

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 13 AUGUST 2025, AT 7.00
PM

PRESENT: Councillor S Watson (Chair)
Councillors S Copley, I Devonshire,
J Dunlop, Y Estop, G Hill, S Marlow, Smith,
T Stowe and J Thomas

ALSO PRESENT:

Councillors M Connolly, A Daar, B Deering,
V Glover-Ward and G McAndrew

OFFICERS IN ATTENDANCE:

Jackie Bruce	- Section 106 Programme Manager
Neil Button	- Interim Team Leader (Strategic Applications Team)
Peter Mannings	- Committee Support Officer
James Mead	- Planning Officer
Martin Plummer	- Service Manager (Development Management and Enforcement)

137 APOLOGIES

Apologies for absence were submitted from Councillors R Buckmaster and V Burt. It was noted that Councillor S Bull was substituting for Councillor R Buckmaster.

138 CHAIR'S ANNOUNCEMENTS

The Chair reminded Members to use their microphones as the meeting was being webcast.

The Chair invited the committee to join him in a one-minute silence for former Councillor Norma Symonds, who had sadly passed away recently. He said that Norma Symonds had been a long standing and well-respected member of the authority and a former member of the Development Management Committee.

139 DECLARATIONS OF INTEREST

Councillor Watson declared that he was a member of Hertford Civic Society, a member of Kingsmead Residents Association and the Mayor of Hertford, and he may be considered to have some predisposition.

Councillor Watson said that he was coming into this meeting with an open mind in respect of application 3/24/2147/VAR.

140 MINUTES - 9 JULY 2025

Councillor Devonshire proposed and Councillor Stowe seconded, a motion that the Minutes of the meeting held on 9 July 2025 be confirmed as a correct record and be signed by the Chair.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillors Bull and Hill abstained from the vote.

RESOLVED – that the Minutes of the meeting held on 9 July 2025, be confirmed as a correct record and signed by the Chair.

141 3/24/2147/VAR-VARIATION OF CONDITION 53 (APPROVED PLANS) OF PLANNING PERMISSION: 3/23/2034/VAR (DATED: 15/10/2024), AS AMENDED BY PLANNING REFERENCE: 3/23/1863/NMA, FOR A HYBRID PLANNING APPLICATION COMPRISING: FULL PLANNING PERMISSION FOR RESIDENTIAL DWELLINGS, UP TO

420SQM FOR GYMNASIUM (CLASS E(D)),70SQM OF RESIDENTS CO-WORKING FLOORSPACE, CAR AND CYCLE PARKING, ACCESS, OPEN SPACE, LANDSCAPING AND ASSOCIATED WORKS, IMPROVEMENTS TO MARSHGATE DRIVE AND CREATION OF SPINE ROAD IN THE NORTHERN SECTOR; OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF EMPLOYMENT FLOORSPACE (USE CLASS E(G)(III)), CAR PARKING, LANDSCAPING AND ASSOCIATED WORKS (ALL MATTERS RESERVED EXCEPT ACCESS). PROPOSED AMENDMENTS TO INCLUDE: CREATION OF 65 ADDITIONAL DWELLINGS THROUGH UTILISING AND EXTENDING ROOF SPACES ACROSS ALL APARTMENT BUILDINGS, RELOCATION OF RESIDENTS GYM FROM BUILDING G TO BUILDING B, CREATION OF 2 ADDITIONAL DWELLINGS IN BUILDING G, LOSS OF 1 DWELLING IN BUILDING B, CHANGES TO INTERNAL LAYOUTS

The Head of Planning and Building Control recommended that in respect of application 3/24/2147/VAR, planning permission be granted subject to the conditions set out at the end of the report.

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The Principal Planning Officer said that the application 3/24/2147/VAR had been submitted under Section 73 of the Town and Country Planning Act which sought to amend an existing planning permission at Land East of Marshgate Drive, Hertford.

Members were advised that applications under Section 73 allow applicants to apply to amend an existing planning permission by varying or removing planning conditions.

The Principal Planning Officer said that any consent granted under Section 73 takes the form of a new planning permission. He said that this current application proposes to vary condition 53, the approved plans condition, of planning permission reference 3/23/2034/VAR to allow the substitution of existing

approved plans with new plans that show the changes to the scheme.

The Principal Planning Officer said that the site consisted of approximately 3.48 hectares of vacant brownfield land, and that the land was formerly a gasworks site which was cleared some years ago and remained disused.

Members were advised that this current application only proposed changes to the development on the northern parcel of the site. The Principal Planning Officer detailed the location of the site and summarised the development in the surrounding area. He summarised in detail the relevant planning history and said that flood zones 2 and 3 extended over the eastern part of the northern parcel.

The Principal Planning Officer said that the site and the adjacent timber yard were allocated in the District Plan for a mixed-use development of around 200 homes. He said that the original application was refused by the council on 11 grounds and that this decision was appealed by the applicant. The appeal was subsequently allowed and planning permission granted.

Members were advised that the full planning permission was implemented in June 2021 but work however ceased in approximately April 2022, with the applicant citing increasing build costs and poor sales as the main reasons for stopping works. The Principal Planning Officer said that the implementation of the full planning application meant that the planning application remained extant and works could recommence at any time. He said that works never commenced on the outline planning permission, and that this outline permission had now expired along with the employment element of the scheme.

Members were advised that the original scheme was amended through a Section 73 application in 2024 and that this was the most recent planning permission on the site.

Members were advised that they were not considering or revisiting other parts of the already consented development. The new number of dwellings provided on the site would total 446 and the allocation of HERT2 as a strategic site in the District Plan meant that the principle of residential development on the site is established.

The Principal Planning Officer said that Officers had acknowledged that this proposed developed would result in a total housing delivery significantly exceeding the allocation figure of around 200 homes. Members were however advised that this housing allocation figure was out of date when considering the 2020 appeal decision where an inspector had allowed a scheme for 375 homes on the site.

The Principal Planning Officer said that noting this appeal decision and given the current position of Hertfordshire Highways, there was no in principle reason for capping the quantum of development to 200 or 375 homes subject to the changes to the consented scheme being acceptable in all other respects.

Members were advised that the provision of 66 further dwellings on a sustainable brownfield site was a significant benefit of this scheme that attracted direct support from sections 5 and 11 of the National Planning Policy Framework (NPPF).

The Principal Planning Officer said that the uplift in dwellings on the site also meant that the scheme made a valuable contribution to the council's housing land supply at a time when there was a supply deficit. Members were advised of the overall housing mix that would be provided on the site, and to note that the scheme would still deliver a high proportion of flatted units.

The Principal Planning Officer set out the key figures from the applicant's viability assessment and the viability review carried out by the council's consultant. The national planning practice guidance and other relevant guidance advised that 15 to 20 percent of the proposed

development value was generally a suitable profit rate for developers.

Members were advised that the applicant and the council's consultant agreed that the consented scheme was unviable with the council's consultant indicating that the consented scheme had a profit rate of 10.68 percent. The applicant had brought forward the amended proposal and the council's consultant considered that the profit would be 13.41 percent. The higher profit rate made the amended proposal more viable than the consented scheme.

The Principal Planning Officer advised that as the profit rate was below the 15 to 20 percent, it was not viable for affordable housing to be provided on the site. Members were advised that whilst the potential delivery of affordable housing was highly constrained, the applicant was still seeking to provide the 56 affordable units as agreed in the consented scheme and this equated to 12.6% affordable housing.

The Principal Planning Officer said that the constrained viability position meant however that it was not feasible to secure typical affordable housing provisions in the Section 106 Legal Agreement. A cascade mechanism was proposed to be built into the Section 106 which would firstly seek to deliver on site affordable units before alternative options for the provision of discount market sale dwellings or financial contributions were considered.

The Principal Planning Officer presented a series of elevation drawings, floor plans and visual images that set out the new and existing proposed development for buildings A, B, G and H. He summarised in detail the proposed changes and said that the overall roof extensions would not increase the maximum building heights or breach the height restrictions contained in the HERT2 masterplan.

Members were advised that Officers considered that the proposed development would be an appropriate design

solution that would make an effective use of the land and the consented buildings. The Principal Planning Officer said that all of the new dwellings would meet the nationally described space standards, and the daylight and sunlight tests would be passed for all of the units.

The Principal Planning Officer said that the scheme included some changes to the landscaping proposals, and some additional street level parking was proposed between buildings A and B and buildings C and D. The scheme also included new green spaces including the green link identified in the image which provided a direct connection between the tow path and the locally equipped area for play.

The Principal Planning Officer said that the current application was accompanied by an updated transport assessment, which includes a new trip generation calculation. The trip generation figures demonstrated that the proposed scheme would only result in a limited uplift in trips when compared with the consented scheme, and that Hertfordshire Highways had not objected to the application or indicated that the development would result in a severe impact on the local highway network.

Members were advised that the scheme also included a package of measures to promote sustainable and active modes of travel as an alternative to car travel. This included a full financial contribution towards sustainable and active travel projects in the area, the delivery of offsite highway improvements, a travel plan and travel vouchers for new residents.

The Principal Planning Officer said that the proposed scheme included an increase in the number of parking spaces when compared to the consented scheme. The overall level of parking would be below the adopted standards, and this was justified in this instance due to the sustainable location of the site.

Members were advised that the proposed parking space to dwelling ratio would be similar to proposals in the

consented scheme, and this further demonstrated that the proposed parking was appropriate.

The Principal Planning Officer said that it was considered that the amended scheme had struck a suitable balance between meeting the parking demand arising from the development while still seeking to limit parking provision to discourage car use.

Members were given a detailed breakdown of the Section 106 planning obligations and the financial contributions. The Principal Planning Officer said that all of the planning conditions from the first section 73 application that had not yet been discharged would be carried over. He said that any of the conditions that had already been discharged had been altered to compliance conditions and new conditions had been added where appropriate.

Members were given a detailed breakdown of the planning balance and were referred to the recommendation, the Section 106 legal agreement and the additional representations summary.

Jan Goodeve addressed the committee in objection to the application on behalf of Hertford Civic Society. Polly Mathews addressed the committee on behalf of the applicant. Members of the Committee asked questions of the applicant's speaker.

Councillor Alex Daar addressed the committee on behalf of Hertford Town Council. Councillor Maura Connolly addressed the committee as the local ward councillor for Hertford Kingsmead. The committee asked questions of Councillor Connolly.

Councillor Estop commented on why the drawings were in a condition and not listed in the description of the development. The Interim Team Leader (Strategic Applications Team) said that conditions could be imposed that listed drawing numbers as it was entirely likely and possible that changes would need to be made over the course of a development in respect of a large application.

Members were advised that having a decision notice that listed all the conditions would mean that applications could be made to change elements of the conditions. It would be unusual for Officers to not include a drawing numbers condition.

Councillor Stowe emphasised the importance of identifying which rooms would have the velux type windows. The Principal Planning Officer displayed a plan that showed how the living spaces would be served by velux roof type windows, Juliet balconies or the inset terraces.

Councillor Devonshire referred to affordable housing and viability and to the potential disparity between the starting point for affordable housing of up to 40%, and where the application was at this meeting. He referred to the cascade mechanism for affordable housing and asked about the unviability of the site and the reasons put forward by the applicant. He referred in particular to increased material costs and contaminated land.

The Principal Planning Officer confirmed that the highest cost for the developer was the build costs. He also mentioned the costs of decontaminating the site. The Interim Team Leader (Strategic Applications) said that developing a brownfield site presented major challenges in terms of viability and that there were therefore lower numbers for affordable housing for schemes on brownfield sites.

Members were advised that build costs had now increased to such a degree that the maximum figure of 15% for affordable housing on this development in 2020 was now unviable. This scheme now offered a more viable development and the method for securing affordable housing that had been agreed with the developer on this scheme was considered to be the optimum way of securing such housing whilst delivering full section 106 contributions towards all the various

mitigations that complied with the latest guidance for the additional units.

Councillor Bull expressed a number of concerns regarding the proposed lower percentage level of affordable housing and the sustainability of the proposed development.

Councillor Copley asked how the cascade mechanism for affordable housing would be enforced and how Officers would ensure that the best possible situation was secured in terms of the Section 106 legal agreement and monitoring the site.

The Principal Planning Officer said that the Heads of Terms of the Section 106 legal agreement included an engagement strategy whereby the developer would have to provide some information to Officers to explain how they would engage with registered providers and how they would ensure they would do their best to ensure to get a registered provider on board to take on the 56 units.

Members were advised that if that the developer had not been able secure a registered provider for the 56 units and the cascade mechanism to the discount market sale dwellings, the developer would be asked for a marketing strategy for how the dwellings would be marketed.

Councillor Smith commented on increasing vehicle trip generation, insufficient parking, vehicle charging points and the absence of solar power generation. He also commented on the insufficient provision of bird and bat boxes.

The Principal Planning Officer said that policy CC2 in the District Plan was the most relevant policy for sustainable design and that this policy required developments to encourage minimal carbon emissions and encouraged these emissions to be beyond building regulations. Members were advised that the developer had adopted a fabric first approach and that there were some heat source pumps proposed. The carbon emission reduction

would be beyond building regulations, and this was compliant with the relevant policies in the district plan.

Councillor Hill commented that installing solar panels was cheaper as part of a build when compared to locating such infrastructure in a field. He said that solar panels would make a positive contribution to reducing the carbon dioxide emissions of the actual fabric of the building.

Councillor Hill said that he would like to see more detail in respect of cycle infrastructure. He referred in particular to a government paper regarding the minimum widths of cycle paths and he asked for some more detail regarding the ambitions in respect of the width of the shared use cycle paths.

Councillor Estop referred in detail to guidance in the NPPF in respect of viability and affordable housing. The Interim Team Leader (Strategic Applications) said that the District Plan and the NPPF consider that viability was a material consideration, and the viability of the development was covered in some detail in the committee report.

Councillor Estop asked for some clarity in respect of the realisation of risk and the necessity of further viability assessments. She referred to review mechanisms and commented on their purpose as set out in the NPPF.

The Legal Advisor said that the preceding paragraph in the PPG talks about the viability assessment should be treated in decision making. Members were advised that the weight to be given to the viability assessment was a matter for the decision maker having regard to all the circumstances in the case. This was covered in paragraph 8 of the (Planning Policy Guidance (PPG)).

The Legal Adviser said that Members were looking at a comparison between what was consented and what was before the committee this evening.

Councillor Dunlop asked for some clarity regarding heat pumps and whether the heat exchangers were not going to be attached to the external walls. He referred to the possibility of a community heat hub. The Principal Planning Officer said that all of the flats would have quite generous cupboard spaces, and this is where the heat pumps would be installed and then have upward connections.

Members were advised that no external plant was proposed as part of the application and that the heat pumps were all internal to the relevant buildings. The Team Leader (Strategic Applications) said that the details of the air source heat pumps was covered by conditions and some of these elements of the scheme were covered by building regulations.

Councillor Stowe asked about the issue of noise in relation to the air source heat pumps. The Principal Planning Officer said that Environmental Health Officers were consulted on the application and had raised no objections.

Councillor Estop said that she was concerned about the location of the heat pumps and asked if a condition could be applied stipulating that there be no roof plant.

Councillor Devonshire said that EV charging provision was 10% of parking spaces with possibly a further 10% later. He said that if this was built in at the construction phase, it was first of all not enough. He asked if there could be more EV charges or, if not, could the council insist that the cabling was put in with the chargers being installed later on.

The Team Leader (Strategic Applications) said that condition 15 included details of EV charges and the policy set out that 10% was all that the council could require under the District Plan. He said that Officers could look at a form of wording that required details of how to secure future provision, i.e. the fitting of cables internally with details of this future proofing submitted to Officers.

The Team Leader (Strategic Applications) confirmed that the District Plan did not require a minimum standard for an EV charger, and that technology was improving all the time. Members were advised that it was likely that this development would include more up to date technology than what would have been installed 5 years ago. As policies changed, Officers would be in a position to secure the latest technology in respect of EV charges.

Councillor Copley mentioned the point that had been made about resident permit parking zones and whether this the only option, she asked if this could be included in the Section 106 legal agreement.

The Section 106 Programme Manager said that the original Section 106 legal agreement did have a contribution paid to Hertfordshire County Council for a controlled parking zone, and that she was working with the County Council to ensure that this was implemented.

Members were advised that in order to implement the controlled parking zone a revised parking strategy was required and that this would then provide the guidance and procedure for how controlled parking zones could be implemented going forward.

Councillor Devonshire asked about future proofing in terms of whether there would be enough power supply for EV charges. The Team Leader (Strategic Applications) said that the details of passive power supply for EV charges would form part of the discharge of conditions as the application progressed.

Councillor Hill commented on the standards of cycle infrastructure in reference to the tow path not being up to that standard. He said that he would like to see that standard more clearly defined against the available guidance.

The Principal Planning Officer said that the original scheme proposed to increase the tow path width along

the northern site boundary to 3 metres and that the plans showed the increased width of the tow path along that boundary of the site. Members were advised that there was also financial contribution which could go towards other improvements along the tow path.

The Principal Planning Officer said that the Canals and Rivers Trust had identified a number of areas along this stretch of tow path where repairs and improvements needed to be undertaken. He said that some of the sustainable transport contribution could go towards some of those repairs along the tow path.

Councillor Marlow asked if improving the tow path access between Hertford and Ware could be included in the conditions. The Principal Planning Officer summarised the wording in the heads of terms in respect of the Hertford to Ware Canal tow path and in particular the wording regarding enhancing the access between the development and Hartham Common and Hertford Town Centre and Ware.

Councillor Stowe referred to the concerns mentioned by the speakers in respect of traffic congestion on the roads. He also referred to position of Hertfordshire Highways and their disappointment that the parking provision was not lower.

The Principal Planning Officer said that a balance had to be struck between providing enough parking on the site to meet the demand from the development and also limiting car parking to discourage car use. Members were advised that the right balance had been reached regarding this application, and that Officers had acknowledged the position of Hertfordshire Highways and changing policy.

At 8:47 pm, Councillor Watson proposed, and Councillor Copley seconded, a motion that the meeting be adjourned for a 5-minute comfort break.

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

RESOLVED – that the meeting be adjourned for a 5-minute comfort break.

On the resumption of the meeting, Councillor Estop asked if there could be some clarity from Officers in respect of the increase in on street parking and also a plan showing why the podium was increased on the northwest block.

The Principal Planning Officer said that on street parking was increased in an area he had identified between building AB and building CD to the north. He said that there was a further 7 on street parking spaces along the spine road and the other spaces were all within the reconfigured podiums. Members were also shown a floor plan of the enlarged podium.

Councillor Copley asked for some clarity and more detail in respect of biodiversity and in particular anything that could be done to increase biodiversity net gain. She asked in particular about swift bricks and bat boxes. The Principal Planning Officer said that the biodiversity net gain was at 59.8% and this was largely provided through new areas of soft landscaping and new tree planting.

Members were advised that condition 56 sought an updated scheme in respect of bird boxes and bat boxes as the proposed provision was quite modest on this application. Councillor Hill said that it would be more advantageous to have swift bricks as all birds would use that provision whereas Swifts would not use bird boxes.

The Principal Planning Officer said that condition 56 could be updated in respect of having integrated bird and bat boxes and swift bricks. The Team Leader (Strategic Applications) said that Officers could include a form of words regarding additional swift bricks over and above the minimum number of 20. There was no policy guidance regarding the minimum number of swift bricks that should be provided.

Councillor Dunlop proposed and Councillor Marlow seconded, a motion that application 3/24/2147/VAR be granted planning permission subject to a Section 106 legal agreement and the

conditions detailed in the report, and subject to the following amendments to conditions:

- New condition regarding plant and machinery on the rooftop of the building.
- Updated condition 15 in respect of electric vehicle charging and a need to install infrastructure for passive charging.
- Update to condition 56 in respect of bird and bat boxes and swift bricks.

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

RESOLVED – that application 3/24/2147/VAR be granted planning permission subject to a Section 106 legal agreement and the conditions detailed in the report, and subject to the following amendments to conditions:

- New condition regarding plant and machinery on the rooftop of the building.
- Updated condition 15 in respect of electric vehicle charging and a need to install infrastructure for passive charging.
- Update to condition 56 in respect of bird and bat boxes and swift bricks.

142 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.16 pm

Chairman
Date

DM

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