

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 19 JULY 2017, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, P Boylan, R Brunton,
S Bull, M Casey, M Freeman, J Goodeve,
J Jones, P Ruffles, R Standley and
K Warnell.

ALSO PRESENT:

Councillors S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

129 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D Andrews and B Deering. It was noted that Councillors P Boylan and S Bull were substituting for Councillors D Andrews and B Deering respectively.

130 CHAIRMAN'S ANNOUNCEMENTS

The Chairman congratulated Legal Services Manager, Victoria Clothier, on her recent marriage. Members congratulated the happy couple.

Members were reminded of the tour of the goods yard site that had been arranged for 20 July 2017 at 4.45 pm, followed by a briefing at the Rhodes Arts Complex at 6 pm where light refreshments would be available.

Members were requested to indicate page numbers when referring to paragraphs in the Committee reports to assist those who were viewing the agenda on electronic devices.

131 MINUTES – 24 MAY AND 21 JUNE 2017

RESOLVED – that the Minutes of the meetings held on 24 May and 21 June 2017, be confirmed as correct records and signed by the Chairman.

132 3/16/2296/OUT – REDEVELOPMENT OF EXISTING OFFICES AND STORAGE AND DISTRIBUTION PREMISES, TO CREATE RESIDENTIAL DEVELOPMENT OF 30 DWELLINGS WITH ASSOCIATED ACCESS ROADS, VEHICLE PARKING AND LANDSCAPING; CREATION OF NEW PUBLICLY ACCESSIBLE OPEN SPACE WITHIN DEVELOPMENT SITE AND IN ADJACENT WOODLAND. OUTLINE CONSENT – PERMISSION IS SOUGHT FOR ACCESS AND SCALE AT LAND EAST OF NETHERFIELD LANE, STANSTEAD ABBOTTS, SG12 8HE FOR WEBSTER ESTATES LTD

Mr Hayter addressed the Committee in objection to the application. Mr Fuselli and Mr Tarzey spoke for the application. Councillor Davies addressed the Committee in objection to the application on behalf of Stanstead Abbots Parish Council.

The Head of Planning and Building Control recommended that in respect of application 3/16/2296/OUT, subject to a legal agreement, outline planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor M Allen, as the local ward Member, commented on development not being seen in a negative perspective. He emphasised that the Authority considered all development proactively. He stated that whilst this development was well planned and well laid out, there were some significant issues. He referred to affordable housing and the fact that the site was located in the green belt. He concluded that more detail was required before Members could make an appropriate decision.

The Head referred to the late representations summary and additional information regarding suggested conditions should the application be approved. Members were referred to additional commentary from the Economic Development Manager and the Environmental Strategy and Development Manager.

The Head stated that, given the outline nature of the application and the fact that Section 106 matters were a matter for discussion, delegated authority was being sought for Officers to amend the financial provisions in any legal agreement. Members were advised that a key consideration was the reuse of previously developed land in the green belt. The Head detailed the National Planning Policy Framework (NPPF) description of previously developed land and Members were reminded that such redevelopment was not inappropriate in the green belt. Members were referred to page 9 of the report regarding openness and the green belt as well as the volumes of the proposed development in paragraph 10.4.

The Head reminded Members that marketing of the site was always encouraged where there would be a loss of employment land. He referred to a less than ideal policy scenario that had been presented in that the site had not been advertised as an employment site by the applicant. He also referred to the shortcomings of the buildings and the regulations around energy efficiency. Officers had acknowledged the lack of affordable housing and were in

agreement with the applicant's viability assessment that the costs of remediation works made the provision of affordable housing unviable. The NPPF stipulated that planning authorities should not seek to apply policy requirements where these rendered development proposals unviable.

Members were reminded of the NPPF requirement that where there was not a 5 years supply of housing land, applications should be approved unless there would be significant and demonstrable harm. The Head concluded that this application was for an additional 30 housing units to be added to the housing supply chain in East Herts.

Councillor S Bull commented that developments of over 10 dwellings qualified for affordable housing. He also referred to the issues of sustainability and car parking. Councillor P Ruffles referred to the status of the employment land and commented on the industrial past of Stanstead Abbots.

Councillor J Jones stressed that there had to be some affordable housing on this site. He referred to the potential lost benefit of jobs for the local economy. Councillor M Casey stated that the applicant should be required to market the site for 6 months before this application could be supported.

Councillor K Warnell referred to the issue of viability and stated that he believed the application was contrary to policies HSG3, HSG4 and EDE2 of the East Herts Local Plan Second Review April 2007. He expressed concerns regarding the 0% affordable housing proposed as part of this application. Councillor J Goodeve commented that viability on this site could be examined in the context on increasing house prices and whether affordable housing could be provided in future.

The Head confirmed that this was not a designated employment site. He stated however, that policy EDE2 required that action was taken to ascertain whether there

was any likelihood of the site being retained for employment before planning permission could be granted for other uses. Members must consider that although this scheme was not policy compliant, was the proposed development likely to cause harm that would significantly and demonstrably outweigh the benefits.

At the invitation of the Legal Services Manager, the Head reiterated that redevelopment of previously developed land was not inappropriate in the green belt. The NPPF was quite clear that redevelopment for any other use was acceptable.

Councillor J Jones proposed and Councillor M Allen seconded, a motion that application 3/16/2296/OUT be refused on the grounds that the proposal would result in the loss of an existing employment site which would be to the detriment of the economic well-being of the District and was therefore contrary to Policy EDE2 of the East Herts Local Plan Second Review April 2007 and Section 1 of the National Planning Policy Framework. The proposal also failed to make adequate provision for affordable housing and was therefore contrary to Policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and Section 6 of the National Planning Policy Framework.

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 3/16/2296/OUT, planning permission be refused for the following reasons:

1. The proposal would result in the loss of an existing employment site which would be to the detriment of the economic well-being of the District. The potential of the retention of the site for continued employment use has not

been fully assessed. As a result, the proposals are contrary to Policy EDE2 of the East Herts Local Plan Second Review April 2007 and Section 1 of the National Planning Policy Framework.

2. The proposal fails to make adequate provision for affordable housing, and therefore, whilst contributing to housing supply, fails to meet the range of identified need. As a result, the proposals are contrary to Policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007 and Section 6 of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

- 133 3/17/1086/VAR – VARIATION OF CONDITION 3 (APPROVED PLANS) OF 3/13/1820/FP - DEMOLITION OF EXISTING LAFARGE TARMAC DEPOT BUILDINGS AND STRUCTURES. CONSTRUCTION OF A MIX OF 8 SUSTAINABLE DWELLINGS TOGETHER WITH ASSOCIATED HIGHWAY WORKS, LANDSCAPING, WATER MANAGEMENT AND FOOTPATH PROVISION – CONDITION 3 TO BE VARIED TO: THE DEVELOPMENT HEREBY APPROVED SHALL BE CARRIED OUT IN ACCORDANCE WITH THE FOLLOWING APPROVED PLANS: 671.PB.100B, 2155/HP/1, 671.PB.102A, 671.PB.201B, 671.PB.200B, 671.PB.202B, 2373.TPP AND 2373.AIA REV B AT LAND ADJOINING SACOMBE ROAD, WATERFORD FOR TARMAC TRADING LTD
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The Head of Planning and Building Control recommended that in respect of application 3/17/1086/VAR, subject to a deed of variation to the Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Chairman summarised the situation for Members regarding the timeline of the relevant planning history. The Head confirmed that this application was simply to resolve an anomaly that had been referred to the Chairman in his introduction.

Councillor M Casey commented that the site was less than ideal for a housing development. He commented on whether Members were bound by the previous decision or should the whole application be considered afresh by the Committee.

Councillor P Ruffles referred to the site being in his ward and stated that the relationship of the site with the local environment was quite a good one. He referred to the site not being totally isolated due to an important footpath and he emphasised that rectifying the omissions from the earlier application was a positive step forward.

After being put to the meeting and a vote taken, the

Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1086/VAR, subject to a deed of variation to the Section 106 Agreement, planning permission be granted subject to the conditions detailed in the report.

- 134 3/17/0223/FUL – ERECTION OF A 3 STOREY BLOCK COMPRISING 7 X 2 BED FLATS AND 2 X 1 BED FLATS, TOGETHER WITH ASSOCIATED LANDSCAPING, CAR PARKING, CYCLE SHELTER AND REFUSE STORAGE BUILDING AT FOR LAND ADJACENT TO WALDEN COURT, PARSONAGE LANE, BISHOP'S STORTFORD, CM23 5DB FOR MR S GRUENFELD, STORTFORD HOMES LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/0223/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. He confirmed that 2 of the buildings on the site had been converted to residential use under recent permitted development legislation. He stated when sites were developed in a piecemeal manner, the Council's policies sought to ensure that the site was considered as a whole in respect of affordable housing and financial contributions.

Members were advised that the details of the County Council financial contributions were subject to further consideration following confirmation from the County Council that contributions for education and youth services only were to be required. Delegated authority was therefore being sought to resolve the final detail of this with the applicant.

The Head confirmed that the site was located within the built up envelope of the town and further development

was therefore considered to be acceptable. The proposed development was very similar in overall design and appearance to the rest of the site and the built form would sit comfortably with other developments in the immediate vicinity.

The Head advised that the affordable housing contribution was considered to be acceptable by the Council's housing managers and would work well as regards future management purposes. He referred to the commentary in the report regarding the reduction in the headline parking figure that would normally be sought on a development of 41 units. Officers felt 42 spaces would be acceptable given that the site was sustainable and was located within a reasonable distance from a variety of services and facilities, such as schools and employment spaces as well as the facilities in the town centre.

Officers had recommended the application for approval due to a favourable balance of considerations. Members were advised that Bishop's Stortford Town Council had now objected to the application on the grounds of a difficult site access and overdevelopment.

Councillor M Casey expressed concerns regarding the car parking provision. He commented that with parking provision of 1 space per flat any additional vehicles would end up being parked on Parsonage Lane. He believed that the scheme was 12 spaces short in terms of car parking provision.

Councillor J Jones referred to the issue of airport parking on roads in this part of Bishop's Stortford. He commented on whether overspill parking resulting from this scheme would exacerbate parking problems. He confirmed that he was content with the position regarding affordable housing.

Councillor K Warnell confirmed that he was happy with the proposed development but emphasised that he was also concerned over the lack of visitor parking and

general shortfall of parking provision on this site. He commented on whether a significantly larger amount of parking spaces could be sought than the number of units being proposed by this application.

The Head advised that the submitted plans appeared to indicate that there was scope for additional parking on site. He suggested that delegated authority be given to Officers to further explore the potential for this with the applicant given he was aware that the applicant was keen to resolve matters regarding affordable housing in a timely manner without having the application reported back to the Committee. Members were advised that Officers felt that an additional 6 spaces could easily be achieved on this site.

The Chairman referred to significant confusion regarding car parking and affordable housing provision. He made comments regarding the reasonableness and conduct of Officers giving further consideration to matters in advance of the Development Management Committee to seek to resolve matters which might be raised at the meeting and thereafter being granted delegated authority to deal with them. He believed that a clearer approach would be to defer the scheme to allow a further dialogue to take place between Officers and the applicant before the matter was determined.

The Head reminded Members to be mindful of the risks regarding the withdrawal of the affordable housing provision should the application be delayed by a deferral of permission. As part of the further Member debate around the issue of car parking, the Head advised Members that an element of visitor parking was accommodated within the Council's adopted parking standards.

Councillor K Warnell withdrew his earlier comment regarding whether significantly larger amount of parking spaces could be sought than the number of units being proposed by this application.

Councillor M Freeman stated that he was conscious that this was a public meeting and he sought to publically disassociate himself from the Chairman's previous comments regarding action taken by Officers. Members continued a general debate in respect of car parking standards and affordable housing.

After being put to the meeting and a vote taken, the Committee agreed that authority be delegated to the Head of Planning and Building Control to determine the application. Any scheme, as might be approved, shall provide a minimum of 56 car parking spaces. The Committee also delegated authority to the Head of Planning and Building Control to determine the funding elements and the final amounts to be secured through a Section 106 Planning Obligation agreement and to apply appropriate conditions.

RESOLVED – that (A) in respect of application 3/17/0223/FUL, authority be delegated to the Head of Planning and Building Control to determine the application and any scheme, as might be approved, shall provide a minimum of 56 car parking spaces; and

(B) authority be delegated to the Head of Planning and Building Control to determine the funding elements and the final amounts to be secured through a Section 106 Planning Obligation agreement and to apply appropriate conditions.

- 135 3/17/0819/SV – PLANNING REF: 3/13/2223/FP – THE PROPOSED CHANGE TO THE SECTION 106 AGREEMENT TO AMEND THE TENURE OF A 4 BEDROOM HOUSE (4 ARTHUR MARTIN-LEAKE WAY) FROM AFFORDABLE RENT (AR) TO SHARED OWNERSHIP (SO) AT 4 ARTHUR MARTIN-LEAKE WAY, HIGH CROSS, SG11 1BQ FOR B3 LIVING
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The Head of Planning and Building Control recommended

that in respect of application 3/17/0819/SV, subject to a deed of variation to the legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/0819/SV, subject to a deed of variation to the legal agreement, planning permission be granted subject to the conditions detailed in the report.

136 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

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.

The meeting closed at 8.46 pm