

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD AS AN ONLINE MEETING  
ON WEDNESDAY 31 MARCH 2021, AT 7.00  
PM

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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:

Rachael Collard	- Principal Planning Officer
Paul Courtine	- Planning Lawyer
Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
David Snell	- Service Manager (Development Management)

457 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Fernando and Kaye. It was noted that

Councillor Newton was substituting for Councillor Kaye.

458 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed any members of the public who were watching the meeting on YouTube. The Members and Officers identified themselves on zoom when invited to do so by the Chairman.

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 acknowledged the career and contributions of David Snell, Service Manager (Development Management), as he was due to retire after this meeting had concluded. He said that David had started at East Herts Council in 2015 and had started his local government career in Planning at Redditch District Council.

The Chairman said that David had then worked for the Skelmersdale New Town Development Corporation before working in the London Boroughs of Barnet and

then Enfield before coming to East Herts. The Chairman spoke about the challenges overcome by David during his education which included two degrees and said that David should be an inspiration to any aspiring young planners.

The Chairman thanked David for his support and hard work in supporting the planning system at East Herts. He wished him well with his competitive angling and expressed a hope on behalf of Members and Officers that he enjoyed his retirement. The Service Manager (Development Management) said that the Chairman's remarks were very much appreciated. He said that it had been a pleasure and he wished the Committee well.

459 DECLARATIONS OF INTEREST

Councillor Ruffles declared an interest in application 3/20/2285/FUL, on the grounds that he had sat on the board of Hertford Theatre as a Member of East Herts Council.

460 MINUTES - 3 FEBRUARY 2021

Councillor Beckett proposed and Councillor Buckmaster seconded, a motion that the Minutes of the meeting held on 3 February 2021 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 3 February 2021, be confirmed as a correct record and signed by the Chairman.

461 3/20/2285/FUL - RETENTION AND REFURBISHMENT OF THE AUDITORIUM AND BACK OF HOUSE FACILITIES, DEMOLITION OF ANCILLARY AND SUPPORTING AREAS, AND REDEVELOPMENT TO PROVIDE NEW PERFORMANCE, CINEMA AND ANCILLARY FACILITIES. PROVISION OF CYCLE PARKING AND ANCILLARY LANDSCAPING, PUBLIC REALM IMPROVEMENTS AND ASSOCIATED WORKS AT HERTFORD THEATRE

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The Head of Planning and Building Control recommended that in respect of application 3/20/2285/FUL, planning permission be granted subject to the completion of an appropriate mechanism to secure the planning obligation, and to the conditions detailed at the end of the report submitted. It was also being recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, drew Members' attention to the late representations document and she referred to amended conditions 3, 5, 6, 19 and 20, which would be carried forward if planning permission was granted.

The Principal Planning Officer advised that a late representation had been received from a resident in respect of fire risk and safe evacuation, toilet facilities,

studio and theatre arrangements, backstage security and the inclusion of three cinema screens and the lack of car parking.

Members were advised that the site was situated north of The Wash and adjacent to the river. The site comprised Hertford Theatre and the area immediately around the building. The site was within the Hertford Conservation Area and was also within flood zones two and three.

The Principal Planning Officer said that the Hertford Castle Gardens were located behind the site along with the Hertford Castle motte which was a scheduled ancient monument. Members were advised that there were numerous listed buildings and structures located around and adjacent to the site.

The Principal Planning Officer said that the proposals sought to improve and diversify the theatre offer on the site and contribute to the vitality of the town. She summarised the detailed planning proposals for the front and side of the existing theatre building as well the proposals planned to remodel, refurbish and extend the building to expand the capacity of the theatre and introduce three cinema screens plus a studio space and ancillary facilities.

Members were advised that the area around the building was to be re landscaped and a walkway was proposed to the side of the building adjacent to the river. The key issues with the application were the principle of the development, design and heritage impact, flood risk management and climate change,

biodiversity and natural environment, highway impacts and sustainable transport, environmental quality and neighbour amenity.

The Principal Planning Officer said that the proposed development had been designed as a series of five linked elements that wrapped around the front and side of the existing auditorium. She said that an aspiration of the development was to improve the theatre facilities and enhance the visibility of the motte and improve access to the Hertford Castle gardens.

Members were advised that the proposed development would have a modern appearance and elements of the design were dictated by the internal functions of the building at ground and first floor level.

The Principal Planning Officer said that the proposed extensions would have areas of glazing, curtain walling and fins around the openings within the façade as well as using a brick finish which would incorporate a pattern with inset and protruding bricks as well as inset glazed bricks to add interest to the façade.

Members were advised that the existing auditorium and fly tower would be re roofed with metal sheet cladding and the colour chosen would complement the choice of bricks. Condition two required that material samples be submitted and a sample panel to be constructed to demonstrate the proposed brick pattern.

The Principal Planning Officer said that the new board walk would provide a link from The Wash adjacent to

the river through to Castle Gardens via the Motte and this would make the Motte more publically visible and accessible.

Members were advised that the Council's Urban Design and Conservation Officer considered that the development will enhance and maintain the character of the conservation and would have a neutral impact on other heritage assets.

The Principal Planning Officer said that the building would target a Breeam rating of excellent and steps would be taken to reduce carbon emissions, including high performance building fabric properties, electrically powered air source heat pumps and high efficiency mechanical ventilation with heat recovery.

Members were advised that a 3% reduction in carbon emissions over the current Part L standards could be achieved and this was expected to increase to 58% once the government's plans to de carbonise the grid were in place.

The Principal Planning Officer said that the site did fall within flood zones two and three and the proposed development could not be reasonably located elsewhere as it was an extension to an existing building.

Members were advised that the building would not be at an increased risk of flooding and the development would not result in an increased flood risk elsewhere and no objections had been received from the lead local flood authority and both the Environment Agency

and Hertfordshire Ecology were satisfied with the proposals.

The Principal Planning Officer advised that the increase in the capacity of the theatre, the development had the potential to increase traffic movements and increase pressure on parking facilities. Members were advised however that due to the town centre location of the site and the good public transport links, there were opportunities to encourage access by means other than by the private car.

Members also advised that a framework transport plan had been produced and a transport assessment had proved that the additional vehicles could be accommodated within existing public car parking provision.

The Principal Planning Officer said that Hertfordshire Highways had not objected to the application and there was a Section 106 planning obligation funding request of £6,000 for the monitoring of the travel plan. Members were advised that a condition had been recommended covering way marking and signage from public transport nodes as requested by Hertfordshire Highways.

Members were advised that the proposed development would significantly enhance the existing theatre provision and would provide additional appropriate leisure facilities within a sustainable town centre location. The Officer said that the scheme would enhance the public realm and the riverside and the scheme was considered to be in compliance with



both national and local policy.

Julie Markey addressed the Committee in objection to the application. Rhys Thomas spoke for the application.

The Chairman referred to the comments made by Julie Markey in respect of detailed internal issues and an internal safety issue. He asked for some clarity in terms of whether there would opportunities to assess the internal arrangements within the building as the scheme was progressed. He also asked about building regulations in respect of this application going forward.

The Principal Planning Officer said that as regards building regulations and fire and safety regulations, the plans had been formulated in consultation with a fire safety consultant and details of this had been set out in the late representations summary. Members were advised that this matter had been discussed with the applicant prior to the removal of the second stair case from the back of house area of the theatre.

Members were reminded that should planning permission be granted, the application would still need to go through the formal process of securing approval under building control regulations. The specific issues of the internal arrangements of the building were commercial decisions that were aligned with the future needs of the theatre and Members should focus on the external alterations to the building.

Councillor Buckmaster acknowledged the safeguarding issues in respect of the toilets on the ground floor and

in the basement and said that she was also concerned. She said that she was pleased that this could be looked at in terms of building regulations.

Councillor Buckmaster said that she was pleased to see the proposed provision of 35 cycle bays but she did not believe that people would be willing to cycle whilst dressed for the theatre. She commented on whether the East Herts Wallfields car park could be used by customers of the theatre.

Councillor Redfern said that she was pleased that fire safety would be looked at again. She commented on whether the participants in shows at the theatre would be able to access the stage if a staircase was removed from the proposed scheme.

Councillor Redfern expressed some concern about car parking and she was aware of a reference in the application to the use of Wallfields as a car park.

Councillor Kemp said that a great deal of thought had gone into working through this proposal and it was quite difficult to secure an appearance that was interesting when dealing with blank walls for a cinema. He felt that this had been achieved very successfully. Councillor Kemp asked if the internal layout could still be improved if Members approved the application.

The Service Manager (Development Management) said that the internal arrangements within the building were largely client matters in terms of what was to be provided internally at the theatre. He said that matters such as toilet provision and safety were covered by

other legislation.

Members should limit their deliberations to the external design and other planning aspects of the application and internal considerations such as toilet provision and fire safety were covered by building control and any post decision alterations of this nature would be dealt with as non-material amendments.

The Principal Planning Officer referred to paragraph 7.30 in the report and said that once granted and the building was in use, there would be continued monitoring of the car parking situation in terms of capacity in the town centre. She said that additional car parking could be provided at Wallfields and Members were advised that there was access to the rear of the staging area.

Councillor Beckett said that a figure of 3% over and above Part L of building regulations was laudable given the size of the auditorium. He commented on whether a set down position could be provided given that there was no disabled parking on site.

Councillor Crystall said that this was a challenging site both internally and externally and he felt that the building would be a very positive development for the town. He asked whether there would be any on site mitigation in terms of the biodiversity impact of the board walk. He also asked about the mitigation of the impact of the board walk on the historic heritage site of the motte. He asked whether the bike racks would be covered and secured.

Councillor Ruffles said that a clear benefit in terms of the board walk into the castle grounds would be considerable improvements in terms of ecology and biodiversity. He said that the motte would be seen by more people and could be explained to them in terms of heritage.

Councillor Page expressed some concern regarding the wording of the recommendation. He also said that he was impressed how the design of the theatre had been integrated into the historic environment. He expressed concerns regarding the construction management plan and the mechanisms for enforcing condition 10 in order to protect residents.

The Service Manager said that the recommendation was worded in the way that it was due to the need for a Section 106 agreement to cover a contribution to Hertfordshire County Council for transport monitoring. Members were advised that East Herts Council as the applicant could not legally have a Section 106 agreement with itself. The recommendation provided a mechanism to secure the Section 106 agreement with the County Council.

The Principal Planning Officer said that the existing vehicle access arrangements via the barrier to the front of the theatre would remain unchanged and vehicular access for set down could be agreed with the theatre by prior arrangement. Members were advised that there was no other dedicated disabled access due to space limitations.

The Principal Planning Officer said that there would be

a net gain in terms of biodiversity in the form of additional planting and the Environment Agency and Hertfordshire Ecology were satisfied with the proposed ecological works. She said that motte would be opened by the development and any direct works to the motte would have to be approved by Historic England as it was a scheduled monument.

Members were advised that a full public consultation had taken place with statutory consultees and a wider consultation with the public had also taken place. The Principal Planning Officer said that prior to the above consultation, a number of other consultations and public workshops had been arranged in 2019/20.

Councillor Page expressed concerns that arrangements covered by construction management plans and any associated conditions were not enforceable.

The Service Manager said that details regarding cycle parking were addressed by condition 15. He said that construction management plans were very difficult to monitor and enforce as it was very difficult for Officers to monitor and gain evidence that would be suitable to enforce.

Members were advised that the parking and loading restrictions all around the highway in this location would make non-compliance the construction management plan would also be a traffic offence.

The Chairman asked for clarification as to whether the conditions were enforceable by the Council against

itself as the applicant. The Service Manager reassured Members that most breaches of planning control were resolved informally and very few enforcement notices were actually issued. He advised that the conditions on this application were enforceable.

The Solicitor advised that as the Council was the applicant, East Hertfordshire District Council would not be able to issue an enforcement notice or breach of condition notice against itself, or prosecute itself for a breach of planning control. Members were reminded that most breaches of control were addressed before it was necessary to issue an enforcement notice.

Councillor Beckett proposed and Councillor Buckmaster seconded, a motion that application 3/20/2285/FUL be granted, subject to the completion of an appropriate mechanism to secure the planning obligation and the conditions detailed at the end of the report submitted. Delegated authority is granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and the amended conditions detailed at the end of the report submitted.

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

**RESOLVED** –that (A) in respect of application 3/20/2285/FUL, planning permission be granted subject to the completion of an appropriate mechanism to secure the planning obligation and the amended conditions detailed at the end of the report submitted; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and the amended conditions detailed at the end of the report submitted.

462 3/20/0113/FUL - CREATION OF A 29 BEDROOMED HOTEL WITH ANCILLARY PARKING, LANDSCAPING AND A NEW VEHICLE ACCESS AT WOODLANDS LODGE, DUNMOW ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 5QX

The Head of Planning and Building Control recommended that in respect of application 3/20/0113/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 Service Manager (Development Management), on behalf of the Head of Planning and Building Control, said that this application followed a previous application for a much larger hotel building. Members were advised that this application had been withdrawn following advice from Officers that the scheme was largely unacceptable.

Members were advised that this application for a 29 bedroom hotel had therefore followed pre-application advice to the applicant and the application was now

considered to be satisfactory and there had been no neighbour representations.

The Service Manager explained that the site was surrounded by various non-residential and industrial uses. He said that the proposed transient occupational use of the site was appropriate and tourist accommodation was appropriate here due to the proximity of the site to the motorway network and Stansted Airport.

The Service Manager said that an additional condition was recommended that would require the submission of details of water saving devices and mechanisms within the building before the development could proceed. Councillor Stowe commented on whether a condition could be added for ducting to enable more electric vehicle charging points.

Councillor Page said that his understand of use class C1 was that it covered both hostels and C1 hotels. Councillor Buckmaster referred to condition 10 and asked whether archaeological discoveries would put the development on hold.

The Service Manager said that details regarding future electric charging points could be submitted if requested by Members. Members were advised that a development was rarely held up by archaeological discoveries. The procedure was that whatever was found on site was recorded and then left in situ or very occasionally removed to a museum. Members were advised that any stage 2 archaeological reports were sent to the Historic Environment Section archive at



Hertfordshire County Council.

The Service Manager advised that it had been held in case law that a hotel was for occupation of not more than 3 months. He said however that there would be nothing to stop a hotel being used for temporary accommodation and this would not be a concern in planning terms.

The Solicitor said that he thought perhaps that Councillor Page had been looking at the original version of the use class order which was available on the legislation website. He said that use Class C1 had been changed in 1994 to remove hostels and to make this use Sui Generis. Members were advised that a hostel would be a material change of use for which an application would have to be submitted.

Councillor Page commented on a potential condition that any application for a hostel would have to come back to Development Management Committee. The Service Manager said that this would be a matter for the constitution regarding whether such an application was referred back to Committee by a Member or determined under delegated powers. He confirmed that a condition could not be imposed on this application requiring that a future application for a hostel was brought back before the Committee.

Councillor Kemp said that this seem to be an appropriate location for a hotel as the site was well placed close to the M11 junction and he expected that most people would be arriving by car. He believed that this application would be an enhancement in terms of

what was on the site at the moment with a fairly poorly surfaced car park and containers in the back yard.

Councillor Kemp asked about the planned number of parking spaces and commented on were Officers confident that this number was adequate to accommodate both the hotel guests and the necessary staff. He also asked for some clarification as to why the Crime Prevention Officer felt the hotel would not be suitable for disabled guests.

Councillor Crystall said that he was pleased to see the almost 10% reduction in energy use against the Part L standards and he shared the thoughts of Councillor Stowe regarding a condition for cabling for more electric car charging points. He expressed concerns that gas boilers were being used for heating and hot water and he asked whether the use of low NOX boilers could be conditioned as the site was close to areas of concern in terms of air pollution.

Councillor Crystall said that he welcomed the planned grey water recycling unit and asked whether this could be conditioned. The Service Manager said that the Council could not insist on the use of non-gas boilers based on current District Plan policy. He said that this application did include 38 solar panels which could create a substantial amount of energy.

The Service Manager referred to paragraphs 8.28 and 8.29 in the report in respect of car parking and said that the development required 46 spaces, 3 of which should be disabled spaces and this complied with the parking standards.

The Service Manager said that the proposed grey water recycling unit was included in the building sustainability report and this was covered by a condition that stipulated that the proposed development must be in accordance with that report. He confirmed to Councillor Crystall that this matter would be fed into the conditions which were due to be delegated to Officers.

The Service Manager said that the Crime Prevention Officer had not given any detail with the concern that had been raised as to the suitability of the hotel for disabled guests. Officers could not see why at least the ground floor of the hotel could not be used by disabled occupants and the application would have to comply with building regulation standards regarding access to a publically used building.

Councillor Page referred to the points made by the Environment Agency and mitigation in respect of the Household Waste Recycling Site. He said that the National Planning Policy Framework (NPPF) called for mitigation and he asked for Officers thoughts.

Councillor Newton commented on the disability discrimination act for public spaces and she said that any public building had to meet certain criteria in terms for access for people with disabilities.

The Service Manager referred to the comments of Environment Agency and Officers did not feel that the suggestions that had been made were necessary due to the distance between this site and the civic amenity

site. He said that Environmental Health had not commented on that issue.

The Service Manager said that the current District Plan policies covered disabled access to residential properties and the requirement of housing policies was to allow disabled access and disabled occupation. He said that these policies did not extend to public buildings such as this.

Members were advised that however that building regulations did cover public buildings. The Service Manager confirmed that an additional condition would be applied that required the submission of details in respect of water efficiency measures within the building.

Councillor Andrews proposed and Councillor Beckett seconded, a motion that application 3/20/0113/FUL be granted, subject to a Section 106 legal agreement and the planning conditions detailed at the end of the report submitted, including additional conditions in respect of water efficiency and car charging points; 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 3/20/0113/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, including additional

conditions in respect of water efficiency and car charging points; 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.

463 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.

464 URGENT BUSINESS

There was no urgent business.

The meeting closed at 8.54 pm

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