

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 10 JANUARY 2024, AT 7.00 PM

PRESENT: Councillor Y Estop (Chairman)
Councillors R Buckmaster, V Burt, R Carter,
S Copley, I Devonshire, J Dunlop, G Hill,
A Holt, S Marlow, T Stowe and S Watson

ALSO PRESENT:

Councillors E Buckmaster and B Crystall

OFFICERS IN ATTENDANCE:

Neil Button	- Team Leader (Strategic Applications - Development Management)
Karren Fossett	- Service Manager (Development Management)
Rani Ghattoura	- Planning Lawyer
Peter Mannings	- Democratic Services Officer
Kay Mead	- Principal Planning Officer
Ellen Neumann	- Planning Officer
Elizabeth Oswick	- Trainee Planning Assistant
Nick Reed	- Planning Officer

Sara Saunders	- Head of Planning and Building Control
Diane Verona	- Principal Planning Officer
Victoria Wilders	- Legal Services Manager

274 APOLOGIES

Apologies for absence were submitted from Councillor A Holt. It was noted that Councillor S Bull was substituting for Councillor A Holt.

275 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

276 DECLARATIONS OF INTEREST

There were no declarations of interest.

277 MINUTES - 6 DECEMBER 2023

Councillor Buckmaster proposed and Councillor Devonshire seconded, a motion that the Minutes of the meeting held on 6 December 2023 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.

RESOLVED – that the Minutes of the meeting held on 6 December 2023, be confirmed as a correct record and signed by the Chairman.

278 3/22/2067/FUL - RETROSPECTIVE APPROVAL TO CHANGE A TEMPORARY VEHICLE ACCESS BRIDGE TO A PERMANENT ACCESS BRIDGE AT NEW GRANGE PADDOCKS LEISURE CENTRE. RYE STREET, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 2HH

The Head of Planning and Building Control recommended that in respect of application 3/22/2067/FUL, planning permission be granted subject to the conditions set out at the end of the report.

The Planning Officer summarised the main considerations pertinent to the application and presented a series of slides and visuals in respect of the proposed development. He said that the temporary vehicle access bridge was a replacement for a timber bridge that had been removed.

The Planning Officer said that access to the site was constrained by River Stort and the railway line. He summarised the appearance of the bridge and said that there was a neutral impact in visual terms.

The Planning Officer detailed the key policy considerations and said that the nearest residential property was 20 metres away. Members were advised that a concern had been expressed in respect of noise from cyclists using the footbridge. The Planning Officer

stated that Officers considered that neighbour amenity would not be affected.

The Planning Officer talked about the flood risk assessments and the sequential test. Members were advised that there would be a minor loss of car parking spaces and no loss of riverbank. The Planning Officer said that the application was policy compliant and there would be compensatory parking and landscaping to compensate for the loss of hedging.

Councillor Stowe expressed a concern regarding the noise of the bridge surface and asked what could be done to mitigate the noise of the footway. Councillor Copley commented on the possibility of a rubber matting to mitigate the noise. She also commented on the signage and said that this was often ignored by users of the bridge.

The Planning Officer said that some sort of noise absorbent surface would be a possibility. He reminded Members that the existing surface did allow drainage and there would have to be some kind of compromise in that respect.

Councillor Copley explained that the signage and the road markings were incorrect, and the signage was directing pedestrians over the roadway. The Planning Officer explained that this was private land, and this would not be a matter for the highway authority. It would however be within the gift of the council to look into updating the road markings.

Councillor Watson said that the roadway section of the bridge was not particular friendly for cyclists. The Planning Officer confirmed that there was signage asking cyclists to dismount and proceed on foot. He said that there was no designated separate route for cyclists.

Councillor Devonshire said that the arrows directing the users of the bridge did need to be clarified as the instructions were confusing on both sides of the bridge. Councillor Estop said that the area between the bridges had the potential to be unsightly. She asked if this issue could be addressed via the landscaping condition.

The Planning Officer explained that there was a small of riverbank being retained and this could be used for planting and replacement hedging. The Chairman suggested that condition 2 be modified to include hard and soft landscaping to pick up the matter of the surface of the footbridge and address the issue of noise and also cover the opportunity of new planting.

Councillor Estop asked about the possibility of an informative that the applicant should review all the road markings and the signage to ensure that this was correct and sightly.

Councillor Buckmaster proposed and Councillor Stowe seconded, a motion that application 3/22/2067/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to an amended condition 2 in respect of hard and soft

landscaping and an informative regarding the road markings and signage.

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

RESOLVED - that application 3/22/2067/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to an amended condition 2 in respect of hard and soft landscaping and an informative regarding the road markings and signage.

- 279 3/21/2509/FUL - CHANGE OF USE OF THE LAND FOR 2 GYPSY AND TRAVELLER RESIDENTIAL PITCHES, ACCOMMODATING THE SITING OF 2 MOBILE HOMES, 4 TOURING CARAVANS AND 2 DAYROOM/AMENITY BUILDINGS, ALONGSIDE THE FORMATION OF AN ACCESS ROAD, AREAS OF HARDSTANDING, PROVISION FOR FOUL WATER DRAINAGE AND WIDENED SITE ENTRANCE ONTO CHERRY GREEN LANE AT LAND AT CHERRY GREEN LANE, WESTMILL, HERTFORDSHIRE, SG9 9LF
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The Chairman advised that at 2:20 pm this afternoon, Democratic Services had received an email from Councillor Jeff Jones (Hertfordshire County Council member for Buntingford division) in relation to addressing the committee regarding application 3/21/2509/FUL.

As per the Council constitution, paragraph 6.4.2 sets out that all speaking requests must be made by 5pm two working days prior to the meeting.

Then Chairman said that under the constitution, the committee can depart as it sees fit from the speaking arrangements on certain applications, in accordance with paragraph 6.4.5 of the constitution. The committee could agree to depart from the speaking arrangements and would need to vote on this.

Councillor Estop proposed and Councillor Hill seconded, a motion that in accordance with paragraph 6.4.5 in Section 6 – Regulatory Committees of the constitution, the committee agree to depart from the speaking arrangements of the Development Management Committee, to allow Hertfordshire County Councillor Jeff Jones (Buntingford division) to address the committee for 3 minutes in respect of application 3/21/2509/FUL.

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

RESOLVED – that in accordance with paragraph 6.4.5 in Section 6 – Regulatory Committees of the constitution, the committee agree to depart from the speaking arrangements of the Development Management Committee, to allow Hertfordshire County Councillor Jeff Jones (Buntingford division) to address the committee for 3 minutes in respect of application 3/21/2509/FUL.

The Head of Planning and Building Control recommended that in respect of application 3/21/2509/FUL, planning permission be granted

subject to the conditions set out at the end of the report.

The Principal Planning Officer summarised the application and set out the policy context with a particular reference to the planning policies regarding Gypsy and Traveller sites. She referred to the National Planning Policy Framework (NPPF) and the Planning Policy for Traveller Sites (PPTS).

The Principal Planning Officer detailed the consultee responses and referred to the comments of Hertfordshire Highways. She detailed the relevant planning history and talked about water supply, the treatment of waste, biodiversity and drainage. Members were presented with a series of photos, plans and elevation drawings.

Mr Andreou addressed the committee in respect of his concerns regarding the application. Councillor Anne Downes (Westmill Parish Council) and Councillor Jeff Jones (Hertfordshire County Council) also addressed the committee.

Following a question from Councillor Estop, the Principal Planning Officer set out in detail the operation of the Herts Lynx Bus Service. Councillor Copley asked about the other considerations in terms of what would make this site sustainable for Gypsy and Traveller pitches.

The Team Leader (Strategic Applications) said that the first consideration was the hierarchy of villages. He said that there was a degree of accessibility to the

limited services in the group 2 village of Westmill. He referred to the site as being 100 to 200 metres away from the village and the site was considered to be sustainable in that regard. Members were referred to relevant appeal case law and were advised that the site could reasonably be as sustainable as the whole of Westmill.

In response to an enquiry from Councillor Stowe regarding a point made by Councillor Anne Downes, the Head of Planning and Building Control said that the council had been in contact with the Chairs of the parish council from September 2021 onwards on a regular basis initially and less frequently as time has gone on. She said that she had met with both Chairmen and there had been telephone and email correspondence.

Members were advised that that whilst emails were not always responded to, the points were picked up in meetings. The Head of Planning and Building Control said that the council would not look to stonewall anybody and would engage where it could. She said that Officers had always sought to provide updates where they could.

Councillor Buckmaster asked about the impact of the application on the local school bus service and on school places. The Team Leader (Strategic Applications) said that the site was close to Buntingford, and it was not anticipated that there would be a significant additional burden on education facilities or the local school bus service.

Following a number of comments from Councillor Bull, the Team Leader (Strategic Applications) said sometimes applications were lacking in crucial information and the timeline required to secure information did occasionally prevent applications being determined in a timely manner. He set out in detail the timeline and full history of the application prior to the scheme being reported to Members this evening. Members were reminded of the care that had to be taken when considering what extra material to consider on a part retrospective application. Members were also advised that the application had been held up pending the receipt of various consultee responses.

Councillor Copley asked what weighting should be given to this scheme being a part retrospective application and she asked what conditions if any could be applied help in terms of fostering good relations between the various parties.

The Team Leader (Strategic Applications) said that Officers had carefully considered all of the District Plan policies and in particular policies HOU9 and HOU10 regarding the suitability of the site for gypsy and traveller development. He referred to the Gypsies, Travellers and Travelling Show people (PPTS) national guidance and the lack of a 5-year supply of pitches and the unmet need. Officers had also had some regard to the intentional unauthorised development on the site and the welfare of children.

Members were advised that the policy considerations had been complied with to a large extent and Officers had given due regard to the limited weight that could

be given in the overall balance to the intentional unauthorised development. The application was broadly considered to be acceptable in the context of the District Plan.

Councillor Devonshire asked for some guidance in respect of policy GBR2 and the fact that this site was outside the Westmill village boundary. The Team Leader (Strategic Applications) said that policies GBR2 and policies HOU9 and HOU10 did allow some development outside of the village boundary.

Councillor Carter asked for some clarity in respect of flash flooding and SUDS drainage and the hardstanding. The Principal Planning Officer referred to paragraph of the report and said that extra detail in respect of drainage would be secured by condition.

In reply to a query from Councillor Dunlop regarding the unauthorised development, the Legal Services Manager explained that the injunction maintained the status quo and prevented further unauthorised development on the site.

Members were advised that a committal for removal of the unauthorised development was not sought as the council could not say to the court that there was no prospect of planning permission being approved on the site. The site had remained in a state of limbo as the council could not enforce or remove the unauthorised development as the council could not say that there were no planning reasons why permission might not be granted.

The Principal Planning Officer responded to a question from Councillor Watson regarding the GTANA needs assessment in respect of the Gypsy and Traveller pitches.

Councillor Watson proposed and Councillor Hill seconded, a motion that application 3/21/2509/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the following amendments to conditions:

Conditions 13 and 14 become conditions 1 and 2 and condition 14 (condition 2) be amended to include details of both hard and soft landscaping.

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

RESOLVED – that application 3/21/2509/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the following amendments to conditions:

Conditions 13 and 14 become conditions 1 and 2 and condition 14 (condition 2) be amended to include details of both hard and soft landscaping.

280 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.

281 URGENT BUSINESS

Councillor Devonshire referred to the yarn bomb above the fishmongers in Hertford and charitable donations and the promotion of this business. He referred in particular to the unfortunate media coverage in respect of enforcement action.

The Head of Planning and Building Control explained that normal procedure had been followed in respect of enforcement action following a registered enforcement complaint.

There was no urgent business.

The meeting closed at 8.44 pm

Chairman

Date

DM

DM