

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 10 AUGUST 2022, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors R Buckmaster, B Crystall,
R Fernando, S Newton, T Page, C Redfern,
P Ruffles and T Stowe

ALSO PRESENT:

Councillors E Buckmaster, J Goodeve and
J Wyllie

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Fiona Dunning	- Principal Planning Officer
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Damian Ogbonnaya	- Principal Solicitor
Karen Page	- The Service Manager (Development Management and Enforcement)

ALSO IN ATTENDANCE:

Sarah Hearn	- Hertfordshire Highways
Mark Youngman	- Hertfordshire Highways

124 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews, Beckett and Kemp. It was noted that Councillors Huggins, Dumont and Rutland-Barsby were substituting for Councillors Andrews, Beckett and Kemp respectively.

125 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

126 DECLARATIONS OF INTEREST

There were no declarations of interests.

127 MINUTES - 13 JULY 2022

Councillor Newton proposed and Councillor Page seconded, a motion that the Minutes of the meeting held on 13 July 2022 be confirmed 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 13 July 2022, be confirmed as a correct record and signed by the Chairman.

- 128 3/22/0510/REM - RESERVED MATTERS FOR LAYOUT, SCALE, APPEARANCE AND LANDSCAPING OF 3/21/1749/VAR (APPROVED UNDER OUTLINE PLANNING 3/18/2253/OUT) FOR E(G)(II), E(G)(III), B2 AND B8 USES INCLUDING SERVICING, LANDSCAPING, MEANS OF ENCLOSURE AND ASSOCIATED WORKS AND INFRASTRUCTURE AT LAND AT BISHOP'S STORTFORD SOUTH (BISH5) (PARCEL D, ST JAMES' PARK)
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The Head of Planning and Building Control recommended that in respect of reserved matters application 3/22/0510/REM, planning permission be granted subject to the conditions detailed in the report and the late representations summary with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions.

The Principal Planning Officer presented an extract of the adopted masterplan framework that was adopted by Full Council in July 2018. She presented a series of plans and elevation drawings and said that the adopted masterplan included details of the proposed access off St James' Way.

The Principal Planning Officer set out the background to the hybrid planning permission which included fill and outline planning permission. She summarised how the reserved matters application fitted into that hybrid scheme and advised that the reserved matters application included details of layout, scale, appearance and landscaping.

The Principal Planning Officer said that the principle

for the development had been established by the hybrid planning permission and this matter should not be revisited by Members.

Members were advised that the green space landscaped area was not part of the reserved matters application but was covered by a proposed condition to ensure that the landscaped areas to the north, east and south were in place prior to first occupation.

The Principal Planning Officer said that the site was 3.4 hectares and this was in accordance with the hybrid planning permission of up to 4 hectares and the proposed building heights were also in accordance with the hybrid planning permission and parameter plans approved by the hybrid planning permission.

The Principal Planning Officer spoke at length in respect of the proposed strategic landscaping and provided detailed information in respect of two further reserved matters applications that were yet to be determined.

Members were advised that proposed condition 3 detailed in the late representation summary was to ensure that the landscaping was in place and was substantially completed prior to the development on the employment site being occupied.

The Principal Planning Officer said that a new proposed condition 10 specifically related to the landscaping on the site itself. Members were advised that condition 4 had been amended in respect of the specific roads for HGVs moving to and from the site.

She said that condition 9 set out noise requirements for the site and condition 11 set out details of proposed route plans.

The Principal Planning Officer detailed the contents of the late representations summary.

Mr Arnott addressed the Committee in objection to the application. Mr Pritchard spoke for the application. Councillor Wyllie addressed the Committee as the local ward Member.

The Principal Planning Officer said that the hybrid application was for up to four hectares of B1, B2 and B8 land uses and the reserved matters scheme was compliant with those uses and was also compliant with the policies that were in place.

The Service Manager (Development Management and Enforcement) said that the outline application had not placed a cap on the floor space for each type of use. She said that the reserved matters were compliant with the uses that had been applied for under the hybrid application. The principle of the development was not under consideration as part of the reserved matters.

Mr Youngman, Hertfordshire Highways, said that rigorous testing and extensive modelling had been carried out for the most realistic worst case scenario in respect of the transport assessments that had been submitted. He said that the proposed reduced traffic movements of 918 cars and 104 HGV movements and Hertfordshire Highways were supportive of mixed use

developments with sustainable transport measures.

Mr Youngman said that there was good access to an A class road and the new roundabout on St James' Way had been subjected to a stage three road safety audit. He said that Highways Officers had worked with the Planning Officers in respect of proposed condition 4 regarding a delivery and servicing management plan to be agreed to ensure that all HGVs travelled up the A1184 and then used the A120 to access either the M11 or the A10.

Mr Youngman spoke at length in respect to the TRIPs database and passenger car units. He said that there were unknowns and the Highways Authority had made reasonable assumptions and they were comfortable with the modelling and the recommendation.

The Principal Planning Officer said that the proposed condition 4 was as robust as possible and a stipulation of the condition set out a requirement of the service plan in terms of how the landowner would communicate the provisions and responsibilities of the servicing of the delivery plan to future occupiers.

The Principal Planning Officer said that Officers did not consider that they had the ability to restrict by condition the hours of the reserved matters scheme as there had not been any change to what had been approved by the outline hybrid application. She said an additional noise condition had been proposed that stipulated that details should be submitted prior to occupation and a further assessment was to be carried out in terms of how the impact on neighbours could be

addressed once full occupation was undertaken.

Councillor Page commented on how the traffic management plan operation was to be enforced. Councillor R Buckmaster expressed concerns in respect of the wording of condition 4 in terms of HGVs using the A1184 and A120 to and from the M11 and the A10. She stated that the A1184 ran through Sawbridgeworth and Spellbrook and expressed a concern that the condition would be directing all vehicular traffic to go through Sawbridgeworth and Spellbrook.

Mr Youngman said that he would have no objection to the words going north being added to the section of condition 4 that referred to the A1184. He said that road names had not been used as St James' Way changed names before the bypass reached the A120.

The Service Manager (Development Management and Enforcement) said that the NPPF was clear that the highways impacts would have to be severe to refuse an application in respect of highways. Hertfordshire Highways had not concluded that the impact would be severe and Planning Officers could ask to view the logs that were to be kept in respect of the routes being used by HGVs. Members were reminded that the planning authority could write to occupiers to remind them to comply with the conditions.

Councillor Huggins asked why more physical restrictions were not being proposed to stop HGVs travelling the way Members were concerned that some of them would do in breach of condition 4.

The Legal Officer gave advice to the Committee and Councillor Huggins in respect of a point of order he had raised regarding a question that had been provided to him by the local ward Member. Councillor Huggins read out the question in respect of why Highways Officers had not considered the existing condition 19 to manage traffic and control HGVs.

Mr Youngman said that the outline permission for the overall development covered traffic monitoring and the triggers for the parcels of land had not yet been met. He said that Highways Officers did not feel that a deed of variation of the Section 106 agreement was necessary. Members were advised that a weight restriction on the B1383 Thorley Street would be a severe measure that would be difficult for the police to enforce without this road being downgraded.

Councillor R Buckmaster expressed a concern that the highest 15 metre element of the development would be on a junction where the land was several metres above the road. She said that this would be an overbearing and overpowering element of development next to the A1184.

Councillor R Buckmaster expressed concerns about the log to be kept of HGV movements and also in respect of respect of congestion. She commented on the enforcement of conditions and in particular who would be enforcing them.

The Legal Officer said that conditions were enforceable by breach of condition notices. He explained the

possible outcomes of non-compliance with breach of condition notices and non-compliance with court judgements.

Councillor Huggins said that there should be protections for the outside of the buildings in respect of ventilation equipment, heat pumps and air conditioning. He asked what could be done to protect the very nice architecture of the outside faces of the proposed development.

The Service Manager (Development Management and Enforcement) said that a condition could be applied requiring the applicant to submit details regarding future installations of equipment to the outside of the building.

Councillor Crystall recognised the sustainability of the proposed development and he referred in particular to the proposed solar panels. He referred to landscaping and said that there was no mention of biodiversity net gain.

Councillor Crystall asked if bird, bat and swift boxes could be installed on the north side of the northern most building facing the open space. The Principal Planning Officer confirmed that the provision of bird, bat and swift boxes could be covered by the conditions. She said that the proposed landscaping would increase biodiversity and explained that the matter of biodiversity net gain could not be addressed by the reserved matters application.

Councillor Fernando proposed and Councillor Rutland-

Barsby seconded, a motion that reserved matters application 3/22/0510/REM be granted planning permission, subject to the conditions detailed in the report and the late representations summary with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions, subject to the following:

- The wording of condition 4 be amended to stipulate that the HGV routing register is to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way and Bishop's Park Way;
- a condition be added covering the installation of bird, bat and swift boxes; and
- a condition be added covering the appearance of ventilation equipment, heat pumps and air conditioning units.

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

RESOLVED – that (A) in respect of reserved matters application 3/22/0510/REM, planning permission be granted subject to the conditions detailed in the report and the late representations summary; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions, subject to the following:

- The wording of condition 4 be amended to stipulate that the HGV routing register is to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way and Bishop's Park Way;
- a condition be added covering the installation of bird, bat and swift boxes; and
- a condition be added covering the appearance of ventilation equipment, heat pumps and air conditioning units.

129 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.

130 URGENT BUSINESS

There was no urgent business.

The meeting closed at 20:56

Chairman
Date