

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON WEDNESDAY
22 JANUARY 2025, AT 7.00 PM

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

ALSO PRESENT:

Councillors S Bull, B Deering, T Deffley,
S Nicholls, J Thomas and D Woolcombe

OFFICERS IN ATTENDANCE:

Neil Button	- Interim Development Management Team Leader
Steve Fraser-Lim	- Principal Planning Officer
Robert Jones	- Assistant Planning Officer
Rachel Lee	- Appointed Legal Adviser
Peter Mannings	- Committee Support Officer
Martin Plummer	- Service Manager (Development Management and Enforcement)
Sara Saunders	- Head of Planning and Building Control

Sam Tearle - Hertfordshire
Highways

294 APOLOGIES

An apology for absence was submitted from Councillor V Burt. It was noted that Councillor M Connolly was substituting for Councillor V Burt.

295 CHAIR'S ANNOUNCEMENTS

The Chair welcomed everyone present at the meeting. He explained that unfortunately an issue with the IT had prevented a live stream of the meeting. He introduced the Officers and reminded everyone to use the microphones as the meeting was being recorded.

296 DECLARATIONS OF INTEREST

There were no declarations of interest.

297 MINUTES - 4 DECEMBER 2024

Councillor Estop proposed and Councillor Carter seconded, a motion that the Minutes of the meeting held on 4 December 2024 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Delete in the 19th paragraph of minute 261:

'licensing terms'.

Replace with:

'proposed live performance uses of the site'.

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

RESOLVED – that the Minutes of the meeting held on 4 December 2024, be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Delete in the 19th paragraph of minute 261

'licensing terms'.

Replace with:

'proposed live performance uses of the site'.

298 PLANNING APPLICATION 3/24/0294/OUT LAND NORTH OF HARE STREET ROAD, BUNTINGFORD

The Chair said that following a request for extra speaking time from the applicant, he was inviting Members to consider whether they wished to extend public speaking timed slots to 6 minutes. He said that under paragraph 6.5.5 of the constitution, the committee can depart as it sees fit from the speaking arrangements on certain applications. The chair explained that the committee would need to vote on a formal motion to extend the speaking time.

Councillor Watson proposed and Councillor Hill seconded, a motion that in accordance with paragraph 6.5.5 in Section 6 (Regulatory Committees) of the constitution, the committee agree to depart from the speaking arrangements of the Development Management Committee, to increase the total speaking time to 6 minutes for the objectors, the applicant, and the town council speaker in respect of application 3/24/0294/OUT.

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

RESOLVED – that in accordance with paragraph 6.5.5 in Section 6 (Regulatory Committees) of the constitution, the committee agreed to depart from the speaking arrangements of the Development Management Committee, to allow public speakers to address the committee for 6 minutes in respect of application 3/24/0294/OUT.

The Head of Planning and Building Control recommended that in respect of application 3/24/0294/OUT, planning permission be granted subject to the conditions set out at the end of the report, and subject to the completion of a Section 106 legal agreement.

The Principal Planning Officer highlighted the location of the site and said that application 3/24/0294/OUT was a hybrid planning application with part of the proposals submitted in full details. He set out in detail the key issues for Members to consider. As part of this summary, Members were presented with a series of plans, visuals, and detailed elevation drawings.

The Principal Planning Officer detailed the planning history of the site and summarised the late representations received since the publication of the report. Members were advised that legal advice given to Officers was that the application should be reported back to Committee to allow further discussion and for some greater clarity on the elements of the proposal that members at the previous committee considered unacceptable and, in particular, in respect of the policies to be referenced and reasoning for any refusal in relation to the harms that had been identified at the previous meeting of the Committee on 13 November 2024.

The Principal Planning Officer also explained that since the previous meeting there were a number of material planning considerations which needed to be reported as these may have a material bearing on the determination

of the planning application. The officer explained that the publication of the revised NPPF in the middle of December had resulted in a significant change to national planning policy in terms of housing. He referred to a new standard mandatory method for calculating housing need which had resulted in an increase in yearly housing number that East Herts was required to deliver in order to achieve a 5-year housing land supply.

The Principal Planning Officer said that the NHS Integrated Care Board (ICB) had issued a new response in December regarding a consideration of alternative sites. The ICB had indicated that the site on Hare Street Road supported the delivery of enhanced medical facilities in Buntingford to meet existing and new need from housing developments.

The Principal Planning Officer referred to an appeal decision and the weight that the appeal inspector had attached to the provision of a new medical centre. He said that a written ministerial statement was released in July 2024 that set out the direction of travel for the government in terms of the new standard method in increasing emphasis on housing delivery.

The Principal Planning Officer said that the NPPF also does now include a paragraph in respect of attaching significant weight to delivery of new infrastructure such as health facilities and there was an emphasis on early delivery.

The Principal Planning Officer referred to the commentary in the report regarding the technical transport note from the applicant regarding the gradients leading up to the site. He said that Hertfordshire Highways considered these gradients to be relatively normal and not extreme.

Members were advised in detail about the balancing exercise that Officers had carried out as the council could not demonstrate a 5 years' housing land supply.

The Principal Planning Officer spoke about a number of issues that had not changed since the meeting of the Development Management Committee in November 2024. He referred to the regard that Officers had given to other decisions, and in particular the Vistry appeal decision on land to the East of the A10 on a 29-hectare site on arable land.

Hertfordshire County Councillor Jeff Jones addressed the Committee in objection to the application. Mr James Orton-Malyon and Dr Kumar Mukherjee addressed the Committee in support of the application. Councillor Duncan Wallace addressed the committee on behalf of Buntingford Town Council.

Councillors Burt and Nicholls addressed the committee as the local ward Members.

The Principal Planning Officer explained that the tilted balance was a big consideration for the Committee in terms of the 5-year housing land supply. The Committee debated the application and asked questions of the Planning Officers. The Officers responded in detail to the questions raised by Members.

The Legal Adviser referred to Section 72 of the Town and Country Planning Act, and the requirement that the Local Planning Authority and the Development Management Committee must have regard to the development plan and other material planning considerations that were material to application 3/24/0294/OUT.

The Legal Adviser said that section 38 (6) of the planning compulsory purchase act said that planning decisions must be made in accordance with the development plan

unless material considerations indicated otherwise. She said that Members had to consider the implications of the policies in the NPPF, as there was a very strong emphasis on housing delivery.

The Legal Advisor spoke at length about the development plan and the NPPF in terms of the emphasis to be placed on the matter of the "tilted balance" where a 5-year housing supply could not be demonstrated for the District. She said that a scheme was never going to necessarily fit all of the policies. Members had to weight and judge different factors and consider the overall acceptability of the scheme and/or any departures from the policies in the development plan within the legal framework for decision making.

The Legal Advisor said that paragraph 10 of the NPPF set out a presumption in favour in sustainable development and paragraph 11 explained that the local planning authority had to give considerable weight to the fact that local plan policies were out of date in the context of the tilted balance. She said that planning permissions for schemes could only be refused where the perceived harm was significant and clearly outweighs the benefits of providing the additional housing.

The Committee debated the application and asked questions of the Planning Officers, the Highways Officer, and the legal adviser. The Officers responded in detail to the questions raised by Members. The Highways Officers explained that the bus service improvements over 5 years, as set out in the Section 106 agreement, included a provision yet to be determined for the HertsLynx Service. Members were advised that this was a demand responsive bus service, and this would not commence until dwellings were occupied on the site.

Councillor Carter proposed and Councillor Buckmaster seconded, a motion that condition 40 be amended to

stipulate that no above ground works can take place until details of the ecological enhancements on that phase of the site, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal, are submitted to, and approved in writing by the Local Planning Authority. No occupation / first use for that phase shall take place until the approved details have been implemented in full.

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

The Principal Planning Officer explained that reserved matters applications do come back to Development Management Committee if called in by Members. He said the matter of the housing land supply would be less significant at the reserved matters stage as the principle of the development would have been established.

In response to a question from Councillor Buckmaster regarding why the application had been reported back to the committee, the Legal Advisor referenced -established case law of *Kides R v South Cambridgeshire* (Court of Appeal) that where there were changed circumstances and the matter was not delegated ordinarily to Officers, i.e. it was a matter for decision by the Development Management Committee, Officers have to consider whether it should be reported back to Members.

The Legal Adviser said that the judgement in this Court of Appeal case stated that the test for a Planning Officer was a strict one and Officers have to be satisfied that the same decision would be reached not merely that it might be reached and that the weight to afford to the changed considerations in the balance is a matter for the Committee as the decision maker and not the Officers. She said that she had read the minutes from the November meeting and spoken to Officers, and she considered that Officers were duty bound to report the

application back to Members for consideration by the committee.

Councillor Watson read out the proposed change to the officer recommendation, in terms of the amended condition 40. Councillor Watson proposed, and Councillor Buckmaster seconded, a motion that application 3/24/0294/OUT be granted planning permission subject to the conditions set out at the end of the report, and subject to the completion of a Section 106 agreement and subject to the amended condition 40.

The Chair said that by voting each member confirms that they have heard all the representations, have read this agenda item report (updated from the November 2024 committee and including the November 2024 report), and have listened to the officer presentation.

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

RESOLVED – that application 3/24/0294/OUT be granted planning permission subject to the conditions set out at the end of the report, and subject to the completion of a Section 106 agreement and subject to the amended condition 40.

299 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.

300 URGENT BUSINESS

There was no urgent business. The Head of Planning and Building Control responded to a question from Councillor Estop in respect of updates regarding sites where development had not progressed.

The meeting closed at 9.30 pm

Chairman
Date