

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE THE MITRE
SUITE, BISHOPS STORTFORD FOOTBALL
CLUB, WOODSIDE, DUNMOW ROAD,
BISHOP'S STORTFORD. ON THURSDAY
30 JANUARY 2014, AT 7.00 PM

PRESENT: Councillor Mrs R Cheswright (Chairman).
Councillors M Alexander, D Andrews,
E Bedford, S Bull, A Burlton, G Jones,
J Jones, P Moore, M Newman, N Symonds
and G Williamson.

ALSO PRESENT:

Councillors W Ashley, G McAndrew, T Page,
M Wood and C Woodward.

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Team Manager (East)
Fiona Brown	- Planning Technician
Glyn Day	- Principal Planning Enforcement Officer
Shirley Downham	- Planning Enforcement
Simon Drinkwater	- Director of Neighbourhood Services
Peter Mannings	- Democratic Services Officer
Alasdair McWilliams	- Information and Digital Media Manager
Martin Plummer	- Assistant Planning Officer

Kevin Steptoe	- Head of Planning and Building Control Services
Stephen Tapper	- Senior Planning Officer
Alison Young	- Development Manager

ALSO IN ATTENDANCE:

Paul Chappell	- Highways Officer
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504 APOLOGY

An apology for absence was submitted on behalf of Councillor K Crofton. It was noted that Councillor J Jones was substituting for Councillor K Crofton.

505 MINUTES – 8 JANUARY 2014

RESOLVED – that the Minutes of the meeting held on 8 January 2014 be confirmed as a correct record and signed by the Chairman, subject to the inclusion of Councillor P Ballam in the list of Members who were also present at the meeting.

506 3/13/0075/OP – LAND AT BISHOP'S STORTFORD NORTH – APPLICATION BY BISHOP'S STORTFORD NORTH CONSORTIUM AND LANDOWNERS

The following people addressed the Committee in objection to the application:

- Councillor John Barfoot (Hertfordshire County Council)
- Rob Francis (Chantry Community Association)
- Martyn Clarke
- John Browne (Bishop's Stortford Grove Residents Action Group)
- Diane Basavaraj (Save/Shape our Stortford)
- Richard Cahill (Bishop's Stortford Community)

Football Club)

The following people addressed the Committee in support of the application:

- Tom Hill QC (for the Bishop's Stortford North Consortium)

The Director of Neighbourhood Services recommended that, subject to the referral of the application to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009, in respect of application 3/13/0075/OP:

1. In consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Democratic and Legal Services completes a Section 106 Agreement in accordance with the heads of terms as set out in Essential Reference Paper 'A' to the report submitted to the Development Management Committee of 5 December 2013;
2. In consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment, plus any two Members who represent Bishop's Stortford wards and who are Members of this Committee and the Head of Democratic and Legal Services, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Democratic and Legal Services be authorised to complete a Section 106 Agreement as may be amended, in all cases to ensure a satisfactory development;

3. Upon completion of the Section 106 Agreement as authorised, planning permission be approved subject to the conditions set out in Essential Reference Paper 'B' to the report submitted to the Development Management Committee of 5 December 2013; and
4. In consultation with the Chairman of the Development Management Committee, the Head of Planning and Building Control be authorised, in advance of the issuing of the planning permission, to add or remove conditions and directives and make such changes to the wording of them as may be necessary, to ensure clarity and enforceability, and to ensure a satisfactory development.

The Director advised that, at the meeting on the 5 December 2013, Members did not resolve to refuse the proposals nor did they seek to defer consideration of the proposals on any issue other than detailed consideration and investigation of alternative access arrangements relating to the proposed western neighbourhood (Phase 1), on the basis that any alternative access arrangements should not comprise the existing roundabout onto Hadham Road.

The Director advised that no other decisions had been made by the Committee in relation to the application. Members were advised that it was necessary however, for the Committee to weigh all material planning considerations in the balance when reaching its decision. Therefore, Members might feel the need to reacquaint themselves with any of these matters during the course of the meeting.

The Director stated that issues relevant to this application were debated in considerable detail by Members at the 5 December 2013 meeting. Further debate of them now in detail was not likely to be necessary and might be seen as repetitive and unproductive.

The Director commented that it would be expected that, if any matter was considered to be significant in relation to the proposals, then it would have been raised at the 5 December 2013 meeting. The exception to this would be if new and substantive information was available in relation to any relevant matter which was not before the Committee at the meeting on 5 December 2013. Members were advised that the focus of the debate then should be on the reasons the application was deferred at that meeting.

Councillor P Moore expressed concerns regarding the impact of the proposed roundabout on Hadham Road, in particular the potentially very damaging impact on Hadham Grove and the wider locality. She stated that a better option would be a western exit onto the A120, either via a slip road or a roundabout.

Councillor Moore also expressed her concern regarding the approval of such a huge development without the appropriate supporting infrastructure being in place. She stated that, whilst the proposed roundabout might be a cheaper option, the residents of Hadham Grove would have to live with the decision of the Committee and she reiterated her view that the Hadham Road was the wrong location for the proposed western access roundabout.

Councillor G McAndrew, as the local ward Member, stated the emerging District Plan had been considered by Council on 29 January 2014. He referred to the imposition of housing on East Herts by central government until 2031 with Bishop's Stortford absorbing the majority of the additional housing.

Councillor McAndrew commented that the application should again be deferred to facilitate further detailed consideration and investigation of alternative access arrangements relating to the proposed western neighbourhood. He stressed that the proposed western access was unsustainable and the likely traffic gridlock

would be severe and there would also be problems with air quality.

Councillor McAndrew referred to the possibility that the sustainable transport solutions might be unsuccessful and he commented on what sanctions were available within the Section 106 legal agreement should the travel plans submitted with the application fail to achieve the intended targets.

Councillor McAndrew queried whether it was possible to limit the traffic impacts by blocking further phases of development on the ASR sites 1–4 until the traffic issues were fully resolved. He concluded that the application was unsustainable in relation to paragraph 32 of the National Planning Policy Framework (NPPF), which stated that applications should be refused if the residual transport impacts of an application were severe.

Councillor G Jones expressed sympathy with the views of all of the speakers who had addressed the Committee. He referred to the lack of a 5 year housing land supply and the difficulties experienced by young people trying to purchase property in East Herts.

Councillor G Jones referred to the recent appeal results relating to land north and south of Hare Street Road, Buntingford, which had been allowed. He concluded that it was unlikely that this outline application would be refused. He stated that the applicant should be held to account for the traffic modeling results if the mitigation measures were unsuccessful.

Councillor G Jones stated that the conditions should be strengthened to ensure a greater degree of monitoring of the traffic impacts to ensure the effects of the development were fully mitigated. He stated that the proposed legal agreement should be amended so that the proportion of affordable homes be reduced from 30.4% to 25.4% and the funding released be utilised to address an under provision of sports and leisure provision in Bishop's

Stortford.

The Director confirmed that there was flexibility for further dialogue regarding the wording of the Section 106 legal agreement and wording of the conditions so that Members' considerations and concerns could be accommodated. Members were reminded that the policy of the Authority regarding affordable housing was to achieve up to 40% provision.

Councillor A Burlton commented on whether such detailed amendments should be reported back to Committee. He referred to traffic modelling and stated that, depending on the data used to produce the results, such modelling generally delivered workable outcomes.

Councillor M Newman commented on whether there were review points should the applicant advise that the Section 106 legal agreement was no longer viable. The Director advised that there were 2 review points as part of a two stage review mechanism. The Section 106 agreement included provision for reviews before completion of the 750th and 1500th properties.

Members were reminded that developers could always come back to the Council to seek to review viability and the detail of Section 106 legal agreements, whereas the Council was not in a position to seek a review without such clauses in the Section 106 agreement.

Councillor N Symonds expressed concerns in respect of the potentially severe traffic impacts of the application. She was in agreement with the thoughts of Councillor G Jones regarding reducing the affordable housing provision to secure funding for community sports or leisure facilities.

Councillor S Bull questioned an additional roundabout onto the Hadham Road and queried why the western access could not be via the A120.

Paul Chappell of Hertfordshire County Highways explained that a number of alternative accesses had been considered. He stated that there were no special circumstances for an access onto the A120, which went against the long established strategy of preserving traffic flows along the primary route network.

Members were advised that modeling had proved that an access onto Hadham Road met long established design criteria and there was capacity to accommodate the proposed access. Paul Chappell also stated that it was undesirable to have through traffic using Hadham Road as opposed to the A120 primary route network.

The Director advised that the Hadham Road access was not selected as a cheaper access option as the projected cost of all the works for such an access was £1.8 million, it was understood, owing to the disturbance of services in the highway. He commented that the cost of the A120 access to the eastern neighbourhood area was cheaper at just over £1 million. Members were urged to treat the information with some caution as a potential access to the western neighbourhood on the A120 had not been costed.

Councillor D Andrews expressed concerns regarding the suggestion of reducing the affordable housing provision. He stated that the applicant had already made substantial provision within the Section 106 legal agreement for sports and leisure provision.

Councillor M Alexander stated that he could not support a reduction in the affordable housing provision but that if it were reduced it would be preferable to put the money into highways mitigation. Councillor P Moore also expressed concerns regarding the suggested reduction in affordable housing.

Councillor G Jones addressed the Committee regarding the sports and leisure provision, the provision of affordable housing and the impacts of the application in

terms of traffic and the possibilities for mitigating the highways impacts. He asked whether sanctions were available to limit the rate of construction if the traffic modeling had underestimated the highways implications.

The Director stated that, in terms of construction traffic, there were a number of access points included within the proposed development. So the concern raised by Members, that all construction traffic would enter by way of Hadham Road, was unlikely to be the case. The education and other infrastructure provision brought with it the possibility that the Eastern Phase of the development would be brought forward earlier than initially planned.

Councillor M Newman commented that there was no sound or defensible basis for refusing this outline planning application. He referred to common practice whereby Section 106 contributions were kept under continuous review.

The Director cautioned against imposing conditions or controls that were unduly rigid as the necessary flexibility to achieve a satisfactory development would be lost. Members were advised that the recommendations put forward sought sufficient flexibility to ensure that all matters were kept under review in drawing up the legal agreement and conditions in order to ensure a satisfactory development. Members were further reminded that regulations regarding Section 106 legal agreements meant that such agreements should mitigate only the actual demands and impacts created by the planning application itself. They should not be used to address unrelated deficiencies and assigning significant funding to leisure uses may be inappropriate in this respect.

Councillor G Jones proposed and Councillor A Burlton seconded, a motion that application 3/13/0075/OP be granted subject to the amendment of the proposed legal agreement to the effect that the proportion of affordable

homes proposed at Bishop's Stortford North be reduced from 30.4% to 25.4% and the majority of the funding released be reallocated towards sports and leisure provision and the remainder be utilised to mitigate the traffic impacts of the proposed development.

After being put to the meeting and a vote taken, there being an equality of votes, the Chairman exercised her casting vote and the motion was declared LOST. Councillors M Alexander, D Andrews, E Bedford, Mrs R Cheswright, P Moore and M Newman requested that their votes against this motion be recorded.

After being put to the meeting and votes taken, the Committee supported the recommendations of the Director of Neighbourhood Services as now detailed, subject to consultation with the Executive Member for Community Safety and Environment plus any two Members who represent Bishop's Stortford wards and who are Members of the Development Management Committee.

RESOLVED – that, in respect of application 3/13/0075/OP, subject to the referral of the application to the Secretary of State under the requirements of the Town and Country Planning (Consultation) (England) Direction 2009:

1. In consultation with the Chairman of the Development Management Committee and the Head of Planning and Building Control, the Head of Democratic and Legal Services completes a Section 106 Legal Agreement in accordance with the heads of terms as detailed in Essential Reference Paper 'A' to the report submitted to the Development Management Committee held on 5 December 2013;
2. In consultation with the Chairman of the Development Management Committee, the

Executive Member for Community Safety and Environment plus any two Members who represent Bishop's Stortford wards and who are Members of the Development Management Committee and the Head of Democratic and Legal Services, the Head of Planning and Building Control be authorised to make amendments to the heads of terms, the scale of financial contributions to be assigned to the various service areas referred to in the heads of terms and the service areas to which financial contributions should be assigned and the Head of Democratic and Legal Services be authorised to complete a Section 106 Legal Agreement as may be amended, in all cases to ensure a satisfactory development;

3. Upon completion of the authorised Section 106 Legal Agreement, in respect of application 3/13/0075/OP, planning permission be granted subject to the conditions detailed in Essential Reference Paper 'B' to the report submitted to the Development Management Committee held on 5 December 2013, with amendment to conditions 28 and 29 to ensure a greater degree of monitoring of the traffic impact. The details of the amended conditions to be agreed in line with the following resolution; and
4. In consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment plus any two Members who represent Bishop's Stortford wards and who are Members of this Committee, in advance of the issuing of the planning permission, the Head of Planning and Building Control be authorised to add or remove conditions and directives and make such changes to the wording of them as may be necessary to

ensure clarity and enforceability and to ensure a satisfactory development.

The meeting closed at 9.45 pm

Chairman

Date