

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 5 APRIL 2023, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Goodeve and J Jones

OFFICERS IN ATTENDANCE:

Steve Fraser-Lim	- Principal Planning Officer
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Sara Saunders	- Head of Planning and Building Control
Victoria Wilders	- Legal Services Manager

419 APOLOGIES

An apology for absence was submitted on behalf of Councillor R Buckmaster.

420 CHAIRMAN'S ANNOUNCEMENTS

Councillor Deering said that this was the last meeting of the Development Management Committee in this administration as there were local council in elections in May. He thanked Members for their work over the last four years.

Councillor Deering thanked Councillor Ruffles who had served on the Committee for several administrations. He also thanked Officers for their support to the Committee.

Councillor Deering expressed his thanks to Councillors Andrews, Page and Ruffles who had all chaired the committee in the past.

421 DECLARATIONS OF INTEREST

There were no declarations of interest.

422 3/22/1030/OUT - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT ACCESS FOR THE ERECTION OF UP TO 58 DWELLINGS, AMENITY SPACE, LANDSCAPING AND ALL ASSOCIATED INFRASTRUCTURE AT LAND TO THE NORTH-WEST OF BUNTINGFORD (EAST OF THE A10) LOCATED OFF NEALE DRIVE AND PHILLIPS WAY, BUNTINGFORD, HERTFORDSHIRE

The Head of Planning and Building Control recommended that in respect of application 3/22/1030/OUT, planning permission be granted subject to a Section 106 legal agreement and the conditions set out at the end of the report.

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The Principal Planning Officer referred to the planning history of adjacent sites and presented a detailed series of plans and visuals in respect of the application site for two parcels of land to the north side of Buntingford. He highlighted a relatively new road, Neale Drive, which intersects the two parcels of land.

The Principal Planning Officer advised that the application was on a site that had been identified in the District Plan for housing development and some parts of the site had already come forward and been built out for development.

The Principal Planning Officer referred to the master planning process and referred to the design principles which included the promotion of active travel and walking and cycling links from the site down towards the town centre.

The Principal Planning Officer presented a series of illustrative plans for how the site could be built out to meet the principles in the masterplan. He referred to the comments from the Conservation and Design Officers in respect of frontages onto Neale Drive and pedestrian links.

The Principal Planning Officer summarised the addendum report which contained four additional letters. He said that Neale Drive had not been opened fully and was not adopted due to ongoing discussions between Redrow Homes and Hertfordshire County Council. Members were advised that once these discussions had concluded a few more minor measures were required at the junction between Neale Drive and Ermine Street before Neale Drive could be adopted and opened to the public.

Members were advised that planning conditions had been applied which meant that the developer could not commence the development until Neale Drive was open and ready for use.

Mr Rob Snowling addressed the Committee in support of the application. Councillor Jones addressed the Committee as the local ward Member.

Members were advised that Officers could not identify any planning reasons for deferring the application and Officers had recommended it for approval as it accorded with planning policies. The Principal Planning Officer said that Neale Drive was essential for accessing this development and Officers were satisfied that the proposed planning conditions would ensure that Neale Drive would allow the development to be accessed. He referred to a condition for a construction management plan which required details of the construction traffic routings.

The Service Manager (Development Management) said that Officers had been in contact with the highways

authority who had provided assurances that the Section 278 works would be undertaken in the summer of 2023. Members were reminded that this was an outline application and Officers were satisfied that by the time development could commence, the works to Neale Drive will have been underway or completed.

Members were advised that Officers could apply a further compliance condition that would stipulate that the development cannot commence until Neale Drive was fully operational and open to construction traffic.

Councillor Kemp asked for some clarity as to what was being proposed. He said that from his visit to the site, he considered that Neale Drive was complete throughout and the junction onto the A10 was complete in situ. He could not see any physical reason why Neale Drive should not be available for construction traffic immediately.

Councillor Kemp asked for some clarification in respect of the construction management plan and he did not consider it to be acceptable at all for construction traffic to come down Ermine Street to access Neale Drive. He said that there should be a firm condition or a very firm understanding that construction traffic should access this site from the junction of the A10 and Neale Drive.

The Principal Planning Officer said that the applicant would need highway authority approval to use the access and Officers would not expect the construction

management plan to route construction traffic past people's houses.

The Service Manager (Development Management) said that the Officers could refer to all traffic being via Neale Drive and the junction with the A10. Councillor Andrews said that his concern was that Neale Drive was only used by construction traffic until it was complete.

Councillor Beckett said that the highways agency had stated that the visibility splays were substandard entering the site and a stage one road safety audit was required. The Service Manager (Development Management) confirmed that the stage one road safety audit had been completed.

Councillor Newton said that the fundamental problems referred to by Councillor Jones had not been resolved in respect of this application. Councillor Deering reminded Members that this was an outline application.

The Service Manager (Development Management) said that more detail could be added to the requirements of the construction management plan in respect of the routing of construction vehicles and access off the A10 onto Neale Drive. She said that there was the opportunity to add a compliance condition stipulating that no works could take place on site until that access was ready.

Councillor Beckett said that the housing department were concerned in respect of the lack of four-bedroom

affordable housing and that at least one bungalow was substandard in terms of size. He commented on the daily water consumption per person per day and asked for some guidance in respect of the proposed distribution of the affordable housing.

Councillor Fernando said that Thames Water had advised that in respect of surface water drainage, surface water would not be discharged to the public network and they had not objected on that basis. He said that some attenuation had been recommended on the site as it was located on low lying bed rock.

The Principal Planning Officer said that this outline application did include an illustrative mix of housing and there was the opportunity to improve on that mix at the reserved matters stage and conditions had been applied in that respect.

The Service Manager (Development Management) said that on a 58 dwelling scheme a registered provider would prefer to have blocks in respect of management and maintenance and Officers felt that it was appropriate to allow for some flexibility as this was a quite a small site. She said that the important point was the quality of the build being of a high standard.

The Principal Planning Officer said that the main concern of the Lead Local Flood Authority (LLFA) was that there was a below ground attenuation proposed and they felt that this was not ideal as there was no benefit in terms of biodiversity. He said that above ground attenuation was provided which had resulted in the access being moved slightly. Members were

advised that a condition had been applied on the recommendation of Thames Water.

The Principal Planning Officer said that the strategy does involve discharging into the main sewer network and Thames Water would be reconsulted at the reserved matters stage regarding the discharge of conditions in respect of drainage.

The Service Manager (Development Management) said that Thames Water had not objected to the proposals and if there was to be a significant change to drainage management on site there was an approval process and Officers would need to reconsult Thames Water. She referred to condition 15 which required details to be submitted.

Councillor Crystal sought and was given clarity in respect of the significant tree planting referred to in the masterplan. He referred to the comments of Herts and Middlesex Wildlife Trust on the insertion of 5 biodiversity units in the conditions. He referred to condition 16 in respect of bat cavity boxes and swift boxes and asked if the biodiversity units could be added to that condition.

The Principal Planning Officer said that it was worth bearing in mind that areas of open space in front of the houses that had already been built were outside of the site. He said that there were significant areas of tree planting on the eastern and western boundaries of site and along the frontage of Neale Drive.



Members were advised that the landscape and environmental management plan could be amended to include the 5 biodiversity units as requested by the Herts and Middlesex Wildlife Trust.

Councillor Kemp said that the request for a Section 106 contribution of £74,000 by the NHS had not been included in the heads of terms. The Legal Services Manager confirmed that the decision making of the Committee could pick up this matter.

In reply to a comment from Councillor Newton in respect of private legal action in respect of the road and their house, Councillor Deering said that Members had to determine the application in front of them. The Legal Services Manager confirmed that the Committee could not get involved in third party private legal action.

Councillor Redfern referred to the area being an area of archaeological significance and there being no reference to this in the report. The Principal Planning Officer said that the archaeological team had not commented on the application. He said that the standard archaeological condition could be applied to the application.

Councillor Ruffles proposed and Councillor Kemp seconded, a motion that application 3/22/1030/OUT be granted planning permission subject to a Section 106 legal agreement and the conditions set out at the end of the report, subject to the following amendments:

- a construction management plan condition be applied to specify that construction traffic onto Neale Drive shall be accessed off the A10;
- a compliance condition be applied that prohibits development from commencing until Neale Drive was open to construction traffic;
- an archaeological condition be applied;
- the £74,000 requested by the NHS be included in the heads of terms of the Section 106 legal agreement;

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

**RESOLVED** – that in respect of application 3/22/1030/OUT, planning permission be granted subject to a Section 106 legal agreement and the conditions set out at the end of the report, subject to the following amendments:

- a construction management plan condition be applied to specify that construction traffic onto Neale Drive shall be accessed off the A10;
- a compliance condition be applied that prohibits development from commencing until Neale Drive was open to construction traffic;
- an archaeological condition be applied;
- the £74,000 requested by the NHS be included in the heads of terms of the Section 106 legal agreement.

423 3/22/2200/FUL - REDEVELOPMENT OF THE SITE TO PROVIDE INDUSTRIAL UNITS (USE CLASSES E(G)III AND/OR B2 AND/OR B8) AND ASSOCIATED WORKS INCLUDING VEHICLE PARKING, ANCILLARY STRUCTURES AND LANDSCAPING AT LAND AND BUILDINGS AT HERTFORD INDUSTRIAL ESTATE, CAXTON HILL, HERTFORD, SG13 7NE

The Head of Planning and Building Control recommended that in respect of application 3/22/2200/FUL, planning permission be granted subject to a Section 106 legal agreement and the conditions set out at the end of the report.

The Service Manager (Development Management) detailed the location of the site and presented a detailed series of visuals and aerial photographs in respect of the application site. Members were advised that the site was an allocated site for employment in the East Herts District Plan.

The Service Manager (Development Manager) detailed the proposed access and summarised the key features of the development. The proposals would represent an uplift of approximately 2,300 square metres over and above the previous floor space provided on site.

The Service Manager (Development Management) said that the scale and design of the buildings were considered appropriate for the locality. She said that

the exact specifications for the materials will need to be submitted for approval and secured by condition.

Members were advised that the proposals included passive design and energy efficiency measures including air source heat pumps. Members were advised that the energy statement demonstrates that the development could achieve BREEAM excellence and the requirement to meet this commitment would be secured by condition.

The Service Manager (Development Management) said that there would be 217 parking spaces, 24 of which will be active electric vehicle charging spaces and there would also be disability parking and 76 cycle spaces.

Members were advised that the plans were amended to provide more space and better legibility for pedestrians and cyclists to move through the site and to accommodate additional soft landscaping. There will be some losses to category B and C trees and there would be a robust planting scheme for 170 new trees.

The Service Manager (Development Management) said that there were also commitments around integrated swift boxes and other ecological improvement measures. Members were advised that the proposals demonstrate a 40% biodiversity net gain.

Members were advised that the highway authority had raised concerns in response to the public consultation about the vehicular access arrangements for the site, and for the potential for rat running between John Tate Road and Ware Road once the southern access had

been opened. The Service Manager (Development Management) said that measures had been incorporated into the scheme to prevent this from happening. She referred to modal filters to restrict any vehicles, except for unit 12, from accessing or leaving the site via Caxton Hill.

The Service Manager said that concerns had been expressed by the Lead Local Flood Authority (LLFA) about the discharge rate of water from the site and surface water draining. The applicant had submitted further details which had sought to address these concerns and Officers were satisfied they were sufficient to address the concerns of the LLFA.

Members were advised that a condition had been applied to require surface water to be intercepted so that it did not discharge on the highway. Officers were satisfied that other matters such as contamination had been addressed and subject to conditions requiring further information, any impacts can be appropriately mitigated.

The Service Manager (Development Management) concluded that the redevelopment of the site will provide employment opportunities on a site within the District Plan that is allocated as an employment area. The proposals provide an opportunity to improve the biodiversity value of the site, improve links for pedestrians and cyclists, improve the opportunity to manage drainage and bring forward development that conforms to required energy efficiency standards.

Members were advised that the vehicle restriction measures will reduce traffic congestion on the Ware Road and around the town centre and would filter the majority of HGVs via the Foxdells Business Park rather than Caxton Hill.

The Service Manager (Development Management) said that the proposals would not have an undue impact on residential amenity and overall were considered to accord to the relevant District Plan policies. Officers were therefore recommending the application for approval subject to any necessary mitigations detailed in the conditions and the Section 106 legal agreement.

Members were referred to minor amendments in the addendum including minor changes to the drafting of some of the conditions and a further condition requested by the Environmental Health Officer in respect of addressing and improving air quality. A further condition was also being added to require nine integrated Swift boxes to be incorporated into the development and a change was proposed to a Section 106 contribution following a late representation from the highway authority.

Mr David Saull and Mr Rob Lines addressed the Committee in objection to the application. Mr Stuart Atkinson spoke for the application. Councillor Goodeve addressed the Committee as the local ward Member.

The Legal Services Manager explained that matters in respect of land ownership were not a material planning consideration. This was a separate legal

private issue that did not prevent Members from determining the application.

The Service Manager (Development Management) said that given the size of the buildings she was sure that more Swift boxes could be accommodated on the buildings. She said that the conditions could be amended to that effect.

Members were advised that John Tate Road was a private road, and it was not adopted by the highway authority. The responsibility for that road lies with the management company for the business park and the industrial estate. Members were advised that no concerns had been expressed by the highway authority.

The Service Manager (Development Management) said that the on-site parking provision was considered sufficient. She said that more spaces would compromise the amount of landscaping on the site and would conflict with ambitions in respect of encouraging walking and cycling.

Members were advised that the access from John Tate Road onto the A414 had not been the subject of any concerns from the highway authority. There was a condition requiring that the main southern access onto Foxholes Business Park must be completed prior to the first occupation of the development.

The Service Manager (Development Management) said there was a traffic monitoring programme condition, and this had been requested by the highway authority.

This condition would have to demonstrate how those impacts would be mitigated.

Members were advised that the installation of bollards would prevent rat running. The Service Manager (Development Management) detailed the access and egress points for cars and HGVs. She also detailed the access points for pedestrians and cyclists.

Councillor Ruffles referred to a pedestrian access across the rear of the site from Woodlands Road through to Brookside or London Road. He said that this was still used up as far as the traffic barriers where pedestrians then used the roadways of the business park out on to London Road.

The Service Manager (Development Management) said that she had spoken to the applicant and she was satisfied that this route would not be impacted by the proposed development. Councillor Page asked for some clarity in respect of the language used in respect of modal filters and bollards. He asked about the consequences of modal filters and any evidence provided Hertfordshire Highways in terms of the access and egress onto the roundabout on to the A414 being compromised.

The Service Manager (Development Management) said that modal filters could be bollards, or a combination of bollards and hard and soft landscaping to prevent vehicular access. She said that condition 16 had been included requiring details of the design of the modal filters to be submitted. Members were advised that the



highway authority would be consulted on their acceptability.

Members were advised that Hertfordshire Highways had assessed the impacts on the A414 junction and Officers had not raised any objections regarding the level of traffic in terms of harm to the highway network or congestion.

Councillor Beckett commented positively in respect of the application regarding water run-off, green roofs, BREEAM excellence and photo voltaic panels. The Service Manager (Development Management) said that condition 19 did allow the opportunity for an improvement in energy performance and in particular some consideration of green roofs and more photo voltaic panels.

Councillor Crystall expressed a concern in respect of the modal filters causing significant problems for the town centre. He asked if additional swift and bat boxes could be sought via the conditions and he felt it would be fantastic if a crossing could be included for children walking to school.

The Service Manager (Development Management) said that condition 15 required details of habitat boxes and this could be amended to be more specific in respect of bat boxes. She referred to party wall agreements and talked about the two-tier process whereby applications had been submitted on areas of land not owned by an applicant.

The Service Manager (Development Management) said that conditions in respect of modal filters were very explicit and they had to be implemented prior to first occupation and the applicant would have to apply to amend those conditions.

Councillors Kemp, Fernando and Page made comments in respect of brownfield sites, local jobs, ridge heights and the mitigation of this impact on the houses on Brookside and in respect of rat running through Caxton Hill.

The Service Manager (Development Manager) said that the fluorocarbon buildings maybe under the same ownership and could use the route through the site. She said that the site was set lower than the properties on Brookside and the proposed units were very similar in scale as number of the units on Foxholes Business Park. Members were advised that the landscape on the buffer strip would soften the visual impact of the proposed buildings.

Councillor Andrews proposed and Councillor Beckett seconded, a motion that application 3/22/2200/FUL be granted planning permission, subject to a Section 106 legal agreement and the conditions set out at the end of the report, subject to the following amendments:

- The number of habitat (bat and swift) boxes be increased to 20 in the conditions
- Modal filters condition be amended to include an explicit reference to motorbikes and electric scooters;

- BREEAM condition 19 to include exploring opportunities for Green Roofs and UPV Panels
- Officers to talk to the developer in respect of the footpath across the rear of the site from Woodlands Road through to Brookside or London Road

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

**RESOLVED** – that in respect of application 3/22/2200/FUL, planning permission be granted subject to a Section 106 legal agreement and the conditions set out at the end of the report, subject to the following amendments:

- The number of habitat (bat and swift) boxes be increased to 20 in the conditions
- Modal filters condition be amended to include an explicit reference to motorbikes and electric scooters;
- BREEAM condition 19 to include exploring opportunities for Green Roofs and UPV Panels
- Officers to talk to the developer in respect of the footpath across the rear of the site from Woodlands Road through to Brookside or London Road.

#### 424 MINUTES - 23 MARCH 2023

The approval of the minutes had been moved down the Agenda on the advice of the Legal Services Manager following comments from Councillors

Andrews, Kemp and Redfern in respect of the accuracy of the minutes.

The Legal Services Manager suggested that there be a 5-minute adjournment for the Democratic Services Officer to liaise with Councillor Kemp as to the revisions that he would like to that part of the minutes.

Councillor Beckett proposed and Councillor Fernando seconded, a motion for an adjournment from 21:40 to 21:45. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that the meeting be adjourned for 5 minutes from 21:40 to 21:45.

The meeting reconvened at 21:45.

Councillor Redfern proposed and Councillor Page seconded, a motion that the Minutes of the meeting held on 23 March 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 416 – 3/19/2124/OUT - Outline Planning Application at Land Off Church Lane, North of The A414, Hunsdon And Eastwick, Hertfordshire:

Delete in 62<sup>nd</sup> paragraph – ‘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.’

Replace with – ‘Councillor Kemp said that the conditions should not rule out the use of Church Lane as a possible alternative route for through traffic to Hunsdon and the Hadhams, regardless of the route of the STC, to avoid unnecessary vehicular traffic through the centre of Village 7. Officers confirmed that the existing route of Church Lane was not ruled out as a possible alternative route for through traffic.’

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillor Newton abstained from voting as she had not been present at the meeting on 23 March 2023.

RESOLVED – that the Minutes of the meeting held on 23 March 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 416 – 3/19/2124/OUT - Outline Planning Application at Land Off Church Lane, North of The A414, Hunsdon And Eastwick, Hertfordshire:

Delete in 62<sup>nd</sup> paragraph – ‘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.’

Replace with – ‘Councillor Kemp said that the conditions should not rule out the use of Church Lane as a possible alternative route for through traffic to Hunsdon and the Hadhams, regardless of the route of the STC, to avoid unnecessary vehicular traffic through the centre of Village 7.

Officers confirmed that the existing route of Church Lane was not ruled out as a possible alternative route for through traffic.'

425 URGENT BUSINESS

There was no urgent business. Councillor Deering thanked any member of the public that had participated in the meetings of the Development Management Committee.

Councillor Deering said that he was pleased to inform Members that at 2 am this morning he became a grandfather for the second time and he now had two granddaughters.

The meeting closed at 9.47 pm

Chairman .....

Date .....