

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 9 NOVEMBER 2016, AT 7.00  
PM

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

ALSO PRESENT:

Councillors P Ballam, P Boylan, S Bull,  
S Cousins and S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Paul Dean	- Principal Planning Enforcement Officer
Nurainatta Katevu	- Property and Planning Lawyer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

428 APOLOGY

An apology for absence was submitted on behalf of  
Councillor J Jones. It was noted that Councillor S Reed  
was substituting for Councillor J Jones.

429 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that there was training scheduled

for Thursday 24 November 2016 at 7 pm in the Council Chamber, Wallfields on technical planning issues. This was aimed at the Development Management Committee but was open to all Members.

The Chairman requested that Members stay behind for a short while after the meeting for a brief discussion on consultation. Finally, he acknowledged the help and support given to the Committee by the Property and Planning Lawyer as she was leaving now that the Authority had a Legal Services Manager in post. He wished her well on behalf of the Committee.

430 MINUTES – 12 OCTOBER 2016

RESOLVED – that the Minutes of the meeting held on 12 October 2016 be confirmed as a correct record and signed by the Chairman.

431 3/16/1918/REM – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR 3/14/1627/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 24 HOUSES AND PROVISION OF PUBLIC OPEN SPACE, LANDSCAPING, PARKING AND ASSOCIATED WORKS ON LAND EAST OF CAMBRIDGE ROAD, PUCKERIDGE BY MEARS NEW HOMES

Mr Rainbird addressed the Committee in objection to the application. Mr Cooper spoke for the application. Councillor P Boylan addressed the Committee as a local ward Member.

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/16/1918/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head outlined the relevant planning history and the related appeal decision from the planning inspectorate. Members were reminded that the principle of the development was established and details of the access

were also approved. The only matters Members should debate were layout, scale, appearance and landscaping and all of these matters were considered to be acceptable by Officers.

The Committee was advised that this scheme was broadly similar to the outline application and a key benefit was that the green frontage onto Cambridge Road would be retained. The Head advised that the scheme was bounded to the south by a mix of housing types and scales and there had been no objection from the Landscape Officer. The proposed mix of 2, 3, 4 and 5 bedroom dwellings was considered to be acceptable and 10 of the proposed units would be affordable.

Officers had asked the applicant to review their proposals in light of the Neighbourhood Plan and their response was that this application was in accordance with the outline permission. The applicant had stated that the published Neighbourhood Plan carried little weight and had been preceded by this application and the corresponding outline application.

Councillor M Casey agreed with the comments of other speakers that the Café Field development should be considered in conjunction with this application. He sought clarification as to where it was proposed to have the access for the café field application in terms of a roundabout or junction onto the A120.

Councillor B Deering queried whether the point that could lead to a deferral on this application had already been addressed by the approval of outline planning permission. Councillor M Allen questioned whether the traffic report had any impact on this particular application in terms of potential conditions.

Councillor D Andrews expressed concerns regarding the lack of a cumulative assessment of applications in this area. He referred to the dangerous A120 Cambridge Road junction.

The Chairman referred to the aspiration of optimising infrastructure and questioned how this could be accommodated as part of the highways matters in this case. The Head confirmed that the access for the Café Field development was proposed for the South West corner of that site onto Cambridge Road. Officers had commissioned a transport report into that application and this did not take in account the two applications included in tonight's agenda.

Members were reminded that significant weight should be given to the fact that outline permission had been approved and that the access had already been approved by the planning inspectorate. The Head reminded Members of the very limited matters they could consider when determining this application.

The Head also advised that having a small number of larger sites allowed a greater ability to optimise infrastructure. He stressed that smaller sites did not give that same opportunity when considered in isolation. He concluded that the Authority should seek to ensure that the potential for infrastructure improvements such as cycle and pedestrian links was not lost.

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 reserved matters application 3/16/1918/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

432 3/16/1716/FUL – INDOOR TENNIS CENTRE  
INCORPORATING INDOOR COURTS, POOL, GYM AND  
OUTDOOR FACILITIES INCLUDING OUTDOOR SWIMMING  
POOL, TENNIS COURTS AND GOLF RANGE.(PREVIOUS  
APPROVAL REFERENCES 3/13/1348/FN AND  
3/08/1465/FP) AT LAND WEST OF SELE FARM ESTATE,  
WELWYN ROAD, HERTFORD FOR LONDON AND  
REGIONAL PROPERTIES

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The Head of Planning and Building Control recommended that in respect of application 3/16/1716/FUL, planning permission be refused for the reasons detailed in the report now submitted. Members were advised of the planning history of the site since 1999 when the application was first submitted.

The Head stated that Members needed to be mindful of the emerging District Plan as this site had been allocated for residential development. He explained that the leisure development had previously been approved as it had been considered that the benefits of the proposal had clearly outweighed the harm to the Green Belt.

However, in view of the recent publication of the pre-submission District Plan, Officers were now unable to support the application for a leisure use as doing so would be contrary to the policies of the emerging Plan given that the site had been earmarked for residential development. Councillor J Kaye sought clarification of the status of this site as Green Belt when it had been earmarked for residential development in the District Plan.

Councillor K Warnell referred to the fact that the emerging District Plan was not policy and this application was supported by current planning policies as well as the Council's Forever Active and Living Well schemes. He was concerned that the need for housing trumped the need all other types of provision such as the leisure uses being promoted by this Authority.

Following these and a number of other comments from

Councillors J Goodeve, R Brunton, R Standley and the Chairman, the Head stated that if the District Plan was approved in its current form then the status of this site as Green Belt would change and future decisions would be made under a different policy context.

Members were advised that the weight that could be given to the District Plan depended on 3 distinct criteria, one of which was the compliance of the plan with the National Planning Policy Framework (NPPF). Officers considered that the emerging plan would be fully compliant with the NPPF.

The Head stated that one uncertainty was how many unresolved objections there would be once consultation concluded in December 2016. He clarified why Officers were now giving some weight to the District Plan when making recommendations to Development Management Committee.

Members were advised that the Leisure Services Manager felt that the District was well catered for in terms of swimming pools and the provision of tennis courts. In addition, there was the potential that this proposal, because of its type, might divert demand from elsewhere but not have a significant impact in relation to demand locally. Therefore, Officers had not given the health benefits significant weight. Members were further advised that this scheme might allow residents who already accessed facilities to do so more locally.

The Head concluded that the matter that had finally shaped Officer thinking was the view that there were clear emerging policies in the District Plan and this application did not sit well with those policies. Members were reminded that the scheme had been approved a number of times and had not been implemented. The Authority was not in a position to direct applicants or landowners on which applications to deliver.

Members made a number of other comments regarding

the shortage of mixed use leisure facilities and the reasons why Officers were not supportive of the application when they had been previously. The Head stated that the application had to be considered within the current policy context and this was now different, to that which had applied when the application had been considered previously, in light of the emerging pre submission draft District Plan.

Members were reminded that tough decisions had been made regarding the allocation of sites for housing and this site was one that was proposed to be taken out of the Green Belt. In relation to allocated housing sites, the Council was now keen to ensure that these remained deliverable. Officers were confident that the recommendation was sound and were satisfied that the Authority would not be found to have acted unreasonably should there be an appeal. After being put to the meeting and a vote taken, there being an equality of votes, the Chairman exercised his casting vote against the Officer's recommendation for refusal.

Councillor T Page proposed and Councillor K Warnell seconded, a motion that application 3/16/1716/FUL be granted subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to comprise a variation of the agreement signed in relation to previous permissions at the site with appropriate conditions, the detail of which be delegated to Officers.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1716/FUL, planning permission be granted subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act to comprise a variation of the agreement signed in relation to previous

permissions at the site with appropriate conditions, the detail of which be delegated to Officers.

433 3/16/1218/FUL – DEMOLITION OF BUILDINGS. CLOSURE OF ACCESS POINTS. ERECTION OF 29 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND CREATION OF ACCESS TO CAMBRIDGE ROAD AT THE CHESTNUTS AND GLANTON, CAMBRIDGE ROAD, PUCKERIDGE FOR BEVERLEY HOMES LIMITED

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Mr Rainbird addressed the Committee in objecting to the application. Jane Orsborn spoke for the application. Councillor P Boylan addressed the Committee as the local ward Member.

The Head of Planning and Building Control recommended that in respect of application 3/16/1218/FUL, subject to a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head stated that the normal considerations applied in respect of a site that was beyond the existing settlement boundary plus the other material consideration of the Council's current lack of a 5 year housing land housing. The NPPF was clear in these circumstances, stating that the Authority should support development unless there would be significant and demonstrable harm.

Councillor D Andrews referred to the cumulative effect of applications and access onto the A120 from Cambridge Road. He stated that the application was overdevelopment and commented that pedestrians or cyclists wishing to cross the A120 with a degree of safety faced a mile and half round trip.

Councillor D Andrews stated that a majority of motorists using cars on the Cambridge Road end of Puckeridge would have to use the A120 junction due to a highways enforced single lane on Cambridge Road giving priority to



oncoming traffic. He stated that he felt there was some work to be done regarding the points raised in paragraph 1.1 of the report. He also commented in detail regarding the bus service provision in and out of Puckeridge for commuters or young people wishing to access youth services and argued that it was a misnomer to suggest that the bus service was a sustainable mode of transport.

Councillor B Deering queried whether deferral was a possibility on this application. He referred to paragraph 10.33 and suggested that the proposed parking provision was unacceptable. Finally he referred to paragraph 10.47 and asked for some rationale why one requirement of the section 106 legal agreement had been removed from the heads of terms solely on the basis of the lack of a response from the relevant local health service.

Councillor M Casey commented on whether there were grounds for deferral in this case with regard to the highways situation and the dangerous junction referred to in the debate. The Head stated that sustainability in transport terms was one of the areas where negative weight could be assigned and this had been acknowledged by an appeal inspector.

Members were advised that, in general terms, there were very few places in East Herts where development would not be supported in transport sustainability terms. The Head emphasised that Officers felt that the harm resulting from the proposed development was outweighed by the benefits in this case.

Members were reminded that there was scope for a deferral of planning permission although the applicant had indicated they would appeal non-determination and any future decision would be taken away from the Authority by the planning inspectorate. Officers could have a dialogue with the local health service regarding the section 106 funding and the heads of terms.

The Head advised that the proposed 64 space parking

provision met the current parking standards and was slightly short of the emerging standards. He felt that there would be modest harm which Officers did not consider to be significant.

The Head also referred to work that had indicated that the proposed density was acceptable and Members were advised that the traffic scenario of vehicles exiting onto the A120 via Cambridge Road was considered to be acceptable. The Landscape Officer was content with the application following an amendment to the layout of the proposed development. He responded to a number of other points raised by Councillor D Andrews.

Councillor D Andrews proposed and Councillor M Casey seconded, a motion that application 3/16/1218/FUL be deferred to enable Officers to consider further the issues of additional traffic using the Cambridge Road/A120 junction, the density of development on the site and the local sustainable transport infrastructure.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/16/1218/FUL, subject to a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, planning permission be deferred to enable Officers to consider further the issues of additional traffic using the Cambridge Road/A120 junction, the density of development on the site and the local sustainable transport infrastructure.

#### 434 ITEMS FOR REPORTING AND NOTING

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 Chairman passed on some advice from the Property and Planning Lawyer that Committee Members should not confer during the meeting with Members who were not part of this discrete Committee.

The meeting closed at 9.05 pm

Chairman .....
Date .....