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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Tel: 01279 502174
Date: 21 March 2023

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE - 23 MARCH 2023

Please find attached the following minutes which were marked "to follow" on the agenda for the above meeting:

4. Minutes - 28 February and 8 March 2023 (Pages 3 - 43)

To confirm the Minutes of the meeting of the Committee held on:

Tuesday 28 February 2023
Wednesday 8 March 2023

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
Peter.Mannings@eastherts.gov.uk

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : THURSDAY 23 MARCH 2023
TIME : 2.00 PM

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
TUESDAY 28 FEBRUARY 2023, AT 11.00 AM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, R Fernando,
I Kemp, S Newton, T Page, C Redfern,
P Ruffles, S Rutland-Barsby and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Goodeve and
L Haysey

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Peter Mannings	- Democratic Services Officer
Katie Mogan	- Democratic Services Manager
George Pavey	- Principal Planning Officer
Jenny Pierce	- Gilston Area Team Leader
Sara Saunders	- Head of Planning and Building Control
Claire Sime	- Service Manager (Planning Policy,

	Design and Conservation)
Kevin Steptoe	- East Herts Garden Town Lead Officer
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Douglas Edwards KC	- Weightmans
Roger Flowerday	- Hertfordshire County Council
Lee Gordon	- Weightmans
Sarah McLoughlin	- HCC Growth and Infrastructure Unit
Naisha Polaine	- Harlow and Gilston Garden Town
Matthew Wood	- HCC Growth and Infrastructure Unit

361 APOLOGIES

An apology for absence was submitted on behalf of Councillor Newton. It was noted that Councillor Rutland-Barsby was substituting for Councillor Newton.

362 CHAIRMAN'S ANNOUNCEMENTS

There were no chairman's announcements.

363 DECLARATIONS OF INTEREST

Councillor R Buckmaster said that for the purposes of transparency, she needed to declare that her husband, Councillor E Buckmaster, would be addressing the Development Management Committee as a local ward Member. She said that this had no bearing on her role as a Member of the Committee and she had come to the meeting to determine the application with an open mind.

Councillor E Buckmaster said that he was present solely in his capacity as a Member for Hunsdon ward which included the proposed development areas to represent the interests of the people living in those areas and the wider community. He said that he had not shared anything of what he was going to say with any Member of the Committee.

364 MINUTES - 11 JANUARY AND 8 FEBRUARY 2023

Councillor Beckett proposed and Councillor R Buckmaster seconded, a motion that the Minutes of the meetings held on 11 January and 8 February 2023 be confirmed as correct records and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Fernando abstained from voting as he had not been present at the meeting held on 8 February 2023.

RESOLVED – that the Minutes of the meetings held on 11 January and 8 February 2023, be confirmed as correct records and signed by the Chairman.

365 PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

The Chairman addressed a couple of procedural matters regarding speaking arrangements in respect of the determination of the application before the Committee.

Councillor Deering said that a statutory consultee, Sue Fogden from the NHS, had registered to speak. He said that Ms Fogden would be allocated a total of 6 minutes to speak at his discretion. Councillor Deering explained that this was consistent with the time for strategic sites and he considered this to be reasonable and proportionate in the circumstances.

Councillor Deering said on Friday 24 February 2023 at 11:59 am, Democratic Services had received an email from Mr Richard Ford in relation to the duration of public speaking time for objectors. The Chairman said that he was obliged to raise this as under the constitution, the Committee can depart as it sees fit from arrangements previously agreed on 8 February 2023.

Councillor Deering summarised the arrangements that had been approved on the 8 February 2023 and he said that it had now been requested that the 12 minutes previously agreed be extended to 30 minutes in total to be split between the objectors on the basis that 12 minutes was insufficient for a proposal of this scale and size.

The Legal Services Manager said that the Committee could depart from the arrangements that were previously agreed and given the potential threat of a legal challenge and considering the nature of the request, it would not be unreasonable to agree an extension of time.

The Legal Services Manager said that in the circumstances it would be reasonable and proportionate for Members to agree to extend the time to 25 minutes as opposed to 30 minutes to be split between each objector. She said that there were 5 objectors in total as Mr Ford and Mr Hudson represented the same objector and the same total time would be offered to speakers in favour of the application for fairness.

The Legal Services Manager advised that the speaking arrangements for Eastwick and Gilston and Hunsdon Parish Councils would remain at 12 minutes and the other Parish Councils at 5 minutes as this was considered proportionate. She said that she was aware that all speakers were contacted yesterday afternoon by Democratic Services to advise them that there might be a slight departure in the interests of fairness and transparency.

Councillor Deering proposed and Councillor Fernando seconded, a motion that in accordance with paragraph 6.4.5 in Section 6 – Regulatory Committees of the constitution, the committee agree to depart from the speaking arrangements agreed in minute number 336 of the Development Management Committee meeting held on 8 February 2023, to extend the time for those

speaking for or against from 12 minutes to 25 minutes in respect of application 3/19/1045/OUT.

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

RESOLVED – that in accordance with paragraph 6.4.5 in Section 6 – Regulatory Committees section of the constitution, the committee agree to depart from the speaking arrangements agreed in minute number 336 of the Development Management Committee meeting held on 8 February 2023, to extend the time for those speaking for or against from 12 minutes to 25 minutes in respect of application 3/19/1045/OUT.

366 3/19/1045/OUT – OUTLINE PLANNING APPLICATION IN THE NAME OF PLACES FOR PEOPLE WITH ALL MATTERS RESERVERED APART FROM EXTERNAL ACCESS FOR THE REDEVELOPMENT OF THE SITE THROUGH THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A RESIDENTIAL LED MIXED USE DEVELOPMENT COMPRISING UP TO 8,500 RESIDENTIAL HOMES IN SIX SEPARATE VILLAGE DEVELOPABLE AREAS

The Head of Planning and Building Control recommended that in respect to application 3/19/1045/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and the proposed conditions set out at the end of this report and delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section 106 Legal

Agreement and draft planning conditions annexed (including delegated authority to add to, amend or delete conditions).

The Gilston Area Team Leader set out a comprehensive policy context for the allocated application site and explained in detail the future master planning process including the intended master plan delivery of the proposed 8,500 houses on the 993 hectares that comprised the application site.

Members were advised of the planning history and were reminded of the decisions reached by the Committee in respect of the Central and Eastern Stort Crossings in February 2022 and also of the decision in respect of Fiddlers Bridge. The Gilston Area Team Leader said that a separate application for village 7 for 1,500 homes had been submitted.

The Gilston Area Team Leader summarised the key issues that Members should consider when determining the application. She said that Officers considered that application 3/19/1045/OUT conformed to the requirements of policy GA1 and there was no in principle reason for Members to refuse the application.

The Gilston Area Team Leader set out the intended master plan delivery for the 8,500 homes and explained that the scheme no longer supported the provision of 40% affordable housing for viability reasons. She addressed the committee in respect of the parameter plans and spoke in detail about hedgerow and woodlands buffers and green corridors.

Members were advised that each village would have a village centre for community uses and she spoke at length in respect of building heights and height restrictions across the site. The Gilston Area Team Leader set out the proposed enhancements for protecting the natural environment and said that there was no risk of tidal or groundwater flooding. She also spoke at length in respect of climate change, flood risks and sustainable drainage.

Members were advised of the proposed education provision and the proposed enhancements for protecting and enhancing the natural environment. The Gilston Area Team Leader spoke at length about heritage and ecological assets and talked about the aspiration that 60% of trips would be made by active sustainable modes of transport.

The Gilston Area Team Leader addressed several key transport considerations and detailed the locations of the Village 1 all modes access as well as the interim and final access points for Village 2. The Gilston Area Team Leader touched on the matter of the weight restriction on Eastwick Road and said that the Village 6 access had been worked up on the basis that this would still work should Village 7 not be built. She addressed Members at length regarding the accesses for Villages 6 and 7 and talked about the protection and enhancement of the historic built environment.

Members were advised that no heritage assets would be demolished. The Gilston Area Team Leader referred to statutory duties in relation to heritage assets and

said that the wider public benefits of the proposed development outweighed the harm in relation to heritage assets. She addressed the Committee at length in respect of land contamination and pollution and talked about the introduction of an urban form of development into a rural area that was devoid of artificial lighting.

The Gilston Area Team Leader detailed the recommendation that was being made, subject to the Section 106 legal agreement and the draft planning conditions. The Specialist Planning Solicitor summarised in detail the late representations that had been received. He said that Officers had responded to the late representations within the additional representations summary documents and Officers has also set out several updates to the committee report, including the Section 106 Heads of Terms. He said that Members of the Development Management Committee had all been asked to arrive early to provide opportunity to read the late representations and related documents.

Rory Joyce, Kirsty Elliot, Yasmin Gregory, Richard Ford, Angus Hudson and Peter Hannaford addressed the committee in objection to the application. Yuveed Bhenick spoke for the application.

Anthony Bickmore addressed the Committee as the Chairman of the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group. Sue Fogden addressed Members on behalf of the Hertfordshire and Essex Integrated Care Board. Councillor E Buckmaster

addressed the Committee as the local ward Member for Hunsdon.

Councillor Deering proposed and Councillor Kemp seconded, a motion for an adjournment from 13:40 to 14:10. After being put to the meeting and a vote taken, this motion was declared CARRIED. Members were reminded that they should not discuss the application with anyone during the adjournment period.

RESOLVED – that the meeting be adjourned for 30 minutes from 13:40 to 14:10.

The meeting reconvened at 14:14. The Chair provided an opportunity for Officers to respond to points raised by those speaking against and for the application. The Gilston Area Team Leader said that the site was no longer in green belt by virtue of the District Plan allocation. She said that a single environmental impact assessment scoping opinion had originally been carried out and the site had been comprehensively considered in this respect subsequently through the EIA process. With regard to the land remaining for development as part of the Gilston Area allocation and outside the site of this application, Members were advised that the agreed approach relating to the two separate applications for the Gilston Area was that each site was going to assess the other through a cumulative assessment of impact of both application sites and other sites in the local area.

The Gilston Area Team Leader said that the only thing that was required from the Village 1 to 6 application from the Village 7 scheme was the matter of two

sports pitches. She said that there were options for additional adult pitches in one of the Villages 1 to 6 and these could be overlaid with a junior and mini pitches. Members were advised that this had to be weighed up alongside the considerable sports provision that were to be provided in all other respects.

The Gilston Area Team Leader said that the matter of the reliance on the Village 7 site for gypsy and traveller pitches was a matter of agreement between the applicants in terms of how the allocation of 15 pitches were to be divvied up. She explained that this was considered beneficial as the needs of different groups of gypsies and travellers were very different. Officers had concluded in the report that the benefits justified the grant of permission and that the Village 1 to 6 application would be acceptable if Village 7 did not come forward.

The Specialist Planning Solicitor said that Officers had concluded that the environmental information that had been submitted was sufficient and adequate. He said that the "project" for the purposes of the environmental impact assessment (EIA) was Villages 1 to 6 plus the river crossings. Members were advised that Officers were satisfied that the north to centre sustainable transport corridor (STC) and the wider STC network throughout Harlow was a separate project to be delivered by separate bodies. He explained that this development was making a proportionate financial contribution but was not reliant on that STC network coming forward and there would be no occupation restriction linked to delivery of the STC network.

The Specialist Planning Solicitor said that Officers had made a professional planning judgement that the environmental statement was adequate and sufficient. He explained that the information in respect of Village 7 was considered by Officers to be sufficient to determine this application. Members would not be imposing requirements in respect of Village 7 application at this meeting and the Heads of Terms in respect of Villages 1-6 for the Section 106 were of sufficient detail and were comprehensive. The Committee was advised that the expected obligations in respect of Village 7 were for information purposes only.

The Specialist Planning Solicitor said that Villages 1 to 6 were not considered by Officers to be dependent on Village 7 coming forward and the planning permissions for the Eastern and Central Stort Crossings were valid and could be relied upon notwithstanding the judicial review challenge unless and until those permissions were quashed by a court. The Specialist Planning Solicitor set out the legal position in respect of the Eastern and Central Stort Crossings and the latest position in respect of the judicial review proceedings, noting that permission to bring judicial review proceedings had twice been refused by the courts on the basis that the claims were considered unarguable and a final decision was expected from the Court of Appeal on the latest appeal.

The Gilston Area Team Leader said that the council had resources in place to deal with and monitor the application going forward in respect of the Section 106

agreement and the conditions. Members were advised that the impact on the woodland had been comprehensively considered and the matter of green belt was not applicable as the District Plan allocation removed the site from the green belt.

The Gilston Area Team Leader said that applicants were entitled to consider the viability of the scheme in terms of the provision of affordable housing during the consideration of the application proposals.

The Specialist Planning Solicitor said that the council had received specialist viability valuation advice and this report had indicated that there was a reasonable basis for moving forward. Members were advised that an upwards only viability review would be secured in the Section 106 agreement going forward in the hope that viability and the level of affordable housing would improve.

The Specialist Planning Solicitor said that there had been absolute transparency in respect of the changes that had been made to the application and in particular changes to the minimum level of affordable housing.

The Gilston Area Team Leader said that pupil yield modelling followed the Hertfordshire County Council approach which was that 500 homes equated to the 1 form of entry. She set out in detail the comprehensive work that had been carried out in collaboration with Hertfordshire County Council in respect of education planning. Members were advised that habitat assessments had been carried out correctly and these

had been assessed by Herts Ecology and Natural England.

The Gilston Area Team Leader said that assessment work had been undertaken in respect of length and width of vehicles gaining access to the proposed gypsy and traveller sites via the current country lanes in the area. She referred to an occupation needs assessment that had been undertaken and said that there had been meetings with gypsy and traveller liaison groups and the travelling show guild to understand accommodation needs and identify suitable locations.

The Gilston Area Team Leader said that the modelling had showed that most of the transport impact would be felt in Harlow and the surrounding major roads. She said that where transport impacts arose there was a need by default that that these impacts should be mitigated. Members were advised that this mitigation had been included in the Section 106 legal agreement.

The Gilston Area Team Leader said that it was right and proper that commensurate funds were put towards key infrastructure and funded from the development that created the need for that infrastructure. She said that it was expected that there would be infrastructure for Villages 1 to 6 funded by contributions from Village 7 and vice versa in respect of sport facilities.

The Specialist Planning Solicitor said that, as noted in the Section 106 heads of terms, the key commitments from the developer would be the timing of the delivery of the central and eastern Stort crossings and there

would be limits on the numbers of housing which could be occupied before those crossings were delivered.

Mr Flowerday, Hertfordshire Highways, said that in respect of the central Stort crossing, the evidence submitted to support the application did not demonstrate that there would be an unacceptable severe impact as a consequence of the identified trigger for its delivery and there was no evidence that this crossing was required sooner.

Mr Flowerday said that this was a very large application, and it was quite right that Officers only seek to mitigate the impacts that could be seen in the evidence. He said that Officers had sought to introduce the appropriate safeguards to allow them to continually monitor the situation and react accordingly. He referred in particular to the impact on the villages and Officers had taken every reasonable step to mitigate what we can see now and take steps to mitigate against any future eventualities.

The Specialist Planning Solicitor said that the recommendation of officers, in line with standard practice, was that delegated authority was given to the Head of Planning and Building Control to finalise the detailed legal drafting of the Section 106 agreement to secure the headline commitments set out in the heads of terms.

The Gilston Area Team Leader said that Officers did not feel that sufficient evidence had been put forward to justify the CIL tests that made it necessary for this

application to deal with shortfalls in funding and infrastructure within the NHS, particularly in relation to acute care capacity. She said that there would however be a facility on the site that would meet the day to day needs of residents and would mitigate the impacts from the development in terms of primary healthcare needs.

Douglas Edwards, KC, said that the matter of a contribution towards acute services had been tested in the High Court recently in respect of a large residential development. He said that on the facts of that case the court upheld a decision of an LPA not to require an acute care contribution due to insufficient evidence to demonstrate a temporary gap in NHS funding which should be covered by the developer. Mr Edwards noted that the provision of acute NHS services was generally a matter that was paid for by tax and it would not normally be the case that a developer would be expected to fund acute NHS services via Section 106 contributions.

The Gilston Area Team Leader spoke at length in terms of infrastructure and transport modelling. She said that the Sawbridgeworth Air Quality Management Area (AQMA) was in exceedance. Members were advised that the evidence and trends demonstrated that the frequency of exceedance incidents was decreasing.

The Gilston Area Team Leader said that there would be no worsening of the flood risk as result of this proposed development. She said that all the policy requirements to ensure that flood risk did not occur because of this scheme had all been met. Mr

Flowerday said that safeguards were in place within the Heads of Terms of the Section 106 agreement. He said that the original application did not include the Sawbridgeworth contribution and steps had now been taken to secure this once the unmitigated impact on Sawbridgeworth had been identified.

Councillor Deering proposed and Councillor Rutland-Barsby seconded, a motion for an adjournment from 15:20 to 15:40. After being put to the meeting and a vote taken, this motion was declared CARRIED. Members were reminded that they should not discuss the application with anyone during the adjournment period.

RESOLVED – that the meeting be adjourned for 20 minutes from 15:20 to 15:40.

The meeting reconvened at 15:41. Councillor Ruffles commented on why a particular location had been chosen for accommodating travelling show people instead of pepper potting this provision around the site. Councillor Ruffles said that he was content with the position that had been taken in respect of historic structures. He stressed the importance of the protection of pillboxes on the airfield.

Councillor Ruffles commented on the proposed environment created between newly constructed buildings. He highlighted the importance of maintaining sightlines to protect the settings of historic structures. He expressed a concern regarding the protections for tributary corridors and habitats.

The Gilston Area Team Leader said the location of the gypsy and the traveller site had been chosen to allow access to grazing land and recreation space. She said that the two larger facilities were chosen to accommodate the way that families collaborated to buy and occupy sites. Members were advised that 7 to 8 pitches was considered optimal.

The Gilston Area Team Leader said that, in relation to Hunsdon Airfield, 14 individual assets were covered under 1 scheduled monument designation. She advised on the heritage work that would be come forward through the conservation management plans. Members were advised on habitat buffers in terms of where development could occur.

Councillor Kemp asked in respect of school provision being provided in each village in the September in the year after the first occupation of any houses. He asked if this was secured by condition. He asked about the process of charging the NHS market rent for premises and commented on whether there was a point at which healthcare facilities were due to be delivered.

Councillor Kemp asked about the level of flexibility that existed in the Section 106 heads of terms in respect of NHS funding requirements and in respect of the improvements to Pye Corner being funded by Villages 1 to 6 should Village 7 not go ahead. He talked at length in respect of the sustainable transport corridor and heavy construction traffic not using parts of the existing narrow road network.

The Gilston Area Team Leader said that the school provision would be secured by the Section 106 agreement. The Specialist Planning Solicitor said that the heads of terms had set out the requirement for the developer to reserve the land for education purposes and that the County Council could call for the sites. He confirmed that it was intended to be Hertfordshire County Council's responsibility to ensure that schools were designed, planned and built on time, with flexibility built in for the owner to deliver a school with the agreement of the County Council. The owner would provide the land and funding for delivery of the schools.

Members were advised that it was a fairly standard approach for Section 106 agreements to adopt an approach whereby the NHS was charged a market rent for premises and referred to GP practices typically paying rent. The Specialist Planning Solicitor said that whilst there were some Section 106 examples of freehold transfer of land to the NHS, the preference of Officers of the local planning authority (LPA) was for the developer to deliver the facility with an agreed specification and by an agreed trigger point. He noted that this would be the default position but, following the representations of the NHS, flexibility has been built into the Heads of Terms for all parties to agree an alternative approach to delivery.

Councillor Fernando made a point of order in that the Development Management Committee was not political and Members attended the meetings of the Committee with an open mind and determined each application on its planning merits. He commented on

the buffer zones that had been recommended by Natural England.

The Gilston Area Team Leader said that the obligation of the Pye Corner improvement works was tied into the approval of the Eastern Stort Crossing application and the conditions. She detailed the locations of the travelling show people uses and also set out the locations for the gypsy and traveller use.

Members were advised that once the main roads and access routes had been built these would become the main routes into the site for construction traffic. The Gilston Area Team Leader talked about mode share objectives and the use of the master planning design assessment to prevent the use of the A414 for through access for construction traffic and to promote the use of haul roads and the sustainable transport corridor as possible alternative options.

Councillor Andrews touched on the importance of policy and ongoing monitoring and enforcement of matters such as wheel washing and hours of construction. He asked for assurance that the policy, authority, responsibility, and the wherewithal to protect the interests of residents.

Councillor Beckett expressed concerns in respect of the woodland areas and the aerodrome and whether provision would be made for car parking and access routes. He talked about the figures for biodiversity net gain and whether the biodiversity commitment of 10% biodiversity net gain could be increased as a minimum

requirement to safeguard the biodiversity figures for hedgerows, habitats and watercourses.

The Gilston Area Team Leader and the Specialist Planning Solicitor made several points in respect of stewardship costs and applicant's proposed strategy in respect of stewardship. Members were also given some general advice in respect of biodiversity net gain and green corridors.

Councillor R Buckmaster said that one of her concerns was community infrastructure and she was asking if the residents of the local area, including from Terlings Park, Pye Corner, High Wych, Gilston, Hunsdon and Eastwick, would have access to schools and health facilities. The Gilston Area Team Leader said that the proposal was that the health centre will be completed by around 2000 or 2,500 properties and the community centre facility would be used for temporary health care facilities, subject to consultation with the NHS through the Section 106 agreement process.

Sarah McLoughlin, HCC Growth and Infrastructure Unit, said that the education authority would have to comply with the national admissions code and serve the local community as much as serving future residents.

Councillor Redfern asked why the development was referred to as a collection of villages and this description she felt was very misleading. She expressed significant concerns in respect of the reduction in the percentage of affordable homes. She noted the upward revision to 23% and asked if Members could really agree to the decimation of bird

life and other biological habitats by weighing this up against the wider public benefits going forward.

The Gilston Area Team Leader talked about the tests set out in the NPPF in respect of habitats and the impacts on ecological assets when compared to the wider public benefits. She also touched on the duty on the Authority to demonstrate a 5-year housing land supply.

The Specialist Planning Solicitor explained that there would be a detailed monitoring report from the developer which set out the number of dwellings occupied and which related obligations had been complied with. He said that there would be significant monitoring costs of the LPA paid for by the developer.

The Head of Planning and Building Control said that District Plan policy DEL4 (monitoring of the Gilston area) was set out in chapter 25 of the District Plan, on page 317 in respect of delivery and monitoring. She said that this section recognised the complexity of the Gilston area and covered the monitoring of progress on an annual basis.

Councillor Crystall asked about the mitigation of biodiversity net gain and asked about the buffers for waterways and mitigation and protections for ecosystems in the Stort valley. He touched on the concerns of the Herts and Middlesex Wildlife Trust and the comment from the objection from the Conservation and Design Team from 2021 in respect of the lack of sustainability targets.

The Gilston Area Team Leader spoke at length in respect of mitigating the impact of the development on the Stort Valley and the ongoing long term management burden if significant amounts of new habitat had been created.

The Gilston Area Team Leader said that the applicant had produced an up-to-date energy statement, and this included an ambition of being net zero carbon by 2035. She said that modelling by the applicant had shown that between 50% to 75% above the part L building regulations standards was achievable. Members were advised that there would be no gas anywhere on the site and all properties would have photovoltaic cells as well as several other sustainability measures.

The Specialist Planning Lawyer referred to the late representations report in respect of advice regarding the relevance of the Housing Infrastructure Grant (HIG) funding to the determination of this planning application and noted that as per such report HIG in and of itself this was not a material planning consideration. He said that it was one of many inputs into the viability assessment submitted by the applicant which was intended to assist viability. Mr Flowerday said that it was intended that if planning permission was granted there would be access to the funding to help forward fund the mitigation of impacts of the development and the repayment and recycling of the funding could accelerate delivery of other infrastructure across the garden town.

Councillor Fernando said that once residents had moved in and got used to use non sustainable modes of transport prior to the full opening of the sustainable travel corridor, getting them to shift to using more sustainable modes could be very difficult.

Councillor Buckmaster expressed a concern that residents of surrounding settlements would not feel the benefits and the added value of the proposed development as they would be impacted by construction traffic, extra traffic, air and light pollution.

Mr Flowerday said that there were options to limit the amount of turning movements that could go through Pye Corner. He talked about the Traffic Management Act part 6 powers due to be made available to Officers which could include camera enforcement. Members were advised about the county travel survey data report and they were also advised about the opportunities and facilities to be made available to link up to the Sustainable Travel Corridor.

In reply to a query from Councillor Fernando in respect of the scheme of delegation and other applications, the Legal Services Manager said that the constitution was very specific in that finalising of the wording of the conditions was delegated to the Head of Planning and Building Control once the Development Management Committee had granted planning permission. Members were also advised that finalising the heads of terms of Section 106 legal agreements was also delegated to the Head of Planning and Building Control.

Councillor Crystall asked about any mechanisms for ensuring that there was retail food selling in each village. He also asked about the potential appearance of the sustainable travel corridor and what steps would be taken to prevent this route becoming clogged preventing buses from getting through. He asked if there was anywhere else where this level of modal shift had been achieved.

Mr Flowerday said that Officers had had the benefit of seeing the development of the master planning. He said that this had given him the confidence that what he had intended to happen was going to happen. He spoke at length about modal shift and the intended appearance of the sustainable travel corridor.

The Gilston Area Team Leader said that the very definition of the use classes now as Officers knew them was flexibility and classes e and f covered most town centre type uses. She referred to these uses as being referred to in the NPPF as main town centre type uses and spoke at length about the critical mass of development required to support retail.

Councillor Rutland-Barsby said that reserved matters applications were determined under delegated powers. She referred to the process whereby elected local ward Member of East Herts Council could request that the Chairman of the Development Management Committee call matters in for determination by the Committee.

The Legal Services Manager confirmed that this was correct under the rules set out in the constitution and

there was a form for Members to complete in that respect and applications were dealt with under delegated powers unless the Chairman had confirmed the referral request.

Councillor Deering invited Officers to make a comment in respect of Otters, in relation to a petition that had been received by the council 18 months ago. The Gilston Area Team Leader said that the nature of the tributary valleys within the application area weren't conducive to habitation by otters. She said that the habitat that was suitable was that within the Stort Valley and not within the tributary valleys.

Councillor Deering commented on the availability of GP facilities and he asked to what degree were GP facilities part of the project and to what degree could Members stipulate that there should be GP facilities.

The Gilston Area Team Leader said that the evidence submitted by the NHS suggested that would be a need for 10 GPs due to the overall Gilston area allocation. She said that the floorspace provided for primary healthcare within Village 1 was 3,512 square metres and this included space for mental health and community health care.

The Head of Planning and Building Control said that it was for Members to determine the application that was in front of them. She said that what was being proposed in the report and the heads of terms of the Section 106 legal agreement contained the appropriate hooks in terms of enforcement and it would be a

matter for the council in the future as to whether it would be expedient to take action if any issues arose.

The Specialist Planning Solicitor said that if there were fundamental changes to what was being determined, these changes would need to come back to Committee and there was case law that supported that standard practice. He explained that the delegation being sought was that the Section 106 legal agreement must secure the items that had been set out in the Heads of Terms.

Councillor Deering asked about the master planning processes and stewardship arrangements in terms of the public being able to input into the process going forward. The Garden Town Lead Officer set out the stewardship arrangements as part of the wider community engagement process.

The Gilston Area Team Leader said that the process of master planning was a collaborative endeavour between the applicant, East Herts Council and also various stakeholders. She reminded Members that the council endorsed each masterplan as well as part of the democratic process.

Councillor Andrews proposed and Councillor Rutland-Barsby seconded a motion that, in respect of application 3/19/1045/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and subject to the proposed conditions, as amended by table b, and that Officers report back to the Committee in 12 months' time in relation to the subsequent monitoring of the

development unless there was a constitutional reason why this was not possible.

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

RESOLVED – that (A) in respect of application 3/19/1045/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and subject to the proposed conditions, as amended by table b, and

(B) Officers report back to the Committee in 12 months’ time in relation to the subsequent monitoring of the development unless there was a constitutional reason why this was not possible.

367 URGENT BUSINESS

There was no urgent business.

The meeting closed at 18:31

Chairman
Date

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 8 MARCH 2023, AT 7.00 PM

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

ALSO PRESENT:

Councillor J Goodeve

OFFICERS IN ATTENDANCE:

Steve Fraser-Lim	- Principal Planning Officer
Richard Freeman	- Interim Development Management Team Leader
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Victoria Wilders	- Legal Services Manager

388 APOLOGIES

There were no apologies.

389 CHAIRMAN'S ANNOUNCEMENTS

There we no Chairman's Announcements.

390 DECLARATIONS OF INTEREST

There were no declarations of interest.

391 3/21/0498/FUL - BARN 1 - OFFICE ACCOMMODATION, AND 6 UNITS OF OVERNIGHT ACCOMMODATION (WITH 14 BEDS IN TOTAL) FOR STAFF, VOLUNTEERS AND STUDENTS WORKING ON THE FARM SITE (CLASS E(G); BARN 2 - 12 SELF-CONTAINED HOLIDAY LODGES, OUTBUILDING FOR SHOWER AND LAUNDRY FACILITIES (CLASS C3 BUT OCCUPATION RESTRICTED TO SHORT STAYS ONLY); BARN 3 - 3 RETAIL/WORKSHOPS (CLASS E(A) / E(G)); BARN 4 - LEARNING AND MEETING/EVENTS SPACE WITH KITCHEN AND TWO OFFICES AT FIRST FLOOR (CLASS F.1(A) / F.2(B) AND CLASS E(G)); ERECTION OF 3 DWELLINGS (CLASS C3); WIDENING OF ACCESS AND FOOTPATH AND ASSOCIATED CAR PARKING PROVISION AT CHURCH FARM, MOOR GREEN ROAD, ARDELEY, STEVENAGE, HERTFORDSHIRE, SG2 7AH

The Head of Planning and Building Control recommended that in respect of application 3/21/0498/FUL, planning permission be granted subject to the conditions detailed in the report.

The Principal Planning Officer summarised the key features of the proposed development and presented a detailed series of plans and visuals in respect of the application site. He detailed the key features of the scheme and referred to there being a certificate of lawfulness for the residential caravans on the site.

The Principal Planning Officer said that a large tree referred to in the report was located in an area of open space that was close to the boundary of the application site and was within the grounds of a school. Members were presented with a proposed layout plan and the Officer set out the location of the main vehicle entrance and he detailed the existing uses of the site.

The Principal Planning Officer said that Ardeley was a category 3 village in the rural area beyond the green belt, in an area where housing development would not normally be permitted and this matter should be balanced against the need for the council to demonstrate a 5 years supply of housing land. He advised that the village was accessible to some services and the proposed development did include some employment floor space.

Members were provided a detailed summary of the key planning issues with a particular reference to policy GBR2 and Officers were of the view that the application was broadly in accordance with that policy in terms of supporting rural economy.

The Principal Planning Officer said that some concern had been raised in respect of the numbers of visitors coming into the village from the holiday

accommodation. He said that there was a significant level of separation and Officers did not consider that there would be too much noise nuisance as this would be a managed site.

The Principal Planning Officer said that the tree report had indicated that the condition of the tree close to the boundary of this site would be improved due to the removal of hardstanding in the application site. Members were advised that the overall appearance of the site would improve significantly due to more areas of soft landscaping and a decrease in building footprints on the site.

The Principal Planning Officer said that the policy conflicts in respect of VIL3 were outweighed by the other considerations that had been identified. He said that the proposed parking provision was in accordance with what was required by policies and the application was also in accordance with the provisions of the development plan.

Members were referred to the additional representations summary with a particular reference to the comments from the local ward Member in support of the application and also a concern from a resident in respect of camping on the farm.

The Principal Planning Officer said that condition 24 had been amended at the request of the applicant to include a reference to volunteers as well as staff. The applicant had also requested a change to the times for the holiday from a 28 day stay to 60 to 90 days. Officers did not feel that they could support that

request due to the accommodation become more of a seasonal type of accommodation.

Sonja Day and Peter Natt addressed the Committee in objection to the application. Tim Waygood spoke for the application.

Councillor Andrews said that he was very aware of the roads around Ardeley and in particular those past the church, the pub and up to the school. He said that pupils had to walk from the school to the village hall for lunch and he felt that the construction management plan should take that into account in addition to school drop off and pick up.

Councillor Beckett expressed concerns in respect of the lack of detail regarding sustainability measures. He felt that there was insufficient information in respect of sustainability in terms of energy efficiency and water to determine this application.

Councillor Page expressed his concerns in respect of traffic and traffic movements. He asked for some clarity in terms of how the access and egress would work out. He referred to the bridleway to the south of the farm and asked about protection for residents and children. He asked if Officers could approach Hertfordshire Highways in respect of the national speed limit that applied in the village.

The Principal Planning Officer said that the matter of the construction management plan could be picked up with Hertfordshire Highways and this condition could be tightened up in respect of school lunchtimes. He

said that the applicant had mentioned a fabric first approach in their planning statement and the applicant had also referred to measures for improving building efficiency.

The Principal Planning Officer said that Officers did not feel that there was policy justification for stipulating a certain level of carbon reduction. Councillor Deering asked that if Members were to grant permission, could Members attach a condition that would require appropriate details to be provided in respect of sustainability details and could these details come back to Members for approval.

The Legal Services Manager advised that the details of the conditions would not come back to the committee as these details were delegated to the Head of Planning and Building Control. The Interim Development Management Team Leader said that condition 7 was an above ground works condition and this would require a full list to be submitted to Officers in respect of carbon savings.

The Interim Development Management Team Leader summarised the national guidance in respect of the use of conditions. He said that there were a number of technologies and techniques that could be used to follow the proposed fabric first approach and Officers were comfortable with using a condition to control those measures.

The Principal Planning Officer said that the transport assessment prepared by the applicant considers that there would be a reduction in vehicle movements due

to the proposed reduction in floor space on the site. He said that Hertfordshire Highways had recommended conditions around the access as well as works to be done which included the provision of a surfaced footway and bollards to prevent vehicles using the verge.

The Principal Planning Officer said that the speed limit could not be controlled by conditions and this was a matter for the Hertfordshire Highways speed management team. The Interim Development Management Team Leader said that planning applications could not be required to solve existing problems and the advice of Hertfordshire Highways was that this application would result in a reduction in traffic.

Councillor Crystall said that from the look of the proposed development, this could become a far better site which would bring a lot of benefits to the village. He stressed the importance of Members getting the basic level of information within the documents before them.

Councillor Crystall said that he was pleased to see the condition in respect of bird, bat and swift boxes. He asked if the electric vehicle (EV) chargers could be open for the public or were these purely for use by the staff on the site.

Councillor Newton said that she had noted the reference to wood burning stoves and she was concerned in respect of the state of the road. She referred in particular to the state of the highways

infrastructure in Ardeley and the conflict between tractors, horses, people and cyclists. Councillor Newton said that her only real concern was the impact on the well-established oak tree.

Councillor Buckmaster asked if the tree was covered by a tree preservation order (TPO) and she wanted to know where the business would go while the buildings were being demolished and would they return to the site.

The Principal Planning Officer said that the condition in respect of gas fired boilers was a standard condition from environmental health to mitigate the air quality impacts. He said that the proposed parking measures met the needs of the development and passing bays had not been requested by Hertfordshire Highways.

Members were advised that areas of hardstanding and buildings were due to be removed in the root protection area of the oak tree and these would be replaced by soft permeable ground in the form of residential gardens. A condition had been applied for tree protection measures during construction and the tree was protected by the conservation area status and not by a TPO.

The Principal Planning Officer said that some phasing might be possible to allow businesses to remain during construction. Officers could not guarantee that the business would return to the site and a phasing plan could be applied to ensure an overlap between new buildings going up and existing buildings being demolished.

Councillor Stowe referred to condition 14 and cycle parking being agreed prior to occupation and the intention that the long stay provision would be secure and lockable. He asked if the short stay provision could be similarly secured. Councillor Stowe asked if any tests had been done in respect of the proposed permeability ground in relation to the proposed block paving road surface.

The Principal Planning Officer said that Officers did not consider it necessary for the short stay cycle parking to be in a lockable enclosure. He said that permeable paving was proposed and the drainage strategy had been revised at the request of the Lead Local Flood Authority (LLFA). Members were advised that permeable paving was now proposed throughout the site and the drainage would be discharged into a pond elsewhere on the farm.

Councillor Kemp said that the business seemed to be appropriate in the rural area and it was good to see the proposed improvements to the buildings. He said that condition 24 should be further amended to include the removal of the words with or in before this was accepted.

Councillor Kemp said that there should also be some more clarity in terms of whether air source heat pumps were planned on the site. He questioned whether gas boilers should be ruled out altogether and commented on whether there was any gas supply to the site. He asked for and was given some clarity in

respect of whether camping was allowed and under what circumstances.

The Principal Planning Officer said that condition 24 could be changed as suggested. He said that Officers were not aware whether there was a gas supply to Ardeley and Officers could not say for sure that there would be no gas boilers as there was no energy strategy submitted with the application.

Members were advised that there was no policy that stipulated no gas boilers but there was a policy that talked in broader terms about building sustainability and sustainable design. The Interim Development Management Team Leader gave some advice in respect of the policies of the development plan and the measures that could be applied to mitigate the carbon impacts of the scheme. He said that there was insufficient policy support for a no gas boiler approach.

Councillor Beckett commented on the short stay cycle storage being secure and covered. He commented at length on there being insufficient details in respect of sustainability and whether the site was future proofed in terms of energy efficiency. He said that he would like to see the scheme deferred so that it could come back with the appropriate information for Members to determine the application.

The Legal Services Manager said that there was no policy basis for a deferral and Members must be clear what the applicant was being asked to do. She commented on the risk of an appeal for non-determination.

Councillor Andrews proposed and Councillor Newton seconded, a motion that application 3/21/0498/FUL be granted planning permission, subject to the conditions detailed in the report and subject to the following amendments:

- Condition 24 - "The hereby approved staff / student accommodation within Barn 1 shall be limited to occupation by persons working, volunteering or studying in the agricultural and associated rural enterprises on the application site.
- Construction management plan to include much tighter wording in respect of school drop off and pick up to include the lunch time period due to pupils walking to and from the village hall.
- All cycle storage provision to be secure and covered.

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

RESOLVED – that in respect of application 3/21/0498/FUL, planning permission be granted subject to the conditions detailed in the report and subject to the following amendments:

- Condition 24 - "The hereby approved staff / student accommodation within Barn 1 shall be limited to occupation by persons working, volunteering or studying in the

agricultural and associated rural enterprises on the application site.

- Construction management plan to include much tighter wording in respect of school drop off and pick up to include the lunch time period due to pupils walking to and from the village hall.
- All cycle storage provision to be secure and covered.

392 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.

393 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.32 pm

Chairman
Date

DM

DM

