

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 WEDNESDAY
17 MAY 2017, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Ballam,
R Brunton, S Bull, M Casey, B Deering,
J Goodeve, J Jones and R Standley.

ALSO PRESENT:

Councillors G Cutting, G Jones, P Ruffles,
S Rutland-Barsby, N Symonds, C Woodward
and J Wyllie.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Stephen Tapper	- Senior Planning Officer

ALSO IN ATTENDANCE:

Mark Youngman	- Hertfordshire Highways
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26 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Freeman and K Warnell. It was noted that Councillors S Bull and S Cousins were substituting for Councillors M Freeman and K Warnell.

27 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public and outlined the housekeep arrangements. He stated that Councillor K Warnell had submitted his apologies to avoid any perception of bias as he had been actively involved in chairing meetings regarding the Bishop's Stortford Neighbourhood Plan.

The Chairman advised that the Committee would return to the normal schedule of meetings on 24 May 2017.

28 DECLARATIONS OF INTEREST

Councillor J Goodeve declared an interest in application 3/16/0530/OUT in the interests of transparency. She declared that her daughter was currently doing her university industrial placement year at Kier and that she had been made a verbal offer of employment upon graduation in 2018 and Kier formed part of Solum Regeneration who were the applicant. She wished to put on record this had no impact on her role as a DMC member and that she would make her judgement on the application with an open mind, listening to all the evidence.

29 3/16/0530/OUT - A HYBRID PLANNING APPLICATION FOR THE COMPREHENSIVE REDEVELOPMENT OF THE 5.82 HA GOODS YARD SITE FOR MIXED USE PURPOSES AT THE FORMER BISHOP'S STORTFORD GOODS YARD, STATION ROAD, BISHOP'S STORTFORD FOR SOLUM REGENERATION

The following addressed the Committee in objection to the application:

- Mr Rhodes (Bishop's Stortford Civic Federation)
- Mrs Goldspink
- Dr Wilson

The following addressed the Committee in support of the application:

- Mr Serginson (Solum Regeneration – Applicant)
- Mr Green (Savills – Applicant’s Agent)

Councillor R Gilbert addressed the Committee in objection to the application of behalf of Bishop’s Stortford Town Council. Councillors G Cutting and N Symonds addressed the Committee as local ward Members in respect of a number of concerns regarding the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/0530/OUT, subject to a Section 106 agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman referred to what was a complex application with a lot of associated documents for Members to consider. He summarised the application and invited the Head of Planning and Building Control to present the report.

The Head of Planning and Building Control referred to the additional representations summary and to an online petition submitted by the local Labour party. Officers pointed out that the postal addresses of signatories were not included in the petition and that the petition did not point to any particular issues. The Head also referred to a representation from the owner of the nearby Leisure Centre. The Chairman agreed that the remaining items in the update could be taken as read.

The Head summarised a number of key issues in the report and detailed the elements of the hybrid application that were in phase 1 and the particulars of the application that were in phases 2 to 4. Members were advised that prior to the amendment to the application that converted phases 2-3 to outline, a number of aspects of the

proposed development were considered unsatisfactory: the housing typology, the quality of the planned open space and riverside and the lack of enhancement to biodiversity. The site was considered very suitable for business uses which had not been included in the application.

The Head referred to details of phase 1 including traffic modelling of the planned north/south link road and its impact on the Hockerill controlled junction. Members were advised that the alignment of this link road could be changed to enable the road to be managed as either a route for buses, taxis and cycles only or as an all traffic through route following further modelling work.

Members were also advised that the scheme would improve the bus station and taxi rank as well as the quality of footpaths and cycle links. The Head stated that these planned improvements must connect to existing routes outside the site.

The Head referred to the importance of adequate and ample car parking. He made a final key point in terms of the amount of affordable housing proposed and its dependency on the financial viability of the development. He referred to financial contributions regarding infrastructure and the applicants' agreement to future reviews of the financial viability of the development that could lead to more affordable housing and social infrastructure improvements in due course.

Councillor M Casey made a number of points including whether the application could be deferred so the applicant could resubmit a full application for the whole site. He stated that he was in favour in principle of the scheme but was surprised that the link road was for buses and taxis only.

Councillor M Casey felt that this north/south link road should be open to all traffic and was of the view that the application was not in accord with the Bishop's Stortford

Town Centre Planning Framework. He concluded that the application constituted overdevelopment and the design in particular was horrendous and would be of no benefit to Bishop's Stortford.

Councillor D Andrews felt that the scheme was overdevelopment and expressed concerns regarding the transport interchange, the north/south link road and car parking. He expressed strong concerns in respect of the 'Lego' based design of the proposed development and felt that locating the multi storey car parks underground would result in a reduction in density above ground with more open space and less of a canyon effect. Councillor D Andrews considered that residents would suffer a poor standard of amenity by having a single aspect to the north with a consequent absence of direct sunlight and an unattractive outlook over a surface car parking area and a multi-storey car park.

Councillor D Andrews referred to this site being a good location for affordable housing yet the applicant was only offering 20% on one of the most sustainable sites in East Herts. He had concerns regarding the likely quality of living on the site and this was perhaps one of the most important decisions yet faced by Members of this Committee.

Councillor B Deering expressed sympathy with what was a benchmark development and he referred to a number of issues regarding architecture and design. He commented that the suggested phasing was pushing many of the more difficult decisions into the remaining phases of the proposed scheme.

Councillor J Jones felt that the scheme was a poor design and he was uncomfortable with many elements of phase 1. He referred to poor architectural proposals for a development that was in a very prominent position. Councillor R Brunton felt that the matter of viability carried very little weight. Councillor S Cousins commented that the proposed development would not be nice to live in or

to look at.

The Head summarised the policy background with reference to the East Herts Local Plan Second Review April 2007 being non-compliant with the latest national planning policy in particular with regard to the supply of land for housing. He advised that this had to be given significant weight. He referred to non-compliance with the emerging District Plan although this had not yet been through the examination process. He referred to any unresolved objections with the District Plan and the policies that were relevant to the proposed development and this site to give a context with regard to the weight that could be given to the emerging plan.

Members were reminded of the importance of housing delivery and the Council's current non-compliance with the need to demonstrate a 5 year supply of housing land. The Head referred to the presumption in favour of sustainable development unless the harm from any development was significant and demonstrable. Members were advised not to give weight to what might follow in later phases on the site other than to take into account the outline parameters.

The Head referred to the unconventional relationship in this case between the landowner and the applicant, which was a joint venture between Network Rail and Kier Homes. He stated that consultants had carefully and thoroughly considered the value of the scheme for the residents of Bishop's Stortford. He also stated that the matter of 20% affordable housing had been thoroughly tested against viability.

Members were advised that deferral was always an option but the application had been with the Authority for over a year and an agreement had been reached that the application would be determined by 31 May 2017, thereby reducing the likelihood of an appeal. Officers could go back to see if there was a willingness to negotiate further with the Applicants. There was always a risk that the

applicant could appeal non-determination after 31 May, should the application be deferred by Members.

In response to the comments and concerns regarding Highways, Mark Youngman from HCC Highways made a number of detailed points in relation to Essential Reference Paper 'D'. He emphasised that the impact of the scheme on the public highway had not been classed as severe, which was the test in the NPPF, and the sustainable location was a key consideration with this application. Members were advised that various traffic models had indicated that turning the north/south link road into a route for private cars was not a solution to the traffic problems in Bishop's Stortford. Highways Officers were also concerned that a further traffic route in front of the station would cause a degree of severance on the site.

The Highways Officer responded to comments from Councillor P Ballam regarding the practicalities of restricting certain modes of transport from using the north/south link road.

The Head responded in detail to a point raised by Councillor D Andrews regarding viability and paragraph 9.3.9 in the report submitted regarding the hotel and improvements in its design. The Head commented on the high density of the development and the need to reach a view on the importance of housing delivery versus the risks associated with not making a decision at this time.

The Chairman commented on the balance of considerations and whether more harm than good would result from this application. He also referred to the various aspects of the Bishop's Stortford Town Centre Framework.

The Head referred to policy compliance and advised that very rarely did an application comply with all local and national planning policy. Members should bear in mind the facilities and services for residents and they should

consider whether the benefits outweighed the harm. The Head referred to the NPPF test that was quite high in terms of whether the harm was significant and demonstrable. He referred to the emerging framework and the policy aspirations of the Council in relation to the site.

The Legal Services Manager advised that Members must be very specific regarding their reasons should the Committee be minded to defer the application. She advised that a single reason should be given rather than an extensive list. She commented that deferral would be dependent on whether the applicant would be willing to extend the time beyond 31 May 2017 for further dialogue with Officers.

Councillor R Brunton proposed and Councillor D Andrews seconded, a motion that application 3/16/0530/OUT be deferred to enable Officers to engage with the applicant regarding the design, density and architecture of the application as well as car parking, the north/south road link, loss of habitat and archaeology issues.

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

Councillor M Casey proposed and Councillor B Deering seconded, a motion that application 3/16/0530/OUT be refused on the following grounds:

1. That the design and architecture of Phase 1 of the proposed development was not of the high standard anticipated by the NPPF and development plan policies. Its appearance did not reflect the heritage and character of the market town and the river corridor by reason of the height and design of the buildings and the density of residential development. It failed to create a suitably attractive and memorable gateway to the town.
2. The application proposed no affordable housing

within residential blocks S1 and S2, and only 20% across the site as a whole and this was contrary to the Council's expectation that all developments of 15 or more dwellings provide up to 40% of the housing as affordable in order to make a contribution towards meeting local housing needs.

3. The occupiers of some flats within the residential blocks S1 and S2 will suffer a poor standard of amenity by reason of having a single aspect to the north, with a consequent absence of direct sunlight and an unattractive outlook over a surface car parking area and a multi-storey car park.
4. The number of parking spaces (31) allocated to residential blocks S1 and S2 would be at a ratio of 0.25 spaces per dwelling, which was contrary to the Council's standards. This shortfall would be likely to lead to indiscriminate parking in the locality, interference with the free flow of traffic, poor amenity for occupiers and detriment to the appearance of the site and its surroundings.

The Legal Services Manager advised the Committee that before a vote was taken she wanted to remind them that if they were minded to go against the Officer recommendation they must give sound planning reasons.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that, in respect of application 3/16/0530/OUT, outline planning permission be refused for the following reasons:

- 1 The design and architecture of Phase 1 of the proposed development was not of the high standard anticipated by the NPPF and development plan policies. In particular, its

appearance does not reflect the heritage and character of the market town and the river corridor by reason of the height and design of the buildings and the density of residential development. It failed to create a suitably attractive and memorable gateway to the town. It was therefore contrary to paragraph 58 of the NPPF, policy ENV 1 of the East Herts Local Plan Second Review April 2007, policies DES 3 and BISH 7 of the East Herts Submission District Plan and policy GY1 of the Examination Copy of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley.

- 2 All phases of the development meets the Council's criteria for the suitability of a site to provide affordable housing but the application proposes no affordable housing within residential blocks S1 and S2, and only 20% across the site as a whole. This was contrary to the Council's expectation that all developments of 15 or more dwellings provide up to 40% of the housing as affordable in order to make a contribution towards meeting local housing needs. It is therefore contrary to policies HSG 3 and HSG 4 of the East Herts Local Plan Second Review April 2007, policies HOU 3 and BISH 7 of the East Herts Submission District Plan and policy HDP 4 of the Examination Copy of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley.
- 3 The occupiers of some flats within the residential blocks S1 and S2 will suffer a poor standard of amenity by reason of having a single aspect to the north, with a consequent absence of direct sunlight and an unattractive outlook over a surface car parking area and a multi-storey car park. This would be contrary

to policies ENV 1 of the East Herts Local Plan Second Review April 2007, policy BISH 7(j) of the East Herts Submission District Plan and policy HDP 1(d) of the Examination Copy of the Bishop’s Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley.

- 4 The number of parking spaces (31) allocated to residential blocks S1 and S2 would be at a ratio of 0.25 spaces per dwelling, which is contrary to the Council’s standard, which, taking into account the location adjacent to the town centre and transport interchange, would be 55 spaces, which was a ratio of 0.45 This shortfall would be likely to lead to indiscriminate parking in the locality, interference with the free flow of traffic, poor amenity for occupiers and detriment to the appearance of the site and its surroundings. It is therefore contrary to policy TR 7 of the East Herts Local Plan Second Review April 2007, policy TRA 3 of the East Herts Submission District Plan and policy TP 8 of the Examination Copy of the Bishop’s Stortford Neighbourhood Plan for All Saints, Central, South and Part of Thorley.

Note – Councillor M Allen arrived after the meeting had started and took no part in the debate or vote.

The meeting closed at 9.43 pm

Chairman
Date