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MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 25 MAY 2011
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

To be confirmed at Annual Council on 18 May 2011.

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PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
 - any other body to which they have been appointed or nominated by the authority
 - any other body exercising functions of a public nature (e.g. another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
 - the matter does not fall within one of the exempt categories of decisions
 - the matter affects your financial interests or relates to a licensing or regulatory matter
 - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.

7. Exempt categories of decisions are:
 - setting council tax
 - any ceremonial honour given to Members
 - an allowance, payment or indemnity for Members
 - statutory sick pay
 - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
 - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.

8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.

9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

AGENDA

7. Schools Relocation And Associated Redevelopment Proposals, Bishop's Stortford: Planning Appeals (Pages 5 - 12)

EAST HERTS COUNCIL

DEVELOPMENT CONTROL COMMITTEE – 25 MAY 2011

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

7. SCHOOLS RELOCATION AND ASSOCIATED REDEVELOPMENT PROPOSALS, BISHOP'S STORTFORD: PLANNING APPEALS

WARD(S) AFFECTED: Bishop's Stortford wards and Much Hadham

Purpose/Summary of Report

- To update Members of the Committee in relation to the above appeals.

<u>RECOMMENDATIONS FOR DECISION:</u> that	
(A)	In relation to the proposals for the development of the relocated schools at Whittington Way, Bishop's Stortford, the Council continues to include, as part of its case, the unacceptable impact of the proposed development in relation to highway matters;
(B)	Subject to the decision on the planning proposals in relation to the relocation of the Blues pre-school, this matter does not continue to form part of the case advanced by the Council;
(C)	Given the complex nature of the appeal proposals and because of the requirement to ensure that the Council's case at appeal reflects any changes in circumstances in the run up to the inquiry, the Head of Planning and Building Control be authorised to make any further changes to the case submitted by the Council as necessary and appropriate, subject to agreement with the Chairman of the Committee and a committee member representing a Bishop's Stortford ward, to be nominated by the Committee;
(D)	The Committee agrees that it is very strongly of the view that the public inquiry should be held in a Bishop's Stortford venue because of the considerable local interest in the proposals and the significant impact of them in relation to the town.

1.0 Background

- 1.1 Members will recall that proposals for the relocation of the Bishop's Stortford High School and the Herts and Essex High School to new and adjacent sites at Whittington Way in the town were considered at a meeting of the committee of 30 September 2010.
- 1.2 As well as the proposals for the development of the new schools, there were a number of associated proposals for the redevelopment of the existing school sites for residential purposes. These included the High School site at London Road and the Herts and Essex sites at Warwick Road and Beldams Lane. The package of proposals also included residential development of land owned by Hertfordshire County Council at Hadham Road. In addition, an application was made for a variation to the conditions which control the use of the Jobbers Wood playing field, seeking to make it available for both schools and for local organisations. All seven applications were refused by the committee.
- 1.4 Appeals have now been submitted in relation to all these decisions. The appeals are to be dealt with by a single combined public inquiry which is timetabled to commence on 20 September 2011.
- 1.5 Members will appreciate that these are very significant proposals and of considerable interest to many residents in the town. Given that appeals against the refusal decisions of the Council have been submitted, Officers consider it is appropriate to review the position of the Council on the proposals.

2.0 Refusal Reasons

- 2.1 In relation to the application that proposes the development of the new schools, Officers recommended that permission be refused on the basis of the green belt location and noise issues. Members will recall that the committee determined that the impact of the proposed development on local highway conditions, particularly in relation to the operation of London Road, should also constitute a reason for refusal.
- 2.2 Given that permission for the replacement school provision had been refused, the committee then determined that the proposals for the redevelopment of the existing school sites should be

refused on the basis that alternative provision of the existing facilities would not be available.

- 2.3 In the case of the Bishop's Stortford High School, the lack of alternative provision for the on site Blues pre-school also comprised a refusal reason. In the case of the main site of the Herts and Essex High School, the inadequacy of information in relation to the impact of the proposals on existing buildings, which are identified as a heritage asset, also formed a reason for refusal.
- 2.4 In respect of the existing school sites, including Beldams Lane, Officers had initially recommended that because the proposals made inadequate financial provision for infrastructure improvements, this should form part of the refusal reasons. However, further negotiations with the applicant subsequent to the formulation of the committee reports enabled this matter to be addressed before the committee meeting and this did not therefore comprise a reason for refusal.
- 2.5 With regard to the land at Hadham Road, the refusal was based on a single reason related to the potential of the site to contribute toward additional educational capacity in the town, without that need having been met in another way. Lastly, in relation to the Jobbers Wood proposals, permission was refused on the basis that the proposed wider use would represent an unsustainable form of development.

3.0 Highways Issue

- 3.1 In relation to the details set out above, Members will appreciate that, with regard to the main new school development proposals, the refusal on the basis of highway concerns, comprised an additional reason for refusal not suggested by Officers. The County Highway Authority did not recommend that the proposals be refused on this basis.
- 3.2 Members will be aware that, whilst they are not obliged to follow the recommendations made by their officers, where they do not do so, and the matter is subsequently challenged through the appeal process, it is necessary to be able to provide substantive evidence to support the position the Council has ultimately taken.
- 3.3 Given that an appeal has now been submitted, and because the Highway Authority did not recommend that the proposals be

refused, Officers have sought initial independent transport advice to assess the degree to which its position can be supported by evidence.

3.4 EAS Transport Planning Ltd have been engaged and have undertaken an initial scoping of the transport assessment provided by the applicants and commented on the evidence available to support a case advanced by the Council in relation to highway matters.

3.5 The initial advice from EAS includes that:

- there are flaws in the assumptions on which the transport assessment, submitted by the applicant, has been based, these will have a significant impact on the conclusions of the assessment;
- these flaws result in an underestimate of car movements in the vicinity of Whittington way in the morning peak;
- incorrect assumptions in relation to parents transporting children to school are likely to lead to an underestimate of the impact of these journeys on London Road in the morning peak.

3.6 Following this initial scoping exercise, EAS have recommended that matters are discussed with the Highway Authority and subsequently with the appellants. This is necessary to ensure that EAS have all the necessary information on which to base their advice and to enable matters of technical difference to be resolved, where they can.

3.7 However, on the basis of the initial assessment of the matter, Members are advised that it is considered appropriate for the overall case that is being formulated on the part of the Council to continue to include the highways issue. As indicated above, EAS have recommended further discussions with the Highway Authority and with the appellant. The result of such discussions may be that further information becomes available which requires a reconsideration of the position of the Council. Given that, and because of the complex nature of this set of appeals generally, authority is sought in the recommendation in this report to be able to make minor amendments to the appeal case being formulated on behalf of the Council. I have recommended that this authority be subject to endorsement by the Chairman of the Committee and by one other member of the committee who represents a Bishop's Stortford ward, who would be nominated by the committee.

4.0 Blues Pre-School

- 4.1 Members will note that elsewhere on the committee agenda for this meeting is an item dealing with a planning application which proposes a new location for the Blues pre-school currently located on the Bishop's Stortford High School site (London Road). Officers have recommended that permission be granted for the proposed new building and location for the pre-school at Cox's Gardens.
- 4.2 The current location of the pre-school on the High School site constituted a reason for the refusal of the redevelopment proposals for that site, given that alternative provision had not been identified. If Members support the recommendation elsewhere in this agenda in relation to the relocation provisions for the pre-school now brought forward, then it is recommended here that this matter forms no further part of the case in relation to the schools proposals. In any event, given that alternative provision is clearly being explored, because the position may further change in advance of the inquiry date and for the avoidance of doubt, Members are asked to enable Officers to make any further changes to the Councils case in relation to this matter within the scope of the general recommendation above enabling changes to be made to the Councils case.

5.0 Inquiry Venue

- 5.1 Because of the complex nature of these appeals, the Planning Inspectorate has asked the Council and appellants to agree the timetable for proceedings and to establish the venue.
- 5.2 Council Officers and the appellants have been able to agree on timing matters. However it has not been possible to come to an agreement on a venue. Council Officers are strongly of the view that a venue in Bishop's Stortford is necessary. This is because of the considerable extent of local interest in the proposals and their significant impact in relation to the town. Given that length of the proceedings (possibly 4 weeks) Officers suggest the use of the Waytemore Room – which would remain available for use until the end of the proceedings. Other, larger, venues in the town could be secured for the initial days of the inquiry where attendance may be at its greatest. The Civic Federation have confirmed that, in its view, a venue away from the town is unacceptable.

- 5.3 The appellants however favour the use of the County Council chamber in Hertford as the venue. They cite its formality and greater size as being more appropriate.
- 5.4 As it has not been possible to reach agreement on this matter, the Inspectorate has been asked to resolve the issue. The timescale for this is not currently clear and in advance of the committee meeting Officers will continue to advance a Bishop's Stortford venue as the preferred choice of the Council. However, if the matter remains unresolved at the time of the committee meeting members are invited to endorse the position that officers have taken on this matter.
- 6.0 Implications/Consultations
- 6.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Relevant planning applications.

Contact Member: Portfolio holder with responsibility for Development Control Matters.

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.

Report Author: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.

ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives</p>	<p>Promoting prosperity and well-being; providing access and opportunities <i>Enhance the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</i></p> <p>Pride in East Herts <i>Improving standards of the built neighbourhood and environmental management in our towns and villages.</i></p> <p>Shaping now, shaping the future <i>Safeguard and enhance our unique mix of rural and urban communities, ensuring sustainable, economic and social opportunities including the continuation of effective development control and other measures.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>No specific consultation in advance of this report.</p>
<p>Legal:</p>	<p>None</p>
<p>Financial:</p>	<p>Members will be aware that the Council needs to ensure that it acts in a reasonable manner with regard to planning appeals. Actions which can be claimed as unreasonable lead to the risk of financial costs being awarded against the Council. Review and reassessment of the position of the Council following the submission of the appeals in this case will assist in the defence by the Council against any claim of unreasonableness.</p> <p>The report sets out the engagement of EAS Ltd as specialist advisors to the Council. The engagement of such an advisor represents a cost of course, and further costs will be incurred if EAS remain engaged and present a case on behalf of the Council at the forthcoming inquiry.</p> <p>These costs are time limited in related to the extent of the inquiry, would not be further ongoing without agreement of the Council and are all revenue based.</p>
<p>Human Resource:</p>	<p>None</p>

Risk Management:	Review and reassessment of the position of the Council in relation to the development proposals will ensure that risk implications are minimised.
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