

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 13 JULY 2022, AT 7.00 PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors D Andrews, T Beckett, S Bull,  
I Kemp, S Newton, T Page, C Redfern,  
P Ruffles and T Stowe

ALSO PRESENT:

Councillors J Goodeve

OFFICERS IN ATTENDANCE:

Richard Freeman	- Interim Development Management Team Leader
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Victoria Wilders	- Legal Services Manager

93 APOLOGIES

Apologies for absence were submitted on behalf of

Councillor R Buckmaster and Councillor Crystall. It was noted that Councillor Bull was substituting for Councillor R Buckmaster.

94 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 MINUTES - 15 JUNE 2022

Councillor Beckett proposed and Councillor Redfern seconded, a motion that the Minutes of the meeting held on 15 June 2022 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillors Bull and Kemp abstained from voting as they had not been present at the meeting.

**RESOLVED** – that the Minutes of the meeting held on 15 June 2022, be confirmed as a correct record and signed by the Chairman.

- 97 3/21/1756/FUL – DEMOLITION OF ALL EXISTING BUILDINGS. ERECTION OF A CLASS E RETAIL FOOD STORE, WITH ASSOCIATED CAR PARKING, RECONFIGURED SITE ACCESS, SERVICING, LANDSCAPING, SWALE, AND INSTALLATION OF PLANT EQUIPMENT AT GATES OF STORTFORD, 295-297 STANSTED ROAD, BISHOP'S STORTFORD, CM23 2BT
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The Chairman said that application 3/21/1756/FUL had been withdrawn from the Agenda by the Applicant.

- 98 3/21/1248/FUL – ERECTION OF A THREE BED DWELLING, TO INCLUDE 2 ADDITIONAL PARKING SPACES AND A REFUSE STORE (PART RETROSPECTIVE) AT 19A MARLBOROUGH CLOSE, BISHOP'S STORTFORD, HERTFORDSHIRE
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The Head of Planning and Building Control recommended that in respect of part retrospective application 3/21/1248/FUL, planning permission be granted subject to the conditions detailed at the end of the report submitted with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

The Interim Development Management Team Leader said that this application was part retrospective and he summarised the relevant planning history. He detailed the location of the site and said that the proposed dwelling and the host property were outlined on the plan in front of Members.

The Interim Development Management Team Leader

presented a series of presentation slides of elevation drawings in respect of the proposed dwelling and illustrations of the previous 2019 permission so that Members could compare these with the drawings that had been submitted with this application.

The Interim Development Management Team Leader spoke at length about the key features of the design.

Members were referred to a copy of a late representation that had been emailed to the Committee and was summarised in the additional representations summary. The Interim Development Management Team Leader said that it was a material consideration that a previous permission had been granted for a very similar scheme. He presented a series of photos of the dwelling and said that this proposed development was different by virtue of having accurate site boundaries.

Members were advised that whilst the dwelling would be visible from properties on Nelson Road it would not have a significant detrimental impact due to the retention of screening and the depths of the gardens. Officers felt the impact was not sufficient to justify a refusal of planning permission.

The Interim Development Management Team Leader said that due to the separation distances of 30 metres to properties on Thorley Hill, Officers were satisfied that the window to window separation distances were acceptable and there would be no undue overlooking or undue impact in terms of loss of privacy and also no significant impact in terms of loss of light and outlook.

The Interim Development Management Team Leader drew the attention of Members to conditions three and four, which sought replacement soft landscaping for the hedge which was being removed, as well as details of replacement boundary screening.

Gosia Bachanowicz addressed the Committee in objection to the application. Hazel Izod spoke for the application.

Councillor Beckett asked if permeable paving could be added to conditions in respect of the hard landscaping for parking. He asked if there had been a noise impact assessment in respect of the air source heat pump. He noted that the requirement was for measurements to be taken one metre from the nearest property. He said noise measurements should be taken inside from inside that property.

Councillor Page commented on the view from Nelson Road of a wall and asked for reassurance that an opening in this wall would be fixed closed. He asked for confirmation in respect of any Officer activity in respect of visiting this site.

The Interim Development Management Team Leader said that Members should determine the application as it had been submitted. The Committee should consider the scheme as they would any application regardless of whether the scheme was retrospective or an application submitted in advance of commencing a development.

The Interim Development Management Team Leader said that the matter of permeable paving could be covered by an informative and there was no need to change the proposed conditions. Members were advised that application site would benefit from the air source heat pump and the approach to assessing noise impact was a standard approach used by the Environmental Health Team to consider the impact on neighbours in respect of noise.

The Interim Development Team Leader said that the photos presented had been taken by Officers conducting site visits. A site visit had also been undertaken by Officers from the enforcement team. Members were advised the first floor side-facing windows would be obscured glazed to a height of 1.7m from the internal level of that floor and a 1.8m fence was proposed. Officers were satisfied that the impact on neighbours would be acceptable due to those measures and the separation distances to neighbouring properties.

Councillor Kemp said that it was his understanding from what had been presented that the dwelling had been constructed in exactly the original place and the boundary line had been found to be an error and had moved with the building. He said that matters such as overlooking, loss of light and views would have been considered on the original application and nothing had changed regarding those matters.

Councillor Kemp said that fairly onerous conditions could be required regarding how much light was lost and there was no general protection on views. He

asked for confirmation regarding the matter of gaining access via the westerly side of the site by the retaining wall. He asked whether the material planning considerations would be of concern to Officers had this been a new application with the boundaries in the correct place.

The Interim Development Management Team Leader said the relationships with adjoining properties had been considered and were unchanged. He said that the relationship with the hedge was a material planning consideration. He said that comments had been made by the public speakers that related to building regulations and third party issues.

The Interim Development Management Team Leader said that privacy, loss of provision of biodiversity and greenery were relevant matters and there were conditions to secure replacement planting and a boundary fence. Members were advised that access to the western side might be possible in an emergency and Hertfordshire Fire and Rescue were satisfied with the proposed arrangements.

The Interim Development Management Team Leader said that the recommendation and considerations would be the same if this application was not retrospective and there would be conditions with slightly different wording in respect of trigger points for when stages of the development would happen on the site.

The Interim Development Management Team Leader said that said that condition seven would ensure that

the proposed first floor openings in the side flank walls would be obscure glazed and would be fixed shut. He said that the impact of ground floor windows would be mitigated by a 1.8 metre fence.

The Interim Development Management Team Leader responded to further questions from Members in respect of loss of privacy and overlooking, land levels, boundary treatment and the proposed conditions. He said that Officers were comfortable that all of the material planning considerations had been addressed by the conditions and these would in particular address the concerns that had been raised regarding loss of outlook and privacy.

Councillor Ruffles proposed and Councillor Andrews seconded, a motion that application 3/21/1248/FUL be granted planning permission (part retrospective), subject to the conditions detailed at the end of the report submitted with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission, and with condition 6 being amended and an informative added to ensure that the parking area and all hard standing to the front of the property was made up of permeable paving.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** –that (A) in respect of application 3/21/1248/FUL, planning permission (part retrospective) be granted subject to the conditions detailed at the end of the report; and



(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission, with condition 6 being amended and an informative added to ensure that the parking area and all hard standing to the front of the property was made up of permeable paving.

99 ITEMS FOR REPORTING AND NOTING

**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.

100 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.43 pm

Chairman .....

Date .....