

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 12 OCTOBER 2016, AT 7.00  
PM

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

ALSO PRESENT:

Councillors P Ballam, P Boylan,  
E Buckmaster, S Cousins, S Rutland-Barsby  
and N Symonds.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Nicola McKay	- Senior Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

393 APOLOGIES

Apologies for absence were submitted on behalf of Councillors J Jones and K Warnell. It was noted that Councillors S Bull and D Oldridge were substituting for Councillors K Warnell and J Jones respectively.

394 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all to the meeting and outlined the process to be followed. He outlined general housekeeping issues and reminded those in attendance that the meeting would be webcasted.

The Chairman referred to a planning open office afternoon on Friday 21 October 2016, which would include a lunchtime meeting with Officers and a tour of the planning office. He requested that Town and Parish Council colleagues be reminded of a training event for Town and Parish Councillors on Tuesday 18 October 2016.

The Chairman reminded Members that there would be a briefing regarding Bircherley Green at 7 pm on Wednesday 2 November 2016, at Hertford Theatre. He advised that training events had been arranged for Thursday 24 November 2016 and Thursday 23 February 2017.

Finally, the Chairman welcomed Victoria Clothier, Legal Services Manager, and Councillor P Boylan to their first meetings of the Committee.

395 MINUTES – 14 SEPTEMBER 2016

RESOLVED – that the Minutes of the meeting held on 14 September 2016 be confirmed as a correct record and signed by the Chairman.

396 3/16/1708/OUT – OUTLINE APPLICATION FOR 33 DWELLINGS. ALL MATTERS RESERVED EXCEPT FOR ACCESS AT NORTHFIELDS HOUSE, CAMBRIDGE ROAD, SAWBRIDGEWORTH, CM21 9BZ FOR MR KEMP

Mr Kemp addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1708/OUT, planning permission be refused for the reasons detailed in the report now submitted. The Head explained that the main issues to consider with the proposal were ones of timing and comprehensiveness. He advised that increased weight could be assigned to the pre-submission version of the District Plan now that this had been approved by Council.

Members were also advised that the other issue of relevance was the matter of unresolved objections to the Plan and this was more of an unknown until the pre-submission consultation revealed whether any feedback was forthcoming regarding this site. Officers were confident that the District Plan was fully compliant with the National Planning Policy Framework (NPPF).

The Head advised that the site was in the green belt so the usual tests applied in terms of whether there were very special circumstances to justify the proposed development. Members were reminded to consider whether there were any very special circumstances that clearly outweighed any harmful impacts.

The Head confirmed that the District Plan included this area of land together with a larger area and, as this application only covered a section of that allocated land, the scheme could be seen as being premature and would undermine the aspiration of securing appropriate supporting infrastructure. Members were advised that the larger site within the District Plan would facilitate the supporting infrastructure and it was for these reasons that Officers had therefore recommended refusal in this case.

Councillors R Brunton, M Casey, J Goodeve and the Chairman made a number of points of relevance to this application. In response, the Head advised that the Peter Brett report was a material consideration as it formed part of the evidence base for the District Plan. The site was within the green belt and, regardless of quality, the NPPF

tests regarding very special circumstances were still relevant.

The Head explained that a deferral would not be appropriate as the consultation on the District Plan would run until at least the end of February or early March 2017 and any form of open ended delay would not be a suitable way forward.

As regards flooding, Members were advised that the Council's advisors had stated that wherever new development was introduced this would create a flood risk albeit a marginal one in some cases. The consultation responses to the pre-submission District Plan would allow this and other matters to be considered in a fully formed manner.

The Head responded to a number of other minor points of relevance that were raised by Members. 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 3/16/1708/OUT, planning permission be refused for the reasons detailed in the report now submitted.

397     3/16/1654/FUL AND 3/16/1655/LBC – CHANGE OF USE FROM GYMNASIUM (D2) TO RESIDENTIAL (C3) TO CREATE 6NO 1 BEDROOMED DWELLINGS AND 5NO 2 BEDROOMED DWELLINGS, WITH EXTERNAL ALTERATIONS AND INTERNAL ALTERATIONS AT MILLARS ONE, SOUTHMILL ROAD, BISHOP'S STORTFORD, CM23 3DH FOR MR S WEBB

Mr Wallis and Mr Welbourn addressed the Committee in support of the application. Councillor N Symonds addressed the Committee as the local ward Member in support of the Officers' recommendations.

The Head of Planning and Building Control recommended that in respect of application 3/16/1654/FUL, planning permission be refused for the reasons detailed in the report now submitted. The Head also recommended that in respect of application 3/16/1655/LBC, listed building consent be granted subject to the conditions detailed in the report now submitted.

The Property and Planning Lawyer confirmed that the issue of land ownership outside the building was not relevant unless there were any issues with people accessing the building. She commented that without knowing the context under which the local ward Member had made her statement, it was difficult to properly advise Members.

The Head referred to there being two applications with differing recommendations in each case. Members were reminded of the differing regimes for applying for planning permission and listed building consent.

Members were advised that the Conservation Officer had reviewed the plans and was satisfied that the proposed development would not have a detrimental impact on the listed building in terms of the works to be carried out under listed building consent. However, the planning application would result in the loss of a leisure use and LRC1 was the relevant policy consideration and significant negative weight had also been given to the loss of employment.

The Committee was advised that the proposed parking provision was unacceptably low and the level of amenity for future residents was considered to be poor. These matters outweighed the benefits of the provision of housing. Members were reminded that it would be appropriate to refuse planning application then grant listed building consent.

The Head advised that the description of the listed building application would be clarified by deleting

reference to the change of use of the building. A directive would also be added to explain the scope of the listed building approval to the applicant.

Councillor M Casey stated that the parking provision of 5 spaces for 11 flats was inadequate and he felt that the application should be refused on those grounds alone. After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that (A) in respect of application 3/16/1654/FUL, planning permission be refused for the reasons detailed in the report now submitted; and

(B) in respect of application 3/16/1655/LBC, listed building consent be granted subject to the conditions detailed in the report now submitted.

398 3/16/1252/FUL – AMENDMENT TO APPROVED ACCESS IN OUTLINE PERMISSION 3/13/0886/OP TO RECONFIGURE THE PRINCIPAL ACCESS TO ASR5 FROM THE JUNCTION OF RYE STREET AND HAZEL END ROAD FOR COUNTRYSIDE PROPERTIES

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Mr Gimblett addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1252/FUL, planning permission be granted subject to the conditions detailed in the report now submitted. The Head stated that the application was for a number of changes to access arrangements to the site known as Area of Special Restraint (ASR) 5 which formed part of the wider area known as Bishop's Stortford North.

Members were advised that Hertfordshire County Council (HCC) had sought to maximise the education provision across all of the ASR sites. The Head detailed the

current thinking of HCC in terms of an optimal solution for education provision which included a 2 form entry (2FE) school as part of ASRs 1-4 plus a further 3FE school to the south-west of this site.

The Committee was advised that, following discussion between Officers, the applicant and representatives of the County Council, further amendments to the application had been forthcoming. The Head detailed the amendments and stated that Officers had also worked with the applicant regarding the conditions and it was suggested that conditions 3 and 5 be deleted with condition 6 amended as detailed in the additional representations summary.

The Head confirmed to Councillor J Goodeve that further modelling work had confirmed that the concerns of Hertfordshire Constabulary, in respect of ensuring that motorists behaved appropriately regarding the proposed speed limits, had now been met.

Councillor D Oldridge was assured that the issue of car parking linked to the proposed 3FE school would be addressed when that application was 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 3/16/1252/FUL, planning permission be granted subject to the following amended conditions:

- (1) Three year time limit (1T121)
- (2) Approved plans (2E103)
- (3) Prior to commencement of any development relating to the new T junction access to Hazelend Road, as shown on approved drawing E3321/731J and E3321/615/K, details of earthworks (to create visibility splays) as

shown on the aforementioned drawings shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed grading and mounding of the resultant embankment, including levels and contours. The development shall be carried out in accordance with the approved details and completed not later than the first use of the new access hereby enabled.

Reason: In the interests of the appearance of the development in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and highway safety.

- (4) All hard and soft landscape works shall be carried out in accordance with the approved drawings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre-submission East Herts District Plan and national guidance in section 7 of the National Planning Policy Framework.

- (5) Details of the arrangements to be



implemented to secure the subsequent maintenance of all landscaped spaces provided as part of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the residential units approved under application 3/13/0886/OP (or any subsequent amended or alternative application). Once agreed, those arrangements shall be implemented as such and applied as soon as any landscape space has been set out.

Reason: To ensure the provision of amenity afforded by the proper maintenance of new landscape features in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

- (6) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007, policy HA3 of the pre-submission East Herts District Plan and the NPPF.

- (7) Prior to the commencement of development a Construction Environmental Management Plan as detailed in the Environmental Statement Volume 3, Technical Appendix H to

Chapter 7 Traffic and Transport Assessment (Terence O'Rourke, May 2013) submitted with the outline planning permission (3/13/0886/OP) must be submitted to and approved in writing by the Local Planning Authority. In particular, the Plan shall address the measures detailed in paragraphs 7.3 to 7.21. Thereafter the measures shall be implemented as approved.

Reason: To protect the amenities of adjoining development and to comply with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

- (8) Any suspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA and appropriate mitigation measures agreed and implemented.

Reason: To minimise and prevent pollution of the land and the water environment in accordance with section 11 of the National Planning Policy Framework

- (9) In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the site before 07:30 hrs on Monday to Saturday, nor after 18:30 hrs on weekdays and 13:00 hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East herts Local Plan Second Review April 2007.

### Informatives

- (1) This permission enables the construction of new and realigned road junctions to Farnham Road and Hazelend Road to enable the development of land at ASR5, Bishop's Stortford for residential and other purposes. Planning permission for the development of site ASR5 has been granted under Local Planning Authority ref 3/13/0886/OP dated 1 June 2016. The commencement of development under this permission (3/16/1252/FUL) does not represent the commencement of development of permission 3/13/0886/OP and the conditions applied to that permission and the associated legal obligation agreement do not come into force as a result. However, in order to enable any further development of the ASR5 site beyond the access arrangements hereby granted planning permission there will be a requirement for either the approval of reserved matters applications following permission 3/13/0886/OP or new freestanding full planning permissions. In those circumstances, the conditions applied to 3/13/0886/OP and the associated legal planning obligation agreement will come into force, or will be replaced by similar arrangements, which the Local Planning Authority will seek to enforce in full.
- (2) Ground water source protection (28GP)
- (3) Approval for works to the highway (06FC)

#### 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 is that permission should be granted.

399 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 8.14 pm

Chairman .....
Date .....