

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 26 APRIL 2017, AT 7.00 PM

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

ALSO PRESENT:

Councillors P Boylan, M Pope, S Reed,
P Ruffles and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Alison Young	- Development Manager

689 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that application 3/17/0021/OUT had been withdrawn. He advised that the fact finding trip for Members to South Cambridgeshire had been arranged for Friday 14 July 2017. Members should confirm their attendance by replying to an e-mail sent on 25 April 2017 or by replying directly to the Scrutiny Officer.

The Chairman thanked Officers for their advice and guidance during the 2016/17 civic year. He thanked

Members for entrusting him as the Chairman and in particular, he thanked the Executive Member for Development Management and Council Support for her support and advice.

690 MINUTES – 5 APRIL 2017

RESOLVED – that the Minutes of the meeting held on 5 April 2017 be confirmed as a correct record and signed by the Chairman.

691 3/16/2114/HH – SUBTERRANEAN EXTENSION TO FORM BASEMENT SWIMMING POOL AND PARKING AREA AT ROWNEYBURY, HARLOW ROAD, SAWBRIDGEWORTH, CM21 0AJ FOR MR JOHNSON

Mr Cavill addressed the Committee in support of the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/2114/HH, planning permission be refused for the reasons detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. The extra information requested by Members had been submitted and Members had been provided with a pack regarding the submitted information. The excavated material would now be removed from the site and County Highways had been consulted and had raised no objections.

The Head referred to a recent appeal decision for a significantly smaller but similar scheme in Hertingfordbury. The inspector had acknowledged the limited harm to the Green Belt but had dismissed the appeal due to policies regarding inappropriate development in the Green Belt. The Head stated that the proposed development was for a 570% increase and this was clearly inappropriate development.

Councillor D Oldridge referred to the previous scheme and the damage to the Green Belt. He referred to the 8 months of 6 trucks taking material away from the site and felt that this would cause significant harm to the Green Belt. He concluded that the harm clearly outweighed the benefits and the scheme should benefit a lot more people before it could be supported.

Councillor M Casey stated his initial sympathy for the application. He confirmed that now he had seen the precedent set by the appeal decision and the size of the scheme versus the original house, the development was disproportionate and he could not support the scheme.

In response to comments from Councillors D Andrews and R Brunton, the Head confirmed that applications for extensions in the Green Belt can only be approved if they were not disproportionate and this scheme was clearly disproportionate. The application should therefore be refused unless there were very special circumstances that outweighed the harm.

The Legal Services Manager confirmed to Councillor K Warnell that, as regards the setting of a precedent, a decision from an appeal inspector was clearly distinguishable from a decision from the Authority on a planning application. The Head advised Councillor M Allen on the government guidance regarding the size and scale of a proposed development and whether this was disproportionate to the original dwelling.

The Head responded to a query from Councillor J Jones by stating that the 570% increase was not defined in the NPPF in terms of a specifically defined extension. The issue was the size of the development rather than an increase in floor space. The proposal was for a specific purpose and Members must consider what it could be used for in future. The applicant's choice to make the application was for personal circumstances and as such this was not a material planning consideration and did not constitute special circumstances in the Green Belt.

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 3/16/2114/HH, planning permission be refused for the reasons detailed in the report.

- 692 A) 3/17/0002/FUL AND 3/17/0003/LBC – ALTERATIONS TO AND CHANGE OF USE OF 1) MODERN AGRICULTURAL BUILDING TO B1: LIGHT INDUSTRIAL 2) WESTERN RANGE OF AGRICULTURAL BUILDINGS AND GRANARY TO B1:OFFICE AND 3) EASTERN RANGE OF AGRICULTURAL BUILDINGS TO DUAL USE OFFICE/RESIDENTIAL. DEMOLITION OF EXISTING SHEDS AND COVERED YARD. PARTIAL INFILLING AND REGRADING OF FORMER SLURRY PIT TO PROVIDE BALANCING POND AND ASSOCIATED LANDSCAPING AT WIDFORDBURY FARM, WARE ROAD, WIDFORD, SG12 8RL FOR MR NICHOLAS BUXTON
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The Head of Planning and Building Control recommended that in respect of applications 3/17/0002/FUL and 3/17/0003/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and explained that some of the buildings were curtilage listed and the eastern most group of buildings were also included on the Authority's buildings at risk register. The site was within the rural area and the western most utilitarian buildings were not curtilage listed. The application was covered by rural policy which permitted the reuse of redundant agricultural rural buildings.

Members were advised that there were no objections from statutory consultees and the Council's conservation advisor had recommended the application for approval as had Officers for all the reasons detailed in the report.

Councillor R Brunton, as the local ward Member, referred to the well written rural area policy and stated that the application had his full support.

The Head confirmed to Councillor J Jones that a footpath diversion would be required and the Countryside Access Officer had no objections. The applicant would have to apply to the Rights of Way Officer and this matter would then be for Hertfordshire County Council to resolve going forward. Following comments from Councillors M Allen, J Jones and M Freeman, the Head advised that it would be for the County Council to remedy the issue of the right of way if this was being obstructed by any boundary treatment works.

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 in respect of applications 3/17/0002/FUL and 3/17/0003/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report.

693 3/15/0561/FUL – PART DEMOLITION OF NIGHT CLUB BUILDING (SUI GENERIS USE) TO FACILITATE THE REDEVELOPMENT WITH COMMERCIAL/RETAIL USE ON THE GROUND FLOOR AND 10 RESIDENTIAL UNITS ON THREE UPPER FLOORS AT 20 AMWELL END, WARE FOR AMWELL END LTD

Mr Kirby addressed the Committee in support of the application. Councillor M Pope addressed the Committee as a local ward Member.

The Head of Planning and Building Control recommended that, subject to the completion of a Section 106 Legal Agreement, in respect of application 3/15/0561/FUL, planning permission be granted subject to the conditions detailed in the previous report dated 14 September 2016.

The Head summarised the application and detailed the relevant planning history. Members were advised that despite meetings between the applicant and the two adjoining landowners there had been no agreement regarding access to the site for car parking.

Members were advised that the applicant was unable to include car parking within the unit as there was no right of way agreement and this would also make the development unviable by limiting the retail floor space and limiting the viability and vitality of the local shopping centre. The applicant had stated that the flats would not reduce the car parking available for the shops and Officers were aware that Members had previously expressed concerns about this.

The Head reminded Members that the parking spaces for the shops were covered by 20 minute waiting restrictions whilst the shops were open. Officers felt that the scheme would improve the appearance of the site, the retail offer at Amwell End, and also help with the Authority demonstrating a 5 year supply of housing land.

The Head concluded that this was a highly sustainable site close to the train station and other town centre amenities. Officers felt that on balance, the scheme should be supported subject to conditions and a Section 106 Legal Agreement.

Councillor J Goodeve referred to the lack of dedicated cycle storage. Councillor D Andrews commented on the unrealistic expectation that 10 residential units would not create a demand for car parking. He queried the speaker's point that deliveries to the shops worked well when he was aware that Amwell End was often gridlocked with cars parked on pavements on both sides of the road. He concluded that he was supportive of the application with considerable misgivings.

Councillor M Freeman felt that potential buyers would know the situation before buying and the lack of parking

would suit the way of life of those who did not drive and relied on public transport. Councillor D Oldridge stressed that Officers had done what they could with the developer to achieve car parking on site. He concluded that the development would not severely impact on the area and would significantly improve the look and feel of Amwell End and regenerate the area as the former night club was an eyesore.

A number of Members continued to debate the issue of car parking and the positive and negative impacts of the application on Amwell End. The Head advised that there was cycle provision for 20 bikes proposed within the building. Members were advised that the site was close to public transport and close to options for sustainable transport measures available within the town centre.

The Head confirmed that the reference to 'car free' was a planning term that meant 'car parking free'. There were many examples of this in town centres and it worked well for smaller schemes. 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, subject to the completion of a legal agreement, in respect of application 3/15/0561/FUL, planning permission be granted subject to the conditions detailed in the previous report dated 14 September 2016.

694 3/17/0388/HH – SINGLE STOREY SIDE AND REAR EXTENSIONS AND ALTERATIONS TO FENESTRATION AT TARRAS, CHURCH END, LITTLE HADHAM, SG11 2DY FOR MR AND MRS STANDEN

The Head of Planning and Building Control recommended that in respect of application 3/17/0388/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and explained that it was being reported to Members as the applicant was an Officer of the Authority. Members were advised that due to the size and scale of the proposed extensions, the application constituted appropriate development in the rural area and there would be no impact on neighbouring properties.

The Head advised that the only representation had been received from Hertfordshire County Council's historic environment unit as the site was an area of archaeological significance and they had suggested a scheme of archaeological investigation should the application be approved.

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 3/17/0388/HH, planning permission be granted subject to the conditions detailed in the report.

695 3/17/0435/HH – PROPOSED SINGLE STOREY SIDE EXTENSION (FLAT ROOF ORANGERY EXTENSION WITH LANTERN) AT SCHUBERTS, TOWER HILL, MUCH HADHAM, SG10 6DL FOR MR I DEVONSHIRE

The Head of Planning and Building Control recommended that in respect of application 3/17/0435/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that the application was being reported to the Committee as the applicant was a Member of the Authority. The site was located within the built up area of Much Hadham and there was no objection in principle to the development.

Members were advised that the very limited single storey extension to the northern elevation of the building would

cause no adverse impacts for the occupiers of immediately adjacent dwellings.

The Head concluded that the development would have a limited impact on the character and appearance of the dwelling and the wider conservation area and no adverse comments had been received by Officers. 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 3/17/0435/HH, planning permission be granted subject to the conditions detailed in the report.

696 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 8.23 pm

Chairman
Date