

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 7 DECEMBER 2022, AT 7.00  
PM

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

ALSO PRESENT:

Councillors M Goldspink and J Goodeve

OFFICERS IN ATTENDANCE:

Michele Aves	- Democratic Services Officer
Edward Evans	- Planning Officer
Richard Freeman	- Interim Development Management Team Leader
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Victoria Wilders	- Legal Services Manager

ALSO IN ATTENDANCE:

Matthew Armstrong - Hertfordshire Highways

261 APOLOGIES

Apologies for absence were submitted on behalf of Councillors T Beckett, R Fernando and S Newton. It was noted that Councillor Rutland-Barsby was substituting for Councillor Newton.

262 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

263 DECLARATIONS OF INTEREST

Councillor Page declared a personal interest in application 3/21/1756/FUL, on the grounds that he been one of the three Members that had sat on the Licensing Sub-Committee that had made a determination on a premises licence application on this site.

264 MINUTES - 2 NOVEMBER 2022

Councillor Buckmaster proposed and Councillor Rutland-Barsby seconded, a motion that the Minutes of the meeting held on 2 November 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. Councillor Redfern

abstained from voting as she had not been present at the meeting on 2 November 2022.

**RESOLVED** – that the Minutes of the meeting held on 2 November 2022, be confirmed as a correct record and signed by the Chairman.

265 3/21/1756/FUL - DEMOLITION OF ALL EXISTING BUILDINGS. ERECTION OF A CLASS E RETAIL FOOD STORE, WITH ASSOCIATED CAR PARKING, RECONFIGURED SITE ACCESS, SERVICING, LANDSCAPING, SWALE, AND INSTALLATION OF PLANT EQUIPMENT AT GATES OF STORTFORD, 295-297 STANSTED ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2BT

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The Head of Planning and Building Control recommended that in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 legal agreement.

It was also recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section 106 legal agreement and the conditions and, in the event that a legal agreement (to the satisfaction of the LPA) was not completed within 3 months of the committee's decision, to refuse the scheme due to an unacceptable impact from unsustainable modes of transport and a detrimental impact on local employment.

The Development Management Team Leader summarised the details of the application. He explained that the existing use was an employment

generated sui generis use and provided details of the access and the proposed landscaping and parking arrangements. Members were advised that the site was located within a designated employment area in the local plan.

The Development Management Team Leader said that the application proposed 12 cycle spaces, and this was increased to 19 by the conditions to ensure policy compliance. He said that 2 electric vehicle charging spaces were proposed and this would be increased to 6 by the proposed conditions and then up to 13 spaces to secure greater use of electric vehicle charging.

The Development Management Team Leader said that the increase in soft landscaping would contribute towards a 1000% increase in biodiversity and the proposed landscaping would be secured by condition. He summarised the relevant highways considerations and detailed the proposed sustainable transport measures and spoke at length about the relevant material planning considerations.

The Development Management Team Leader referred to the late representations and advised that the application included a package of sustainable transport measures and Section 106 controls. He talked about the relevant planning policies, especially regarding employment and retail and commented on the impact of the application on the viability of local and district centres.

The Development Management Team Leader explained that the proposal was contrary to a key

policy regarding employment land uses and that the report set out what weight should be given to this issue. Officers however considered that there were material considerations to outweigh the policy and recommended that the scheme was acceptable on this basis. He said that the relationship to the boundary of the residential property immediately to the south would be improved due to soft landscaping and there being pedestrian infrastructure immediately adjacent to the access as opposed to parking.

Members were advised that an hours of use condition was proposed, and further conditions were proposed to cover floodlighting, deliveries and other matters. The application was recommended for approval subject to conditions and Section 106 agreement.

Cheryl Sauvery addressed the Committee in objection to the application. Laura Beech spoke for the application. Councillor Goldspink addressed the Committee as a local ward Member.

The Development Management Team Leader responded to the points that had been raised by the speakers. He said that Officers had considered the impact on residential amenity very carefully and the right approach was not necessarily a comparison between this scheme and a proposed development from 2011.

The Highways Officer detailed the relevant highways history and referred to the priority being given to the most vulnerable road users. He detailed the proposed bus stop improvements and the planned installation of

tactile paving on side roads. Members were advised of the modal shift targets and the Highways Officer spoke at length about the relevant access matters. He concluded that the user hierarchy was a pedestrian first approach and the focus should and must be on sustainable and active travel uses.

Councillor Ruffles asked for and was given some clarity as to the routes into the site for pedestrians. He also commented on the safety of pedestrians crossing the entrance but not accessing the site for shopping.

Councillor Page said that traffic leaving St Michael's Road did not adhere to the no right turn rule and this was not enforced. The Highways Officer said that it was for this application to mitigate the impact of the proposed scheme and not to resolve existing issues. He spoke at length about sustainable active travel measures and the climate emergency and the need for people to consider changing how they travelled.

Councillor Andrews expressed concerns as to how the vehicular access to the site was to be secured when the store was closed. He commented on the distance of the proposed electric vehicle charges from the store entrance and asked about the coverage of the costs of the proposed Section 106 highways works.

The Development Management Team Leader referred to the recommended condition 34 in respect of the management plan and said that the details would come forward at a later date. He said that the location of electric vehicle bays was dictated by noise and the location of substations. Members were advised that

the conditions required that the highways works were implemented prior to the use of the store, or other timescales to be agreed. The Highways Officer confirmed that the developer would be funding and implementing the highways works and this was covered by the conditions.

Councillor Buckmaster suggested a condition where by deliveries were limited to taking place not later than 8 pm. Councillor Crystall talked about a highways monitoring study and the sustainability of the proposed store. He asked if the number of bird and bat boxes could be increased to five or six.

Councillor Kemp commented on the sustainability of complete journeys and not just in the environment of the proposed store. The Development Management Team Leader said that in respect of bird, bat and swift boxes, there was no specific targets within the policy base and conditions should meet the tests of reasonableness and necessity. He said that a condition in respect of delivery hours concluding by 8 pm was not considered to be necessary in respect of residential amenity.

The Highways Officer spoke at length in respect of the applicant's original transport assessment and talked about highways monitoring. He confirmed that it was not reasonable to expect this application to solve existing traffic problems in Bishop's Stortford.

Councillor Stowe commented on the possibility of a condition to introduce a gated barrier and also to improve the lighting in the darker corners of the site.

The Development Management Team Leader said that Officers would like to see the measures regarding security of the site to include details of lighting. He said that Officers would not want to see a gated development due to the integration of the development into the public realm. He commented on the issue of maintenance in the event of a breakdown and tailbacks on the highway.

The Highways Officer defined the operation of the proposed puffin signalised pedestrian crossing. He said that the emphasis was for pedestrian first in terms of user hierarchy and the crossing was acceptable on that basis.

The Chairman summarised the points made and the Development Management Team Leader summarised the amendments to conditions that he had noted down during the Member debate.

Councillor Andrews proposed and Councillor Kemp seconded, a motion that application 3/21/1756/FUL be granted planning permission, subject to the conditions detailed in the report and subject to a Section 106 Legal Agreement with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions, subject to the following variations to conditions:

- Sunday opening hours restricted by condition to 16:00 hours as opposed to 18:00 hours.
- Detailed design of the landscaping and the submission of details to include details of liaison with the neighbour to the south of the site.



- Electric vehicle charging points condition to specify that 6 would be provided at the opening of the store.
- Car parking design to be submitted to be agreed, as an amendment to condition 3 to cover the issue of where electric charging points were and some of these being available for disabled permit users.

and

in the event that a legal agreement (to the satisfaction of the LPA) was not completed within 3 months of the committee's decision, the Head of Planning and Building Control be granted delegated authority to refuse the scheme due to an unacceptable impact from unsustainable modes of transport and a detrimental impact on local employment.

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

**RESOLVED** – that (A) in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 Legal Agreement with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions, in consultation with the Chairman and Vice-Chairman of the Development Management Committee, and also subject to the following:

- Sunday opening hours restricted by

condition to 16:00 hours as opposed to 18:00 hours.

- Detailed design of the landscaping and the submission of details to include details of liaison with the neighbour to the south of the site.
- Electric vehicle charging points condition be amended to specify that 6 would be provided at the opening of the store.
- Car parking design to be submitted to be agreed, as an amendment to condition 3 to cover the issue of where electric charging points were and some of these being available for disabled permit users.

(B) in the event that a legal agreement (to the satisfaction of the LPA) was not completed within 3 months of the committee's decision, the Head of Planning and Building Control be granted delegated authority to refuse the scheme due to an unacceptable impact from unsustainable modes of transport and a detrimental impact on local employment.

266 3/22/1142/HH - CONVERSION OF GARAGE TO ARTISTS STUDIO. REMOVAL OF ROOF AND CONSTRUCTION OF ROOF LANTERN STRUCTURE. CONSTRUCTION OF SIDE EXTENSION AT SEQUOIA, ELTON ROAD, HERTFORD, HERTFORDSHIRE, SG14 3DW

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The Head of Planning and Building Control recommended that in respect of application 3/22/1142/HH, planning permission be granted subject

to the conditions detailed in the report.

The Chairman referred to the constitution and explained that the application was before Committee as the partner of the applicant was a Member. The Service Manager (Development Management) drew the attention of the Committee to the addendum where Officers had proposed an informative on the planning permission should Members be supportive of the recommendation for approval.

The Service Manager (Development Management) summarised the application and set out the reasons for the additional informative in the addendum. She said that the principle of the application was acceptable as it did not constitute a change of use, the use being still ancillary to the main house and advised that a tree survey had been completed as well as an impact assessment to the satisfaction of the landscape officer.

The Service Manager (Development Management) said that the proposed development was compliant with the relevant policies of the East Herts District Plan and the Bengeo Neighbourhood Plan and the wider aims of the National Planning Policy Framework (NPPF). She said that the application was therefore recommended for approval subject to conditions and the additional informative.

Councillor Rutland-Barsby proposed and Councillor Crystall seconded, a motion that application 3/22/1142/HH be granted planning permission, subject to the conditions detailed in the report and subject to

the additional informative included in the additional representations summary.

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

**RESOLVED** – that in respect of application 3/22/1142/HH, planning permission be granted subject to the conditions detailed in the report and subject to the additional informative included in the additional representations summary.

267 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.

268 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.05 pm

Chairman .....

Date .....