

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 27 MAY 2015, AT 7.00 PM

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

ALSO PRESENT:

Councillors A Alder, P Ballam, S Bull,
R Brunton, P Moore, S Rutland-Barsby and
G Williamson.

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

30 APPOINTMENT OF CHAIRMAN

In the absence of the Chairman, it was proposed by
Councillor J Jones and seconded by Councillor B Deering
that Councillor P Ruffles be appointed Chairman for this
meeting.

After being put to the meeting and a vote taken, Councillor P Ruffles was appointed Chairman for this meeting.

RESOLVED – that Councillor P Ruffles be appointed Chairman for this meeting.

31 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D Andrews and D Oldridge. It was noted that Councillors J Cartwright and B Deering were in attendance as substitutes for Councillors Andrews and Oldridge respectively.

32 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of the extra meeting of the Committee due to be held in the Council Chamber, Wallfields, Hertford at 7.00 pm on Wednesday 10 June 2015. He also reminded Members that this meeting was being webcasted and Members should remain seated throughout the meeting. Finally, the Chairman advised the public speakers and local ward Members of the new seating arrangement for when they addressed the Committee.

33 MINUTES – 25 MARCH 2015

RESOLVED – that the Minutes of the meeting held on 25 March 2015 be confirmed as a correct record and signed by the Chairman.

34 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

Mr Hudson 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.

The Director confirmed that this was an outline application for 13 dwellings that had been deferred twice at previous meetings of the Committee. Members were reminded that, most recently, it had been deferred to allow further exploration of the noise issues as well as the matter of the environmental permit for Hunsdon Skips which was 120 metres to the south of the application site.

The Director confirmed that the most recent noise assessments had revealed that the current operation at Hunsdon Skips did not result in any adverse impacts on future occupiers of the proposed development and it would not be appropriate to refuse the application on the grounds of noise.

Councillor R Brunton, as the local ward Member, spoke on the application and stated that he could see no reasons why the Committee should reject the recommendation for approval.

In response to various Members' comments, the Director provided assurances in respect of noise, dust and footpath matters.

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 3/14/2023/OP, 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.

35 3/15/0415/FUL – CONSTRUCTION OF 2 HOUSES WITH GARAGE PARKING AT REAR AT 103, NEW ROAD, WARE SG12 7BY FOR V AND V RECLAMATION

Mr Starling addressed the Committee in objection to the application.

The Director of Neighbourhood Services recommended that in respect of application 3/15/0415/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director referred to the Additional Representations Summary in that Ware Town Council had objected to the application on the grounds of overdevelopment, the massing of the proposed development and the negative effect on neighbouring properties as well as concerns regarding the proposed garage accommodation blocks to the rear of the site.

The Director advised that Officers had detailed an additional landscaping condition in the Additional Representations Summary should Members be supportive of the application. Members were advised of the site history and the fact that works had been carried out that were not in accordance with a previous planning permission.

The Committee was reminded that although this application was part retrospective in nature, Members should not give this issue significant weight in their decision making and they should determine the application based on the relevant planning issues.

The Director summarised the more significant changes and advised that Officers felt that the overall impact in terms of property separation and light were acceptable in that these were not unusual relationships and the

application was judged to be acceptable.

Councillor P Ballam, as the local ward Member, referred to the planning history of the site and stated that since the demolition of an office building there had been a number of refused planning applications for residential development. She stated that the current application contravened policies ENV1, ENV2 and BH6 and had been submitted, as building works on this site were not in accordance with the plans submitted as part of a previously approved application.

Councillor Ballam commented that the proposed development had a footprint that was 50% larger than the demolished office building. She referred to the loss of light leading to a dangerous situation for users of the stairs of 105 New Road. She referred to the orientation and location of windows that provided light to the kitchen of this property and stated that the proposed development would have an unacceptable impact.

Councillor Ballam concluded by referring to the parking situation on New Road with double yellow lines on one side and parked cars on the other. She stated that buses struggled to negotiate this road and she urged the Committee to refuse the application as it contravened policies ENV1, ENV2 and BH6 and failed to respect the amenities of the occupiers of neighbouring buildings.

Councillors J Kaye and T Page both expressed similar concerns.

In response to queries from various Members, the Director advised that the proposed parking met with policy and resulted in greater parking flexibility so parking was therefore enhanced by this application.

He also advised that the garage/car port accommodation was proposed at the end of the rear gardens and would have a maximum height of 5.2 metres to the ridge of pitched roofs. Members should judge whether this impact

was acceptable or not.

The Director further advised that, when dealing with previous applications, following a request from the Authority, the applicant had reduced the side wings to 2 storey. Although an increase in ground level had increased the height of the proposed development a full storey height had not been added back. Members were advised that the impact would not be more harmful than the previously refused scheme.

Finally, the Director advised that the impact would be to the north in respect of 105 New Road and this impact was already established. Members were advised that the main difference was that the side wing of the proposed development would now extend further forward.

Overall, the Director concluded that the proposed development would have an impact, but Officers had judged this to be acceptable in policy terms and the relationship between the properties was not uncommon and was similar to that which was in place in many locations in East Herts.

Councillor T Page proposed and Councillor K Warnell seconded, a motion that application 3/15/0415/FUL be refused on the grounds that the proposed development would result in an overbearing impact and loss of light to the occupiers of the adjoining dwellings nos. 99 and 105a New Road and would therefore have an unacceptable impact on their amenity. The proposal was thereby contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007 and paragraph 17 of the National Planning Policy Framework (NPPF).

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

3/15/0415/FUL, planning permission be refused for the following reasons:

1. The proposed development by reason of its siting and height would result in an overbearing impact and loss of light to the occupiers of the adjoining dwellings nos. 99 and 105a New Road and therefore has an unacceptable impact on their amenity. The proposal is thereby contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007 and paragraph 17 of the National Planning Policy Framework (NPPF).

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.

36 3/15/0040/FP – DEMOLITION OF REDUNDANT/DISUSED MOTOR REPAIR WORKSHOP AND ERECTION OF 1NO 2 BEDROOMED DWELLING AT LAND AT KENTON HOUSE, HARE STREET, SG9 0EA FOR MR D MADDEN

The Director of Neighbourhood Services recommended that in respect of application 3/15/0040/FP, planning permission be refused for the reasons detailed in the report now submitted.

The Director advised that the application was for the

demolition of a former workshop and the introduction of a residential use. The Committee was advised that the recommendation for refusal resulted from the policy approach of the Authority to achieve sustainable development. Such an approach did not support residential development in the settlements without services and facilities and sought to ensure that employment sites across East Herts were retained to enable employment across the district.

The Director concluded that part of the basis for the recommendation was that there would be a poor relationship between the rear garden area of Oak Cottage and the frontage of the proposed development as this would be set back from the road.

Members were reminded of sustainability in that it was important to ensure that residential use was supported by amenities such as workplaces, schools and shops and a remote location such as Hare Street had very few such facilities.

Councillor S Bull, as the adjoining ward Member, questioned the viability of the site as a future business premises. He commented that Hormead Parish Council and Hertfordshire Highways had not objected to the application and believed that the proposed development would contribute to the local housing need and enhance the area and street scene. He urged Members to support the application and grant planning permission.

In response to comments from Councillors K Brush and T Page, the Director advised that the relevant policy was EDE2 loss of employment sites and there was no differentiation between sites that were actively used and those that were more modest in floor space terms.

The Director reminded Members of the policy approach of rigorous testing of the potential for interest in such sites for a future employment use. He stated that if there had been any such testing as that referred to by Councillor

Bull, then Officers would like to see the detail of that.

The Director concluded that due to the rudimentary nature of the buildings it was not inappropriate for Members to reach a view that retention and conversion for employment was a less attractive proposal than redevelopment.

Various Members spoke in support for the application whilst expressing concern regarding the close proximity of the proposed development to both Kenton House and Oak Cottage.

Councillor T Page proposed and Councillor K Brush seconded, a motion that authority be delegated to the Head of Planning and Building Control to grant planning permission in respect of application 3/15/0040/FP, subject to appropriate conditions and subject to an amendment to the proposal to resolve the potential harmful impact from overlooking to the property to the south known as Oak Cottage.

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 3/15/0040/FP, authority be delegated to the Head of Planning and Building Control to grant planning permission subject to appropriate conditions and to seek an amendment to the proposal to resolve the potential harmful impact from overlooking to the property to the south known as Oak Cottage.

37 3/14/1812/FP – ERECTION OF GENERATOR COMPOUND
AT RYE MEADS SEWAGE TREATMENT WORKS,
STANSTEAD ABBOTTS, WARE, HERTFORDSHIRE, SG12
8JY FOR PEAKGEN POWER LTD

The Director of Neighbourhood Services recommended

that in respect of application 3/14/1812/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that whilst this was a modest proposal, it was part of wider proposals to address the significant issue of additional electricity generation for the National Grid.

Councillor M Allen, as the local ward Member, supported the 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 3/14/1812/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

38 3/15/0361/FP – INSTALLATION OF OUTDOOR MÉNAGE AT LAVENDER COTTAGE, HARE STREET, SG9 0DY FOR MRS A OSBORNE

The Director of Neighbourhood Services recommended that in respect of application 3/15/0361/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director advised that this was a modest proposal for the installation of an outdoor ménage to the rear of a residential property in Hare Street. The application was before the Committee as the applicant was an Officer of the Authority.

There had been no objections to the application and Officers had therefore recommended approval in this case.

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 3/15/0361/FP, planning permission be granted subject to the conditions detailed in the report now submitted.

- 39 A) 3/15/0244/FP – CONVERSION OF FIRST FLOOR TO INCLUDE 6 NO. LETTING ROOMS; B) 3/15/0349/FUL – CONSTRUCTION OF BRICK CHIMNEY STACK TO HOUSE KITCHEN EXTRACT FLUE (AMENDED SCHEME); C) 3/15/0628/FUL - CONSERVATORY TO REAR (AMENDED SCHEME) AT THE COCK PUBLIC HOUSE, STOCKING PELHAM SG9 0HZ FOR WINCHMORE DEVELOPMENT
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The Director of Neighbourhood Services recommended that subject to the applicant entering into Section 106 agreement to vary the legal agreement associated with the earlier permission 3/10/1583/OP, in respect of applications 3/15/0244/FP, 3/15/0249/FUL and 3/15/0628/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Director set out the background to the three applications and detailed the planning history of the site. Members were advised that application 3/15/0244/FP was the most significant of the three applications. Officers felt that whilst the parking provision was below the maximum standards, this was balanced against the benefits of the letting rooms in ensuring the vitality and viability of the public house.

In response to various parking related queries, the Director advised that, whilst there could be some overspill parking, Officers felt that the degree of harm would not justify a refusal recommendation on highways grounds.

The Director stated that that condition 6 on each application was aimed at avoiding the site being used for airport parking for users of Stansted. A condition requiring the applicant to find additional parking would fail

to meet the standard tests for conditions.

Finally, the Director advised that whilst the Highway Authority had commented that there should be no parking on Ginns Road, the reason for this had not been articulated.

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

RESOLVED – that subject to the applicant entering into Section 106 agreement to vary the legal agreement associated with the earlier permission 3/10/1583/OP, in respect of applications 3/15/0244/FP, 3/15/0249/FUL and 3/15/0628/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

- 40 3/15/0228/SV – VARIATION OF THE SECTION 106 LEGAL AGREEMENT ASSOCIATED WITH LPA 3/92/0474/FP (DATED 3RD SEPTEMBER 2001) BY THE REMOVAL OF CLAUSE 1.2 AND THE REMOVAL OF CLAUSE 1(I) OF THE S52 AGREEMENT (DATED 28TH SEPTEMBER 1987) ASSOCIATED WITH LPA 3/86/1939/OP, TO REMOVE THE 'ELDERLY PERSONS' AGE RESTRICTION AT LAND AT STOCKING HILL LANE, COTTERED, SG9 9PY FOR JOSEPH EDIS
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The Director of Neighbourhood Services recommended that in respect of application 3/15/0228/SV, the removal of Clause 1.2 of the Section 106 Legal Agreement associated with LPA 3/92/0474/FP (dated 3 September 2001) be approved.

The Director referred to the plan that was very helpful in identifying this site and another element of the development of this site. Members were given a simplified explanation of the complex planning history that led to the 'elderly persons' age restriction.

The Director advised that a site to the north was relevant in that a similar age restriction had been successfully challenged on appeal. The owners of the remaining half of the site were now seeking planning permission for the removal of the same 'elderly persons' age restriction.

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 3/15/0228/SV, the removal of Clause 1.2 of the Section 106 Legal Agreement associated with LPA 3/92/0474/FP (dated 3 September 2001) be approved.

41 E/14/0179/A – UNAUTHORISED CHANGE OF USE OF TURKEY BARN TO B8 (STORAGE AND DISTRIBUTION) USE AT EASTWICK HALL FARM, EASTWICK, HARLOW, CM20 2RA

The Director of Neighbourhood Services recommended that in respect of the site relating to E/14/0179/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/14/0179/A on the basis now detailed.

RESOLVED – that in respect of E/14/0179/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.

42 PLANNING APPEAL: RESIDENTIAL DEVELOPMENT PROPOSALS, LAND OFF GREEN END, BRAUGHING (UP TO 60 HOUSES) REF 3/14/1448/OP

The Director of Neighbourhood Services submitted a report updating Members in relation to the current circumstances regarding the application 3/14/1448/OP 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 for a significant development of up to 60 houses that had been refused by the Committee. The Director advised that the applicant had lodged an appeal and a public inquiry was scheduled to begin in August 2015. Members were advised that it was important to take account of any new information or change in circumstances to ensure that a clear and cogent case was presented at the inquiry.

The Director advised that the wording in the second reason for refusal referred to the loss of roadside hedgerows. Members were advised that this element of the Council's case should not be pursued as the scheme had been amended to bring footways within the site. As a result of this there would, in fact, be an increase in hedgerows.

The Director advised that the Council's Conservation Officer had further examined the site in some detail and had judged that it would not be possible to view the Conservation Area of the existing settlement and the proposed development in the same context at the same time. The Officer therefore considered that whilst there would be an impact on the wider landscape there would not be a detrimental impact on the Braughing Conservation Area.

The Director therefore advised that the second reason for refusal be amended as detailed on page 120 of the report now submitted. Members were reminded that fewer stronger reasons were preferable when dealing with a public inquiry as weaker arguments would undermine the Council's case.

The Director advised that the local ward Member had liaised with the Parish Council and local residents and he was concerned that elements of the Council's reasons for refusal were being set aside. He had been advised by Officers of the importance of ensuring a concise and strong case at the public inquiry.

Councillor J Cartwright suggested that recommendation (C) be amended as Councillor Mrs R Cheswright had been both Chairman and the local Member at the time the application had been refused, but was now neither. Members endorsed the recommendations detailed in the report subject to the inclusion of Councillor P Ruffles in recommendation (C) regarding the consultation that would be undertaken by the Head of Planning and Building Control.

RESOLVED – that (A) in relation to reason for refusal 1, the Council prepares its case in relation to the forthcoming public inquiry with authority delegated to Officers to deal with matters arising as detailed in recommendation (C);

(B) in relation to reason for refusal 2, the Council does not pursue a case in relation to Conservation issues or the loss of roadside hedgerows at the forthcoming public inquiry, and informs the appellant of its position; and

(C) the Head of Planning and Building Control, in consultation with Councillor P Ruffles as Chairman of this meeting, the Chairman of the Committee and the local ward Member, 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 the forthcoming public inquiry.

43 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following report be noted:

Planning Appeals: Inquiry and Informal Hearing
dates.

The meeting closed at 9.28 pm

Chairman

Date