

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 25 MAY 2016, AT 7.00 PM

PRESENT: Councillor T Page (Chairman).
Councillors D Andrews, M Allen, R Brunton,
S Bull, M Casey, B Deering, M Freeman,
J Goodeve, J Jones, R Standley and
K Warnell.

ALSO PRESENT:

Councillors P Ballam, Mrs R Cheswright,
K Crofton, L Haysey, R Henson, P Kenealy,
M McMullen, P Moore, S Rutland-Barsby and
G Williamson.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Jeanette Thompson	- Senior Lawyer
Alison Young	- Development Manager

31 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor M Casey and seconded by
Councillor R Brunton that Councillor M Freeman be
appointed Vice-Chairman of the Development

Management Committee for the 2016/17 civic year.

After being put to the meeting and a vote taken, Councillor M Freeman was appointed Vice–Chairman of the Development Management Committee for the 2016/17 civic year.

RESOLVED – that Councillor M Freeman be appointed Vice–Chairman of the Development Management Committee for the 2016/17 civic year.

32 APOLOGY

An apology for absence was submitted on behalf of Councillor J Kaye. It was noted that Councillor S Bull was substituting for Councillor J Kaye.

33 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that application 3/16/0430/FUL – Erection of 10 new dwellings comprising two pairs of semi-detached houses and two blocks of three flats. Demolition of existing single storey side extension to Alpha Cottage and erection of a new single storey side extension at Alpha Cottage, 4 Francis Road, Ware, Hertfordshire, SG12 9HB for Mr S Pierce, had been withdrawn.

At the invitation of the Chairman, Members noted the terms of reference of the Committee. The Chairman welcomed new and returning Members as well as new substitute Members for the Committee. He welcomed the press and public to the meeting and welcomed other Members including the Leader of the Council. He concluded by summarising the procedure used during the operation of the Development Management Committee.

34 MINUTES – 27 APRIL 2016

RESOLVED – that the Minutes of the meeting held

on 27 April 2016 be confirmed as a correct record and signed by the Chairman.

35 3/15/1080/FUL – CONSTRUCTION OF AN AGRICULTURAL LAGOON AND ACCESS ROAD AT HOME FARM, MUNDEN ROAD, DANE END FOR MR JAMES SAPSED

Mr Marlow addressed the Committee in objection to the application. Mr Sapsed spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/15/1080/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor P Kenealy addressed the Committee in objection to the application as the local ward Member. He referred to 6 principal objections with particular reference to highways, road safety, underestimated Heavy Goods Vehicle (HGV) movements of at least 1842 per year and a proposed transport plan that was unenforceable. He urged Members to reject the application in recognition of the impacts of the proposed development and the limited local gain for the community.

The Head of Planning and Building Control referred to a substantial amount of additional information that Members had received. He stated that this information reiterated and reinforced points that had already been made and there were no new issues raised by the additional information.

Members were reminded that the policies of the East Herts Local Plan Second Review April 2007 had been superseded by the 2012 National Planning Policy Framework (NPPF) and the weight that could be given to the Local Plan policies had to be considered taking into account their consistency with the NPPF.

Councillor J Jones commented on the HGV vehicle movements and sought clarification regarding the likely

numbers of movements per day and per year. Councillor M Casey queried whether any excess contents of the proposed lagoon would become unusable if left for a substantial period of time. Councillor S Bull sought clarification in respect of the conditions that had been applied regarding traffic movements given that Hertfordshire Highways had not sought to restrict the granting of planning permission.

Councillor D Andrews highlighted a number of queries and serious concerns he had regarding compliance with environmental regulations and highways safety. He referred to the concerns of the local Parish Councils and the comments of the Countryside Access Officer. He also commented on the acceptability of a scheme that was very close to the minimum industry standards in respect of anaerobic digestion and recycling.

Councillor B Deering commented on the possible exportation of the contents of the lagoon if this were not used locally. He expressed a number of concerns regarding the proposed traffic management plan and the impact of additional traffic on the narrow local roads and the impact on Sacombe Bridge.

Councillor J Goodeve commented on what powers were open to Environmental Health Officers under the environmental protection act to manage any odour should this situation arise. She referred to the concerns of the Countryside Access Officer and also the views of the British Horse Society. She commented on whether there would be any monitoring of water quality should the application be approved.

The Head referred to the traffic issue and the NPPF policy test of what constituted a severe impact. He reminded Members that policy TR20 of the local plan predated the NPPF and the NPPF had formed the basis of the comments of Hertfordshire Highways. He stated there would always be highway deficiencies in terms of road width, bridges and culverts in rural areas. He reminded

Members that these were public roads that were open for the public and businesses to use.

The Head advised that the details of the traffic management plan had yet to be agreed and he summarised the likely controls that could be included as part of the conditions should the application be approved. He advised caution regarding assigning weight to a perceived lack of enforceability in that the usual range of enforcement powers would be available to the Authority. He stated that Members had the power to ask Officers to seek to enhance the detail of the proposed traffic management plan.

The Head concluded that the identity of the applicant was less relevant as it was the proposed use that was being considered. He stated that the Environment Agency would expect a structure of this nature to meet the latest standards and they had not objected to the scheme. He advised that the Council's Environmental Health department always sought to promote best practice in respect of a facility of this nature.

Councillor K Warnell referred to a number of uncertainties that gave him cause for concern. He commented that the application could be judged to be incompatible with the location.

In reply to a number of further comments from Members, the Head advised caution in that the Committee was making a decision on a proposed agricultural storage lagoon not a transport or distribution operation. He acknowledged the traffic impact on the roads and urged Members to consider carefully the specific harm to this location of the likely additional traffic.

The Senior Lawyer referred to NPPF paragraph 32 as a comparable policy that Members could refer to when considering traffic management issues and their concerns. Members had referenced policy TR20 earlier in the debate and the proposed plan could not effectively

limit the significant impacts of the development. She commented that the Head of Planning and Building Control might be able to direct Members to other relevant saved polices in the East Herts Local Plan Second Review April 2007.

Councillor K Warnell proposed and Councillor J Jones seconded, a motion that application 3/15/1080/FUL be refused on the grounds that the proposed development would result in a significant change in the amount and type of traffic on the rural roads serving the development site and the proposal would have a significantly harmful impact on the rural character of the roads, the residential properties along it and would lead to the potential for conflict with other road users. The proposal would therefore be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007 and paragraph 32 of the NPPF.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted and refused the application for the reason now detailed.

RESOLVED – that in respect of application 3/15/1080/FUL, planning permission be refused for the following reason:

1. The proposed development would result in a significant change in the amount and type of traffic on the rural roads serving the development site which are constrained in both width and alignment. As a result the proposal would have a significantly harmful impact on the rural character of the roads, the residential properties along it and would lead to the potential for conflict with other road users. The proposal would thereby be contrary to policy TR20 of the East Herts Local Plan Second Review April 2007 and the

NPPF.

- 36 3/16/0471/VAR – VARIATION OF CONDITION 14 (APPROVED PLANS) OF PLANNING PERMISSION 3/13/1375/OP: FULL PERMISSION FOR THE ERECTION OF 180 HOMES, AMENITY LAND FOR COMMUNITY USES, THE CREATION OF ONE NEW ACCESS ONTO THE A10 AND CLOSURE OF AN EXISTING ACCESS ONTO THE A10 NORTH OF THE SITE, CREATION OF FOUR NEW ACCESSES ONTO ERMINE STREET AND THE UPGRADING OF ONE ACCESS ONTO ERMINE STREET, AND THE PROVISION OF AMENITY SPACE AND ASSOCIATED INFRASTRUCTURE, AND IN OUTLINE WITH ALL MATTERS RESERVED A 50-60 BED CARE HOME AND SHELTERED ACCOMMODATION. AMENDMENTS TO THE LAYOUT, MIX, AND DESIGN OF THE APPROVED RESIDENTIAL DEVELOPMENT AT LAND NORTH OF THE PARK FARM INDUSTRIAL ESTATE AND FREMAN COLLEGE, ERMINE STREET, BUNTINGFORD FOR REDROW HOMES LTD
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Ms Brighton addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that, subject to a variation of the original legal agreement, in respect of application 3/16/0471/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control detailed the relevant site history and summarised this application which sought to amend the full permission for the 180 dwellings. The amendment focussed on changing the housing mix and ensuring that the 180 dwellings reflected the housing types that had already been provided by the existing developer. The application also covered changes in the alignment and width of the access road.

The Head advised that concerns had been expressed by Buntingford Town Council and by third parties regarding

the proposed changes to the housing mix. There had been particular concern regarding the additional 4 and 5 bedroom houses at the expense of bungalows.

The Head advised that there was no adopted policy requirement for any particular mix of housing or for the provision of bungalows. Members were reminded that the draft District Plan could not be given significant weight. The Head stated that the housing mix was not in accordance with the guidelines set out within the Strategic Housing Market Assessment (SHMA).

The Head emphasised that the SHMA could not be considered in isolation and a refusal based on the guidelines of the SHMA would not, therefore, be appropriate. Members were advised that the provision of 40% affordable housing was in accordance with the guidelines detailed in the SHMA and Officers had given this matter significant weight.

The Head concluded that on balance the application was acceptable as it maintained a good mix of housing types and the parking and access arrangements exceeded the current standards. Members were asked to give Officers delegated authority to work on the conditions and Hertfordshire County Council had requested a revised wording regarding the Section 106 legal agreement or the revocation of the existing agreement so that a new agreement could be drawn up.

Councillor S Bull stated that this site had always been favoured as a location for development. He acknowledged the concerns of the Town Council regarding the housing mix. He concluded however, that the developer had done all it could to satisfy the needs of the town and he would be supporting this application.

Councillor D Andrews commented on the condition of the land and the risk of swallow holes in future. The Director reminded Members that planning permission had already been approved on this site. The foundations would still

be carefully considered and approved by Building Control Officers and the National House Building Council (NHBC) in relation to the chalk layer underneath the top clay soil.

Councillor J Jones expressed a concern that the housing mix differed from that which was recommended by the SHMA. He requested that the local ward Members be consulted regarding any appropriate amendments to the content of the legal agreement and the wording of planning conditions. He also commented on whether the narrowing of the access road had any impact due to the likelihood of school buses using this route from the north.

The Head commented that the developer had already amended the scheme in response to the concerns that had been raised by Officers, the local ward Members and Buntingford Town Council. Officers considered that the application was now acceptable in terms of meeting the demand for housing.

Hertfordshire Highways had judged the narrower access road to be acceptable and Officers could consult with the Chairman and local ward Members regarding any appropriate amendments to the content of the legal agreement and the wording of planning conditions.

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 (A) in respect of application 3/16/0471/VAR, authority be delegated to the Head of Planning and Building Control, in consultation with the Committee Chairman and at least one of the local ward Members, to make any appropriate amendments to the content of the legal agreement and the wording of planning conditions; and

(B) on completion of the Section 106 legal agreement and final resolution of the conditions,

planning permission be granted as detailed in the report now submitted.

- 37 3/16/0115/FUL – ERECTION OF 57 UNITS OF ASSISTED LIVING EXTRA CARE (USE CLASS C2) ACCOMMODATION FOR THE FRAIL ELDERLY AND 24 UNITS OF RETIREMENT LIVING (C3) 'SHELTERED ACCOMMODATION' INCLUDING COMMUNAL FACILITIES AND CAR PARKING – AMENDED DETAILS AT SOVEREIGN HOUSE, HALE ROAD, HERTFORD FOR MCCARTHY AND STONE
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Ms Webster addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that, subject to a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, in respect of application 3/16/0115/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning of Building Control confirmed to the Chairman and the Committee that the Lead Local Flood Authority (LLFA) had withdrawn their objection and had recommended a number of additional conditions as detailed in the additional representations summary.

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 in respect of application 3/16/0115/FUL, subject to 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 the additional conditions detailed in the additional representations summary.

- 38 3/16/0635/FUL – ADDITIONAL 2 METRES NETTING TO EXISTING 3G FOOTBALL PITCH FENCING (EXTENDING FENCE HEIGHT FROM 3 METRES TO 5 METRES). TOTAL LENGTH 47METRES AT HARTHAM LEISURE CENTRE, HARTHAM LANE, HERTFORD FOR EVERYONE ACTIVE

The Head of Planning and Building Control recommended that in respect of application 3/16/0635/FUL, 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 Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/0635/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

- 39 3/16/0331/HH – ERECTION OF GARAGE AT PENRHYN, LONDON ROAD, SPELLBROOK, BISHOP'S STORTFORD, CM23 4BA FOR MR HUSSAIN

Mr Wood addressed the Committee in objection to the application on behalf of Mrs Adams.

The Head of Planning and Building Control recommended that in respect of application 3/16/0331/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor K Warnell referred to paragraph 11.1 of the report and expressed concerns that Officers had recommended approval for an application which represented an inappropriate form of development in Green Belt. The Head of Planning and Building Control confirmed that the site was located within the Metropolitan Green Belt and the policy required that extensions should not be disproportionate.

The Head confirmed that due to previous extensions the proposed development could not be considered to be appropriate development in the Green Belt. Members were advised however, that the proposed development exceeded the height of what would be allowed under permitted development by only 10cm.

The Head concluded that very special circumstances existed for the approval of planning permission in the Green Belt as a slightly smaller building could be built within the rear garden in the same location without the need to apply for planning permission.

In response to a number of other queries from the Committee, the Head advised that the General Permitted Development Order (GPDO) gave the Authority less control whereas approving this application allowed Officers and Members a say in respect of materials of construction and planning conditions.

The Head advised that Officers would find it difficult to articulate the harm caused by an additional 10 cm of development in this location and Members would have to be very clear what they felt was the harm that this could cause.

Members advised that they should not consider any enforcement issues whether determining this application. The enforcement team could however, go to the site and consider whether any other breaches of planning control had occurred.

The Head confirmed to Councillor M Allen that the law did not prevent an applicant applying for planning permission on land they did not own providing that they notified the land owner. In this case however, the applicant owned the land and Officers were satisfied that the application was acceptable.

The Head assured Councillor Allen that a condition could be applied to ensure that details of a method of rainwater

capture were submitted.

Councillor M Allen proposed and Councillor R Standley seconded, a motion that a condition be applied that, prior to the commencement of any works to the roof level of the building, details of the guttering to be used shall be submitted to 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 Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/0331/HH, planning permission be granted subject to the conditions detailed in the report now submitted and the following additional condition:

4. Prior to the commencement of any works to the roof level of the building hereby permitted, details of the guttering to be used shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that satisfactory rainwater drainage can be achieved within the application site in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

40 3/16/0532/FUL – ERECTION OF 1NO. NEW TWO STOREY DETACHED RESIDENTIAL DWELLING TOGETHER WITH ASSOCIATED DETACHED DOUBLE BAY GARAGE, ASSOCIATED DRIVEWAY/OFF-STREET CAR PARKING, PRIVATE GARDEN SPACE, LANDSCAPING AND OTHER ASSOCIATED DEVELOPMENT AT PRIORY FARM HOUSE, HIGH STREET, WIDFORD, SG12 8RA FOR MR A AND S RICHARDSON

Mr Sleigh addressed the Committee in objection to the application. Mr Wood spoke for the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0532/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head of Planning and Building Control referred Members to the issues covered by the additional representations summary. He advised Councillor M Casey that it was not the role of the Committee to compare applications. The Head advised that Officers did not feel that the grant of planning permission in this case would set a precedent.

Members were reminded that the National Planning Policy Framework (NPPF) required the Authority to demonstrate a 5 year supply of housing land. The NPPF also stated that applications which constituted sustainable development should be approved unless there would be significant and demonstrable harm.

The Head advised that Widford contained a range of housing types on a range of plots of varying sizes and this site was not uncharacteristic of the area. Therefore, the impact of the proposed development was acceptable. Members were advised that there would have to be a degree of control over the land to secure the access to this site and Officers had considered that the proposed access was acceptable.

Councillor R Brunton stated that he was the local ward Member and he had listened to both the applicant and the objector and had come to this meeting with an open mind. He sought and was given clarification as to whether there was a risk to the Authority regarding the judicial review from 1997. The Senior Lawyer advised Members to determine the application based on the current facts and the relevant planning policies. She stated that the judicial review had quashed an earlier planning permission but no further action had been taken.

Councillor M Freeman commented that the judgement of the judicial review focused on the weight which Members had attached to a consultation response from the Police which had been found to be factually inaccurate. He emphasised that some comfort could be taken from the fact that the judgement did not comment on the acceptability or otherwise of the development proposal, but rather in the way in which the application was determined and considered by the Committee.

The Head responded to the queries of Councillor R Brunton regarding local plan built heritage policies BH6 and BH12. He assured Members that both policies were relevant although policy BH12 was not a saved policy and therefore no weight could be attached to it, although similar issues were covered by policies contained in the NPPF.

In response to queries on the sustainability of the development, the Head commented that there had been various appeal decisions where development in settlements in the District had been considered to be sustainable where those settlements contained a range of everyday community facilities. There was also a presumption in favour of sustainable development under paragraph 14 of the NPPF.

The Senior Lawyer supported the contention that Local Plan Policies were vulnerable where there was no five year housing land supply and planning permission should be granted unless Members were satisfied that adverse impacts outweighed the benefits as per the guidance detailed in the NPPF.

The Head advised that the Council's Conservation Officer had referred to adjoining listed buildings and had recommended that planning permission be granted as the development would not harm the character and appearance of the Conservation Area. There was a range of houses in the locality and this was an acceptable design. The Head concluded that the site was, to a degree, tucked away and

would not be readily perceptible from the street scene and the highway.

In response to further queries from Councillor R Brunton, Members were advised that policy ENV1 was the Council's general design policy and Officers could not add to the advice already given regarding design. The Head assured Members that although the use of local labour was not covered by any policy it was accepted as a good practice approach in East Herts.

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 in respect of application 3/16/0532/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

41 3/16/0608/HH – RAISING OF ROOF RIDGE, INSERTION OF 4 DORMER WINDOWS, FRONT AND REAR EXTENSIONS, FRONT PORCH AND INSERTION OF FLANK WINDOWS AT THE CONIFERS, HILL FARM NURSERY, OLD HALL GREEN, WARE FOR MR D FOX

Mr Murray addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0608/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor D Andrews stated that he had listened to the comments of Mr Murray and he understood his concerns. He commented however, that the report was excellent and had balanced the relevant issues and he would be supporting this application.

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 in respect of application 3/16/0608/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

42 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control summarised a number of points of relevance for Members to consider in respect of the appeal decisions detailed in the report.

The Head highlighted an example where an NPPF policy had been given a higher priority than the Council's own local plan policy in respect of the conversion of an agricultural barn to a dwelling in the Green Belt. Councillor D Andrews welcomed an Inspector's decision to withdraw permitted development rights when allowing the appeal in respect of application 3/15/1834/FUL.

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 9.46 pm