could be applied, which resulted in the same number of spaces

being required as the current standards. The location was considered to be a sustainable one and Members must consider whether any overspill parking would result in unacceptable harm.

The Director concluded that Officers were of the view that the application would result in very limited overall harm. 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 3/15/0196/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 111 3/14/1851/FP – CHANGE OF USE OF NINE PARKING SPACES TO HAND CAR WASH AND VALETING OPERATION INCLUDING INSTALLATION OF AN OFFICE AND ERECTION OF A CANOPY WITH ILLUMINATION AT TESCO, 1 BISHOP'S PARK CENTRE, LANCASTER WAY, BISHOP'S STORTFORD, CM23 4DA FOR WAVES CONSULTANCY LIMITED
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Mr Shaw addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/14/1851/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor G Jones, as the local ward Member, commented that this application had been deferred in February 2015 and although the applicant had now moved the site a very short distance, he remained concerned regarding the proximity of the proposed development to residential dwellings.

Councillor G Jones urged Members to refuse planning permission as the application would be detrimental to the

operation of a car park that served Tesco, a community hall, other shops plus the town's busiest GP surgery. The application would also result in harm to residential amenity in the form of continuous noise and disturbance from jet wash operations that would be better suited to an industrial area.

The Director summarised the details of the application and detailed a number of key issues that Members should consider. He referred to the views of Environmental Health and the expert advice given to Officers regarding the impact of the proposals on the operation of the car park. The Director advised that there was a balance of judgements to be made by the Committee in determining this application.

Councillor T Page commented that Bishop's Park was an attractive and desirable place to live and this application would reduce the look and quality of development in this area. He referred to the adverse impact of the application on the character and appearance of the street scene as well as adverse impacts in terms of noise and increased traffic.

At this point (9.55 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

Councillor K Warnell expressed concerns that the application would block access to the disabled parking bays. The Committee Chairman commented that this application had not satisfied the concerns he had raised at the February meeting of the Committee.

Councillor T Page proposed and Councillor K Warnell seconded, a motion that application 3/14/1851/FP be refused on the grounds that the proposed development will result in a harmful visual impact on the largely residential character and appearance of the area and would result in noise and disturbance for the occupiers of neighbouring dwellings. The proposed development, by

reason of its siting and impact in reducing car parking spaces, would also disrupt the efficient and effective operation of the car park. The application was therefore contrary to the requirements of the National Planning Policy Framework and was also contrary to Policy 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. The Committee rejected the recommendation of the Director of Neighbourhood Services as now submitted.

RESOLVED – that in respect of application 3/14/1851/FP, planning permission be refused for the following reasons:

1. The proposed development by reason of its design and siting will result in a harmful visual impact on the largely residential character and appearance of the area. Its operation will result in noise and disturbance and will therefore be harmful to the amenity of the occupiers of neighbouring dwellings. The proposals are thereby contrary to Policy ENV1 of the East Herts Local Plan Second Review April 2007.
2. The proposed development, by reason of its siting and impact in reducing car parking spaces, will disrupt the efficient and effective operation of the car park and access to the spaces, involving the mobility impaired spaces within it. It is thereby contrary to the requirements of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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.

112 3/15/0709/HH – EXTENSION AND RAISING OF ROOF TO CREATE FIRST FLOOR TO GARAGE AND INSERTION OF EXTERNAL STAIRCASE AT SWISS COTTAGE, WIDFORD ROAD, MUCH HADHAM, SG10 6EZ FOR MR R KEY

The Director of Neighbourhood Services recommended that in respect of application 3/15/0709/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor J Jones proposed and Councillor K Brush seconded, a motion that application 3/15/0709/HH be granted subject to an additional condition that prior to the commencement of the development, details of a screen to be erected on the external staircase and landing to prevent views from it to the neighbouring residential property, shall be submitted and approved in writing by the Local Planning Authority.

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 in respect of application 3/15/0709/HH, planning permission be granted subject to the following amended conditions:

1. Three Year Time Limit (1T12)
2. Approved plans (2E10)

3. Prior to the commencement of the development hereby approved, details of a screen to be erected on the external staircase and landing which shall prevent views from it to the neighbouring residential property, shall be submitted and approved in writing by the Local Planning Authority. Once approved, the screen shall be implemented as such prior to the first use of the development and thereafter retained in accordance with the approved details.

Reason: To safeguard the privacy of the occupiers of the neighbouring property and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision:

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies; the limited harm to the rural character of the surrounding area and the grant of planning permission under LPA reference 3/15/0156/FP, is that permission should be granted.

113 3/15/0384/HH – SINGLE STOREY SIDE EXTENSION AT OAKWOOD HOUSE, STANDON GREEN END, HIGH CROSS, SG11 1BP FOR MR D WARBURTON

The Director of Neighbourhood Services recommended that in respect of application 3/15/0384/HH, planning permission be granted subject to the conditions detailed in the report now submitted. Members were reminded that the Authority often faced situations whereby a property in the rural area had been significantly extended in the past and a further extension was now sought.

The Director emphasised that although there was a conflict with policy, previous experience showed it to be unlikely that the Authority would be supported on appeal. Members were assured that the impact of the application would be minimal and there would be no harmful caused to the immediate neighbours.

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 3/15/0384/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

114 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following report be noted:

Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 10.02 pm

Chairman
Date