

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 13 FEBRUARY 2019, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, M Casey, B Deering,
J Jones, J Kaye, P Ruffles and T Stowe

ALSO PRESENT:

Councillors A Alder, E Buckmaster,
G Cutting, S Rutland-Barsby and J Wyllie

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Eze Ekeledo	- Service Manager (Development Management) Major Applications
Terence Flynn	- Arboricultural Officer
Peter Mannings	- Democratic Services Officer
William Richards	- Principal Planning Officer
Jill Shingler	- Planning Officer
Christine Ogunkanmi	- Project Manager

Nick Reed	- Planning Officer
David Snell	- Service Manager (Development Management)
Kevin Steptoe	- Head of Planning and Building Control Services

385 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping issues in relation to the fire alarm, exits, the need to silence mobile devices and the unisex toilets outside of the Council Chamber.

The Chairman stated that this was Kevin Steptoe's last meeting as the Head of Planning and Building Control as he had been seconded to the Harlow and Gilston Garden Town Project. He thanked Kevin for his consistent, sound and persuasive advice and for teaching him a lot during the monthly Chairman's Briefing. The Chairman concluded that Kevin's job had not been easy but he had always found time to talk to Members in a proactive manner.

386 DECLARATIONS OF INTEREST

Councillor T Page declared non-pecuniary interests in applications 3/18/0432/FUL and 3/18/1922/FUL on the grounds that he was a Member of Bishop's Stortford Town Council.

Councillor B Deering declared a non-pecuniary interest in application 3/18/0432/FUL on the grounds that he

was a Member of Hertfordshire County Council.

387 MINUTES - 16 JANUARY 2019

Councillor P Ruffles proposed and Councillor J Kaye seconded, a motion that the Minutes of the meeting held on 16 January 2019 be confirmed as a correct record and signed by the Chairman. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that the Minutes of the meeting held on 16 January 2019, be confirmed as a correct record and signed by the Chairman.

388 CONFIRMATION OF TREE PRESERVATION ORDER NO.7
2018 P/TPO 617 AT NORTH ROAD HOUSE, NORTH ROAD,
HERTFORD, SG14 1LR

The Executive Member for Development Management and Council support submitted a report inviting Members to consider the objections to the making of the Tree Preservation Order (TPO) received from the Managing Agents for the Neighbouring property Ebenezer Court, 2 North Road.

The Arboricultural Officer stated that Members were being asked to consider the objections and reasons for making the TPO and to determine whether Tree Preservation Order No 7 2018 P/TPO 617 should be confirmed without modification.

Councillor P Ruffles proposed and Councillor J Jones seconded, a motion that Tree Preservation Order No. 7

P/TPO 617 should be confirmed without modification. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendation of the Executive Member for Development Management and Council Support as now submitted.

RESOLVED – that Tree Preservation Order No 7 2018 P/TPO 617 be confirmed without modification.

- 389 3/18/0432/FUL - ERECTION OF MULTI STOREY CAR PARK (MSCP) OVER SIX LEVELS PROVIDING 546 SPACES, OPEN AIR SURFACE CAR PARKING FOR 27 SPACES TO THE NORTH OF THE CAR PARK. ERECTION OF A 4 STOREY BUILDING WITH COMMERCIAL USE AT GROUND FLOOR AND 15 RESIDENTIAL FLATS ARRANGED OVER THE UPPER 3 LEVELS, PROVISION OF OPEN SPACE AND ASSOCIATED HIGHWAY AND PUBLIC REALM WORKS. PROVISION OF EMERGENCY VEHICLE ACCESS BETWEEN ADJACENT YOUTH SERVICES SITE AND LAND TO EXTERNAL PARKING AREA TO NORTH OF MSCP. REMOVAL OF FENCE AND RETAINING WALL AT FOR EHDC CAR PARK AND LAND TO NORTH, NORTHGATE END, BISHOP'S STORTFORD CM23 2ET FOR EAST HERTS COUNCIL
-

The Head of Planning and Building Control recommended that in respect of application 3/18/0432/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of

Planning and Building Control, introduced the report and the reason for resubmission to the Committee following the judicial review process. He detailed the location of the site in the North East corner of the Bishop's Stortford conservation area. Members were advised of a number minor amendments as detailed in paragraph 1.4 of the report submitted. The Planning Officer advised that the only significant change as a result of amendments following the judicial review process was the deletion of the Multi Use Games Area (MUGA).

Members were advised that the application had been the subject of fresh consultation and Members were advised of the detailed policy background with particular reference to District Plan policy HA4 in respect of the character and appearance of conservation areas. Members were also advised that the proposed 197 spaces was a net gain on a smaller footprint than the current surface level car park.

The Planning Officer commented at length in respect of the material planning issues as well as the planning balance. He referred to what Officers believed was a neutral impact and advised Members that a neutral impact was not harmful and this was backed up by case law. The Head referred to the late representations summary and he advised that, if Members were supportive of the proposals, an additional informative was suggested that the applicant liaise with neighbours in respect of property access and safeguarding issues.

Mr Kratz addressed the Committee in objection to the

application. Miss Stephens spoke for the application. Councillor J Wyllie addressed the Committee as a local Member.

Councillor D Andrews referred to the need for clarity in respect of the number of parking spaces and the proposed tenure of the affordable housing units. Councillor J Kaye commented that the proposed development did not respect the colours used in nearby buildings. He emphasised that the development would be useful to Bishop's Stortford but would clearly not be welcomed by the residents of Yew Tree Place.

The Interim Legal Services Manager responded to a query from Councillor R Brunton in respect of the judicial review. He stated that this was essentially the same application with the minor change of the deletion of the MUGA. In his view the report had covered the issues raised by the high court judge.

The Head referred to the proposal for 40% affordable housing with shared ownership intermediate housing as being policy compliant. He reiterated that it was not the role of Members in this Committee to consider alternative sites. The site was located within flood risk zones 2 and 3 and the results of a flood risk assessment had indicated that the proposed mitigation measures would constitute an improvement in flood risk terms. A sequential test in terms of suitable alternative sites in respect of the flood risk had been satisfactorily undertaken.

The Planning Officer stated that the applicant had

sought to ensure that building materials would be in harmony with the brickwork that had already been used in the area such as that which could be seen in the nearby youth centre. Members were advised that for schemes such as the Old River Lane development proposals, facilities and infrastructure were essential to the success of such proposals.

Members were advised that this corner of the Bishop's Stortford conservation area was not extraordinary and an argument could be made that a surface level car park had a detracting influence. The Head explained that any harmful impacts had to be balanced against the public benefits of proposed development. He emphasised that Officers felt that the impacts of this application were neutral in respect of the character and appearance of the conservation area.

Councillor M Allen commented on condition 27 and the closure of the Causeway Car Park for public use. In response to comments from Councillors P Boylan, B Deering and J Jones, the Head explained that a ground level car park such as the Causeway was not considered to be an asset in conservation terms.

Members were advised that a neutral impact in respect of the conservation area meant that the proposed development would not harm the conservation area and would therefore at least preserve it. The impact of the proposals in relation to all relevant parts of policy HA4 of the District Plan had been set out in detail in the report.

The Head referred to the location of the nearby car

dealership making it a prominent building in the public realm. The proposed development car park building would be orientated north to south with narrow area of a visible frontage on the highway compared to the depth of the building. The development would also be stepped down from 6 to 4 storeys adjacent to the Link Road frontage and, to the west, would be partially concealed by the commercial/ residential building.

The Head referred to condition 27 regarding the closure of the Causeway Car Park and explained that the proposed Multi Storey would become the principle car park motorists would be directed to so as to avoid motorists circulating around the town centre road network looking for a parking space and causing resultant congestion.

The Head stated that conservation areas across the district, including Bishop's Stortford, had been subject to reassessment over the last 4 to 6 years. Their importance was as a result of a mix of attributes and not just the built heritage. The assessment report had not identified this application site location as being one which comprised an individually important site contributing to the character of the area. He advised Members to take a view, in respect of the impact on the conservation area, which considered the quality of it as a whole.

The Interim Legal Services Manager advised that taking a conservation area as a whole, there were a number of ways of looking at a conservation area rather than in terms of simply considering the physical appearance of buildings. Members should consider the application in

terms of harm and the benefits.

Councillor M Casey proposed and Councillor R Brunton seconded, a motion that in respect of application 3/18/0432/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted and authority being delegated to the Head of Planning and Building Control in respect of formulating the conditions going forward.

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

RESOLVED – that in respect of application 3/18/0432/FUL, planning permission be granted subject to the conditions detailed in the report submitted and authority being delegated to the Head of Planning and Building Control in respect of formulating the conditions going forward.

390 3/18/1760/FUL - DEVELOPMENT OF 140 DWELLINGS INCLUDING VEHICULAR AND PEDESTRIAN ACCESSES, CAR PARKING, OPEN SPACE, LANDSCAPING, GREEN INFRASTRUCTURE, SUSTAINABLE DRAINAGE SYSTEM, AND ASSOCIATED WORKS; AND PROVISION OF LAND TO FACILITATE THE EXPANSION OF MANDEVILLE PRIMARY SCHOOL AT LAND NORTH OF WEST ROAD, SAWBRIDGEWORTH (SAWB2)

The Head of Planning and Building Control recommended that in respect of application

3/18/1760/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, referred to paragraph 5.17 of the report submitted and stated this should have read 3FE in respect of Mandeville School. He referred to the master planning process and the adoption of the master plan for this area in July 2018.

Members were advised of the proposed layout and design of the application and were also advised that the Strategic Housing sites work had attached positive weight to this site. The planning balance was in favour of a sustainable form of development and this application had demonstrated a good standard of design and was judged to be sustainable. The Service Manager summarised the recommendation as detailed in the report submitted.

Mr Brudenell addressed the Committee in support of the application. Mr Bowran addressed the Committee in objection to the application on behalf of Sawbridgeworth Town Council. Councillors A Alder and E Buckmaster addressed the Committee in objection to the application as local ward Members.

Councillor J Jones commented on the level of pepper potting of the social housing being less than he considered to be desirable. He expressed concerns about the incomplete highways mitigation and was also concerned about the narrow access via West

Street.

Councillor P Boylan made reference to the clear level of concern amongst Town Council Members, local Members and Local Residents. He sought clarification with regard to whether there was a Neighbourhood Plan in preparation for the area. He also expressed concerns in respect of access for emergency vehicles.

Councillor T Stowe referred to paragraph 8.28 and the Section 278 agreement. He questioned whether conditions could control the use of the garage spaces on this site. Councillor M Casey commented on whether bungalows could be insisted upon as part of this application.

The Head referred to the master planning process and advised that the output of this process was more generic than planning application proposals. Members were advised that Officers had to judge the extent to which schemes were sufficiently aligned to the requirements of master plans. Members were also advised that West Road was the only viable option for vehicle access to this site.

The Service Manager stated that the proposed highways mitigation and the Section 278 agreement and the suggested highways junction had all been designed to the satisfaction and preference of the highway authority. This was all covered by different legislation to other mitigation conditions and legal agreements.

Members were also advised of the hybrid situation in

respect of forms of entry for schools. The Service Manager referred to the modelling of strategic sites being carried out by the education authority. He stated that the social housing would be pepper potted around the site and all of the houses would be of a uniform design. The social housing would therefore be indistinguishable from the market housing and the housing Officer was satisfied with this approach.

The Head summarised conditions 15 and 16 and stated that the site had been configured with emergency vehicles in mind in that the site had been designed to accommodate refuse vehicles which were about the same size as a fire engine. Members were also advised that all developers involved with Sawb 2 and 3 were committed to providing high speed fibre optic broadband.

Councillor D Andrews emphasised that fibre provision should mean to every household and not just a street cabinet. He commented on the illegal and dangerous practice of driving on the footway. He sought clarity in respect of electric vehicle charging points and the conditions and commented on the discharge of surface water.

Councillor J Jones expressed concerns that the NHS Section 106 contribution had not identified any specific project for the suggested contributions. The Head commented that the local NHS authority simply did not indicate specific local projects when requesting Section 106 contributions.

The Service Manager detailed the intended operation

of the Sustainable Urban Drainage Solution (SUDS). The Head responded in detail to a query from Councillor Andrews in respect of the bullet points on page 8.30 on page 252 of the report submitted. The Head referred in particular to conditions that could be amended to be clearer in respect the provision of car charging points.

Members were advised that the suggested drainage scheme stipulated that all surface water drainage would be absorbed on site except in cases of a 1 in 100 year flood event resulting in a discharge into the wider water system. The Service Manager referred to a number of flood attenuation measures included as part of the application.

Councillor D Andrews proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/1760/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted.

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

RESOLVED – that (A) in respect of application 3/18/1760/FUL, planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report submitted; and

(B) the Head of Planning and Building Control be granted delegated authority to finalise the

detail of the Legal Agreement and conditions.

At this point (9.53 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

- 391 3/18/1922/FUL - LANDSCAPE REDESIGN OF THE TOWN CENTRE PARK, INCLUDING PROTECTIVE CONSERVATION WORK TO WAYTEMORE CASTLE (GRADE 1 LISTED AND DESIGNATED SCHEDULED MONUMENT), CLADDING THE STEPS UP THE SIDE OF THE CASTLE MOUND, REMOVING CONCRETE CAPPING ON WELL AND REPLACE WITH GLASS COVER, NEW PATHS AND REVISED PATH NETWORK, REMOVAL OF EXISTING BRIDGE AND 2 FOOTBRIDGES, CONSTRUCTION OF NEW BRIDGE AND FOOTBRIDGE, REFURBISHMENT OF THE BUILDINGS, DEMOLITION OF GARAGES, RELOCATION OF THE TENNIS COURTS, EXPANSION OF THE TEENAGE RECREATION SPACE, RIVERBANK RE-GRADING, RELOCATION OF A VICTORIAN DRINKING FOUNTAIN, CHANGES TO TREES AND SHRUBS, IMPLEMENT NEW LIGHTING SCHEME. PARTIAL DEMOLITION AND CHANGE OF USE OF COMMUNITY BUILDING TO CAFE (A3 USE CLASS) WITH AN ASSOCIATED COMMUNITY ROOM, CONSTRUCTION OF ASSOCIATED TERRACE AND CHANGE OF USE OF TOILET BLOCK TO A COMMUNITY ROOM AT CASTLE GARDENS, WAYTEMORE CASTLE, THE CAUSEWAY, BISHOP'S STORTFORD, CM23 2EL

The Head of Planning and Building Control recommended that in respect of application 3/18/1922/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, summarised the application and detailed a number of elements of the proposed development including alterations to the park and opening up of the area around Waytemore Castle, improvements to the formal gardens around the war memorial and the introduction of a pontoon in the River Stort.

Members were advised that the Lead Local Flood Authority had not objected to the application and had submitted further comments as detailed in the additional representations summary. The Planning Officer advised that a further objection had been received from a resident and this was also detailed in the representations summary.

Members were advised that the tennis courts were to be moved away from the setting of Waytemore Castle and changes to the Markwell Pavilion included the demolition of the Elsie Barrett Room. A change of use of the disabled toilet block and removal of garages next to the pavilion was proposed along with a raised terrace area.

The Principal Planning Officer detailed the main planning issues for Members to consider. She referred in particular to the War Memorial as well as the improvements to the setting of the Listed Building. There would be no significant harm to the ecology of the area and bats would not be harmed by the proposed lighting as there were no roosting bats in the castle.

Members were advised that the improvements to the site outweighed the harm and flood risk would be mitigated by a sustainable drainage solution. The scheme was in accordance with the National Planning Policy Framework and would enhance the character and appearance of the area so was recommended for approval. Councillor J Wyllie addressed the Committee by reading out a statement on behalf of Mrs Mione Goldspink in objection to the application. He stressed that he was himself supportive of the application.

Councillor R Brunton proposed and Councillor P Boylan seconded, a motion that in respect of application 3/18/1922/FUL, the Committee support the recommendation for approval, subject to the conditions detailed in the report submitted.

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

RESOLVED – that (A) in respect of application 3/18/1922/FUL, planning permission be granted subject to the conditions detailed in the report submitted; and

(B) the Head of Planning and Building Control be granted delegated authority to add any further conditions, as might be required, with regard to flood risk and land drainage as a result of further response from the Lead Local Flood Authority.

392 3/18/2653/LBC - INTERNAL ALTERATIONS TO
OUTBUILDING TO CREATE SHOWER ROOM AT WALLFIELDS,
PEGS LANE, HERTFORD, SG13 8EQ

The Head of Planning and Building Control recommended that in respect of application 3/18/2653/LBC, subject to the outcome of referral to the Secretary of State, listed building consent be granted subject to the conditions detailed in the report now submitted.

Councillor M Allen proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/2653/LBC, subject to the outcome of referral to the Secretary of State, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

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

RESOLVED – that in respect of application 3/18/2653/LBC, subject to the outcome of referral to the Secretary of State, listed building consent be granted subject to the conditions detailed in the report submitted.

393 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.

The meeting closed at 10.10 pm

Chairman

Date