

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 4 MARCH 2020, AT 7.00 PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors D Andrews, T Beckett,  
R Buckmaster, S Bull, B Crystall,  
R Fernando, J Jones, T Page, C Redfern,  
P Ruffles and T Stowe

ALSO PRESENT:

Councillors J Goodeve and S Newton

OFFICERS IN ATTENDANCE:

Rachael Collard	- Principal Planning Officer
Peter Mannings	- Democratic Services Officer
Jill Shingler	- Principal Planning Officer
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager

376 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Huggins and Kemp. It was noted that

Councillors Bull and Fernando were substituting for Councillors Huggins and Kemp respectively.

377 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the public to the meeting and referred to a number of housekeeping issues. He said that webcasting was not possible for this meeting due to a technical fault.

378 DECLARATIONS OF INTEREST

Councillors Ruffles and Deering declared non-pecuniary interests in application 3/19/1826/FUL, on the grounds that they were members of Hertford Town Council, and an allotment site owned by Hertford Town Council abutted the application site.

379 MINUTES - 5 FEBRUARY 2020

Councillor Jones proposed and Councillor Beckett seconded, a motion that the Minutes of the meeting held on 5 February 2020 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 5 February 2020, be confirmed as a correct record and signed by the Chairman.

380 3/19/2227/VAR - VARIATION OF CONDITION 10 (SCHEME FOR AFFORDABLE HOUSE) OF PLANNING PERMISSION REF: 3/14/2200/OP (RESIDENTIAL DEVELOPMENT FOR UP TO 85 HOUSES INCLUDING SITE ACCESS, PUBLIC OPEN SPACE AND LANDSCAPING. AMENDED PROPOSAL). TO ALTER RATIO OF TENURE FOR AFFORDABLE AND PRIVATE HOUSING ON LAND SOUTH OF FROGHALL LANE, WALKERN, HERTFORDSHIRE

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The Head of Planning and Building Control recommended that in respect of application 3/19/2227/VAR, planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report now submitted. The report also sought delegated Authority for the Head and Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building, summarised the application and detailed the relevant planning history. She said that this was a 4.17 hectare site to the South West of Walkern and the applicant wished to vary a condition 10 in order to alter the ration of tenure for affordable and private housing.

Members were advised that Homes England funding had allowed for an additional 4 affordable housing units over and above the 34 affordable units allowed on appeal as part of the original application for 85 dwellings. The Principal Planning Officer said that a new planning permission would be issued to cover the revised tenure.

Councillor Beckett commented on why the social housing had not been pepper potted around this site. The Principal Planning Officer said that she believed the applicant had grouped the affordable housing for management purposes.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, said that the original major scheme had been refused prior to the adoption of the District Plan. He confirmed that the planning permission had been granted on appeal by the planning inspectorate using different policies to those in the adopted District Plan.

The Service Manager (Development Management) reminded Members that this application was only a slight variation in respect of the level of affordable housing provision. He said that Members should keep in mind the previous approval of planning permission by the planning inspectorate.

Councillor Page questioned how the occupancy level of the dwellings would be monitored. The Principal Planning Officer said that it was for the affordable housing provider and the Council to ensure compliance.

The Principal Planning Officer confirmed to Councillor Crystall that the Section 106 legal agreement would not be affected by the grant for the additional affordable housing and the detail of the legal agreement would not change.

Councillor R Buckmaster referred to the timing of the

construction of the affordable housing and its phasing in relation to the occupancy of the market housing. The Principal Planning Officer, on behalf of the Head of Planning and Building Control, said that the eastern half of the development was well on the way to completion in terms of the shells of dwellings, which had yet to be fitted out internally.

The Service Manager (Development Management) said that, as the applicant benefited from planning permission, the planning inspectorate would see this as a highly material consideration.

Members were reminded that the variation of condition would provide for 4 additional housing units over and above the 40% policy requirement for affordable housing. Councillor Redfern said that she was not in favour of the lack of pepper potting of the affordable housing. She said however that she was in favour of the additional affordable housing and would be voting in support of this application.

The Service Manager (Development Management) and the Legal Services Manager said that the Council would be at risk of costs being awarded against it on appeal if Members deferred or rejected the application regarding the location of affordable housing. The policies regarding affordable housing were different when this application was approved on appeal compared to current District Plan policies.

Councillor Andrews proposed and Councillor Ruffles seconded, a motion that in respect of application 3/19/2227/VAR, the Committee support the

recommendation for approval, subject to a legal agreement and subject to the conditions detailed in the report now submitted and that authority be delegated to the Head and Planning and Building Control to finalise the detail of the legal agreement and the wording of the conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that (A) in respect of application 3/19/2227/VAR, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted; and

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

381 3/19/1826/FUL - DEMOLITION OF GARDEN NURSERY AND THE ERECTION OF 52 DWELLINGS INCLUDING ACCESS, PARKING, AMENITY, PUBLIC OPEN SPACE AND TREE PROTECTION MEASURES HERT4 FORMER BENGEO NURSERY SACOMBE ROAD HERTFORSHIRE SG14 3HG

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The Head of Planning and Building Control recommended that in respect of application 3/19/1826/FUL, planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of

Planning and Building Control, said that the word “draft” should be inserted before the word conditions in the recommendation. Members were also being asked to approve delegated authority to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and Conditions.

The Principal Planning Officer summarised the application and detailed the location of the site. She detailed the mix of accommodation of 1 and 2 bed flats and 2 to 5 bed houses and said that the application was policy compliant with 40% affordable housing. Members were shown a layout plan of site which detailed the location of the affordable housing.

Members were advised that that the largest building would overlook the central square and at 12 metres in height was of an appropriate scale so as not to be overly dominant. The Principal Planning Officer said that there would be electric vehicle charging points.

Member were also advised that conditions 4, 5 and 7 included full details of landscaping with details to be submitted and agreed by Planning Officers. The Principal Planning Officer said that there had been local objections in respect of highways safety and congestion. She said that there would be a shared cycle storage area and reported that the application met the adopted maximum parking standards.

The Principal Planning Officer said loss of garages was covered by conditions 11 and 14 and Hertfordshire Highways believed that any increase in traffic would not be excessive in terms of congestion. She said that

the construction management plan must include consultation with Bengo School.

Members were advised that the site was located in a groundwater protection zone and contamination prevention measures were required to prevent contamination of groundwater.

The Principal Planning Officer confirmed that a legal agreement was proposed to secure the affordable housing provision.

The Principal Planning Officer concluded that the overall scheme was in accordance with adopted District Plan policies and the master plan document for this site.

Kim Rickards addressed the Committee in support of the application.

Councillor Ruffles referred to the master planning process and said that an important point was pedestrian safety in terms of the availability of safe crossing points. He said that the reference to Wadesmill Lane was incorrect and should have read Watermill Lane.

Councillor Beckett made reference to the concerns of the Crime Prevention Design Officer regarding the lack of oversight of the proposed car parking area. The Principal Planning Officer detailed the location of Wadesmill Lane and Watermill Road. She said that this was an allocated site in the District Plan for this level of housing.

Members were advised that the parking area was hidden and whilst this was not ideal, the area was overlooked by windows to the rear elevation of the proposed development. Councillor R Buckmaster said that the proposed flood test pits would be slow to drain. The Principal Planning Officer said that there was sufficient land for the retention of ancient hedgerows.

Councillor R Buckmaster sought clarification from Officers in respect of condition 11 regarding the use of garages and car ports. The Principal Planning Officer said that converting the garages or car ports would require the occupants to make a planning application. Councillor Crystall said that the pedestrian routes should be completed before the dwellings were occupied.

Councillor Beckett proposed and Councillor Ruffles seconded, a motion that in respect of application 3/19/1826/FUL, the Committee support the recommendation for approval, subject to a legal agreement and subject to the draft conditions detailed in the report now submitted and that authority be delegated to the Head and Planning and Building Control to finalise the detail of the legal agreement and the conditions.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that (A) in respect of applications 3/19/1826/FUL, the Committee support the recommendation for approval, subject to a legal agreement and subject to the draft conditions detailed in the report now submitted; and

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

382 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

(D) Planning Statistics.

The meeting closed at 8.09 pm

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