

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 20 SEPTEMBER 2023, AT 7.00
PM

PRESENT: Councillor Y Estop (Chairman)
Councillors R Buckmaster, S Bull, V Burt,
R Carter, S Copley, I Devonshire, G Hill,
A Holt, S Marlow, V Smith and S Watson

ALSO PRESENT:

Councillors E Buckmaster, V Glover-Ward,
D Hollebbon and D Woollcombe

OFFICERS IN ATTENDANCE:

Neil Button	- Team Leader (Strategic Applications)
Steven King	- Finance Management Trainee
Peter Mannings	- Democratic Services Officer
Nick Reed	- Planning Officer
Sara Saunders	- Head of Planning and Building Control
Diane Verona	- Principal Planning Officer
Victoria Wilders	- Legal Services

Manager

ALSO IN ATTENDANCE:

Matthew Armstrong - Highways Officer from Hertfordshire County Council

143 APOLOGIES

Apologies for absence were submitted from Councillors J Dunlop and T Stowe. It was noted that Councillor V Smith was substituting for J Dunlop and Councillor S Bull was substituting for Councillor T Stowe.

144 CHAIRMAN'S ANNOUNCEMENTS

The chairman reminded Members and Officers to use the microphones as the meeting was being streamed onto YouTube.

145 DECLARATIONS OF INTEREST

There were no declarations of interest.

146 MINUTES - 19 JULY 2023

Councillor Buckmaster proposed and Councillor Hill seconded, a motion that the Minutes of the meeting held on 19 July 2023 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Attendance details – addition of Councillor Smith to the list of the attendees as she had been substituting for Councillor Burt.

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

RESOLVED – that the Minutes of the meeting held on 19 July 2023, be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Attendance details – addition of Councillor Smith to the list of the attendees as she had been substituting for Councillor Burt.

- 147 3/21/1756/FUL - DEMOLITION OF ALL EXISTING BUILDINGS. ERECTION OF A CLASS E RETAIL FOOD STORE, WITH ASSOCIATED CAR PARKING, RECONFIGURED SITE ACCESS, SERVICING, LANDSCAPING, SWALE, AND INSTALLATION OF PLANT EQUIPMENT AT GATES OF STORTFORD, 295-297 STANSTED ROAD, BISHOP'S STORTFORD, CM23 2BT

The Head of Planning and Building Control recommended that in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 legal agreement, and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

The Team Leader (Strategic Applications) talked about the planning history of the site and summarised in

detail the main issues for Members to consider. He presented a series of plans and elevation drawings and detailed the location of the site. He also summarised the use types of all the surrounding buildings on Stansted Road.

The Team Leader (Strategic Applications) said that the resolution of the committee in December 2022 included the option to refuse if the Section 106 agreement had not been completed. Members were now being asked to extend the resolution to permit the signing of the Section 106 agreement.

The Team Leader (Strategic Applications) detailed the amendments to the internal site layout, the pedestrian access improvements, and improvements to bus stops. He mentioned the level access to the building and addressed the committee at length in respect of the Council's public sector equality duty.

The Team Leader commented on the material considerations in respect of the District Plan and referred to the late representations and additional planning matters within the committee addendum. He said that the representation letter from Tesco's Agent had raised matters that had been addressed within the report.

Cheryl Sauvery addressed the Committee in objection to the application. Laura Beech spoke for the application.

Councillor Devonshire expressed a concern relating to traffic on Stansted Road during the morning rush hour.

He said that upgrading the footpaths would be a waste of time as he did not believe that shoppers from the town centre would walk from there to shop at LIDL on this site.

The Team Leader said that the matter of traffic congestion was considered as part of a traffic assessment submitted by the applicant and considered by Hertfordshire Highways in 2021/22. The increase in traffic was judged to be within acceptable tolerances and the increase did not in itself give rise to a reason to refuse the application. Members were advised that the scheme would not create unsafe highways conditions.

The Team Leader said that improvements to footpaths should be viewed as a benefit of the scheme in terms of encouraging people to walk to the site and a move to a more active and sustainable way of accessing facilities.

Councillor Copley referred to the planning conditions and possible consultation with the resident of 289 Stansted Road to better understand the needs of the disabled resident at that address. The Team Leader said that conditions 3 and 35 required that there be consultation and liaison with the occupiers of 289 Stansted Road in respect of landscaping and boundary treatments.

Members were advised that Officers would only discharge that condition if it had been demonstrated that the applicant had consulted and worked with the occupant of 289 Stansted Road to achieve an

acceptable outcome. The Team Leader referred to a previous slide in respect of a landscaping scheme including hedgerows around the edges of the site and a noise buffer.

The Team Leader said that, in respect of the protected characteristics under the equalities act, Officers had identified specified conditions in respect of the design of the junction and conditions in respect of landscaping and boundary treatments. He said that the existing access had been made safer by pulling the crossing back into the site and had been made of a certain width to accommodate the movement of vehicles coming to and from the site. He also referred to identified conditions in respect of noise levels, deliveries, refuse collection times and store opening hours.

Councillor Holt asked about the location of the nearest public transport and in particular bus stops. The Team Leader displayed a plan to answer this question. Councillor Hill referred to active travel and asked about individual cycle paths.

The Team Leader referred in detail to the representations from the HCC Highways Officer. The Team Leader confirmed that the highways authority was no longer a capacity-based organisation, and the local transport plan made it clear that the needs of pedestrians, cyclists and public transport users must be accommodated ahead of the needs of the private motor car.

Members were advised that the highways authority

had concluded that they were satisfied that the proposals had included sufficient measures which had meaningfully put the needs of people who chose to travel by sustainable modes above the needs who travel by the private motor car. The Team Leader referred Members to the advice of the Highways Officer and said that as accommodating the convenience of motorists was no longer in line with both national and local policy it would not be reasonable to expect the applicant to undertake vehicle capacity checks on the wider highways network and carry out vehicle capacity improvements.

The Highways Officer had concluded that the application would not result in an increase in traffic through the Hockerill junction and the impact on other neighbouring junctions would not result in additional traffic or result in harmful highways conditions within the wider area. Members were advised that the measures included within the scheme sought to reduce the numbers of vehicles on the road and there was a travel plan that was secured by a planning obligation.

Councillor Buckmaster referred to conditions 30 and 31 and the proposed retail opening hours. She commented on whether it would be neighbourly to restrict the delivery times under condition 31 to alleviate the concerns of neighbours.

The Team Leader said that Environmental Health had been consulted and had raised no objections to the proposed hours of operation and conditions were proposed in respect of noise from the proposed

change of use. He said that hours of closing had been reduced to 4 pm on Sundays and there was no policy to request or require that the delivery hours were restricted as this had not been set out as a requirement of Environmental Health Officers.

Councillor Watson proposed and Councillor Copley seconded, a motion for an adjournment from 19:52 to 20:00, to facilitate the remote attendance of an Officer from Hertfordshire County Council highways. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the meeting be adjourned from 19:52 to 20:00.

The meeting reconvened at 20:00 and Matthew Armstrong (Highways Officer from Hertfordshire County Council) said that in terms of safety, there was no compromise regarding the access to the site. Members were reminded that in terms of capacity and the free flow of traffic, there might be an impact. He said that there would be tactile paving and the access had been safety audited in the form of a stage one road safety audit.

Matthew Armstrong referred to the NPPF and LTP4 in respect of sustainable and active travel. He referred at length to vehicle crossover guidance and said that there was no obvious intrinsic safety issue. He said that from a highway perspective, there had been no details as to the frequency of the large tail lift vehicle pick up or how long this vehicle was parked outside the property. He concluded that in practice there were

no obvious safety issues.

Councillor Hill referred to the speed differential between cyclists and motorists being a deterrent to cyclists. He said reducing the speed limit should be considered in terms of safety and active transport. Matthew Armstrong said that there was a speed management strategy at HCC and that the overriding message was that the legal speed limit should match the look and feel of the road. He said that Stansted Road did not look or feel like a 20-mph road and there would have to be very significant changes in the form of a full route treatment and there was a test of reasonableness. Members were advised that the applicant had included some very good sustainable active travel improvements.

Councillor Estop and Councillor Copley both enquired whether the proposed site access could be moved further north and whether the delivery hours could be modified to reflect the hours of operation on a Sunday (i.e., no deliveries after 1600 hours). The Team Leader advised that the delivery hours condition could be amended subject to agreement with the applicant. The Team Leader advised that there was no planning or highways design requirement to justify relocating the access subject to the recommended conditions.

Councillor Buckmaster proposed and Councillor Watson seconded, a motion that application 3/21/1756/FUL be granted planning permission, subject to the conditions detailed at the end of the report (and the late representations addendum document) and subject to a Section 106 legal

agreement with delegated being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

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

RESOLVED –that (A) in respect of application 3/21/1756/FUL, planning permission be granted subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement; and

(B) delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

- 148 3/23/0775/FUL - CHANGE OF USE OF LAND TO RESIDENTIAL CURTILAGE AND ERECTION OF A 1.8 METRE HEIGHT FENCE (SET IN BY 1.5 METRE) AND WITH MANAGED PERIPHERAL LANDSCAPING AT LAND TO THE REAR OF 74, 75 AND 76 MAGNAVILLE ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 4DW
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The Head of Planning and Building Control recommended that in respect of application 3/23/0775/FUL, planning permission be refused for the reasons detailed in the report.

The Planning Case Officer presented the application to the Committee and summarised in detail the main issues for Members to consider. He referred to the planning history and the context of the application and set out the main planning policy considerations for

Members to consider.

Valda Edmunds addressed the Committee in support of the application. Councillor Hollebon addressed the Committee as the local ward Member. Councillor Devonshire said that significant weight was behind the fact that the ward councillor and Bishop's Stortford Town Council were in favour of the application.

Councillor Copley asked for some clarity as to whether there was any way for the application to be approved without it setting a precedent. She asked if there was any element of the application that could be changed which would make officers feel that the scheme could be approved.

The Planning Officers said that were Members to approve the application, the grant of the planning permission would become a material consideration for future applications in the immediate area and the wider Thorley Park estate. He said that amendments to the application had been considered and policy HOU12 was of significant relevance to this application in terms of retaining these areas. Members were advised that landscaping scheme conditions would not overcome the harm that result from this planning application being approved.

The Team Leader (Strategic Applications) said that the scheme that was before Members was being considered and Officers had not identified any changes or conditions that could overcome their concerns and there were no changes that could be made to support a grant of planning permission. He mentioned

shortcomings in terms of the lack of arboriculture surveys and compliance with the development plan and in particular policy HOU12.

The Chairman set out some matters relating to the distinctive characteristics of the area, and in particular the footpaths and very short roads. She also commented on the wider context of the application and referred to the significant weight of relevant policy connections.

Councillor Smith expressed a concern that this area was not being maintained. She said that the ownership did not seem to be in dispute and asked if there was anything that could be done to ensure it was better maintained. She said that she was not confident that fencing it off would prevent dog fouling on the periphery of the proposed fencing.

Following some comments from Members, the Legal Services Manager reminded the Committee that planning decisions had to be made in the context of how development plan policies were material to an application for planning permission. She said that decisions must be taken in accordance with the development plan unless there were material planning considerations that indicated otherwise. Members were reminded that there were policy justifications for refusing the application and the Committee should bear that in mind and think about material planning considerations to overturn that recommendation.

Councillor Bull said that he understood the precedent that could be set, and each application was judged on

its merits. He said that the application was outstanding, and he would support a grant of planning permission.

The Legal Services Manager said that Members must consider the planning merits and the planning principles which had been set out by the officer had set out in the report quite well.

Councillor Watson proposed and Councillor Buckmaster seconded, a motion that application 3/23/0775/FUL be refused for the reasons detailed in the report. After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED –that in respect of application 3/23/0775/FUL, planning permission be refused for the reasons detailed in the report.

- 149 3/23/0440/FUL - RECONFIGURATION OF GROUND FLOOR TO PROVIDE 1 CLASS E (COMMERCIAL, BUSINESS AND SERVICE USES) UNIT, CHANGE OF USE OF FIRST FLOOR FROM CLASS E USE TO 8 STUDIOS AND 1 ONE BEDROOM AND 1 TWO BEDROOM SELF-CONTAINED FLATS, AND ASSOCIATED EXTERNAL ALTERATIONS, CREATION OF AN ADDITIONAL SECOND FLOOR TO CREATE 2 STUDIOS, 6 ONE BEDROOM AND 1 TWO BEDROOM SELF-CONTAINED FLATS, RECONFIGURATION OF CAR PARKING AND PROVISION OF CYCLE PARKING, AND OTHER ANCILLARY WORKS AT 55 - 61 SOUTH STREET AND 2-4 STATION ROAD, BISHOP'S STORTFORD, CM23 3AL
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The Head of Planning and Building Control recommended that in respect of application

3/23/0440/FUL, planning permission be granted subject to the conditions detailed in the report and subject to a Section 106 legal agreement, and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

The Planning Officer presented the application to the Committee and summarised in detail the main issues for Members to consider. The Officer detailed the first and second floor plans and summarised in detail the existing elevations on 55 – 61 South Street and 2 – 4 Station Road. She said that no affordable units were proposed, and she set out the proposed housing mix of the 19 residential units.

Members were advised that the applicant had submitted a financial viability assessment which had been reviewed by independent assessors which had concluded that the scheme would be unviable in the sense that this term was understood within the planning system. The Planning Officer said that the application, if granted, would be subject to the completion of a satisfactory Section 106 agreement which would contain financial contributions as detailed in section 10 of the report.

The Planning Officer said that there was provision for 24 cycle spaces, 19 of which would be for residents and 5 for use by members of the public. She set out the previous historic use of the ground floor in the former use class A1 retail and use class A3 food and drink, both of which now fell within in use class E.

Councillor Watson asked for clarification as to how many recycling bins were to be provided. The Planning Officer said that the conditions could be amended to ensure that details in respect of recycling bins met with the approval of the local planning authority.

Councillor Devonshire expressed a concern that there was no affordable proposed as part of the application. Councillor Buckmaster expressed a concern that the proposed extra second floor being quite overbearing against the neighbouring properties. She questioned the need for more studio flats in Bishop's Stortford.

Councillor Watson asked for some clarification in respect of the tilted balance and the lack of affordable housing supply. The Team Leader (Strategic Applications) said that weight was given to the provision of housing and in this instance, the benefits outweighed the limited harm that had been identified. He said that scheme had been judged to be acceptable in terms of the tilted balance and the scheme was broadly compliant with the local plan.

The Planning Officer confirmed that the Conservation and Urban Design Officer considered that the proposed additional scale and design of the second floor was acceptable in the conservation area.

Councillor Copley expressed concerns about the proposed development on a very narrow corner with poor visibility. She expressed a specific concern regarding the narrow vehicular and pedestrian entrance right on a blind corner junction.

The Planning Officer confirmed that the county council's transport advisers had judged the application to be acceptable. She said that a condition had been applied for the submission in writing of a service and delivery plan for the approval of the local planning authority.

The Planning Officer responded to questions from Members in respect of solar panels, residents parking, cycle spaces, fire exits and biodiversity net gain.

Councillor Devonshire proposed and Councillor Marlow seconded, a motion that application 3/23/0440/FUL be granted planning permission, subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement with delegated being granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions, with an additional condition being applied in respect of the use and design of the first and second floor communal areas.

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

RESOLVED –that (A) in respect of application 3/23/0440/FUL, planning permission be granted subject to the conditions detailed at the end of the report and subject to a Section 106 legal agreement with an additional condition being applied in respect of the use and design of the first and second floor communal areas; and

(B) delegated authority be granted to the Head

of Planning and Building Control to finalise the detail of the legal agreement and conditions.

150 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.

151 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.34 pm

Chairman Date
