

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 2 MARCH 2022, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Goodeve and J Jones

OFFICERS IN ATTENDANCE:

Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Jenny Pierce	- Senior Project Officer
Sara Saunders	- Head of Planning and Building Control
Femi Nwanze	- Development Management

Victoria Wilders - Team Manager
- Legal Services
Manager

ALSO IN ATTENDANCE:

Matthew Armstrong - Hertfordshire Highways

375 APOLOGIES

Apologies for absence were submitted on behalf of Councillor R Buckmaster and Councillor Fernando. The Chairman explained that it had not been possible for substitutes to be arranged for Councillor R Buckmaster and Councillor Fernando.

376 CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that the meeting of the Committee scheduled for the 30 March had been re arranged to the 6 April 2022.

377 DECLARATIONS OF INTEREST

There were no declarations of interest.

378 MINUTES - 2 FEBRUARY 2022

Councillor Ruffles proposed and Councillor Kemp seconded, a motion that the minutes of the meeting of 2 February 2022 be approved as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the

motion was declared CARRIED.

RESOLVED – that the minutes of the meeting held on 2 February 2022 be approved as a correct record and signed by the Chairman.

379 3/19/1049/LBC - REPAIR WORKS AND REPLACEMENT WHITE POST AND 3-RAIL BALUSTRADE TO BRIDGE AT LAND TO THE SOUTH AND EAST OF GILSTON VILLAGE AND NORTH OF RIVER STORT HERTFORDSHIRE/HARLOW

The Head of Planning and Building Control recommended that in respect of application 3/19/1049/LBC, listed building consent be granted subject to the conditions detailed in the report and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions.

The Chairman explained that this application was on this agenda as it had not been determined due to the very late conclusion of the 22 February 2022 meeting after application 3/19/1051/FUL had been determined.

The Senior Project Officer explained that an application for listed building consent would not normally be determined by Members. She said that the application had been submitted for completeness as it was a consequence of the eastern stort crossing proposal considered by Members at the previous meeting.

Members were advised that the bridge was quite small and was in some disrepair. The Senior Project Officer said that the bridge was known as Fiddlers Brook

Footbridge and was Grade 2 listed and was designated in 1984. She said that the listed description referred to the white post and three rail balustrades as being key features of the bridge.

The Senior Project Officer detailed the location of the footbridge and set out the history of the bridge and the relevant planning history.

The Senior Project Officer said that as the proposed road bridge related to the eastern stort crossing affects the Fiddlers Brook and affects the setting of the listed footbridge, consideration was given to opportunities to relocate or to improve the structure.

Members were advised that the reduction in width of the eastern stort crossing enabled the retention of this bridge in situ and the option to improve the structure was instead taken. The Senior Project Officer set out the enhancements that were proposed by the listed building application and said that a management plan would be prepared to ensure the long term conservation of the bridge.

The Senior Project Officer said that the footpath that currently runs parallel to Eastwick Road would be realigned to route beneath the new road bridge back towards the footway network of Terlings Park thereby retaining the use of the bridge.

The Senior Project Officer summarised by stating that the listed building consent application was for works to improve the structural integrity and visual appearance of the bridge through brickwork repointing and

replacement of the balustrade to a design that reflects the original listing description.

Councillor Ruffles asked if Officers could elaborate further in respect of the link between the bridge and the listed property and whether there needed to be some physical appearance link between the bridge and that property. Councillor Page said that he was pleased that the works to be carried out had been explained and asked for some clarification as what was meant by the reference in the report to the setting of the bridge being altered.

The Senior Project Officer said that, in terms of the visual and physical connection between the footbridge and the Grade two listed cottage to the north, known as Fiddlers Cottage, the listing description relating to the cottage and the bridge both referred to the relationship visually between them. Members were advised that this was what was marked as being the significance of the two assets together. She explained that the proposed works in the listed building application would not affect the setting of either listed structure in that regard.

The Senior Project Officer explained that paragraph 1.3 related to the setting in general of the bridge that was linked to the eastern stort crossing application. She said that as the road bridge was close to the footbridge to the south, the assessment was subjective as the setting was not defined in terms of a distance or a defined catchment. Members were advised that the listed building works would not change anything in respect of the setting of the bridge.

Following a further question from Councillor Ruffles, the Senior Project Officer addressed the Committee in respect of then architectural vernacular of the cottage and the bridge.

Councillor Kemp asked about the reasoning for the changes to the bridge to a two rail balustrade and asked for some clarity as to the proposed materials to be use for the new three rail balustrade. Councillor Crystall asked for some clarity as to the proposed deck surface in terms of whether this was to be brick.

The Senior Project Officer said that she was not aware of any reason for the change to the balustrade in the late 1980s or early 1990s as there was no planning history. She said that the balustrade would be metal and the surface was currently a weathered black top surface and this was to be retained in a neater and tidier state than was currently the case.

Councillor Stowe asked if the asphalt surface was to be a permeable surface as this would be beneficial to the structure underneath. Councillor Newton said that her concern was the metal definition and she asked for some information on this.

The Senior Project Officer set out the definition and proposed appearance of the rails. Councillor Andrews commented on the sustainability of this location and said that his concern regarding permeable paving was that would lead to water ingress into the structure of the bridge.

There was some general debate regarding the merits of metal and wood as a material to be used for works to the bridge. The Senior Project Officer referred to the advice of the Conservation Officer as to the appropriateness of the proposed materials and the surfacing treatment.

The Legal Services Manager said that the Conservation Officer had been consulted and was satisfied that the materials were suitable. She said that her advice to Members was to follow that advice and proceed to make a decision based upon the merits of the application with the conservation comments in mind.

Councillor Andrews proposed and Councillor Newton seconded, a motion that application 3/19/1049/LBC be granted, subject to the conditions detailed at the end of the report with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and in particular, to finalise the wording of the condition three in respect of actual materials to be used and material treatment in respect of appearance and long term maintenance considerations.

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

RESOLVED –that (A) in respect of application 3/19/1049/LBC, listed building consent be granted subject to the conditions detailed at the end of the report; and

(B) delegated authority be granted to the Head

of Planning and Building Control to finalise the detail of the conditions and, in particular, the wording of the condition three be finalised in respect of actual materials to be used and material treatment in respect of appearance and long term maintenance considerations.

380 3/20/1950/FUL - CONSTRUCTION OF 23 RESIDENTIAL DWELLINGS (USE CLASS C3), AND ASSOCIATED WORKS INCLUDING INTERNAL ROAD NETWORK, ASSOCIATED HIGHWAYS WORKS, LANDSCAPING, UTILITIES AND DRAINAGE INFRASTRUCTURE, CAR AND CYCLE PARKING AND WASTE STORAGE AT LAND EAST OF ASPENDEN ROAD, BUNTINGFORD, HERTFORDSHIRE

The Head of Planning and Building Control recommended that in respect of application 3/20/1950/FUL, planning permission be granted subject to the satisfactory completion of a legal agreement and the conditions set out at the end of the report and with delegated Authority being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions. The application would be refused in the event an acceptable legal agreement was not completed within 3 months of the Committee's decision.

The Development Management Team Manager referred Members to the late representations summary and detailed the late representations that had been received. She set out the background to the development and explained that the site was 0.7 hectares and sat immediately to the north of a development of 65 dwellings which were under

construction by the same developer.

Members were advised that the site immediately to the south had been initially determined by the planning inspectorate. The Planning Inspectorate had determined that the constraints presented by the limited width of Aspenden Road were not a constraint to future development of this site.

The Development Management Team Leader said that outline application was therefore granted with a requirement for road improvement width to be improved prior to occupation of any dwelling. She said that the Council had since granted a further full planning application for an increased number of residential units on the same site and the factors considered by the planning inspectorate were taken on board in the determination of that application.

Members were reminded that the width of the road was not considered to be a development constraint and an Officer was present from the highway authority who had worked with the developers to make further improvements to what had been secured by the planning inspectorate in terms of improving the width of Aspenden Road.

Members were advised that the proposals would provide 23 dwellings and the density and the layout was considered to be acceptable. The Development Management Team Leader said that affordable housing will be achieved at 40%, which equated to 9 units being provided on the site. She said that 56 car parking spaces would be provided and no reduction

had been applied as there was a Neighbourhood Plan requirement for a higher level of car parking.

The Committee was advised that Officers had balanced other requirements when assessing the application, as required by the Neighbourhood Plan in terms of the distances between dwellings. In the interests of appropriate design, it had not been possible to achieve the 67 parking spaces that would normally be required.

Members were reminded that it was not always possible to satisfy every policy requirement on every application. The Development Management Team Leader said that the scheme was not considered to adversely affect the amenity of any neighbouring occupier and Officers felt that the conditions and planning obligations set out in the report would make this application an acceptable form of development.

The Development Management Team Leader presented the key features of the application. She said that a condition would be applied that the garages would be retained. Matthew Armstrong, Hertfordshire Highways, set out the background to the application.

Mr Armstrong commented on the planning history and the appeal. He said that it had been decided that the appeal could be defended based on the planning history. He said that refusal had been recommended on the basis of the constraints of Aspenden Road and policy LTP4 and the very firm user hierarchy emphasis on accommodating the needs of pedestrians, cyclists and public transport over and above the private motor

car.

Members were advised that the proposed signal arrangement submitted by the applicant helped in terms of sustainable travel and accessibility of the site. Mr Armstrong spoke at length about the proposed improvements for pedestrians and various other improvements on site. He concluded that the proposed changes had resulted in the objection from Highways Officers being withdrawn.

Councillor Jones addressed the Committee at length as the local ward Member.

Councillor Kemp said that it would be helpful to know to what extent the Committee could comment on, request conditions or suggest changes in respect of proposed highways works. He asked whether the site had been referred to in the Buntingford Neighbourhood Plan and in particular, had this site been suggested as a local green space. Councillor Kemp spoke about sustainable transport and commented on the footpath access to the site and the easy egress routes to Fairfields and Crouch Gardens in terms of the benefits to this application and the nearby site for 65 houses.

The Development Management Team Leader said that this site was not designated as a green space in the Neighbourhood Plan and the site was not allocated in the plan for any particular form of development. Members were advised that the site had therefore been assessed as a windfall site.

The Development Management Team Leader said that access could not be obtained from the east of the site as this land was not in the ownership of the developer. Councillor Andrews said that the application was just at the level of acceptability. He said the matter of highways was a key consideration and he was not convinced that the proposed ameliorations would be effective. He also expressed a concern about the very regular flooding of the road in the context of the proposed installation of sensitive electrical equipment.

Mr Armstrong said that the signalised scheme would cover a 70 metre stretch of Aspenden Road and two vehicles would no longer be passing each other and mounting the footway. He said that the scheme would result in a better environment for pedestrians and was more in accordance with policy LTP4 in terms of sustainable travel and the management of traffic flow. He commented on the cost of the scheme being covered by the developer and the wider public benefits of the scheme. He said that the signalised scheme was necessary and met the tests in the condition and was necessary to make the application acceptable in a planning context.

Mr Armstrong mentioned the White House and said that this unusual arrangement was used very effectively in another part of the county. He said that the detail of the arrangements would be covered by a section 278 agreement stage and one option was for a push button activation of the traffic signals or a remote control would achieve the green signal. He set out other options including a movement sensor system and talked about the trigger points for when the

scheme would have to be completed.

Councillor Crystall commented on the issue of sustainability of the highways arrangements. He asked about the concerns expressed in respect of odours and the matter of the 10% biodiversity net gain and an offsite compensation area.

Councillor Beckett expressed a concern that a 3% improvement in terms of energy efficiency over the base building was woeful. He said that there was no mention of low VOC products in the sustainability statements and expressed concerns about the generic sustainability assessments included with the application.

Councillor Beckett said that the site was being developed too intensively and the only redeeming feature was the 40% affordable housing. He expressed a concern that there was no children's play area proposed by the application and commented on the lack of any legacy for future residents. He asked about the future maintenance costs of the proposed signalised traffic control given the propensity for flooding that had been identified in this location.

Councillor Andrews addressed the Committee at length in respect of highways, flooding and sustainability. Councillor Page asked if the site worked in terms of sustainability in this location. He asked for some clarity as to the definition of a flood risk activity permit and why this was needed.

The Development Management Team Leader

confirmed that the applicant did not own the site to the east and the ownership was unknown. She said that securing the use of the landscape strip to east giving views into that site was the best that could be achieved.

Members were advised that the matter of odour management from the treatment plant to the west of the site was a consideration on the previous application to the south of the site.

The Development Management Team Leader said that Thames Water was happy with the discharge of a condition on that application and Thames Water had been consulted on this application and had raised no objection. She said that the biodiversity net gain was 30 years and advised that the density of the scheme was considered to be on the lower side of a medium range density and it was not considered to be necessary to reduce the density.

The Development Management Team Leader said that the matter of play space was addressed in the Section 106 agreement and reminded Members of the nearby 0.6 metres of open space. The application included generous gardens and Officers felt that the proposed green space was acceptable and the proposed open space contributions were proportionate to the number of dwellings.

Members were reminded that that the northern part of the site was not in a flood zone and the Environment Agency had not objected to the application and a flood risk activity permit might be

required in respect of highways works.

The Highways Officer addressed the Committee in respect of policy LTP4 and the LTA120 guidance. He also talked about the Section 278 process and maintenance of signals and other highway features. Members were advised that flooding on the road that was already in place would be identified by a stage three road safety audit. He said vegetation encroaching on the footways would be cut back if this application was approved and ongoing maintenance would be picked as part of the Section 278 agreement.

The Development Management Team Leader addressed the Committee in respect of flooding, the benefits of the scheme in terms of road improvements and affordable housing provision.

The Highway Officer commented on the wider obvious public benefits resulting from the proposed and necessary highways works. He said that on that basis, Highways Officers had not asked for any Section 106 money and there was a condition included regarding pedestrian drop kerbs and tactile paving and a tighter turn radius at the junction onto Aspenden Road. Members were advised that the Highways network management team would consider traffic management and there was a construction traffic management plan condition on the application.

The Legal Services Manager explained that any conditions would need to satisfy all of the usual legal tests, in terms of being necessary and reasonable. She confirmed that a delegation of conditions would be

Officer led and would not involve the consultation of a local ward Member. Members were advised that consultation with local Members in line with the Constitution would be in respect of minor amendments or variations of schemes.

The Legal Services Manager said that decisions of the Committee must be based upon very clear planning reasons that were linked to District Plan policies. Members should keep in mind that any deferral would need to be of benefit to the Committee in terms of a solid planning reason that Members feel would benefit from further discussions between Officers and the applicant in order to resolve any issues of concern. The Legal Services Manager sounded a note of caution in respect of statutory time frames for the determination of planning applications.

At 9.45pm, Councillor Andrews proposed and Councillor Kemp seconded, a motion that the meeting continue until the remaining business on the Agenda had been determined.

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

RESOLVED -that the meeting continue until the remaining business on the Agenda had been determined.

The Committee had a general debate and discussion in respect of conditions. The meeting was adjourned at 9:55 pm for a brief period of five minutes.

The meeting reconvened at 10 pm and the Service Manager (Development Management and Enforcement) advised that Condition 10 already had sufficient provision for the exploration of opportunities for temporary traffic lights under criteria C and traffic management requirements. The Highways Officer suggested that the recently introduced industry wide 2 clocks standards for a construction traffic management plans be included in criteria C of Condition 10.

The Service Manager (Development Management and Enforcement) said that Condition 11 would be amended to include the word integrated and Condition 29 would be amended to cover the permeability of the fencing. She said that the landscaping Condition 8 would include the wording for a minimum period of 30 years in the last criteria.

Members were advised that an informative would be included in respect of exploring the opportunities for an eastern access. Members were also advised that there was already sufficient provision within the conditions for funding for community transport and a community centre.

Councillor Andrews proposed and Councillor Kemp seconded, a motion that application 3/20/1950/FUL be granted, subject to an additional informative, the amended conditions and the satisfactory completion of a legal agreement and the conditions set out at the end of the report. Delegated authority was being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and

conditions and the application would be refused in the event an acceptable legal agreement was not completed within 3 months of the Committee's decision.

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

RESOLVED –that (A) in respect of application 3/20/1950/FUL, planning permission be granted subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report and subject to the following amended conditions and an additional informative:

- criteria c under condition 10 be amended to include a reference to the recently introduced industry wide 2 clocks standards for construction traffic management plans;
- condition 11 be amended to include the word integrated in respect of bird and bat boxes;
- condition 29 be amended to cover the permeability of the fencing;
- the landscaping condition 8 would include the wording for a minimum period of 30 years in the last criteria;
- an informative would be included in respect of the exploration of opportunities for an

eastern access.

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions; and

(C) the application would be refused in the event that an acceptable legal agreement was not completed within 3 months of the Committee's decision.

381 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.

382 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.07 pm

Chairman

Date