

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD AS AN ONLINE MEETING
ON WEDNESDAY 21 APRIL 2021, AT 7.00
PM

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

ALSO PRESENT:

Councillors J Goodeve

OFFICERS IN ATTENDANCE:

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| Paul Courtine | - Planning Lawyer |
| Fiona Dunning | - Principal Planning Consultant |
| Peter Mannings | - Democratic Services Officer |
| Sara Saunders | - Head of Planning and Building Control |
| William Troop | - Democratic Services Officer |

465 APOLOGY

An apology for absence was submitted on behalf of Councillor Fernando. It was noted that Councillor Bull was substituting for Councillor Fernando.

466 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.

467 DECLARATIONS OF INTEREST

There were no declarations of interest.

468 MINUTES - 31 MARCH 2021

Councillor Ruffles proposed and Councillor Crystall seconded, a motion that the Minutes of the meeting held on 31 March 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 31 March 2021, be confirmed as a correct record and signed by the Chairman.

469 3/20/1563/FUL - ERECTION OF 68 DWELLINGS (INCLUDING AFFORDABLE HOUSING) AND ASSOCIATED PARKING, LANDSCAPING, OPEN SPACE AND ANCILLARY WORKS WITH ALTERATIONS TO THE EXISTING ACCESS POINT ON MANGROVE ROAD AND THE CREATION OF A NEW ACCESS ON MANGROVE ROAD AT LAND WEST OF MANGROVE ROAD, HERTFORD (HERT5)

The Head of Planning and Building Control recommended that in respect of application 3/20/1563/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted. It was also being recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 legal agreement 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 said that there had been four additional submissions received in the last couple of days in relation to the application. Members were advised that an objector had submitted some photos and also some computer graphical images which would be shown to Members.

The Principal Planning Officer provided a detailed explanation of the matters that had been covered in the late representations summary. She advised that an

additional condition was proposed in relation to the existing fencing on the site and the separation of the development and most of the green finger. She said that the Sustainability Supplementary Planning Document (SPD) had not been addressed in the assessment of the scheme as the application had been submitted in August 2020, and this was well before the Sustainability SPD had been adopted.

The Principal Planning Officer said that condition 15 would include an additional sub paragraph that would address the matter of the drainage attenuation being to the stream. She referred to the excavation that would be required and drew Members' attention to the landscape and ecological management plan.

Finally, Members were advised that the Section 106 monitoring fee had not been included in the Section 106 legal agreement heads of terms and this equated to £2,500. Members were also advised of an amendment to condition 16 relating to a highway authority requirement for traffic calming measures to the south of the site at Oaks Grove, which should include a reference to a speed indicator device to be included as part of the gateway feature.

The Principal Planning Officer ran through a set of PowerPoint slides that highlighted the following key issues relating to the application:

- Notification of the application to relevant landowners
- Location of an existing chain link fence and the green finger, which included a line of mature

Beech Trees to the west of the proposed development

- Avoiding the use of a wildlife area by residents and visitors
- Landscape plans to include details of native trees and a holly hedge, which would be covered by a condition requiring this hedge to be fairly substantial
- Retained trees and proposed children's play space to the south of the site, providing a connection for a wildlife corridor leading from balls pond park
- Resident's concerns regarding the location of proposed dwellings on the northern side of the site and concerns about the location of the car parking for the apartment building
- Retention and protection of existing trees during construction and 1.8 m timber fencing to protect adjoining residential properties from car fumes
- Resident's concerns regarding traffic on the narrow Mangrove Road. The Highway Authority had not raised any concerns. Members were advised of the mitigation measures requested by Hertfordshire Highways.
- Concerns raised by residents in respect of the density of the development and also regarding the location of proposed play equipment close to residential properties on Mangrove Drive
- Residents had expressed concerns in respect of wildlife and biodiversity

The Principal Planning Officer said that the impact on the green belt and the green finger had been addressed in the report. She said that the matter of water use and disposal and all of the issues she had

raised were covered by the conditions in the report and the additional representations summary.

The Principal Planning Officer referred in detail to the topographic map of the site, with particular reference to the stream and the attenuation pond and the proposed residential area for the 68 dwelling plus the existing Queens Road properties. Members were shown a number of photos taken by residents of Queens Road and also photos taken by Planning Officers. Members were also shown some indicative visual computer graphical images that had been sent to Officers by the applicant.

The Principal Planning Officer said that the proposed drainage via the attenuation pond did flatten out before entering the stream to ensure that the stream was not eroded by the flow of water from the site. Members were advised that the alternative drainage solution was to use the Thames Water sewer on Mangrove Road.

Members were advised that the attenuation pond was consistent with green belt policy and also met with the hierarchy of biodiversity and water drainage. The attenuation pond would be landscaped and this would be controlled by conditions relating to landscaping and the environmental management plan.

The Principal Planning Officer spoke to a series of slides showing the location of trees to be planted and the holly hedge. The slides also showed the proposed layout of the development and the proposed access, landscaping and car parking.

At the invitation of the Chairman, the Principal Planning Officer said that tree removal had resulted in objections. She reiterated that the applicant had proposed additional tree planting and had also agreed to the holly hedge on the western boundary of the site.

Mrs Nuti and Mr Spooner addressed the Committee in objection to the application. Mr Farnsworth spoke for the application.

Councillor Ruffles asked about the relevance of land ownership regarding this application and in particular in respect of the watercourse. Councillor Redfern said that she was pleased that a lot of work had been done to protect the wildlife area.

Councillor Redfern said that there did not seem to be a net gain in terms of biodiversity and she did not feel enough had been done in terms of energy production with photovoltaic panels and ground source heating. She expressed concerns regarding the proposed levels of affordable housing and commented on the narrow footpaths. She was also concerned that the houses were too small to be classed as proper affordable family homes.

Councillor Crystall commented on whether some more engagement with residents by developers would go some way to addressing an increase in sensitivity of residents towards tree removal. He asked whether the attenuation pond would be a permanent wet pond and not solely a means of funnelling water onwards, due to the benefits for wildlife and biodiversity.

Councillor Crystall asked if it was possible for Officers to ensure that the attenuation pond was situated on the down slope and there was full mixed native planting across the engineered part of the pond.

The Principal Planning Officer said that the owner of the land adjacent to the watercourse would have to give consent. She said that the developer had contacted the land owner. Members were advised that the lead local flood authority (LLFA) would be involved in granting permission for discharges into the watercourse.

The Principal Planning Officer said that in terms of biodiversity and net gain, the provision of off-site biodiversity was proposed and she had discussed this with the Hertfordshire County Council Officer in terms of grassland biodiversity projects.

The Principal Planning Officer said that in terms of energy consumption, the Sustainability Supplementary Planning Document (SPD) doesn't apply to this application as it was adopted after this application had been submitted.

Members were advised however that the application does provide a number of energy efficiency proposals over and above the building regulations. The Officer summarised these proposals and said that at this stage, the apartment building was proposed to be built with gas fired boilers.

Members were advised that condition 18 had picked

up a request from the Environmental Health Officer that the boilers be an energy efficient design. Officers had not felt able however to condition out the gas boilers and the developer could chose not to install them.

The Principal Planning Officer said that the policy in respect of affordable housing did allow for flexibility in terms of provision. She referred to paragraph 8.17 of her report in terms of affordable housing and advised that the NPPF required that 10 percent of the total development be shared ownership. Members were reminded that the Council could not amend this.

Members were advised that in terms of tree removal, the approach could have been different given the history of the site. The Officer explained however that the Council was not obliged to consult residents on tree removal unlike with planning applications.

The Principal Planning Officer confirmed that the attenuation pond would be totally wet and would be fenced off. She referred to the wildlife benefits of a wet pond. Members were advised that it was not possible to widen footpaths as this would encroach on the existing and proposed landscaping.

The Principal Planning Officer said that condition 15, as referred to in the late representation summary, covered the landscaping proposed for the western side of the attenuation pond, as well as the repairing any damage caused by the laying of drainage pipes. She said that this condition could include wording for the planting of native trees on the basin wall.

Councillor Kaye asked about electric car charging in garages and said that most people would prefer the charger to be outside. He asked if there would be any choice on offer to residents in that respect.

Councillor Kaye commented on whether there would be designated spaces for the apartments and could the first occupants specify if they wanted to have an electric parking space. He also asked about the type of play equipment to be provided.

Councillor Stowe said that he would prefer that there was no public access to the top part of the green finger. He asked about what fencing there would be between Mangrove Drive and the play areas. He asked if a condition could be applied for each house to have a water butt for rainwater harvesting.

Councillor Buckmaster asked about the play area and the maintenance of the play equipment. She also asked about the provision of bird and bat boxes and whether condition 19 could be amended to ensure that the maintenance of these boxes was made permanent.

The Principal Planning Officer said that the conditions could be amended to include the necessary flexibility to ensure that an electric car charging point was provided on the basis of one per dwelling. She said that the intended age target for the play area was ages one to five. The Section 106 legal agreement included details of a management company arrangement for the maintenance of the play space and this would also

apply to the bird and bat boxes.

The Principal Planning Officer said that there was existing wire fencing between Mangrove Drive and the proposed play space. She said that there was a condition proposed in respect of water usage and Officers understood that provision of water butts was quite common to meet building regulations on planning applications. She said that each individual garage would have an electric vehicle car charging point and the conditions could be changed to stipulate that either each dwelling had a charging point or each garage or suitable alternative provision had a charging point.

Councillor Page asked about tree 133 and whether this was to be retained or removed as the report was ambiguous on this point. He also asked about the mitigation for the lack of biodiversity and he referred to the suggested amount of £18,600 for offsite grassland and woodland improvements. He asked if this funding would be spent in East Herts.

Councillor Kemp asked about the concerns about the access to the green finger and the harm that this could cause. Councillor Redfern said that she thought that the report had made clear that the green finger beyond the chain link fence was not to be accessed.

Councillor Beckett said that he did not consider Mangrove Road to be particularly safe for cyclists. He said that he did not think that the application unequivocally met all of the principles of policy TRA2 in terms of access to local amenities.

The Principal Planning Officer said that tree 133 was to be retained as per the landscape plan. She said that the biodiversity figure of £18,600 had not been suggested by the Herts and Middlesex Wildlife Trust. She said that the statutory consultee was Herts Ecology and Members were advised condition 37 covered the maintenance of the fence with details of the controlled gate to be submitted to the planning authority.

The Principal Planning Officer detailed the proposed arrangements for the management company. Councillor Deering commented on the Members being particularly mindful of the importance of the green fingers in Hertford. He said that the Committee was keen to see as much planting and landscaping as possible, particularly on the down slope to moderate the visual impact of the attenuation pond.

Councillor Deering said the Committee felt that should the application be approved, every car park charging spot should have an electric vehicle car charging point. Members would also want to see a condition regarding the requirement for a form of speed management in this area. He also commented on the offset funding for biodiversity being spent locally in Hertford or in East Herts. He made a final point about the modelling that was used in respect of Ashbourne Gardens being applied to this site regarding public access.

Councillor Andrews made a point regarding the effect the application would have on immediate neighbours when the development of the site was underway. He

said that Officers needed to be strict in enforcing the scheme for controlling the hours for work on developing this site.

The Principal Planning Officer drew Members' attention to the proposed construction management plan. The Legal Officer confirmed that there was flexibility within the recommendation that all the points made by Members could be picked up in the conditions and the Section 106 legal agreement.

Councillor Andrews proposed and Councillor Buckmaster seconded, a motion that application 3/20/1563/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 3/20/1563/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.

470 PUBLIC SPEAKING ARRANGEMENTS FOR THE DETERMINATION OF THE GILSTON AREA PLANNING APPLICATIONS

The Head of Planning and Building Control submitted a report that set out details of the proposed public speaking arrangements for the meetings of the Development Management Committee, which will be determining the current Gilston Area planning applications.

Members were reminded that in May 2019, the Committee had agreed public speaking arrangements for the Strategic Sites in the District Plan. The Head of Planning and Building Control explained that it was proposed to extend the 6 minute speaking arrangements for the strategic sites to the Gilston area applications.

Councillor Page asked if East Hertfordshire District Council was working with Harlow Council and Epping Forrest District Council to ensure consistency in terms of the public speaking arrangements.

Councillor Kemp agreed with the proposed six minutes in the report. He commented on the very sensible suggestion in the report that the Parish Councils combine representations within the six minutes available. He asked for clarification as to whether this would only apply where an application fell within more than one Council area.

The Head of Planning and Building Control said that the applications that were hopefully due to be determined by the Committee in June only fell within East Herts and Harlow. She said that Officers would be finalising arrangements with the other authorities over the coming weeks.

Members were advised that if an application only related to a single parish council area, the 6 minutes would only be available to that parish council. Councillor Beckett proposed and Councillor Kemp seconded, a motion that the revised arrangements for public speaking in relation to the Gilston area planning applications, as detailed in this report, be approved.

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

RESOLVED – that the revised arrangements for public speaking in relation to the Gilston area planning applications, as detailed in this report, be approved.

471 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Planning Statistics.

472 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.43 pm

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| Chairman |
| Date |