MINUTES OF A MEETING OF THE DEVELOPMENT MANAGEMENT COMMITTEE HELD IN THE COUNCIL CHAMBER, WALLFIELDS, HERTFORD ON THURSDAY 23 MARCH 2023, AT 2.00 PM

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

ALSO PRESENT:

Councillors E Buckmaster, J Dumont, J Goodeve and L Haysey

OFFICERS IN ATTENDANCE:

Lorraine Blackburn	-	Scrutiny Officer
Emily Harvey	-	Principal Planning Officer
Peter Mannings	-	Democratic Services Officer
Karen Page	-	The Service Manager (Development Management and Enforcement)
Jenny Pierce	-	Gilston Area Team Leader
Sara Saunders	-	Head of Planning and Building Control

Victoria Wilders	-	Legal Services Manager

ALSO IN ATTENDANCE:

Roger Flowerday	-	Hertfordshire County Council
Lee Gordon	-	Weightmans
Naisha Polaine	-	Harlow and Gilston Garden Town

412 APOLOGIES

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

413 CHAIRMAN'S ANNOUNCEMENTS

There were no chairman’s announcements.

414 DECLARATIONS OF INTEREST

Councillor R Buckmaster said that for the purposes of transparency, she needed to declare that her husband, Councillor E Buckmaster, would be addressing the Development Management Committee as a local ward Member. She said that this had no bearing on her role as a Member of the Committee and she had come to the meeting to determine the application with an open mind.

415 MINUTES - 28 FEBRUARY AND 8 MARCH 2023

Councillor Beckett proposed and Councillor Fernando seconded, a motion that the Minutes of the meetings held on 28 February and 8 March 2023 be confirmed as correct records and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Rutland-Barsby said that she had not been present at the meeting held on 8 March 2023.

RESOLVED – that the Minutes of the meetings held on 28 February and 8 March 2023, be confirmed as correct records and signed by the Chairman.

416 3/19/2124/OUT - OUTLINE PLANNING APPLICATION AT LAND OFF CHURCH LANE, NORTH OF THE A414, HUNSDON AND EASTWICK, HERTFORDSHIRE

The Head of Planning and Building Control recommended that in respect to application 3/19/1045/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and the proposed conditions set out at the end of this report and delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section 106 Legal Agreement and draft planning conditions annexed (including delegated authority to add to, amend or delete conditions).

The Principal Planning Officer said that Section 72 of the Town and Country Planning Act 1990 requires that regard to be had for the development plan and other material considerations. The Development Plan for this application includes the East Hertfordshire District Plan 2018 and the Gilston Area Neighbourhood Plan 2021.

Members were advised that the National Planning Policy Framework (NPPF), most recently updated in 2021, was one of the other material considerations. The District Plan adopted in 2018 allocates the Gilston Area for development of 10,000 homes and supporting community infrastructure. The Principal Planning Officer said that this was the single largest allocation in the plan and was allocated to be delivered within and beyond the current plan period.

The Principal Planning Officer said that policy GA1 sets out the requirements of the allocation which includes a requirement that development follows garden city principles, provides for a range of home includes affordable housing, homes for older and vulnerable people, land for gypsies and travellers and travelling show people.

Members were advised that the development should also deliver quality green infrastructure, open spaces, community facilities and facilities for sport and recreation. Sustainable transport measures including active travel should also be delivered as well as protection and enhancement of heritage and ecological assets.

The Principal Planning Officer said that necessary infrastructure and utilities should be provided as well as new job opportunities and employment land. A mechanism for securing the long-term stewardship and maintenance of community assets and actively engaged communities.

Members were advised that policy GA2 lists the transport infrastructure necessary to achieve these policy requirements. The Principal Planning Officer said that the site was a key part of the council's development strategy as set out in policies DPS2 and DPS3 and policy DPS4 for the delivery of infrastructure to support development.

Members were reminded that the Gilston Area Neighbourhood Plan was adopted in 2021 and the plan comprised policies that relate to the principles of development and contained detailed design considerations for master planning and detailed reserved matters application stages.

The Principal Planning Officer said that the government had designated the strategic growth within and around Harlow as a garden town. The garden town area encompasses the allocated sites of the Gilston area in East Hertfordshire as well as those to the east of Harlow which were located in both Harlow and Epping Forest districts and land to the south of Harlow and at Water Lane, both in Epping Forrest.

The Principal Planning Officer said that the transport strategy and the vision had both set out ambitious

targets of 60% of trips originating in new communities and 50% of trips within existing communities being undertaken by active or sustainable modes of transport. Members were reminded that this was 1 of 4 applications that were relevant to the Gilston area allocation as well as listed building consent.

The Principal Planning Officer detailed the location of the application site and said that the proposed 1,500 homes represented 15% of the total number of homes identified within the Gilston area allocation on a site that was 117.4 hectares. She said that whilst the planning application should be considered on its own merits, Members should consider the application in the context of the wider allocation. Members were advised that there was intended to be a single joint section 106 legal agreement to ensure consistency and the necessary controls for the authority to ensure that matters of a comprehensive development were adequately secured.

The Principal Planning Officer advised that from an environmental impact assessment perspective, Officers were satisfied that villages 1-6 and village 7 were not a single project and that the environmental information was comprehensive. Members were advised that the schemes are separately owned and are to be delivered in a separate but coordinated manner.

The Principal Planning Officer set out in detail what was before Members for consideration. She said that all matters relating to appearance, landscaping, layout, scale and internal means of access are reserved for

future detailed stages. She said that the primary access junction was applied for in detail and comprises an upgraded access to the A414 Church Lane junction, which included signalisation of the junction and carriageway improvements.

Members were advised that the outline application was supported by plans and documents for approval and the contents of these documents would inform the master planning and reserved matters stages that would follow the outline application stage.

The Principal Planning Officer set out the key issues for consideration by the Development Management Committee when determining the application. She said that the application proposal responds to the principal requirement of policy GA1 for the delivery of development in the Gilston area and as such there was no in principle reason to restrict development of this site.

Members were advised that it was expected that all the housing at village 7 would be delivered within the district plan period to 2033. The Gilston area allocation was the most significant strategic site within the District Plan and therefore this application ensures the delivery of a large proportion of the District Plan housing delivery strategy.

The Principal Planning Officer said that due to viability pressures arising from an increased range of and cost of infrastructure, it has been identified that the scheme can support 23% affordable housing across the site and there would be an agreed upwards only

review mechanism process that would look to increase the level of affordable housing delivery if at future reviews the viability of the scheme improves.

The Principal Planning Officer presented a detailed series of parameter plans that set out the extent and principles of the proposed development. She set out the proposed woodland and hedgerow buffers as well as the 118-metre easement that was required in respect of the high voltage 400kva transmission lines. Members were advised of the proposed buffers in respect of protecting sensitive heritage and ecological assets within which no development could take place or where development is restricted to low impact forms.

Members were advised that following collaboration work with Historic England and the council's Conservation and Urban Design Officers, the applicants had made several amendments to the buffer zones including the sensitive development areas. The Principal Planning Officer referred to the scheduled monument at Hunsdon Brook Fishpond and listed buildings at Brick House Farm. She set out the functions of the green infrastructure network primarily as an ecological asset and as recreation.

The Principal Planning Officer set out the approximate route of the proposed sustainable transport corridor (STC) through the site. This route was subject to a horizontal limit of deviation and this route would be further refined at the strategic landscape master planning and village masterplan stages. She said that a key ambition for the development was for 60% of all

trips within the development to be achieved by active or sustainable means.

The Principal Planning Officer said that an education review group would be established with the applicant, East Herts Council and Hertfordshire County Council to monitor build rates, trajectories and phasing information and pupil yields to plan for the timely delivery of new schools and the expansion of schools.

The Principal Planning Officer detailed the delivery of community infrastructure and details of this would be developed through future master planning and the reserved matters stages and in consultation with the community.

Members were advised that the proposed development areas and buffers and the existing topography offer opportunities for the impact on heritage assets to be minimised. The strategic landscape master plan and the village master plan will seek to secure strategic planting to enhance the vegetated boundary.

The Principal Planning Officer drew Members' attention to the weight that should be afforded to heritage assets when assessing planning applications and said that overall the less than substantial harm to individual heritage assets was outweighed by the proposed benefits of the application submitted in response to a District Plan allocation for the delivery of 10,000 homes in the Gilston area with the allocation being essential to meet the housing and development

needs of the District within and beyond the District Plan period to 2033.

The Principal Planning Officer said that comprehensive assessments had been undertaken as to the potential impacts on habitats and wildlife and surveys had identified a broad range of habitat types. The species surveys had identified that the site supports protected and notable fauna including bats, badgers, reptiles, and birds.

Members were advised that that the scheme would minimise harm to the most ecologically rich part of the site by locating development areas away from those locations and including significant protective buffers between development and strategic green corridors and village buffers.

The Principal Planning Officer said that the loss of farmland habitat and the impact of the loss a small amount of hedgerow habitat is acknowledged and could not be fully mitigated. Members were advised that a range of mitigation measures for protected species would be provided.

The Principal Planning Officer referred to a detrimental impact on wintering birds and some bat species. She said that some mitigation would be provided by new landscaping and planting of trees and hedgerows as well as designing lighting strategies that were wildlife friendly in addition to routes for protected species along with artificial accommodation.

The Principal Planning Officer said that there remained a residual negative effect on habitats and species and the proposed application provided imperative reasons of overriding public interest in terms of the social and economic benefits of delivering a significant proportion of the Gilston area allocation.

The Principal Planning Officer advised that through proposed enhancements across the development the proposals had the potential to deliver a biodiversity net gain of 30% for habitats and a net gain in terms of hedgerows of 19.54%. Members were advised than an ecological management plan would be secured to ensure the management and long-term stewardship of ecological assets.

Members were advised that the proposed village developable area was located within flood zone 1 meaning that the site was at low risk from flooding. A change from agricultural land to a built development will change the character and surface of areas of the site and surface water flows would need to be managed to ensure flows of water were controlled to prevent flooding.

The Principal Planning Officer said that increases in volume had been calculated based upon a 1 in 100-year storm event with a 40% uplift to account for future climate change. Members were advised that Affinity Water had confirmed that there was no impediment to securing water supply to the development and Thames Water had confirmed that were programmes in place to manage catchment demands for wastewater treatment.

The Principal Planning Officer said that the proposed development was supported by an energy statement and the development specification statement also includes a set of principles which inform the approach to the development in respect of energy and carbon reduction principles. The developer was committed to delivering homes to the future homes building standard.

The Principal Planning Officer spoke at length in respect of future stewardship and said that the application was supported by a comprehensive suite of documents. She said that the delivery of a development on this scale would result in a fundamental change to the nature of the locality and rural villages would be adjacent to a new urban environment.

The Principal Planning Officer said that these harms had been acknowledged in the allocation of the site in the District Plan. Members were advised that the Officers considered that the benefits of the application outweighed the less than substantial harm to the significance of the heritage assets and other harms that would arise because of the proposals.

Rory Joyce and Jonathan Trower addressed the committee in objection to the application. Jonathan Locke of Taylor Wimpey (the applicant) spoke for the application. Councillor Frank O'Shea addressed the Committee as the Chairman of the Hunsdon, Eastwick and Gilston Neighbourhood Plan Group.

Councillor J Dumont addressed the Committee as the local ward Member for Stanstead Abbotts. Councillor E Buckmaster addressed the Committee as the local ward Member for Hunsdon.

Councillor Andrews proposed and Councillor Beckett seconded, a motion for an adjournment from 16:00 to 16:15. After being put to the meeting and a vote taken, the motion was declared CARRIED.

> **RESOLVED** – that the meeting be adjourned for 15 minutes from 16:00 to 16:15.

The meeting reconvened at 16:15. The Chairman countered a comment that had been made by Mr Trower alleging an unprofessional relationship between the East Herts Council planning function and developers. The Head of Planning and Building Control said that the allegation made by Mr Trower was unfair and she concurred with the Chairman that it was untrue. She said that any evidence that Mr Trower had should be presented to the Council outside of this meeting or to the police.

Councillor Kemp said that the Councillors on sat on the Development Management Committee did so individually and there was no party whip. He said that the Members voted independently based upon the planning merits of applications that were presented to them.

The Specialist Planning Solicitor referred to the late representations provided to Members. He said that this covered the latest representation from the NHS

integrated care board and some other late representations in detail.

The Specialist Planning Solicitor said that primary care in the form of a new healthcare facility was intended to be funded by a proportionate Section 106 contribution from the village 7 application. He advised that acute emergency care as a general principle was funded by general taxation and it would be quite exceptional for this to be funded by a Section 106 agreement and this was supported by case law.

The Head of Planning and Building Control said that this site was an allocation in the District Plan and she referred to the key stages of the approval of the District Plan process. She said that the community had been involved in the consultation and preparation of the District Plan.

The Principal Planning Officer summarised in detail the master planning stages and the various controls that were in place within the planning process going forward. She said that the conditions required that the masterplans were accompanied and informed by a suite of technical studies.

The Principal Planning Officer said that a viability assessment was submitted by the applicant and this had been independently reviewed. She said that following negotiation with the Officers, the initial offer of 21.65% affordable housing had been increased to 23%. Members were advised that Officers had sought to secure as much as is reasonably possible at this in

accordance with District Plan policy on affordable housing.

The Principal Planning Officer said that the variation in tenure mix of affordable housing set out in the viability assessment was not contrary to policy and the amended mix was on balance considered to be an appropriate mix. The Specialist Planning Solicitor said that if there was no upwards only review mechanism then the Section 106 legal agreement would not be signed, and the matter would come back to the Development Management Committee.

The Specialist Planning Solicitor set out in detail the standard practice that the Section 106 agreement and the conditions be delegated to Officers and this was consistent with the Council's constitution.

The Legal Services Manager confirmed that any Member of the Council can call back in reserved matters applications to be determined by the Development Management Committee. She said that the Head of Planning and Building Control could also decide not to exercise her delegated authority to determine a reserved matters application.

The Principal Planning Officer confirmed that full consultation had been carried out in respect of this application. She said that there had been a preferred and alternative commuter link to Roydon Station.

Mr Flowerday, Hertfordshire County Council highways, said that there had been an identified link required to provide on the active travel offer for this development.

He confirmed that there had been a couple of options that had been identified at this stage in the process.

Mr Flowerday said that all the work carried out by the transport authority had been to secure conditions or Section 106 requirements to ensure that village 7 was delivered comprehensively. He talked about triggers for infrastructure to ensure that the development had the appropriate connections and infrastructure at the appropriate time.

The Specialist Planning Solicitor said that the conditions restricted village 7 to 350 occupations until the access was delivered to the villages 1 to 6 site. Members were advised that this was a balanced approach to controlling development and there is intended to be a single Section 106 agreement that both landowners would sign to address collaborative matters such as this.

Councillor Deering asked for some clarity in respect of sewage treatment and the matter of topography of the site. The Principal Planning Officer said that the late representations proposed an additional condition to control the occupation of any dwelling or any part of the development until necessary wastewater infrastructure was in place. She said that it was acknowledged that the site sloped from a high point to the north to a lower point in the south next to the A414 and the application had been accompanied an environmental statement which included chapters on landscape and visual impacts and heritage impacts.

Councillor Andrews commented on the local treatment of wastewater and the sending of extra waste to Rye Park which was already constrained. The Principal Planning Officer said that Thames Water had not objected to the application and they had identified that there was sufficient capacity to serve this development.

Members were advised that Officers usually attached an informative on the planning consent that stipulated that the developer needed to contact Thames Water to obtain the necessary approvals prior to commencement of the development. The Specialist Planning Solicitor referred to condition E9 as being quite onerous and this should provide a lot of comfort to the Committee.

The Principal Planning Officer said that residents had all been consulted in the appropriate way in accordance with the relevant legislation. She referred to the involvement of the neighbourhood plan group in a greater level of detail including via the neighbourhood plan forum.

Mr Flowerday referred to condition T13 and the trigger of 1,200 units and the supplemental STC bus route as shown in parameter plan 4. He said that this additional link loop would give priority to buses with a bus gate to prevent private vehicles from using this route.

Mr Flowerday spoke at length in respect of bus links and bus transport in the context of the STC corridor. The Service Manager (Development Management) said that as far as Officers were concerned, the application

mitigated its own impact and there was no overriding reason to delay a determination for village 7 subject to the provisions regarding sustainable transport outlined by Mr Flowerday.

Mr Flowerday set out the requirements in terms of accident statistics and the trigger points in terms of budgets and mitigation. He said that less than 1% of traffic from the development would be likely to go through Hunsdon. Members were advised that there we no basis from the perspective of the Highway Authority to require mitigation and be compliant with the regulations.

Councillor Kemp said that the conditions should not rule out the use of Church Lane, Hunsdon was not ruled out as a possible alternative route for through traffic. Mr Flowerday said that transport modelling looked at the speed of a journey in terms of slowing a journey down in the hope or assumption that people would be less likely to use it as an alternative route.

Members were advised that the limits of the deviation of the STC could not now be moved, and the STC element of the deviation would still have to go up through the high street. Mr Flowerday explained that in all instances the STC must provide active and sustainable travel and priority over the private car. Members were advised that there were sections of the STC that private vehicles would not be able to use.

Mr Flowerday spoke at length in respect of restricting private vehicle use on the STC and he explained that there would be vehicle routes to community facilities such as GP

surgeries using secondary or tertiary streets. Members were advised that these routes would be less direct than the options for sustainable travel, such as buses, walking or cycling.

Councillor Fernando sought and was given clarity in respect of the comments of Hertfordshire and Middlesex Wildlife Trust regarding the use of the biodiversity calculator. Councillor Redfern expressed concerns regarding the green belt, loss of habitat and the cumulative impact of the development on surrounding towns and villages. She referred to traffic and noise disturbance and the damaging impact of the development.

The Principal Planning Officer said that in respect of wildlife impacts there were a whole suite of documents including an environmental impact assessment and an environmental statement that covered a whole range of habitat and wildlife impacts and confirmed that the land had been removed from the greenbelt at the District Plan allocation stage.

Councillor Redfern said that the application had not met the affordable housing needs of the district. The Head of Planning and Building Control talked about the major viability issues in respect of affordable housing that could not be ignored.

The Specialist Planning Solicitor reiterated the importance of Members keeping an open mind throughout debate. The Legal Services Manager reiterated that it was important to demonstrate the open mindedness of the Committee.

Following comments from Councillor R Buckmaster and Councillor Page regarding the needs to gypsies and travellers and travelling show people, the Service Manager (Development Management) referred to placemaking and addressed the Committee in detail in respect of the differing site needs of gypsies and travellers.

Officers responded to some further questions from Members in respect of active and sustainable travel, biodiversity, education provision and heritage assets. Members were referred to sensitive development areas and the retention of views across the site.

The Service Manager (Development Management) talked about the high-level specifications in the development specification in terms of achieving net zero carbon and how the scheme would go above and beyond the baseline building regulation requirements.

The Specialist Planning Solicitor reminded Members that the Section 106 heads of terms safeguarded land for schools and there was statutory duty on Hertfordshire County Council to provide schooling. He reminded Members of the monitoring function of the education review group.

The Service Manager (Development Management) commented on building regulations in the context of the outline application before the committee. She also referred to the stringent policies that were in place in respect of building regulations.

The Head of Planning and Building Control mentioned policy DEL4 in respect of master planning and future monitoring. She said that this matter would be reported back to Members through the democratic decision-making process.

Councillor Deering proposed and Councillor Fernando seconded, a motion for an adjournment from 18:45 to 19:00. After being put to the meeting and a vote taken, the motion was declared CARRIED.

> **RESOLVED** – that the meeting be adjourned for 15 minutes from 18:45 to 19:00.

The meeting reconvened at 19:00.

Councillor Rutland-Barsby proposed and Councillor Kemp seconded a motion that, in respect of application 3/19/2124/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and subject to the proposed conditions, as amended by table 1, and authority be delegated to the Head of Planning and Building Control to finalised the detail of the Section 106 legal agreement and draft planning conditions annexed (including delegated authority to add to, amend or delete conditions). Officers report back to the Committee in 12 months' time in relation to the subsequent monitoring of the development unless there was a constitutional reason why this was not possible.

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

RESOLVED – that (A) in respect of application 3/19/2124/OUT, planning permission be granted subject to a Section 106 legal agreement first being entered into and subject to the conditions set out at the end of the report, as amended by table 1;

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section 106 legal agreement and draft planning conditions, as amended by table 1 (including delegated authority to add to, amend or delete conditions); and

(C) Officers report back to the Committee in 12 months' time in relation to the subsequent monitoring of the development unless there was a constitutional reason why this was not possible.

417 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.

418 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.21 pm

Chairman .....

Date .....