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 MONDAY 16 MARCH 2015, AT 7.00 PM

PRESENT: Councillor Mrs R Cheswright (Chairman). Councillors D Andrews, S Bull, G Jones, P Moore, T Page, P Ruffles, N Symonds, G Williamson and M Wood.

ALSO PRESENT:

Councillors G Cutting, G McAndrew and P Phillips.

OFFICERS IN ATTENDANCE:

Liz Aston	-	Development Team Manager (East)
Shirley Downham	-	Planning Enforcement
Simon Drinkwater	-	Director of Neighbourhood Services
Annie Freestone	-	Senior Planning Technician
Peter Mannings	-	Democratic Services Officer
Alasdair McWilliams	-	Information and Digital Media Manager
Martin Plummer	-	Senior Planning Officer
Kevin Steptoe	-	Head of Planning and Building Control
Stephen Tapper	-	Senior Planning Officer

ALSO IN ATTENDANCE:

Paul Chappell - Highways Officer

583 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Alexander, E Bedford, K Crofton, J Jones, M Newman and K Warnell. It was noted that Councillors S Bull, T Page and M Wood were substituting for Councillors J Jones, M Alexander and M Newman respectively.

584 MINUTES – 25 FEBRUARY 2015

RESOLVED – that the Minutes of the meeting held on 25 February 2015 be confirmed as a correct record and signed by the Chairman.

585 AN URBAN EXTENSION COMPRISING 329 NEW DWELLINGS (OF A RANGE OF SIZES, TYPES AND TENURES, INCLUDING AFFORDABLE HOUSING), INCLUDING A SITE FOR A ONE-FORM-ENTRY PRIMARY SCHOOL; PUBLIC OPEN AND AMENITY SPACE TOGETHER WITH ASSOCIATED LANDSCAPING; ACCESS, HIGHWAYS (INCLUDING FOOTPATHS AND CYCLEWAYS), AND PARKING; AND DRAINAGE (INCLUDING A FOUL WATER PUMPING STATION), UTILITIES AND SERVICE INFRASTRUCTURE WORKS. ALL MATTERS ARE RESERVED FOR LATER APPROVAL EXCEPT FOR PHASE 1 (130 DWELLINGS) AND ACCESS FOR PHASE 2 ONWARDS AT HAZELEND ROAD AND FARNHAM ROAD, BISHOP'S STORTFORD FOR COUNTRYSIDE PROPERTIES

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

- David Glass (East Herts Ramblers and the Bishop’s Stortford and District Footpath Association)

- John Rhodes (Bishop's Stortford Civic Federation)
- Rob Francis (Chantry Community Association)
- Tom Gardiner (Bishop's Stortford Community Football Club).

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

- Andrew Tait QC (on behalf of Countryside Properties)

In respect of application 3/13/1501/OP, the Director of Neighbourhood Services recommended that:

(A) 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' of the report submitted;.

(B) in consultation with the Chairman of the Development Management Committee, the Executive Member for Community Safety and Environment, 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;

(C) upon completion of the Section 106 Agreement as authorised, planning permission be granted subject to the conditions set out in Essential Reference

Paper ‘B’ of the report submitted; and

(D) 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 this was a hybrid outline application in that the applicant was also asking for full permission for phase one of the proposed development. The site was known as Area of Special Restraint (ASR) 5 and had been identified for residential development along with ASRs 1–4 in 2007.

The Director detailed the planning policy position in that a decision had been reached in 2008 that the ASR sites would be brought forward for development as part of the ongoing district planning process. Members were reminded of the referendum due to be held in respect of the Bishop’s Stortford Silverleys and Meads Neighbourhood Plan.

Members were advised that the application had been revised down from 450 dwellings to 329 to free up land for a 1 form of entry (1FE) primary school. The Director stated that full details of the proposed phasing for this application were detailed in the report. He referred Members to the additional representations summary and further revised details in respect of Section 106 matters.

In response to a query from Councillor P Ruffles as to why this application was before Members at this time, the Director reminded Members of the ongoing need to demonstrate a 5 year housing land supply. The Director reiterated that the Government had issued guidance stating that national policies detailed in the NPPF had to be given significant weight if local policies did not support the delivery of a 5 year supply of housing land.

Councillor G Jones, as the local ward Member, expressed his disappointment regarding the significant changes to Section 106 matters as well as the other late information that had been provided to the Committee regarding planning policy.

Councillor G Jones acknowledged the need to demonstrate a 5 year supply of housing land. He stated however, that all applications must be sustainable and he was particularly concerned regarding primary and secondary school provision, community facilities, shops and sports facilities. He referred to previous approvals for new housing without additional primary school places.

Councillor G Jones expressed strong concerns in respect of an additional 130 houses being built without additional primary school provision. He stated that it was impractical to expect the secondary school to be ready for September 2017 and this could well be delayed until 2018.

The Director advised that the applicant's intention was that there would be a steady provision of forms of entry to meet the emerging demand for school places. Members were advised that the County Council was working to create a better distribution of schools and the steady increase in population would lead to newly built infrastructure.

Councillor G Jones pointed out that a lack of sufficient local facilities would result in additional car usage as there would be no clear linkage between ASR5 and ASRs 3 and 4. He reiterated that the Bishop's Stortford Community Football Club was short of pitches and this application for more housing did nothing to improve this situation.
Councillor G Jones commented that financial contributions towards sports provision would not lead to direct provision of additional pitches. He stated that had this application been presented for determination in outline form he would have had no objections.

Councillor G Jones concluded that planning permission should not be given on optimism and the necessary infrastructure must be delivered as part of a balanced application.

Councillor N Symonds expressed her concern regarding access to education for children with special educational needs as well as access to schooling more generally. She pointed out that doctor's surgeries were full and the Princess Alexandra Hospital was also struggling to cope.

Councillor Symonds stated that the 510 bus service was failing to run at the predicted 20 minute frequency and traffic was often backed up throughout Bishop's Stortford town centre.

Councillor Symonds referred to the Aldi scheme causing problems with traffic flow in the proximity of the Hockerill road junction. She expressed concerns regarding the impact of the application on local wildlife and she confirmed that she could not support this application.

Councillor M Wood pointed out that the extension of the 510 bus route to Foresthall Park would not help the situation regarding the frequency of this service. He expressed concerns regarding the impact of the scheme on bats, lizards and orchids.

Councillor Wood referred to the cumulative impact of traffic on the Hockerill junction and the wider Air Quality Management Area (AQMA). He stated that ASR5 was the remotest ASR from the town centre and this put this site at a disadvantage compared to the other ASRs. Councillor Wood sympathised with the points of the Bishop's Stortford Community Football Club regarding pitch provision and he was concerned that experts were consistently being proved wrong regarding traffic.

Councillor T Page commented on when the NPPF definition of severe traffic was going to be tested so that planning policies could be developed to address this

issue. He pointed out that Bishop's Stortford had a medieval road layout and the town was a focal point for retail and eating out. He referred to the town having the worst air quality in East Herts.

Councillor Page reiterated that the NPPF stated that applications could only be refused on traffic grounds if the highways impact was severe. He argued that the gridlock experienced at the weekend proved this threshold had already been reached.

Councillor Page acknowledged the need for affordable and market housing but he felt that it was the wrong scenario to approve development without the supporting infrastructure being in place. Councillor G Williamson agreed that it would be premature to approve this application when the infrastructure was yet to be implemented.

The Director referred to previous work that had identified a clear requirement to meet the housing needs of the District which had assigned either to the M11 corridor and the route to Cambridge via Harlow or the area around Welwyn/ A1 corridor. Members were advised that financial constraints meant that developers could not be expected to fund infrastructure in full and that they should only be required to support infrastructure at a reasonable timescale along with the additional housing that was being delivered.

The Director reiterated the numbers of houses that needed to be delivered every year in the District and he stressed that there was unlikely to be a better way to address the infrastructure issues then their provision to a reasonable timescale associated with the proposed development.

The Director commented that Bishop's Stortford was not dissimilar to many other historic towns in the South East and the way the town operated was unlikely to be able to stay the same if it was to accommodate future longer term housing plans. Members were reminded that this

application included a holistic package of measures that was considered to be the best and most reasonable framework to deliver the supporting infrastructure.

In response to a query from Councillor Page, the Director advised that the NPPF stated that applications should only be refused on highways grounds if the impact would remain severe after mitigation measures were in place. Members were reminded that Hertfordshire Highways did not feel that this application breached that threshold.

Councillor P Moore commented that highways matters were an emotive subject. She stated that gridlocked towns probably meant they were good places to visit. She emphasised the importance of people taking responsibility for their health and consulting a chemist before visiting their GP. She also stressed the importance of educating the young people who were the future.

Councillor S Bull referred to the Section 106 funding for sports, parks and open spaces. He stated that it was land for football pitches that was needed and this application provided an ideal opportunity for pitch provision.

Councillor Bull expressed concern that the developer would not sacrifice some of the housing land for football pitch provision. He stated that 22% affordable housing was a very low figure that had to be one of the lowest the Committee had been asked to support.

In response to a request for clarification from Councillor Moore, the Director reminded Members that phase 1 of the application was for 40% affordable housing with the remaining affordable housing spread over phases 2 and 3. The Committee was reminded that the Council's policy was for up to 40% and it was right and proper that Members give consideration as to whether the balance of the proposed Section 106 obligations was correct.

The Director advised that the application and Section 106 obligations were the conclusion of a very well-engineered

application process and Officers believed they had a firm basis for the recommendation. The Director stated that the Section 106 obligations and the application had been subjected to a rigorous assessment process and the overall package was one that Officers felt able to support.

Councillor Symonds queried how improvements could be made to Rye Street given that the houses were close to the boundary of the highway and there was no spare land. Paul Chappell, Hertfordshire Highways, confirmed that improvements would be limited to bus stop improvements, traffic calming and speed reductions as well as improvements to enable a continuous safe pedestrian route to the town centre. Members were advised that the improvements would all be within the current boundary of the road.

The Director stated that Officers felt sufficiently reassured that they had sufficient information to sustain their recommendation for approval for these proposals as they stood. He further advised that Officers could seek to achieve changes to the education and affordable housing provision if asked to do so by Members.

Councillor G Jones stated that he could not support a deferral due to this being a hybrid application that included the reserved matters details for phase 1 (130 dwellings) and the access arrangements for phase 2.

Councillor G Jones proposed and Councillor P Moore seconded a motion that application 3/13/1501/OP be refused on the grounds that the proposals did not provide sufficient certainty in relation to the timing, location and adequacy of primary education provision necessary to serve the additional demand created by development. In addition, whilst some provision has been made and the economics of provision were recognised, the level of affordable housing supply was considered to be unacceptably low. As a result, the proposals did not adequately fulfil the social dimension of, and therefore did not comprise, sustainable development in the terms set out in the National Planning Policy Framework. The

adverse impact of allowing the development would significantly and demonstrably outweigh the benefits of it. As a result, in addition to the conflict with the requirements of the National Planning Policy Framework, the proposals were contrary to the requirements of policies HSG3 and IMP1 of the East Herts Local Plan Second Review, April 2007 and policies EP1 and EP3 of the Bishop's Stortford Silverleys and Meads Neighbourhood Plan.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendations of the Director of Neighbourhood Services as now detailed.

RESOLVED – that in respect of application 3/13/1501/OP, planning permission be refused for the following reasons:

1. The proposals do not provide sufficient certainty in relation to the timing, location and adequacy of primary education provision necessary to serve the additional demand created by development. In addition, whilst some provision has been made and the economics of provision are recognised, the level of affordable housing supply is considered to be unacceptably low. As a result, the proposals do not adequately fulfil the social dimension of, and therefore do not comprise, sustainable development in the terms set out in the National Planning Policy Framework. The adverse impact of allowing the development will significantly and demonstrably outweigh the benefits of it. As a result, in addition to the conflict with the requirements of the National Planning Policy Framework, the proposals are contrary to the requirements of policies HSG3 and IMP1 of the East Herts Local Plan Second Review, April 2007 and policies EP1 and EP3 of the Bishop's Stortford Silverleys and Meads

Neighbourhood Plan.

The meeting closed at 9.25 pm

Chairman .....

Date .....