

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD AS AN ONLINE MEETING
ON WEDNESDAY 3 FEBRUARY 2021, AT
7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, R Fernando,
J Kaye, I Kemp, T Page, C Redfern, P Ruffles
and T Stowe

ALSO PRESENT:

Councillors R Bolton and J Goodeve

OFFICERS IN ATTENDANCE:

Rachael Collard	- Principal Planning Officer
Ciaran MacCullagh	- Conservation and Urban Design Officer
Peter Mannings	- Democratic Services Officer
Femi Nwanze	- Service Manager (Quality Places)
Sara Saunders	- Head of Planning and Building Control
David Snell	- Service Manager (Development Management)
William Troop	- Democratic

Victoria Wilders
- Legal Services
Manager

335 APOLOGIES

There were no apologies for absence.

336 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed any members of the public who were watching the meeting on youtube. He wished Members and Officers a happy new year as this was the first meeting of the Committee in 2021.

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that the Committee would be changing the order of the agenda and application 3/19/0033/NMA would be considered before application 3/20/0897/FUL.

337 DECLARATIONS OF INTEREST

There were no declarations of interest.

338 MINUTES - 2 DECEMBER 2020

Councillor Ruffles proposed and Councillor Beckett seconded, a motion that the Minutes of the meeting held on 2 December 2020 be confirmed as a correct record and signed by the Chairman.

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

RESOLVED – that the Minutes of the meeting held on 2 December 2020, be confirmed as a correct record and signed by the Chairman.

339 3/19/0033/NMA - NON-MATERIAL AMENDMENT TO
3/17/2588/OUT - RELOCATION OF ELECTRICITY
SUBSTATION FROM WESTERN ELEVATION TO NORTHERN
ELEVATION UNDER BLOCK A2 TOGETHER WITH INTERNAL
AND EXTERNAL ALTERATIONS TO BLOCKS A1- A3
INCLUDING INTERNAL RE CONFIGURATION OF CAR PARK,
INTRODUCTION OF CANTILEVERED SUPPORT TO NE
ELEVATION AND MODIFICATION TO ROOF FORM AND
BUILDING HEIGHT AT BISHOP'S STORTFORD GOODS YARD,
STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE,
CM23 3BL

The Head of Planning and Building Control recommended that in respect of application 3/19/0033/NMA, the non-material amendment to planning permission 3/17/2588/OUT be granted.

The Service Manager (Quality Places) said that the scheme was a non-material amendment to an application that had been granted for the redevelopment of the Bishop's Stortford Goods yard. Members were advised that this planning decision needed to be taken in the context of the planning permission for the entire site.

The Committee was advised that non-material amendment applications were a mechanism that enabled developers to make minor changes without have to repeat the process of applying for planning permission.

The Service Manager said that this was not an opportunity to revisit all of the issues on what had been a controversial application. She presented a slide show that set out the non-material amendments to phase 1d of the development, which comprised residential and commercial floor space and a multi storey car park that had already been constructed.

Members were advised that the main change was the relocation of the plant to the left of the site next to the hotel to enable a more joined up use of the plant by both sites. The Service Manager said a consequence of this was some internal reconfiguration of the car park and changes to the entrance to satisfy the concerns of the Secured by Design Officer in terms of security for residents. She mentioned the proposed cantilever to the front of the building to assist with structural stability.

The Service Manager referred to the 80 cm proposed lift overrun and Members were advised that due to changes in floor to ceiling heights, the overall height of the building would reduce to 19.2 metres on the southern elevation. She said that the additional changes were corrections to errors on the elevation drawings and Officers felt that these changes were non-material and the application was recommended for approval.

Councillor Kaye sought clarification as to the location of the proposed plant, which he had understood was going to be moved closer to the hotel. The Service Manager referred to a zoomed in elevation to clarify the location of the plant, which was to be to the left of the proposed hotel building.

Councillor Kemp asked if the Committee could be shown the colour elevation so that he and other Members could visualise the proposed cantilever. The Service Manager explained that this elevation would also show the proposed lift overrun and the appearance of the vents at roof level.

Councillor Stowe proposed, and Councillor Fernando seconded, a motion that application 3/19/0033/NMA be granted in respect of the non-material amendment to planning permission 3/17/2588/OUT. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED - that in respect of application 3/19/0033/NMA, the non-material amendment to planning permission 3/17/2588/OUT be

granted.

- 340 3/20/0897/FUL - DEMOLITION OF ALL BUILDINGS AND ERECTION OF 49 DWELLINGS COMPRISING 17 APARTMENTS, 14 X 3 BEDROOM AND 18 X 4 BEDROOM HOUSES, CONSTRUCTION OF ASSOCIATED ROADWAYS, ACCESS, LANDSCAPE AND ANCILLARY WORKS AT HERTFORD MILL SITE, TAMWORTH ROAD, HERTFORD

The Head of Planning and Building Control recommended that in respect of application 3/20/0897/FUL, planning permission be granted subject a legal agreement and subject to the conditions detailed at the end of the report submitted. It was also recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, referred to the late representations summary and said that a financial contribution of £20,000 had been secured towards the implementation of a residents' parking zone (RPZ), which would be included within any Section 106 legal agreement.

Members were advised that due to a calculation error by Hertfordshire County Council, the affordable housing commuted sum had been increased to £343,539. The Principal Planning Officer said that her response to a question raised by a Councillor in advance of the meeting regarding viability and affordable housing was set out in the late

representations summary document.

The Principal Planning Officer said that a number of late representations had been received from residents and from the Tamworth Road Neighbourhood Association. She said that many of these comments had previously been raised during the course of the application process. The responses to these comments had been included and Members were advised that comments from the applicant had also been received which had sought to address the neighbour objections.

The Principal Planning Officer said that this was a full planning application and she detailed the full details of the proposed development which included the demolition of all existing buildings on the site. Members were advised that the key issues were the principle of the development, loss of employment floor space, flood risk management, housing, layout design and appearance, climate change and water efficiency, the impact on residential amenity, heritage and highways impact and the impact on parking provision, land contamination and noise and infrastructure delivery.

The Principal Planning Officer said that the site was located on the northern side of Tamworth Road and was a non-designated employment area which consisted of a collection of non-residential buildings as well as a large area of hardstanding. The site was outside of the Hertford conservation area but was located within an area of archaeological significance. Members were advised that the site was located within flood zones one, two and three.

The Committee was advised that the site was surrounded by residential development on all sides with the Hertford East railway line to the north. The Principal Planning Officer summarised the planning history of the site and spoke in detail about the proposed layout and design of the site. She said that a number of contributions would be secured by a Section 106 legal agreement and the application had been subjected to a viability appraisal in respect of affordable housing.

Members were advised that following discussions, it had been concluded that 1 three bed house could be provided for affordable rent with a top up commuted sum being the most appropriate solution and this would be secured via the Section 106 legal agreement. The Principal Planning Officer concluded that subject to the conditions and a signed Section 106 legal agreement, the application was considered to be compliant with national and local policy and having regard to all of the considerations; it was recommended that planning permission was granted.

Mrs Robinson addressed the Committee in objection to the application on behalf of Tamworth Road Neighbourhood Association. Mr Morris addressed the Committee in support of the application as the applicant.

Councillor Bolton addressed the Committee at length on behalf of residents and herself as the local ward Member. She concluded her address by stating that the application was contrary to policy DES1 and the

proposal was not of a high enough design quality. Councillor Bolton expressed her concerns about the loss of heritage, lack of green space, Sustainable Urban Drainage Solutions (SUDS), limited amenity of many units, specifically in block E.

Councillor Bolton encouraged Members to refuse the application and suggested that there should be funding for a local design code and also for a master planning exercise for this site immediately. She said that a site design code would assist with a speedier next stage for the applicant.

Councillor Beckett asked about the mitigation for commuter parking on Tamworth Road in the context of the residents parking zone (RPZ) that had been negotiated at the last minute. He asked about flooding and referred to the best practice of ensuring that there would no more run off from the site than was evident pre development.

Councillor Redfern said that she acknowledged the work that had gone into the report and she was happy with the mitigations in respect of climate change. She referred in particular to the 45 percent carbon reduction. She stated that her main area of concern was the level of affordable housing being 38 percent less than the up to 40 percent that was set out set out in housing policy three.

Councillor Redfern said that she found it hard to come terms with an offer of £343,539 and she wanted to know how many affordable homes this would equate to and also where they could be located. She said that

her other main area of concern was the proposed parking provision. She stated that one matter that had been forgotten was that the fact that existing Tamworth Road residents used the present industrial part of site as an overnight car park. She said that the proposed development would result in extra pressure on the parking available on Tamworth and she did not believe an RPZ would alleviate this problem.

Councillor Redfern referred to District Plan policy that stated that restrictions in parking provision should not lead to displacement of parking to other areas. She said that she did not believe that this matter had been addressed and she was concerned that the design reflected industrial buildings that were to be removed as part of the scheme.

Councillor Ruffles said that he was very uneasy about the application and he did not believe the scheme was good enough in spite of the improvements had been made. He said that he was disappointed about the various formulae that had resulted in a recommendation of one affordable housing unit. Councillor Ruffles expressed concerns about the apparent lack of extra care that had been taken to maintain or enhance the setting of the conservation area.

Councillor Ruffles said that this application would not restore a genuine heritage feel to the site. He expressed a concern regarding the whole block of development that was being imposed on this site opposite the conservation area.

Councillor Ruffles referred to the themes in the well-designed places guidance in the national planning framework. He said that the duty of the Committee was to ensure that all opportunities were taken to maintain or enhance a conservation area. He asked what courses of action were open to Members to achieve a residential development on this site that better respected its setting.

The Principal Planning Officer said that £20,000 had been secured towards the provision of an RPZ. She reminded Members that the operation of an RPZ was outside of the planning system. The £20,000 was needed as there might need to be a much wider area included in an RPZ

The Committee was advised that a flood risk assessment had accompanied the application and this document had set out run off rates. The site was classed as a Greenfield site due to the onsite drainage that was in place. Members were advised that the Lead Local Flood Authority (LLFA) had not objected to the application subject to conditions.

The Principal Planning Officer referred to the increased commuted sum for affordable housing and said that the Housing Officer had stipulated that there should be the opportunity for this sum to be spent in the District. She said that this sum might not be for this particular site and there would need to be further Section 106 discussions.

Members were advised that the site was private land and was not a car park. The residents that had been

using this land to park could not rely on that space going forward. The Principal Planning Officer said that the proposed development did include parking spaces for all properties and this was compliant with planning policy.

The Service Manager (Development Management) reminded Members of what commuted sums could be used for. He urged Members to be mindful that they must consider the planning application as it had been submitted.

The Conservation Officer said that the building was not capable of a straightforward conversion due to the low floor to ceiling heights. He stated that any attempt at a conversion would be very complex and would further diminish the significance of the building.

The Legal Services Manager reiterated the point that had been made by the Service Manager and the Chairman that Members must determine the application before them.

Councillor Kaye said that although the site was not in the conservation area; developments should nonetheless be attractive and should be in keeping with the surrounding area. He asked whether Officers could explain the meaning of tandem parking and whether there would be just one shared electric vehicle charging point for the apartments.

Councillor Crystall commented on why there had been no master planning for this site. He said that he was concerned over the loss of the granary and the mill as

these were rare local industrial buildings that were of real heritage value. He said that losing such buildings made a community culturally poorer terms and he was disappointed that the building could not be conserved.

Councillor Crystall said that the loss of the heritage structure would have a knock on effect in terms of overdevelopment and the proposed design was too dense, which would results in problems other Members had highlighted regarding the lack of green space and the parking issues. He said that he was pleased about the 45% carbon reduction above part L but he pointed out that if solar panels were removed, the houses only just met building regulations so would not perform any better than other new houses in winter and summer months.

Councillor Kemp said that this application had raised a lot of complex and quite interlinked issues. He referred in particular to the regrettable loss of employment space although this was a non-designated employment area. He said that the loss of the Hertford Town granary was regrettable but he could not imagine anyway how this building could be converted into something useful.

Councillor Kemp said that the point that had been raised about parking was a very valid one and he said that he was suspicious of tandem garages as the back half of the garage would be used for storage leaving space for one car. He said that he did not believe that the proposed new housing would be out of keeping with the considerable variety of dwellings on Tamworth Road.

Councillor Kemp expressed his disappointment at the less than 40 percent affordable housing provision. He said that this was a brownfield site and made the point that in terms of policy and principle, this would be preferable to a Greenfield site. He asked whether this was a typical situation where a brownfield location was preferable to a Greenfield site and he also asked how many affordable housing units would result from the revised commuted sum of £343,539.

The Principal Planning Officer explained the meaning of tandem parking and detailed the location of the garages and parking spaces for blocks A, B, C and D. She referred to the parking standards and stated that the proposed garages were well in excess of those standards in order to accommodate two vehicles and allow for storage space. Members were advised that Officers expected that the infrastructure would be put in place for a future increase in active electric vehicle charging points.

The Principal Planning Officer reminded Members that the cost of development Greenfield sites was less than for Brownfield sites, which meant the full 40% affordable housing could often be provided on a Greenfield site. She said that Officers would have a discussion with the Housing Officers in terms of how many units could result from the commuted sum of £343,539.

Councillors Buckmaster, Crystall, Kaye and Stowe made a number of points in respect of loss of employment land, railway related noise, tandem

parking and car clubs. Councillor Andrews expressed a number of concerns over the compromises that Members had been hearing about during the debate thus far on this application.

The Service Manager (Development Management) said the condition regarding double or triple glazing to address railway noise was fairly standard in order meet the recommendations in terms of the standard that was required by Environmental Health Officers. He confirmed that there was no policy objection to tandem parking.

The Principal Planning Officer responded to the points that had been raised by Councillor Crystall in respect of part b of policy EDE1 and also in respect of electric car clubs. The Head of Planning and Building Control reminded Members of the District Plan and said that Members must link any reasons for refusal back to the policies in the District Plan.

The Legal Services Manager also reiterated that there must be very clear planning reasons which were linked back to policies if Members were minded to overturn an Officer recommendation for the approval of planning permission.

The Service Manager (Development Management) responded to a number of queries from the Chairman in respect of permitted development rights and the opportunities for development without the controls of a planning permission and a Section 106 legal agreement.

Members agreed that the meeting could be paused briefly at this point for a 5 minute comfort break. Councillor Buckmaster sought some clarification in terms of what guarantees there were in terms of whether the conditions could be met and adhered to by the applicant.

The Service Manager (Development Management) said that Officers were nearly always successful in securing close to 40 percent affordable housing on strategic Greenfield Sites. He said that previously developed brownfield or industrial sites invariably costed more to develop due to the potential for land contamination. He commented at length on the process of viability reviews for affordable housing.

The Principal Planning Officer responded to 5 specific policy positions that were referred to by the public speaker in objection to the application. She referred in particular to policies DES4, HA2 and a couple of WAT policies in terms of Water. She also commented on polices DES1 and DES3 as well as the policy position covered by the National Planning Policy Framework (NPPF).

The Conservation Officer made a number of further points in respect of non-designated heritage assets. The Principal Planning Officer gave an answer to a question from Councillor Page in terms of how the commuted sum had increased if there had been such a robust initial calculation. She referred in particular to the calculated contributions that had been made by Hertfordshire County Council. The Service Manager (Development Management) referred to a formulae

that was used by consultants on both sides that took into account all the costs of a proposed development.

Councillor Andrews expressed a number of concerns regarding protections for the residents from dust and noise during demolition and construction works on this site, due to the embedded nature of this site in a residential area. The Service Manager (Development Management) noted these concerns and summarised the powers that were available to Officers, in consultation with Highways Officers

The Chairman put a number of questions to the Legal Services Manager in terms of Liberty Rise and Hertford East Railway Station. The Legal Services Manager said that Members must determine this application and any matters outside of the application site should have no bearing on the decision making of the Committee.

Councillor Deering said that Members had made a number of comments regarding their concerns in respect of existing policies and regulations and he asked for some legal advice. The Legal Services Manager confirmed that the Committee must adhere to the regulations that Members should be using to determine this application. She said that detraction from policy could leave the Authority open to legal challenges or appeals on the grounds of unreasonable behaviour.

Councillor Deering asked Officers to confirm his understanding that the positions regarding affordable housing, parking and conservation were all compliant with policy. The Legal Services Manager and the

Service Manager (Development Management) confirmed that this was the case in terms of the policy position regarding affordable housing, parking and the conservation issues.

The Legal Services Manager and the Service Manager (Development Manager) responded to a number of questions from Councillor Deering regarding the importance of Members articulating policies and reasons if the Committee was minded to refuse or defer the application. The Legal Services Manager commented on the risk of an appeal for non-determination if the application was deferred as the target date for a decision had passed.

Councillor Kemp proposed and Councillor Kaye seconded, a motion that application 3/20/0897/FUL be granted, subject to a Section 106 legal agreement and the planning conditions detailed at the end of the report submitted and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Section 106 legal agreement and the planning conditions.

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

RESOLVED –that (A) in respect of application 3/20/0897/FUL, planning permission be granted subject to a Section 106 legal agreement and the planning conditions detailed at the end of the report now submitted; and

(B) authority be delegated to the Head of

Planning and Building Control to finalise the details of the Section 106 legal agreement and the planning conditions.

341 ITEMS FOR REPORTING AND NOTING

The Democratic Services Officer said that there were two sets of information for noting due to the cancelled January meeting of the Committee.

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.

342 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.47 pm

Chairman

Date