

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 15 JUNE 2022, AT 7.00 PM

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

ALSO PRESENT:

Councillor S Bull

OFFICERS IN ATTENDANCE:

Richard Freeman	- Interim Development Management Team Leader
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Femi Nwanze	- Development Management Team Manager
Karen Page	- The Service Manager (Development Management and

Victoria Wilders Enforcement)
- Legal Services
Manager

47 APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor Page and seconded by Councillor Ruffles, that Councillor Stowe be appointed Vice-Chairman of the Development Management Committee for the 2022/23 civic year.

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

RESOLVED – that Councillor Stowe be appointed Vice-Chairman of the Development Management Committee for the 2022/23 civic year.

48 APOLOGIES

An apology for absence was submitted on behalf of Councillor Kemp. It was noted that Councillor Rutland-Barsby was substituting for Councillor Kemp.

49 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

50 DECLARATIONS OF INTEREST

Councillor Stowe declared a disclosable pecuniary interest in application 3/21/1925/FUL, on the grounds that he had previously made a referral request to the

Chairman for this matter to come before the Development Management Committee citing planning reasons. He said that, whilst the proposed conditions had addressed and alleviated his concerns, he felt that he could be perceived as having judged the application by virtue of the referral request.

Councillor Stowe left the Council Chamber and took no part in the decision making process in respect of application 3/21/1925/FUL.

51 MINUTES - 22 FEBRUARY AND 2 MARCH 2022

Councillor Beckett proposed and Councillor Ruffles seconded, a motion that the Minutes of the meeting held on 22 February 2022 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 353 – delete in 28th paragraph – ‘river way crossing’

Replace with ‘...River Way Crossing’.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Rutland-Barsby abstained from voting as she had not been present at the meeting.

RESOLVED – that the Minutes of the meeting held on 22 February 2022, be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 353 – delete in 28th paragraph – ‘river way crossing’

Replace with ‘...River Way Crossing’

Councillor Crystall proposed and Councillor Redfern seconded, a motion that the Minutes of the meeting held on 2 March 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 Rutland-Barsby abstained from voting as she had not been present at the meeting.

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

- 52 3/21/1576/OUT - DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF SITE TO CREATE UP TO 20,590SQM OF COMMERCIAL DEVELOPMENT IN USE CLASSES E (G), B2 AND B8 (OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS) AT SILKMEAD FARM INDUSTRIAL ESTATE, HARE STREET, HERTFORDSHIRE, SG9 0DX
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The Head of Planning and Building Control recommended that in respect of application 3/21/1576/OUT, outline planning permission be granted subject to the conditions set out at the end of this report and also subject to a Section 106 legal agreement. Delegated authority would be granted to the Head of Planning and Building Control to finalise

the detail of the legal agreement and the conditions and to refuse the application in the event a legal agreement is not completed to the Council's satisfaction.

The Development Management Team Manager drew the attention of the Committee to a number of late representations that had been summarised for Members.

The Development Management Team Leader summarised matters in the late representations summary and said that the Authority had complied with the statement of community involvement.

The Development Management Team Leader explained that this was an outline application and said that outline applications were used to gain an understanding from the local planning authority as to the acceptability of the principle of a development. Members were advised that the only matter to be considered was the proposed access and all other matters were reserved.

The Development Management Team Leader advised that this site remained a designated employment area as detailed in the 2007 Local Plan and this designation had been carried forward into the 2018 District Plan. Members were advised of the use classes that were relevant to this application and were advised that the current 6,000 square metres of floor space would increase to up to 20,590 square metres.

Members were advised that the proposed access was

to be relocated to the south and improved so that two HGVs could pass safely or adversely affecting the amenity of the nearest dwelling. The Development Management Team Leader said that the proposals had come forward with sustainable transport principles and a mobility hub on the site. An overarching travel plan would be provided and conditioned and a bespoke travel plan would be required for each individual unit that would be occupied on this site.

Members were advised that condition 2 required that a phasing plan should be submitted that would outline how the developer should seek to provide opportunities for existing occupiers on the site to be retained and ensure a range of unit sizes to accommodate a range of occupiers.

The Development Management Team Leader said that the Local Flood Authority had raised concerns in respect of the capacity of the site to provide sustainable drainage options. She said that these details had been conditioned and Officers did not consider that these concerns would prevent the Council from determining the application.

Members were provided with a detailed slide presentation in respect of the application and were reminded that a full range of conditions was proposed. The Development Management Team Leader said that and granting the access arrangements would not enable any development without the discharge of all of the proposed conditions.

Mr Ghataoura addressed the Committee in opposition

to the application. Mr Andrews spoke for the application. Councillor Kilby addressed the Committee as the Chairman of Hormead Parish Council.

The Development Management Team Leader said that the site was already in use as an employment area. She said that conditions had been imposed to limit of the height of the proposed development in light of the sensitive nature of this employment area referred to in planning policy. Members were advised that the proposed development would be sensitive to its surrounds and conditions were proposed to mitigate the impact of noise and air pollution. Members were referred in particular to conditions 5 and 11.

The Legal Services Manager said that this was an outline application and all matters aside from the access were reserved for consideration at a later date. She reiterated that any matters aside from the access way were not relevant to this outline application.

Councillor Page referred to comments from the Executive Member for Planning and Growth that had been included in the report now submitted. The Chairman and the Legal Services Manager confirmed that no more weight would be given to those comments than would be given to any other representation that had been received.

Councillor Andrews said that the site was a considerable distance from an existing bus stop. He referred to the comprehensive conditions that were proposed and expressed a concern about the potential use of the B1368 for cyclists when the A10 was subject

to traffic problems. He asked for clarity as to what would happen when traffic reached the bridleway from the 2 metre wide footway.

Councillor Beckett said that the 2 metre wide footway did not make this a sustainable site and the 2 nearest bus stops were not directly linked by footpaths to the site. He said that at least 70 percent of the additional area of site was not brownfield and there would be reduction in drainage from run off. He concluded that the site was not sustainable as a transport hub.

The Development Management Team Leader confirmed that the site was part brownfield and there was a lot of landscaping on the site. She reiterated that access was the only matter being considered and no other detail was relevant as these matters were to be covered by future reserved matters applications.

The Place making and Growth Project Officer said that Hertfordshire had assessed the access and were satisfied that there would be no demonstrable harm that was contrary to planning policy. She said that Members could only consider what had been submitted to the Authority.

The Legal Services Manager said that deferral was an option for the Committee. She emphasised that Members should be very clear in identifying the benefits of a deferral.

Councillor Andrews proposed and Councillor Fernando seconded, a motion that application 3/21/1576/OUT be deferred to enable Officers to come forward with a

simplified report focussed on the contextual issues in respect of the access and also that Officers consider arranging a site visit with a Highways Officer who had worked on the application and a Highways Officer be present at the meeting of the Development Management Committee when the matter was reported back to Members.

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

RESOLVED –that in respect of application 3/21/1576/OUT, planning permission be deferred to enable Officers to come forward with a simplified report focussed on the contextual issues in respect of the access and also that Officers consider arranging a site visit with a Highways Officer who had worked on the application and a Highways Officer be present at the meeting of the Development Management Committee when the matter was reported back to Members.

- 53 3/21/1925/FUL - REMOVAL OF OUTBUILDINGS AND THE PERMANENT SITING OF A CARAVAN TO BE OCCUPIED BY AN EQUESTRIAN WORKER, AND ASSOCIATED WORKS AT THE OLD TURKEY FARM, BROOKBRIDGE LANE, DATCHWORTH, HERTFORDSHIRE

The Head of Planning and Building Control recommended that in respect of application 3/21/1925/FUL, planning permission be granted subject to the conditions detailed at the end of the report submitted with delegated authority being

granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

The Interim Development Management Team Manager summarised the minor application and set out the relevant background information for Members. He detailed the late representations that had been received and referred to an equine needs assessment.

The Interim Development Management Team Leader talked about the sustainability of the development and summarised the policy considerations and referred in particular to policies DPS2 and ED2 and in detail in respect of policy HOU5. He said that this Metropolitan Green Belt site would be occupied by a worker serving as a yard manager and that the essential need for this accommodation on site had been satisfactorily demonstrated.

Members were advised that a residential dwelling would not normally be permitted in the Green Belt. The Interim Development Team Leader referred to the close ties to the equine business and three relevant policy strands. He referred in particular to conditions 4 and 5 in the report and the stipulation that the residential use would cease if the site was no longer to be used as an equine business.

The Committee was advised that two relevant exceptions for development in the Green Belt could be applied in this case. The Interim Development Management Team Leader said that one exception was the partial or total redevelopment of a previously

developed site and the other matter was the change of use. He talked about the tests that had to be met for caravans in the green belt and said that use of part of a site for a caravan required planning permission. Members were advised that the caravan itself did not require planning permission and a key point was the preservation of green belt openness.

Mr Miles addressed the Committee in support of the application.

Councillor Fernando said that his sole remaining concern was the siting of what was a large property in the green belt. He commented on whether there was a need for such a large caravan in the Metropolitan Green Belt.

Councillor Andrews asked if permitted development rights should be removed or restricted in case the business did not remain in the same ownership or control. Councillor Crystall asked for clarity in respect of condition 4 and the status of the worker living in the proposed caravan and he asked if the link between the caravan and the equine business be overturned by a further planning permission.

The Interim Development Management Team Leader talked about planning balance and said that Officers considered that the proposed development was acceptable. He said that if the occupant retired in place then Officers would assess that situation at that point, should an application be made for additional accommodation.

Members were advised that there had been active dialogue with the occupants of the site and the enforcement team and Officers were satisfied that the proposed conditions would be complied with on this site.

Councillor Redfern proposed and Councillor Rutland-Barsby seconded, a motion that application 3/21/1925/FUL be granted planning permission subject to the conditions detailed at the end of the report submitted with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission, subject to the addition of a condition that the caravan hereby permitted shall not be rented out, let out or sold separately from the use of the wider site.

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

RESOLVED -that (A) in respect of application 3/21/1925/FUL, planning permission be granted subject to the conditions detailed at the end of the report, subject to the addition of a condition that the caravan hereby permitted shall not be rented out, let out or sold separately from the use of the wider site; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

54 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.

55 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.22 pm

Chairman
Date