

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD VIRTUALLY VIA ZOOM  
ON WEDNESDAY 4 NOVEMBER 2020, AT  
7.00 PM

---

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

ALSO PRESENT:

Councillors J Goodeve and J Wyllie

OFFICERS IN ATTENDANCE:

Elaine Bell	- Solicitor
Fiona Dunning	- Principal Planning Consultant
Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
Helen Standen	- Deputy Chief Executive
David Snell	- Service Manager (Development Management)

ALSO IN ATTENDANCE:

- |                    |   |
|--------------------|---|
| Matthew Armstrong  | - Area Manager<br>(Hertfordshire Highways)  |
| Christopher Martin | - Education Officer<br>(Hertfordshire County Council)   |
| Lindsay McCauley   | - Principal Transport<br>Planner, Development<br>Management<br>(Hertfordshire County Council) |
| Antony Proietti    | - Growth Area Team<br>Leader (Hertfordshire<br>County Council)                                |
| Mark Youngman      | - DM Group Manager,<br>Highways Operations<br>(Hertfordshire County<br>Council)               |

219 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Fernando and J Kaye. It was noted that Councillors Devonshire and Newton were substituting for Councillors Kaye and Fernando respectively.

220 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting and detailed the categories of attendee that were present at the online meeting. He introduced each Member and Officer in attendance at the meeting.

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that the order of the agenda would be changed in that applications 3/18/2798/FUL and 3/18/2799/LBC would be considered before application 3/20/0151/OUT.

221 DECLARATIONS OF INTEREST

There were no declarations of interest.

222 MINUTES - 9 SEPTEMBER 2020

Councillor Beckett proposed, and Councillor Crystall seconded, a motion that the Minutes of the meeting held on 9 September 2020 be confirmed as a correct record and signed by the Chairman.

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

**RESOLVED** – that the Minutes of the meeting

held on 9 September 2020, be confirmed as a correct record and signed by the Chairman.

- 223 3/18/2798/FUL AND 3/18/2799/LBC - EXTENSION TO BASEMENT (INCLUDING THE PROVISION OF LIGHT WELLS), ERECTION OF GROUND FLOOR SIDE EXTENSIONS, FIRST FLOOR REAR EXTENSION, MANSARD ROOF EXTENSIONS TOGETHER WITH ASSOCIATED ELEVATIONAL ALTERATIONS. CHANGE OF USE FROM OFFICES TO RESIDENTIAL AND CONVERSION TO PROVIDE 15 NO SELF-CONTAINED FLATS AT BLUECOAT HOUSE, 9 BLUECOATS AVENUE, HERTFORD

The Head of Planning and Building Control recommended that in respect of applications 3/18/2798/FUL and 3/18/2799/LBC, planning permission and listed building consent be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, said that the issues for Members to consider were set out at paragraph 1.4. He referred in particular to the heritage impact in the conservation area and said that this matter carried particular weight. Members were advised that the building was currently vacant and was a listed building.

The Service Manager advised that securing the reuse, upkeep and future use of a listed building carried substantive positive weight. He referred to a late representation from the occupier of 8 Bluecoats which was an adjoining office building. He said that this occupier had previously objected to the application

and the previous objection was included in the report now submitted.

Members were advised that the objection related to the proposed building of a new two bedroom apartment in front of 9 Bluecoats and the representation also mentioned the Section 106 agreement for 6, 7 and 8 Bluecoats. The objector had also said that they considered the site unacceptably restricts access for cars and emergency to the side and rear of 8 Bluecoats. The objection had also covered the fact that work had commenced in the basement prior to planning permission being granted.

The Service Manager said that paragraph 8.24 of the report addressed the relationship between the proposed development and adjoining buildings and in particular 8 Bluecoats and this was considered to be acceptable. He advised that paragraph 8.37 covered the fact that this was a town centre site and was therefore highly accessible. Members were advised that car parking was therefore not regarded as critical to the acceptability of the development.

The Service Manager reminded Members that sub-standard and indeed car free developments of conversions to residential had been permitted in the town centres of both Hertford and Bishop's Stortford. He said that the loss of parking space 13 was not critical but future parking and site plans must be accurate for future enforcement and delegated authority was sought so that Officers could clarify the matter of ownership of parking spaces.

The Service Manager said that Officers accepted that the access and circulation within the site was shared and contentious due to the historic layout of the site being far from ideal and restricted in nature by modern standards. The site was nevertheless acceptable in this context.

The Service Manager gave Members a detailed description of the layout of the site and the proposed development, including a description of the proposed elevations and basement works. He commented on the overall quality of the listed building and referred to the sectional elevations.

Members were reminded of the quality of the building renovations and were advised that the proposed extensions were of the same quality and the Conservation Officer had raised no issues with the renovation of the listed building.

Councillor Ruffles said that he hoped Members would give the delegated authority that Officers sought so that the matter of parking and land ownership could be resolved. He said that the proposals for the headmistress' house had been a heritage worry for the town in recent years and he was glad the application had been reported to Committee.

Councillor Ruffles referred to the comments of the Town Council in terms of the historic value of the buildings at Bluecoat House. He referred to the history of the site and said that he was grateful for the time that Officers had given to the matter of the relationship of the proposed development to 8

Bluecoats. He said that the proposed density was a concern given the spacious characteristics of the rest of the site.

Councillor Ruffles said that he accepted the argument that the 40% affordable homes requirement should be relaxed due to the issue of viability. He welcomed the proposed replacement of the boundary fencing in Mill Road along the corner of Ware Road to extend the existing southern boundary wall. He asked for some reassurance that the southern boundary wall would be protected due to the presence of an important heritage asset in the form of a gas light from 1830.

The Service Manager said that, as regards the density, this was a town centre location and he accepted that the setting of whole site was more spacious. He said that Members should view this application as enabling development due to the cost of refurbishment of a listed building could be exceptional due to the cost of the building materials.

Members were advised that as regards the southern boundary wall and the listed artefact, any alterations or removal would require listed building consent. Councillor Crystall commented on the proposed 11 parking spaces for the 15 apartments and said that only four were marked as electric charging points and he asked whether this could be increased to one charging point per space. He asked whether one of those electric vehicle spaces could be one to be shared informally or formally between the apartments, perhaps via a management company.

Councillor Crystall said that the developer had proposed the use of ground source heat pumps for heating and electricity and he asked whether this could be conditioned given that the site was close to an air quality management area (AQMA).

The Service Manager said that the proposed number of spaces was less than the number of flats but this was not sub-standard for a town centre location. He said that the development was not large enough to financially sustain the provision referred to by Councillor Crystall. Members were advised that this scheme was satisfactory in that it was policy compliant with 4 electric vehicle charging points.

Councillor Devonshire commented on paragraph 8.30 and the reference to marginal viability. He referred to the high engineering costs due to the proposed extensions to the basement and the lack of foundations. He said that the extent of these works had not been established and had not been costed and he was concerned that the detailed costings would lead to amendments to the scheme.

Councillor Redfern asked about the extent of potential mitigation measures that could be taken as this was in an AQMA and she was also concerned about noise as this site was located on a corner between two very busy roads.

Councillor Page raised a concern in respect of access for refuse and emergency vehicles and said that he did not understand how this scheme could be policy compliant in terms of resident's vehicle parking

provision. He said that he understood the issue of viability but he felt it was regrettable that there was no affordable housing proposed as part of this application. He said that it was great that the building was being brought back into use and it was good to see that the Conservation and Design Officers were supportive of the proposed development and also that the statutory consultee had raised no objections.

Councillor Stowe commented on condition 9 and the availability of imperial bricks which were more expensive but were generally available. He said that this was a lovely building and the proposed design was good and it would be lovely to see this building brought back into use.

The Service Manager said that the viability assessment and the review of this by a consultant engaged by Officers had revealed the viability to be marginal without the additional works that were needed to support the building. He said that any potential future application for an amended scheme would have to be addressed if this was submitted.

Members were reminded that this was an old building and there might have to be some degree of extraction and ventilation equipment in and around the building, particularly if ground source heat pumps were to be installed.

The Service Manager confirmed that the report was correct in terms of a discounted level of parking for an edge of town centre site and car free schemes were permitted in the town centre. Members were advised

that this site was highly accessible being close to the bus station and Hertford East. He said that details of the bricks would need to be submitted in the form of an on-site sample.

Councillor Beckett said that he was pleased to see ground source heat pumps being proposed. He commented that there were hidden costs to open loop systems and he would like to see provision within any future stewardship arrangements for the maintenance of the heat exchanger as well as the regular maintenance of the extraction pump.

Councillor Kemp welcomed the proposed preservation of this historic building in that it would be put to a good new use. He was interested to know whether there was any possibility for the sharing of parking spaces between the office and residential units given that they were likely to be occupied at different times.

The Service Manager acknowledged that access for emergency vehicles was tight but Officers believed that the circulation was adequate in terms of access. He said that the problem for this site was that there were multiple owners and there was a shared access arrangement which served the whole of Bluecoat House. Members were advised that it would be difficult to add stewardship to conditions.

The Service Manager explained that the standard condition regarding landscaping stipulated that plants missing, dying or otherwise removed should be replaced and this was subject to a time limit of 5 years. He said that conditions could not be expected to

steward sites indefinitely and continued landscaping maintenance would have to be addressed via the Section 106 process and a Section 106 could not be included in a grant of planning permission solely for the purposes of securing landscape maintenance.

Councillor Beckett proposed and Councillor Devonshire seconded, a motion that applications 3/18/2798/FUL and 3/18/2799/LBC be granted planning permission and listed building consent subject to the conditions set out at the end of the report and subject to delegated authority being given to Officers to clarify the matter of ownership of parking spaces.

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

**RESOLVED** –that in respect of applications 3/18/2798/FUL and 3/18/2799/LBC, planning permission and listed building consent be granted subject to the conditions set out at the end of the report and subject to delegated authority being given to Officers to clarify the matter of ownership of parking spaces.

- 224 3/20/0151/OUT - OUTLINE PLANNING PERMISSION ALL MATTERS RESERVED APART FROM ACCESS FOR THE ERECTION OF UP TO 223 DWELLINGS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING, AND VEHICULAR ACCESS AT BISHOP'S STORTFORD HIGH SCHOOL (BISH6), LONDON ROAD, BISHOP'S STORTFORD, CM23 3LU
- 

The Head of Planning and Building Control

recommended that in respect of application 3/20/0151/OUT, outline planning permission be granted subject to a legal agreement and the conditions detailed in the report now submitted. It was also recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Section legal agreement and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, referred to the late representations summary that had been published online. She said that the outline application was for up to 223 residential dwellings on the site of the existing Bishop's Stortford High School.

Members were reminded that the principle of the redevelopment had been established in principle as this was a strategic site in the District Plan and there was also a Master Plan associated with this site and this was in accordance with District Plan Policy DES1.

The Principal Planning Officer said that the masterplan had indicated that the site could achieve more than 150 dwellings. She said that the increase for up to 223 dwellings was due to land not now being required for the adjoining Thorley Hill primary school due to the planned three forms of entry (3FE) school on the Bishop's Stortford South site.

Members were advised that the report provided a summary of responses from statutory consultees and the principle of the residential use of the site had been established. The Principal Planning Officer said that the

Highway Authority does not consider there to be existing highways safety issues and this development had not created any reason to refuse the application on highways grounds.

Members were advised that the Housing Officer was satisfied that the development proposed 40% affordable housing and the tenure split would be 75% affordable rent and 25% intermediate housing. The Housing Officer had acknowledged the policy requirements of the National Planning Policy Framework (NPPF) in that 10% of affordable housing should be intermediate housing.

The Principal Planning Officer provided a slide presentation showing the outline of the application site from the District Plan. Members were shown the developable area that was available for this application.

The Committee was advised there were residential and landscaped elements to the site and there was a TPO area to the eastern side of the site plus a wooded area to the west known as The Spinney, which was on land owned by East Herts Council where all the trees were also protected.

The Principal Planning Officer said that the proposed development comprised a mix of detached and attached dwellings plus some residential apartments of up to three stories. She said that there was a lot green space in the site masterplan and the access to this green space was covered by the conditions and the Section 106 legal agreement.

Members were also advised that the density of 30 units per hectare was similar to the adjoining housing developments. The Principal Planning Officer said that there were conditions covering the provision of electric vehicle charging points for all dwellings plus some communal charging points.

She said that further tree planting would serve to shield the proposed development from adjoining properties and there was a requirement for a locally equipped area of play in the western portion of the site. Members were advised that the Highway Authority was satisfied with the proposed access and the site was well connected to the town centre and other local facilities.

Mr Dean addressed the Committee in objection to the application. Mr Fordham and Mrs O'Neill spoke for the application. Town Councillor Warnell addressed the Committee on behalf of Bishop's Stortford Town Council. Councillor Wyllie addressed the Committee as a local ward Member.

Councillor Deering asked for some clarity regarding the efficacy of the master planning process. He said that it was his understanding that this matter had been reported to the Committee on the basis that the principle of the development had been established by virtue of the master planning process.

Councillor Deering sought some clarity as regarding the Neighbourhood Plan allocation of between 200 to 250 dwellings and the point made by Town Councillor

Warnell about this being superseded by the District Plan.

The Principal Planning Officer said the NPPF talked about sustainable developments having economic and social objectives and this was a material consideration regarding the sale of the land. The applicant had detailed the consultation that had been undertaken in the submitted planning application.

Members were reminded that the masterplan followed the Council's process and had been adopted, so it did carry weight in the decision making process. The Town Council speaker was correct in that the Neighbourhood Plan document had been superseded by the District Plan and other strategic sites had exceeded allocated figures based on the character and density of the area and other relevant factors.

Councillor Devonshire asked for some clarity regarding the capacity of London Road at peak times and he commented on the steep gradient of the access road. He welcomed the retention of trees and the additional tree planting and expressed concerns regarding the proximity of the proposed 3 storey apartments to the rear gardens of properties on Grace Gardens.

Councillor Buckmaster mentioned the traffic modelling and mitigation. She asked why the developer had been permitted to include one and two bedroom apartments when the local need was for two and three bedroom houses.

The Highways Group Manager for Development

Management at Hertfordshire County Council said that Officers had looked at the access and conditions had been applied that had dictated the length and alignment of the proposed access. He referred to the trees and the associated TPO protections.

The Group Manager said that Section 106 monies of £323,000 were also for mitigation measures for Pig Lane in addition to supporting national cycle route 11. He said that the test for the traffic modelling for Beldams Lane and Haymeads Lane was whether the traffic impact would be severe, taking into account all other committed developments. He said that 29 vehicle movements per hour took place on London Road in the morning and evening peaks.

The Group Manager referred to scoping work and said that this was agreed very early on with developers. He said that scoping could only go so far as vehicles would dissipate onto different routes by the time traffic flows had reached Hockerill, particularly from a site that was so close to the town centre. He also referred to work that had taken place with the developer on sustainable transport mitigations like bus vouchers for the first year and a travel plan.

The Principal Planning Officer said that the affordable housing provision carried some negative weight in that the indicative affordable unit mix provided a higher number of one and two bedroom flats compared to the Strategic Housing Market Assessment (SHMA). She said that she did have concerns regarding the 3 storey element of the proposed development being so close to a 2 storey dwelling.

Councillor Page said that local Members and residents had made a compelling case on the fragility of keeping to the plans for this site. He accepted the arguments on the efficient use of land and the NPPF. He referred to the planning policy and the District Plan number of around 150 units. He also raised concerns around the sustainability of this site, the traffic impact and the access arrangements for this site.

Councillor Redfern said that the affordable housing mix did not meet the stipulations of the SHMA and she did not feel that one breach made other breaches acceptable. She asked about what could be done about the cumulative effect of traffic come out of this site and in particular school journeys.

Councillor Crystall expressed concerns about the impact on traffic of primary school children being driven to a school at Bishop's Stortford South in winter and he asked what exact mitigation was proposed for this site and how would this be funded.

The Group Manager said that one option was Section 278 works in the form of junction improvements and this included tactile paving to improve walking routes. He referred to Section 106 agreements work with the Hertfordshire Rights of Way section and other stakeholders to improve footpath and cycle routes in the wider area.

Members were advised that mitigations were being looked at for Pig Lane to stop rat running such as traffic regulation orders and Officers would have to

model that solution to access the impact on other roads. The Group Manager said that bus priority measures had been talked about for a while for London Road. He also advised that various schemes often contributed to mitigating larger schemes.

Members were advised that the key issue was whether the increase in vehicle traffic could be judged to be severe and how this could be defined. The latest NPPF helped in that changes in 2018 and 2019 set out what that severe test was and this was defined in paragraph 109 of the NPPF document.

Members were advised that there had been a move away from capacity and the issue of congested junctions and the focus was now on promoting sustainable travel and modal shift. The LTP4 policy backed up the NPPF in that it supported a user hierarchy of pedestrians and cyclists first followed by buses with cars being given the lowest priority.

The Highways Officers commented at length about the net change that had been modelled in terms of the numbers of vehicle movements per hours on various routes away from this site on London Road.

The Service Manager (Development Management) said that the numbers in the Development Plan were not a cap on development and the inspector who had approved the Hert2 application had been very keen to make that point. The Inspector examining the District Plan changed the original wording from up to around.

Members were reminded that this was an outline

application and the fact that the masterplan for this area had been approved by East Herts Council did carry weight. The Service Manager stated that in the appeal hearing relating to HERT2, the inspector had ruled that the masterplan did carry significant weight.

The Service Manager said that the SHMA contained strategic targets and not every development would those targets. He said that this document would have been out of date when the development plan was drafted.

The Legal Officer said that the sale of the land being used to fund the school and unless this was enabling development, it was not a planning matter unless this matter was part of the Section 106 legal agreement or covered by CIL regulations.

The Head of Planning of Building Control said that this was a planning application relating to specific proposals for an allocated site and the master planning had been prepared under policy DES1. She made reference to the Hert2 decision letter and reminded Members that the presence of a 5 year housing land supply in East Herts did not act as a cap on further development. Members were reminded that it was the application before for them for consideration and that the plan should be read as a whole with a number of relevant policies to be taken into consideration including HOU2 and DES4.

Councillor Kemp said that he would like some clarity from the Legal Officer as to whether approving 223 dwellings would be set in stone in terms of numbers of

dwellings if Members approved this scheme. He also asked whether Members were committing to the proposed mix of housing and would some clarity about the ability of the infant school on Thorley Hill to cope with the proposed development. He asked about protection of the trees to the south side of the site to the north of the existing pathway and future cycleway.

Councillor Crystall raised a concern in respect of the air quality assessment and the results having an influence on the numbers of housing planned for this site. He asked for some clarity as to whether the assessment related to air quality from this site alone or from nearby roads as well. He also asked whether a poor figure in terms of air quality would mean that the houses numbers could be reduced or mitigated by the use of electric boilers.

Councillor Buckmaster said that the point about the out of date SHMA was a weak argument and she did not fully understand the 29 vehicle movements an hour in the context of a site for up to 223 houses. She stated that she was concerned about air quality in the area around London Road.

At this point (9:47 pm), it was proposed by Councillor Kemp and seconded by Councillor Buckmaster that the Committee pass a resolution that the meeting should continue until the completion of the agenda. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Principal Planning Officer said that she believed it would be very unlikely if it could be demonstrated that

up to 223 dwellings was acceptable at the reserved matters stage in terms of appearance, layout, scale and landscaping terms. She said that the 400 square metres required for a local equipped area of play was not shown in the master planning document.

The Hertfordshire County Council Education representative explained the admissions policy in use in Hertfordshire. He said that the County Council had endorsed the current one form of entry primary school on Thorley Hill and was also supportive of the proposed three forms of entry primary school at Bishop's Stortford South.

Councillor Andrews proposed, and Councillor Kemp seconded, a motion that application 3/20/0151/OUT be granted subject to a legal agreement and the conditions set out at the end of the report and delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

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

**RESOLVED** –that (A) planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted; and

(B) authority be delegated to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

225 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
- (D) Planning Statistics.

226 URGENT BUSINESS

There was no urgent business.

The meeting closed at 10.08 pm

Chairman .....
Date .....