

DEVELOPMENT MANAGEMENT COMMITTEE

7 NOVEMBER 2018

Present: Councillor P Jeffree (Chair)
Councillor S Johnson (Vice-Chair)
Councillors N Bell, R Laird, M Mills, I Sharpe, R Smith, M Watkin
and T Williams

Officers: Committee and Scrutiny Support Officer
Deputy Managing Director and Director of Place Shaping and
Corporate Performance
Development Management Section Head
Development Management Team Leader
Development Management Team Leader
Principal Planning Officer

41 APOLOGIES FOR ABSENCE/COMMITTEE MEMBERSHIP

There were no apologies.

42 DISCLOSURE OF INTERESTS

There were no disclosures of interest.

43 MINUTES

The minutes of the meeting held on 3 October 2018 were submitted and signed.

44 18/01159/FUL UNITS N-Q, 100 CECIL STREET

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader (PB) explained that the application proposed a revision to planning permission 17/01269/FUL to add one two-bedroom unit with a new staircase entrance, modify two approved houses and insert six additional dormers in the elevation.

In the absence of speakers, the Chair invited comments from the committee. Some committee members expressed concern that an application for this site had returned to the committee for a third time. They argued that, although small, the cumulative effect of the proposed changes in the current application would result in a detrimental impact on both the street scene and on the privacy of local residents.

Despite these concerns, the committee agreed that there were no grounds for refusal and the Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:-

0049-01, 0049-011, 0049-021, 0049-120, 0049-121, 0049-400
3. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted to, and obtained written approval from, the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination is to be dealt with. All works shall be carried out in accordance with the approved details.
4. The development shall only be carried out in accordance with the approved Written Scheme of Investigation for an Archaeological Strip, Map and Sample Excavation by KDK Archaeology Limited (Project code 349/WCS, dated January 2018) under ref. 18/00110/DISCON.
5. The development shall be carried out only in accordance with the approved materials as detailed in the schedule of materials (LL 001 Details of Materials – Condition 7) subject to all multiple light windows having equal sightlines, as approved under ref. 17/01714/DISCON.
6. No dwelling shall be occupied until the following works have been carried out in full:
 - i) The construction of the new access from Judge Street and the internal access drive as shown on drawing no. 0049-01;

- ii) The construction of the 8 car parking spaces as shown on drawing no. 0049-01;
 - iii) The construction of the bin stores as shown on drawing nos. 0049-01 and 0049-400.
- 7. No dwelling shall be occupied until a detailed hard landscaping scheme for the site, including details of all site boundary treatments and external lighting, has been submitted to and approved in writing by the Local Planning Authority, and the works have been carried out in accordance with the approved details.
- 8. No dwelling shall be occupied until a detailed soft landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved soft landscaping scheme shall be carried out not later than the first available planting and seeding season after completion of development. Any trees or plants whether new or existing which within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.
- 9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, as amended (or any modifications or re-enactment thereof), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E and G of the Order shall be carried out to the dwellings hereby approved without the prior written permission of the Local Planning Authority.

Informatives

- 1. IN907 Consideration of the proposal in a positive and proactive manner.
- 2. IN910 Building Regulations.
- 3. IN911 Party Wall Act.
- 4. IN912 Hours of construction.
- 5. IN913 CIL Liability.
- 6. IN909 Naming and numbering.

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Development Management Team Leader (HN) explained that the application proposed the erection of a new single storey outbuilding at ground level with a green roof in the rear garden of the property and the relocation of the gates.

The Chair invited Truong Bui, the freeholder, to speak to the committee against the application. Mr Bui expressed consternation that this application had been submitted to the council. As the freeholder of the property, he was vehemently opposed to the proposed development.

Although the applicant had registered to speak, she was not present at the meeting.

The Chair invited comments from the committee. Committee members advised that it was important to focus on the planning merits of the application. These did not include consideration of the relationship between the leaseholder and the freeholder.

There followed a short discussion about the height of the proposed building. The Head of Development Management advised that this would not be out of keeping with surrounding buildings and would not have a harmful impact.

The Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted, subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

161EX/101, 102, 103, 104, 105, 106, 107, 108
161PA/201, 202, 203, 204, 205, 206, 207, 208
And Site Location Plan
3. No development shall take place above damp proof course until the details of the materials shall have been submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved details.
4. The outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known

as 39A Market Street. For the avoidance of doubt it shall not be utilised for any purposes which one would expect to be accommodated within the main dwelling such as sleeping and shall not be fitted out with kitchen, bathroom, toilet or shower facilities.

5. Notwithstanding the drawings hereby approved no gate shall be installed which opens outwards from the site. No gate shall be installed, until details have been submitted to and approved in writing by the Local Planning Authority. Thereafter it shall be installed and maintained in accordance with the approved details.
6. No development above damp proof course level shall be carried out until full details of the proposed green roof has been submitted to and approved in writing by the Local Planning Authority. The approved green roof shall be carried out not later than the first available planting and seeding season after completion of the development. Any plants within the green roof which, within a period of five years die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, or in accordance with details approved by the Local Planning Authority.

Informatives

IN907 Consideration of the proposal in a positive and proactive manner.

IN910 Building Regulations.

IN911 Party Wall Act.

IN300 Property rights.

IN912 Hours of Construction.

IN913 Community Infrastructure Levy Liability.

46

18/01182/FUL MULBERRY LODGE, EASTBURY ROAD

The committee received the report of the Head of Development Management, including the relevant planning history of the site and details of the responses to the application.

The Principal Planning Officer (AR) explained that the application proposed the enlargement and conversion of roof space to provide five self-contained flats, with associated bin and cycle storage.

Attention was drawn to the update sheet which noted four additional representations to the application, all from previous objectors.

The Chair invited Jeff Benveniste, a local resident, to speak against the application. Mr Benveniste advised that revisions to the application increased the detrimental impact on residents. There were three main grounds for concern: first the insufficiency of parking space; second the increase in traffic congestion; and third the inadequacy of bin storage.

Responding to a query from the Chair, the Principal Planning Officer confirmed that Hertfordshire Highways had not raised any concerns on the application in relation to capacity, safety and sustainability issues.

In a further clarification, she advised that the conditions to the planning permission included a requirement to provide adequate bin storage to serve the existing and proposed flats (6 x 1100 litre bins and 3 x 240 litre bins), considerably exceeding current arrangements. Amendments to the application had also sought to find suitable space and location for the bin storage, as well as a proper means of enclosure.

The Chair invited comments from the committee. Members of the committee outlined the overwhelming drive for development from national government, particularly at sites such as this which were deemed highly sustainable in terms of access to local amenities and to public transport.

Although acknowledging residents' concerns about parking levels, this did not provide grounds for refusal. Equally, since no objections had been raised by Hertfordshire Highways, the concerns of residents about increased traffic congestion in the local area could not be taken into account.

The Chair moved the officer's recommendation.

RESOLVED –

that planning permission be granted subject to the conditions listed below:

Conditions

1. The development to which this permission relates shall be begun within a period of 3 years commencing on the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:

Site Location Plan 1:1250
18/3169/2 Existing site plan
18/3169/3 Rev B Proposed site plan

18/3169/4 Existing floor plans
18/3169/105 Rev B Proposed floor plans
18/3169/106 Existing elevations
18/3169/107 Proposed elevations
18/3169/8 Sections

3. None of the new dwellings shall be occupied until details of the size, type, siting and finish of refuse and recycling storage enclosures for the flats has been submitted to and approved in writing by the Local Planning Authority. The siting of the bin storage shall be in accordance with the approved plans. The stores approved under this condition shall be installed and made available for use prior to the occupation of any of the new dwellings and shall be retained at all times for refuse/recycling only and shall not be used for any other purpose.
4. None of the new dwellings shall be occupied until details of the size, type, siting and finish of a cycle storage enclosure for the proposed flats has been submitted to and approved in writing by the Local Planning Authority. The storage approved under this condition shall be installed and made available for use prior to the occupation of any part of the development and shall be retained at all times for cycle storage only and shall not be used for any other purpose.
5. All the external surfaces of the development shall be finished in materials to match the colour, texture and style of the existing building. In the event of matching materials not being available, details of any alternative materials shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall only be carried out in accordance with any alternative details approved by this Condition.

Informatives

IN907 Consideration of proposal in a positive and proactive manner
IN909 Street naming and Numbering
IN910 Building Control
IN911 Party Wall
IN912 Hours of Construction
IN913 Community Infrastructure Levy Liability

The committee received the report of the Head of Development Management. This provided information on the performance of development management

regarding the number of planning applications determined between 1 April 2017 and 30 March 2018. It also included information on the outcome of appeals received within the same period.

Committee members welcomed the performance report, noting the good performance of the council against targets. It was commented that similar good timeliness from the Planning Inspectorate would assist local authorities in their decision-making.

RESOLVED –

that the committee note the content of the report on the performance of Development Management.

Chair

The meeting started at 7.00 pm
and finished at 7.45 pm