

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD VIRTUALLY ON ZOOM
ON WEDNESDAY 12 AUGUST 2020, AT 7.00
PM

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

ALSO PRESENT:

Councillor A Huggins

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Steven King	- Finance Management Trainee
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager

136 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews and Crystall. It was noted that Councillor Bull was substituting for Councillor Andrews.

137 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting and detailed the categories of attendee that were present on Zoom. He introduced each Member and Officer in attendance at the meeting.

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 Councillor Jones had stepped down from the Committee and had been a valuable and long standing colleague on the Committee. He paid tribute to the diligence of Councillor Jones and extended his gratitude to Councillor Jones for his service on the Committee.

138 DECLARATIONS OF INTEREST

There were no declarations of interest.

139 MINUTES - 25 JUNE 2020

Councillor Ruffles proposed, and Councillor Beckett seconded, a motion that the Minutes of the meeting held on 25 June 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. Councillor Bull abstained from voting as he was not present at the meeting on 25 June 2020.

RESOLVED – that the Minutes of the meeting held on 25 June 2020, be confirmed as a correct record and signed by the Chairman.

140 3/19/2211/FUL - PART CONVERSION AND PART DEMOLITION OF EXISTING BUILDINGS. PROVISION OF MIXED USE DEVELOPMENT FOR B1 USE (BUSINESS) AND RETENTION OF EXISTING AGRICULTURAL BUILDINGS. ERECTION OF 26 DWELLINGS, 10 TO BE AFFORDABLE HOUSING. WORKS TO INCLUDE ACCESS, LANDSCAPING, ENGINEERING AND ASSOCIATED WORKS. PROVISION OF CAR PARKING SPACES AND CYCLE SPACES AT LAND AT HOME FARM, MUNDEN ROAD, DANE END

The Head of Planning and Building Control recommended that in respect of application 3/19/2211/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control,

said that this application had been substantially amended since the original submission in 2019. The layout had changed and there had been a reduction in the number of dwellings from 38 to 26. He said that the reduction in the number of dwellings was important when considering whether the scale of development was sustainable in this location.

The Service Manager said that the site was outside the Datchworth village boundary and policy GBR2 was therefore the main policy consideration for a development in a rural area. He said that although many representations had referred to policy Vill2, this was only relevant regarding the sustainability of the location in respect of village facilities.

Members were advised that Officers had worked with the applicant to achieve a scale of development that was appropriate in this location. The Service Manager said that this was a brownfield site that already accommodated a number of existing established commercial uses, which were not subject to any planning control.

The Committee was advised that the general environmental quality of the site could not be regarded as good. The Service Manager said that GBR2 permitted the development of brownfield sites and District Plan strategic policy DPS2 directed development to sustainable brownfield sites.

The Service Manager said that the application proposed 40% affordable housing and a potentially high standard of internal sustainability, subject to

conditions. He stated that good quality employment space was proposed to support the rural economy and this was a policy consideration.

Members were advised that the figures at paragraph 9.2 were incorrect as regards planning obligations. The County Council secondary education figure was now £305,748 and the libraries figure was now £4,526. The youth figure was correctly detailed in the report as £1,118.

The Service Manager said that the application did not need to provide a viability review as the scheme did propose 40% affordable housing. Officers had made a judgement as to what was reasonable in terms of contributions based upon the regulations. Members were reminded that specific projects had to be identified for Section 106 contributions to pass the tests and no projects had been identified regarding the proposed development.

The Committee was advised that 8 objections had been received along with 1 representation in support plus 1 neutral representation. The Service Manager said that the window to window distance of 35 metres was considered to be sufficient to address the issue of overlooking. He stated that the wall on the southern boundary was to be retained and no works were proposed to it.

Members should be aware that there was no gas supply to this site and the Service Manager said that this was significant in terms of the sustainability of the application. He said that condition 24 was to be

amended as follows:

“The construction of the development hereby approved shall be carried out in accordance with the provisions for CO2 emissions and energy and water savings identified in the Energy Strategy by Sadler Energy, the Sustainability Statement and other supporting documents in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include details of how the development is to achieve a minimum of 20% reduction in CO2 emissions in comparison to the Building Regulations and 110 litres per person per day in water consumption, and details of the renewable energy measures identified. The approved detail shall thereafter be implemented and maintained.”

The Service Manager concluded his submission by taking Members through the layout plan and elevation slides. He confirmed to the Chairman that the approximate minimum 35 metre window to window separation distance was reasonable and fairly normal for a new development. He said that this would address the concerns of one neighbour who had written to Officers regarding this application.

Mrs Cowler addressed the Committee in objection to the application. Mr Collins spoke for the application. Mr Griffiths addressed the Committee on behalf of Little Munden Parish Council. Councillor Huggins addressed the Committee as the local ward Member.

Councillor Beckett sought clarification regarding the impact of land height differences in respect of loss of

privacy. He asked for clarification regarding the acceptability of the 35 metre separation distance between windows. He also commented on whether the dwellings would have home office space and sufficient lighting, power sockets and ventilation in light of the current levels of home working.

Councillor Redfern said that she was concerned regarding the loss of employment and the impact of this on the rural economy. She asked for some clarity around the meaning of the phrase low employment use and expressed a concern that the replacement jobs might not be open to the people that might have lost jobs in this location.

Councillor Kaye asked for clarity about the improvements requested by Thames Water at paragraph 5.4 of the report. He also said he would like some clarity around paragraph 5.6 and the assets of value highlighted by the Hertfordshire County Council Historical Environment Unit. He asked for some advice regarding the parking concerns of the Hertfordshire Police Crime Prevention Advisor in respect of the parking layout. He said that it was important to be sure that the matter of overlooking could be overcome.

The Service Manager confirmed that there was a perceptible change in ground level on this site. He said that the window to window and window to garden relationship was fairly normal and he did not believe there would be any issues regarding overlooking. He said that the employment uses were not within the planning controls as certificates of lawfulness were already in place.

The Committee was advised that a balance of the considerations had to be made and it was the view of Officers that the benefits of the application outweighed the loss of employment.

The Service Manager said that the Thames Water works related to network capacity to accommodate the proposed development. He stated that archaeological survey work was always a pre-commencement condition and a report on the findings would be produced and a separate submission would be produced on their significance and also setting out what further action was necessary for the documentation or retention of any such findings.

The Service Manager said that the concerns of Hertfordshire Constabulary regarding the overlooking of the parking area were a standard and normal issue of concern for them. He said the reduction in the number of dwellings to 26 meant that the situation regarding parking was much improved in that regard.

Councillor Bull said that the issue of overlooking was not necessarily to do with the 35 metre distance between windows but was more a question of ground levels and an overbearing impact. He asked whether Officers had taken the matter of footpaths in this area into consideration.

Councillor Stowe commented on the matter of bats and said that bat boxes should be provided if bats were found to be present. He asked for some surety around the provision of affordable housing and sought

some clarity around drainage from the site entering the local river. He mentioned whether a condition for the provision of a water butt at each house could be applied to save tap water.

Councillor Kemp said that properties at this end of the village did not benefit from easy access to footpaths. He asked for some clarity around the matter of virtual footpaths and the benefits of these to this application and to other developments. Councillor Kemp asked about the standard of windows for the provision of light for residents. He commented on the sustainability of the site in terms of alternatives to gas for heating and the reductions in water usage to the 110 litre limit if rainwater harvesting and other water saving measures could be achieved.

The Service Manager said that there was a ground levels condition for this application and this would set the base level for the land and adjoining buildings. He said that Officers would look at these details in terms of cross sections and the acceptability of base land levels.

Members were advised that affordable housing and the matter of local occupation was very desirable but could not be achieved in terms of current national policy regarding affordable housing. The Service Manager said that there was no guarantee that the provision of a business space would result in this being taken up by a business tenant.

The Committee was advised that a virtual footpath was a new form of provision as a form of mitigation. The

Service Manager said that this provision would take the form of a demarcation between the road and an area for cyclists which would be covered by a Section 278 agreement as it would not form part of the proposed development site.

The Service Manager said that both drainage solutions offered by the applicant were sustainable forms of drainage. He advised that survey work would reveal which of the solutions proved to be the most feasible.

The Committee was advised that water butts were featured in the application. The Service Manager said that they were not conditioned directly but were mentioned in the overall design strategy. He confirmed that the minimum requirement for windows was covered in building regulations, which were imminently due to be toughened.

Councillor Buckmaster expressed an interest in the design and landscaping plan. She asked about the planned varieties of trees and where these would be located and also what were the planned maintenance arrangements. Councillor Stowe referred to the former use on the site and whether there would be contaminated soil which could be removed to resolve the matter of land levels. He said that a removal of contaminated soil could equalise land levels.

The Service Manager said that a landscaping condition was included covering the type, density and size of planting. He confirmed that an orchard was proposed as part of the green infrastructure. Members were advised that the matter of maintenance of the green

infrastructure was a Section 106 issue. The Manager confirmed that he had sought delegated authority to amend the Section 106 agreement and conditions.

The Service Manager explained that although bats were present on the site, boxes for the bats had not been recommended by Hertfordshire Ecology. He said that he was happy to review the matter of bat boxes on this site. He confirmed that bats were protected in law outside of the planning process and a condition regarding biodiversity gain could be added if planning permission was approved.

The Service Manager said that the 2 part contamination condition included a survey involving sampling and should any contamination be found, an amelioration strategy would be required. He said this might very well involve the removal of soil and an adjustment of land levels and Environmental Health would be consulted on this.

The Service Manager confirmed that on this application, Officers had not had to seek an improvement in the offer of affordable housing as the full 40% had been submitted as part of this application. He said that anything less than 40% would require a viability assessment and a variation of permission application.

Councillor Page asked whether there would be any lighting for the virtual footway. He referred to paragraph 8.22 of the report and asked about the impact on current provision of the narrowing of an access to pedestrian only. He asked the Officer if there

were any planned incentives for sustainable transport.

The Service Manager said that the virtual footway was outside of planning control and any requirement for lighting would form part the Section 278 agreement. He said, in terms of sustainable transport, the highway authority considered that the mitigation was covered by sustainable transport provision, as this sought to enhance footpath access to village facilities and to the school.

Councillor Page asked about the implications of changing the access movements towards the north on Munden Road regarding the existing use. The Service Manager advised that one reason was to separate the employment traffic from residential traffic.

The Service Manager said that the closing of the access to pedestrian only was required by the highway authority and this also formed part of the plan to improve pedestrian access to the village and onto the virtual footpath.

The Service Manager confirmed to the Chairman that a condition regarding bat boxes could be added and the matter of water butts was covered under the amended condition 24.

Councillor Ruffles proposed and Councillor Kemp seconded, a motion that application 3/19/2211/FUL be granted subject to a legal agreement and the conditions set out at the end of the report and delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

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

RESOLVED –that (A) planning permission be granted subject to a legal agreement and the conditions set out at the end of this report; and

(B) authority be delegated to the Head of Planning and Building Control to finalise the Section 106 Legal Agreement and conditions.

141 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
- (D) Planning Statistics.

The meeting closed at 8.40 pm

Chairman
Date