

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 25 FEBRUARY 2015

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

PLANNING APPEAL: DEMOLITION OF THE EXISTING BUILDING AND ERECTION OF A MIXED USE DEVELOPMENT COMPRISING 101 RESIDENTIAL (C3) APARTMENTS AND EMPLOYMENT (B1) SPACE, ALONG WITH ASSOCIATED HIGHWAY AND LANDSCAPE WORKS AT LAND AT CRANE MEAD, WARE, HERTS, SG12 9PY, REF: 3/14/1408/FP

WARD(S) AFFECTED: WARE – CHADWELL

Purpose/Summary of Report:

- To update Members in relation to the current circumstances regarding the above appeal and to enable the position of the Council to be considered in the light of further relevant information.

RECOMMENDATIONS FOR DECISION That:

(A)	The Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council’s reasons for refusal, including their withdrawal if appropriate, and the evidence to be submitted in relation to the forthcoming appeal.
(B)	During the period following the forthcoming local elections and prior to the appointment of a Chairman of the Committee the consultation detailed in (A) will be required only with the local ward Member.

1.0 **Background**

1.1 Members will recall that the development proposals at this site were considered at the 12 November 2014 meeting of this Committee. A copy of the report submitted to that meeting is attached as **Essential Reference Paper ‘B’**. A copy of the plan

submitted to that meeting is attached as **Essential Reference Paper 'C'**. The recommendation submitted at the time was that planning permission be granted subject to the signing of a Section 106 legal agreement. After considering the matter however, Members resolved to refuse planning permission for the reasons that are set out below:

1. The site is identified in the East Herts local Plan as primarily reserved for employment use. The proposal would result in the loss of valuable and suitable employment land contrary to policies EDE1, EDE2 and WA7 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance in the National Planning Policy Framework.
 2. The proposed development fails to make adequate provision for affordable housing in accordance with policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and national planning policy guidance in the National Planning Policy Framework.
 3. The proposed shared parking arrangements fail to adequately Meet the needs of both the residential and commercial elements of the proposed development and would exacerbate parking congestion in the vicinity of the site. The proposal is thereby contrary to policy TR7 of the East Herts Local Second Review April 2007 and national planning policy guidance in the National Planning Policy Framework.
- 1.2 On 4 February 2015 an appeal was lodged against the decision of the Local Planning Authority to refuse planning permission. The appeal is to be heard at a forthcoming public inquiry.
- 1.3 The program for the preparation of the Council's case will span the period from March to May 2015 when there will be no meetings of Development Management Committee. For that reason, and because the appellants will submit further information which requires assessment on behalf of the Council, delegated authority is sought to enable Officers to prepare the Council's case in the light of this and any other matters that arise prior to the inquiry.

2.0 Update in relation to refusal reasons

Loss of employment land

- 2.1 Since the decision the appellants have submitted that the car park site (Starsgate) could not be developed in isolation as it is within flood zone 3a. As a result any additional impact that built footprint had on the flood zone could not be compensated for. The fact that the applicant owns Swain's Mill and Starsgate presents a fortunate opportunity, since it allows the footprint of the Swain's Mill building to be spread across both sites. Without this the car park site would effectively be sterilised.
- 2.2 The applicants have submitted a schedule of existing employment occupiers and advise that apart from the MOT garage all of the other occupiers fall within Use Class B1 and are therefore capable of being accommodated within the proposed development. Some areas of the current building are vacant. Officers will undertake further investigations to determine the extent of change in the floorspace to be provided for employment purposes and what steps are being taken to accommodate the existing users at the site.
- 2.3 Further information and any decisions that might be based on it would be canvassed with Members as set out in the recommendation to this report.

Affordable housing

- 2.4 Since the decision the applicants have submitted the following comments:
- a) The amount of affordable housing proposed (6 units) was driven solely by the viability assessment submitted with the application in accordance with policy requirements.
 - b) This was reviewed by the District Valuation Service (DVS) who concluded that concluded that the provision of 40% affordable housing was not economically viable on this site and recommended that only 6 units could be economically provided.
 - c) The applicants have suggested that, with a varied tenure mix, 2 more affordable units could be provided, although this is

not favoured by the Housing officer because it would all comprise shared ownership units and does not meet the priority need for the Council. (Its favoured mix is 75% affordable rented: 25% shared ownership).

- 2.5 It is intended to further test this issue and determine whether a greater provision of affordable housing could be achieved whilst ensuring that the scheme remains viable.

Car parking

- 2.6 Hertfordshire County Council (Highways) considered that the shared parking arrangement proposed and the number of spaces was acceptable and they raised no objection to the proposed development.
- 2.7 Following the refusal of planning permission the applicant has submitted further evidence in respect of the proposed car parking provision in the form of a Technical report based on parking survey work. This concludes that the mixed parking arrangement – with spaces for both residential and commercial occupiers – is a workable arrangement. The report has been passed to Hertfordshire CC (Highways) for their assessment. Officers will also further scrutinise the additional information.

3.0 **Conclusion**

- 3.1 Following assessment of the applicant's submissions the Council's case at the appeal inquiry may require modification. As the Committee will not meet during the period that the Council's case will be prepared, delegated authority is therefore sought, in consultation with Members as set out in the recommendation, to address and respond in relation to issues which will require attention.

4.0 **Implications/Consultations**

- 4.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Planning Application – 3/14/1408/FP.

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