

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL
COMMITTEE HELD IN THE
WAYTEMORE ROOM, BISHOP'S
STORTFORD ON WEDNESDAY 11
FEBRUARY 2009 AT 7.30 PM

PRESENT: Councillor R Gilbert (Chairman)
Councillors M R Alexander, W Ashley,
K A Barnes, S A Bull, Mrs R F Cheswright,
R N Copping, A F Dearman (substitute for
Councillor B M Wrangles), J Demonti,
Mrs M H Goldspink, G E Lawrence, W Quince,
S Rutland-Barsby, G D Scrivener (substitute for
Councillor D A A Peek), J J Taylor, A L Warman
(substitute for Councillor A L Burlton).

ALSO PRESENT:

Councillors D Andrews, D Clark, P Grethe,
P A Ruffles and M J Tindale.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Tim Hagyard	- Development Control Team Leader
Liz Humby	- Development Control Team Leader
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

560 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A L Burlton, D A A Peek and B M Wrangles. It was noted that Councillors A F Dearman, G D Scrivener and A L Warman were in attendance as substitutes for Councillors B M Wrangles, D A A Peek and A L Burlton respectively.

561 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting.

The Chairman advised that he had agreed for the following matter to be considered as an item of urgent business:

E/08/0501/A – Prosecution action in relation to access to site to investigate an enforcement complaint at Barleycroft Works, Barleycroft End, Furneux Pelham, Herts, SG9 0LL

The Chairman commented that due to the heavy agenda he may move the item of urgent business up the agenda.

562 DECLARATIONS OF INTEREST

Councillor W Ashley declared a personal and prejudicial interest in application 3/08/2052/FP, on the basis that he was related by marriage to a partner in the company that was the applicant. He left the room prior to consideration of this item.

Councillor G D Scrivener declared a personal and prejudicial interest in applications 3/08/1666/FP and 3/08/1667/FP, on the basis that he had carried out work for the company that was the applicant. He left the room prior to consideration of these items.

Councillor G D Scrivener declared a personal interest in application 3/08/1994/FP and also in E/08/0463/A, on the basis that he was an acquaintance of the applicant.

Councillor A L Warman declared a personal and prejudicial interest in applications 3/08/2054/OP and 3/08/1925/FP, on the grounds that his wife worked for the Health Authority. He left the room prior to consideration of these items.

Councillor W Quince declared a personal and prejudicial interest in application 3/08/1465/FP, on the basis that he had done work for the company that was the applicant. He left the room prior to consideration of this item.

Councillor A F Dearman declared a personal interest in applications 3/08/0840/OP, 3/08/1783/FP, 3/08/1784/LB, 3/08/1994/FP and also in E/08/0463/A, on the basis that he was an acquaintance of the applicants involved.

Councillor M R Alexander declared a personal and prejudicial interest in application 3/08/2069/FP, on the basis that he had written a letter to the Hertfordshire Mercury on this item. Due to time constraints, this item was deferred from consideration to a future meeting of Development Control Committee.

Councillor S A Bull declared a personal interest in application 3/08/0840/OP, on the basis that he was an acquaintance of the applicant.

RESOLVED ITEMS

563 MINUTES

RESOLVED – that the Minutes of the meeting held on 14 January 2009 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Also in Attendance:

Delete –‘for minute 513.’

Replace with - ‘for minute 515’.

564 3/08/0840/OP - OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 50 DWELLING HOUSES TOGETHER WITH ACCESS ROAD AND LANDSCAPING AT LAND OFF TYLERS CLOSE, WEST OF GREENWAYS, BUNTINGFORD FOR MR GREG HODGE

Mr Jackson addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/0840/OP, outline planning permission be granted subject to the conditions now detailed.

The Director updated Members on the policy situation in respect of future housing supply. Councillor S A Bull, as the local ward Member, addressed the Committee in opposition to the application.

In response to comments from Members relating to conflicts in the policies of the East Herts Local Plan Second Review April 2007 and the East of England Plan, the Director commented that Members should have regard for all material considerations. The Director clarified the roles of the East of England Regional Assembly and the Annual Monitoring Report relating to future housing supply.

Councillor K A Barnes expressed concerns over the loss of land which acted as a buffer zone for the residents of Greenways. The Director commented that this was an outline application and the Committee should concentrate at this stage on the principle of the matter.

Councillor S A Bull proposed and Councillor Mrs M H Goldspink seconded, a motion that application 3/08/0840/OP be refused on the grounds that the application was contrary to policy GBC2 of the East Herts Local Plan Second Review April 2007.

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

was declared LOST.

After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Director of Neighbourhood Services that application 3/08/0840/OP be granted outline planning permission, subject to the conditions now detailed.

RESOLVED – that (A) subject to no objections being raised by the Secretary of State following referral to him as an application involving a departure from the Development Plan; and DNS

(B) the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters: DNS

1. The provision of financial contributions of £625 per 1 bed residential unit, £750 per 2 bed unit, £1125 per 3 bed unit, and £1500 per 4+ bed units towards sustainable transport schemes and measures in the vicinity of the site;
2. The provision of a financial contribution of £9000 towards public transport infrastructure improvements;
3. The provision of library contributions, in accordance with the current HCC Contributions Table;
4. The provision of Nursery, Middle and Upper Education contributions, in accordance with the current HCC Contributions Table;
5. The provision of Youth and Childcare infrastructure contributions, in accordance with the current HCC Contributions Table;
6. The provision of parks and public spaces and provision for children and young people

contributions, in accordance with the standard charges in East Herts Council's Planning Obligations Supplementary Planning Document October 2008;

7. The provision of fire hydrants;
8. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing;
9. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards and scaled drawings to be submitted at reserved matters stage of internal layout and external spaces for these dwellings.

in respect of application 3/08/0840/OP, outline planning permission be granted subject to the following conditions:

1. Outline permission time limit (1T03);
2. Outline – submission of details (2E01);
3. Programme of archaeological work (2E02);
4. No development, including site clearance or any archaeological investigation, shall take place within the bird breeding season (1 March – 31 August), unless otherwise agreed in writing by the local planning authority. If breeding birds are found during site clearance, work must stop immediately and a statutory authority or suitably qualified ecologist informed. An appropriate mitigation strategy to address this issue, should these circumstances arise, be devised by the applicant and agreed in writing by the LPA. Once agreed, any measures shall be implemented as such and subsequently retained, where

appropriate;

Reason: To protect the habitats of breeding birds under the Wildlife and Access to the Countryside Act 1981, and in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007;

5. Prior to the commencement of any works on the site, an ecological survey of the site, shall be carried out and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate such impact, shall be submitted to for the written approval of the Local Planning Authority. Mitigation measures shall be carried out in accordance with the approved scheme and thereafter be retained where appropriate;

Reason: To enable proper consideration of the effect of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with accordance with Policies SD4 and ENV16 of the East Herts Local Plan Second Review April 2007;

6. Construction parking and storage (3V22);
7. Wheel washing facilities (3V25);
8. Contaminated Land survey and remediation (2E332);

Directives:

1. Planning Obligation (08PO);
2. Please note that if either before or during construction works it is discovered that the site is contaminated the responsibility for safe development and secure occupancy of the site lies

with the developer;

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD4, HSG3, HSG4, HSG6, GBC2, GBC3, TR2, TR3, TR7 ENV1, ENV2, ENV11, ENV16, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

565 3/08/2054/OP – RESIDENTIAL DEVELOPMENT, COMMUNITY USES (DOCTORS SURGERY, EARLY YEARS CENTRE AND ASSOCIATED PARKING) AT LAND TO SOUTH OF STATION ROAD, WATTON-AT-STONE FOR HERTFORDSHIRE COUNTY COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/08/2054/OP, outline planning permission be granted subject to the conditions now detailed.

The Chairman commented that he had received an e-mail of support for the Director's recommendation from the local ward Member.

Councillor Mrs M H Goldspink expressed her support for the Director's recommendation. She commented on whether an off site foot link could be provided to create a shorter access route to the nearby children's play facility. The Director advised that the access related to third party land so there could be no guarantee that a third party landowner would be willing to assist but officers would seek to achieve the desired link.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/08/2054/OP be

granted outline planning permission, subject to the conditions now detailed.

RESOLVED – that subject to the applicant entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:

DNS

1. The provision of financial contributions of £625 per 1 bed residential unit, £750 per two bed residential unit, £1125 per three bed residential unit, and £1500 per four bedroom house, index linked by SPON from the date of grant of planning permission, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site;
2. In respect of the community uses, the provision of financial contributions of £55,000 index linked by SPON from the date of grant of planning permission, which shall be payable upon commencement of the development towards sustainable transport schemes and measures in the vicinity of the site, to include the provision of measures to reduce the speed of vehicles on Station Road;
3. No development shall take place on the area of land shown to be allocated for an Early Years Centre and doctors surgery, and associated land, until the land allocated as Public Open Space to the south of the site has been transferred to the District Council;
4. Not to permit the occupation of more than 75% of the free market dwellings until the freehold of the Public Open Space has been transferred to the Council and the open space contribution has been paid in full to the District Council;

5. The provision of primary education, youth service and library contributions, in accordance with the HCC Planning Obligations Contributions Table;
6. The provision of fire hydrants in accordance with the current HCC Planning Obligations Contributions Table;
7. The provision of 40% affordable housing comprising 75% rented and 25% intermediate market housing;
8. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards and scaled drawings to be submitted at reserved matters stage of internal layout and external spaces for these dwellings;
9. The provision of a public right of way through the development connecting public routes at Station Road, Church Lane and Glebe Close;
10. The provision of off site open space contributions for the full amount of open space provision required in respect of the residential element of the proposal in accordance with the East Herts SPD, Planning Obligations 2008;
11. The provision of commuted sums for the maintenance of open space in accordance with the East Herts SPD, Planning Obligations 2008;
12. The provision and retention of a minimum of 0.53 hectares of publicly accessible open space to the south of the allocated housing site as shown on the indicative layout;
13. The provision and retention by Herts County Council of 0.40 hectares of open space to the south east of the site as shown on the indicative

layout;

14. The provision of recycling contributions, in accordance with the East Herts SPD, Planning Obligations 2008;
15. The provision of a Green Travel Plan including measures to encourage the use of sustainable modes of transport;

in respect of application 3/08/2054/OP, outline planning permission be granted subject to the following conditions:

DNS

1. Outline permission time limit (1T03);
2. Each use (residential development, early years centre and doctors surgery) of the development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings relating to that use showing the siting, design and external appearance of the buildings, and landscaping of the site, which shall have been approved in writing by the Local Planning Authority before any development is commenced;

Reason: To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995;

3. No development shall take place on each use (residential development, early years centre and doctors surgery) of development hereby permitted the until the applicant has secured the implementation of a programme of archaeological work for that use in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To secure the protection of and proper provision for any archaeological remains, in accordance with Government advice set out in PPG16 'Archaeology and Planning' and in accordance with policy BH2 of the East Herts Local Plan Second Review April 2007;

4. Wheel washing facilities (3V25);
5. Existing access closure (3V05);
6. Construction parking and storage (3V22);
7. Prior to any site works being commenced, concurrent with the construction of the access, visibility splays of 2.4 metres x 90 metres eastbound and 4.5 metres x 90 metres westbound shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600 mm and 2 metres above the carriageway;

Reason: In the interests of highway safety;

8. If, during development of any part of the site, any contamination not previously identified is found to be present, no further development shall be carried out until further details of the remediation strategy have been submitted to and agreed in writing by the Local Planning Authority;

Reason: To prevent pollution to groundwater;

9. Prior to the commencement of each use (residential development, early years centre and doctors surgery) of the development hereby permitted the development hereby approved, details of a scheme to incorporate a sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or other period to be agreed in writing with the Local Planning Authority;

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site;

10. Prior to the commencement of any part of the development hereby approved, further surveys of the site, shall be carried out in respect of the impact upon badgers, nesting birds, reptiles and slow worms and details including an assessment of the impact of the proposed development and any appropriate measures to alleviate such impact, shall be submitted concurrently with the submission of site layout drawings, for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in accordance with those approved details;

Reason: To enable proper consideration of the effect of the development on the contribution of nature conservation interests to the amenity of the area, in accordance with the Policy ENV16 of the East Herts Local Plan Second Review April 2007;

11. The noise control measures identified in the submitted assessment shall be completed before any part of the development is occupied;

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV29 of the East Herts Local Plan Second Review;

Directive:

1. The applicant is advised that the local planning

authority would wish to secure an improvement to the current informal access to the nearby open space/recreation area.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies GBC1, OSV1, OSV4, SD1, SD2, SD3, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR4, TR7, ENV1, ENV2, ENV3, ENV4, ENV11, ENV16, ENV25, ENV27, LRC1 and LRC3. The balance of the considerations having regard to those policies is that permission should be granted.

566 3/08/1925/FP – DEMOLITION OF EXISTING POLICE STATION BUILDING AND CONSTRUCTION OF MIXED USE DEVELOPMENT INCLUDING 94 RESIDENTIAL FLATS, 39 HOUSES, AN 80 BED HOTEL, AN 80 BED NURSING HOME, RETAIL UNIT AND A PRIMARY CARE TRUST CENTRE, TOGETHER WITH UNDERGROUND, SURFACE AND GARAGE PARKING FOR 274 CARS AT HERTFORD POLICE STATION, WARE ROAD, HERTFORD FOR ZBV (HERTFORD) LTD AND HERTFORDSHIRE POLICE AUTHORITY

Mr Brown addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1925/FP, planning permission be refused for the reasons now detailed.

The Director advised that an additional letter of representation had been received in objection to the application. Hertfordshire County Council Children, Schools and Families had objected on the grounds that the local education authority could not guarantee additional demand for primary school

places could be met.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1925/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/08/1925/FP, planning permission be refused for the following reasons:

DNS

1. The applicant has failed to prove the need for the retail store and hotel at this site; that there are no sequentially more suitable sites; or that the proposal would not result in unacceptable impacts on the existing town centre. The proposal does not therefore meet the tests of national planning guidance in PPS6 and is contrary to Policy STC6 of the adopted East Herts Local Plan Second Review April 2007;
2. The proposed buildings, by reason of their siting, height, form, design, scale and massing fail to respond to the context of the site; the pattern of local development; or to reflect local distinctive qualities. As such, the proposal would be harmful to the character and appearance of the site and its surroundings. Inadequate provisions are also made for open space; protection of existing and provision of new landscaping; and public routes through the site are poorly overlooked and unattractive to users. The proposal is therefore contrary to policies ENV1, ENV2, ENV3 and LRC3 of the East Herts Local Plan Second review April 2007 and national guidance in PPS1;
3. The application fails to satisfactorily demonstrate the site's impact upon highway safety, capacity and free flow of traffic and fails to demonstrate satisfactory measures to adequately off-set the highways impact of the development. Traffic arising from the proposed development would

therefore be likely to interfere with the free and safe flow of traffic, be detrimental to highway safety, and the environment and amenity of nearby residential areas;

4. The application provides inadequate provision for space within the site for the parking of vehicles clear of the highway, and if permitted would be likely to lead to additional on-street parking to the detriment of public and highway safety;
5. The proposal fails to make adequate financial provision for highways and other infrastructure improvements to support the proposed development, and it is unclear that adequate provision would be made for affordable housing. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

567 (A) 3/08/1783/FP - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AND CREATION OF ASSOCIATED OFF-STREET PARKING WITH REVISED VEHICULAR ACCESS; AND (B) 3/08/1784/LB - CONVERSION OF EXISTING BUILDING TO FORM 9 NO. THREE BEDROOM AND 3 NO. TWO BEDROOM HOUSES AT CENTRAL MALTINGS, NEW ROAD, WARE HERTS SG12 7BS FOR MR M J WARNER

Mr Davis addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that in respect of applications 3/08/1783/FP and 3/08/1784/LB, planning permission and listed building consent be refused for the reasons now detailed.

Councillor J J Taylor addressed the Committee in support of the applications. She detailed the history of the malting buildings and sought clarity on which architectural features

Officers felt could be lost if the application was approved. She also commented that her objections to the previously refused application at the adjacent northern malting had been addressed in this application for the central malting.

Councillor Taylor stated that the main external features of the central malting would be maintained. She expressed her concern over the comments of the Conservation Officer and commented that there was no evidence of dilapidation on the site. She referred to the access via the new entrance being an asset to the application.

Councillor R N Copping expressed concerns on the reason for refusal that stated that the unsympathetic expanses of hard standing to the front of the site would be detrimental to the setting of the listed building.

The Director commented that the limited scope for amenity for residents had been a concern for Officers. He stated that creating a good quality residential development was considered to be difficult due to significant levels of hard standing making landscaping provision difficult on the site.

The Director commented that if Members were minded to reject the Officer's recommendation it would be appropriate to defer the matter so that legal obligation matters could be addressed, so that Officers could seek further clarification on the treatment of the building and the potential to maximise the landscaping provided. Officers could report back with details of appropriate conditions at a future meeting of the Committee.

Councillor R Gilbert proposed and Councillor M R Alexander seconded, a motion that applications 3/08/1783/FP and 3/08/1784/FP be deferred to enable Officers to enter into discussions with the applicant with a view to securing a suitable Planning Obligation agreement in relation to the development of the site, to resolve details of hard and soft landscaping incorporating land to the north of the access onto New Road and to enable Officers to enter into discussions with the applicant to secure details setting out the retention of

historic features of the building and other details of treatment as appropriate.

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 that applications 3/08/1783/FP and 3/08/1784/LB be refused planning permission and listed building consent for the reasons now detailed.

RESOLVED – that (A) in respect of application 3/08/1783/FP, planning permission be deferred to enable Officers to:

DNS

1. enter into discussions with the applicant with a view to securing a suitable Planning Obligation agreement in relation to the development of the site;
2. resolve details of hard and soft landscaping incorporating land to the north of the access onto New Road.

(B) in respect of application 3/08/1784/LB, listed building consent be deferred to enable Officers to enter into discussions with the applicant to secure details setting out the retention of historic features of the building and other details of treatment as appropriate.

DNS

568 3/08/1761/OP – DEMOLITION OF 39 AND 41 HAYMEADS LANE TO PROVIDE ACCESS AND RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF 37-57 HAYMEADS LANE, BISHOP'S STORTFORD FOR EUROPEAN LAND HOLDINGS LTD

Mr Haswell addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1761/OP, outline planning

permission be granted subject to the conditions now detailed.

The Director referred to the comments of the public speaker on compulsory purchase orders. He advised that a private company could not proceed with Compulsory Purchase Orders as these must be confirmed by the Secretary of State. The local planning authority does have the power to advance such orders but generally does not do so.

The Director stated that Officers had received an additional letter of objection. Representation had been received raising concerns in respect of additional traffic resulting from this application.

Councillors Mrs M H Goldspink, K A Barnes and W Quince expressed concerns relating to over development, additional traffic and the loss of two habitable dwellings.

The Director advised caution in relation to Members' concerns as the highways authority had not objected to the application. He advised Members that the policies of retaining existing good quality housing in use and enabling further housing development were not in conflict. These proposals would maximise the housing available and therefore were compatible with the thrust of the Councils policies.

Councillor Mrs M H Goldspink proposed and Councillor K A Barnes seconded, a motion that application 3/08/1761/OP be refused on the grounds that proposed access would result in the loss of two properties of good condition, would result in the disruption to the regular pattern of development which establishes that character and would thereby be contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007.

After being to the meeting a vote taken, this motion was declared CARRIED.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/1761/OP be granted outline planning permission, subject to the conditions

now detailed.

RESOLVED – that in respect of application 3/08/1761/OP, outline planning permission be refused for the following reasons:

DNS

1. The proposed access would result in the loss of two properties of good condition which, in combination with adjacent dwellings, contribute to the distinctive character and appearance of the street scene. The loss would result in the disruption to the regular pattern of development which establishes that character. It would thereby be contrary to policies HSG7 and ENV1 of the East Herts Local Plan Second Review April 2007.

569 3/08/1465/FP – TENNIS CENTRE INCORPORATING INDOOR COURTS, POOL, GYM, AND OUTDOOR FACILITIES INCLUDING OUTDOOR SWIMMING POOL, TENNIS COURTS AND GOLF RANGE AT LAND WEST OF SELE FARM ESTATE, WELWYN ROAD, HERTFORD FOR DAVID LLOYD LEISURE

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1465/FP, planning permission be granted subject to the conditions now detailed.

The Director advised of a number of amendments to the section 106 obligations. The 30 mph speed limit had been implemented for Welwyn Road so the developer would no longer be responsible for the costs of introducing this restriction.

The Director advised that the financial contribution towards public transport infrastructure improvements should have read £55,000, not £75,000 as detailed in the report now submitted. Condition 8 should be amended to ensure provision of cycling parking facilities for a minimum of 25 cycles.

The Director commented that condition 20 should be amended to ensure that details of the location, design and

means of operation of any vehicle or other access barrier, shall be submitted to and approved in writing by the Local Planning Authority, prior to first occupation.

The Director also commented that condition 25 should be amended to ensure no external lighting be switched on before a time to be agreed in writing by the Local Planning Authority. The County Archaeologist raised no objections and the Hertfordshire County Council waste disposal unit had commented that toxic waste must be disposed of in line with waste disposal policy.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1465/FP be granted planning permission, subject to the conditions now detailed.

RESOLVED – that subject to the applicants entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

DNS

1. The provision, prior to the commencement of works on the site, of the following highway related matters:
 - (a) Widening of Welwyn Road at the proposed vehicular access to provide a right hand turning lane, pedestrian refuge islands, and appropriate white line markings;
 - (b) The provision of a shared use cycle/ pedestrian way alongside Welwyn Road from the point of access into the development to the western end of the existing footway and the widening and conversion of the existing footway for shared use between its western end and Windsor Drive including all administrative and legal costs of that conversion;
 - (c) Provision of streetlighting on Welwyn Road from

the western end of the existing streetlighting to a point just west of the access junction improvement mentioned at (a) above;

- (d) The provision of a bus stop and shelter on the northern side of Welwyn Road at least 120m east of the proposed junction, and the provision of a bus stop, shelter and section of footway on the southern side of Welwyn Road together with green carriageway surfacing. Neither shelter shall have any illuminated advertisements.
2. The provision and dedication of footpaths within the site, linking Sele Farm estate with BR11 and FP61;
3. The provision and implementation of a landscaping scheme, together with a scheme of management for the landscaping of the whole site, including the retention of the public open space recreation areas and the retention, protection of and long term maintenance of the County Wildlife Site and a commitment that such land will be safeguarded against the provision of any further building;
4. The provision of a community package providing free and/or reduced cost access for schools and the local community to the club facilities;
5. The provision of a financial contribution of £55000 towards public transport infrastructure improvements.

in respect of application 3/08/1465/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12);

2. Levels (2E05);
3. Boundary walls and fences (2E07) insert 'including catch and security fencing';
4. Materials of construction (2E11);
5. Refuse disposal facilities (2E27);
6. No external loudspeakers (2E25);
7. No external lighting (2E26) insert 'with the exception of the lighting shown on the plan approved hereby';
8. Cycle Parking facilities (2E29) insert 'for a minimum of 25 cycles';
9. Approved accesses only (3V04);
10. Existing access closure (3V05);
11. Hard surfacing (3V21);
12. Construction parking and storage (3V22);
13. Wheel washing facilities (3V25);
14. Green Travel Plans (3V27) insert ' The approved Travel Plan shall be implemented and retained in force.';
15. Tree retention and protection (4P05);
16. Hedge retention and protection (4P06);
17. Landscape design proposals (4P12);
18. Landscape works implementation (4P13);

19. Construction hours of working plant and machinery (6N07);
20. Details of the location, design and means of operation of any vehicle or other access barrier, shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of development;

Reason: The plans submitted are insufficient for consideration of the details mentioned;

21. Prior to the commencement of development, detailed plans showing the proposed junction access arrangements, and the internal vehicular areas, shall be submitted to and approved in writing by the Local Planning Authority. Such works shall be carried out in accordance with the approved plans, and in the case of the works for the access junction, shall be provided prior to the commencement of any further works on the site;

Reason: In order to ensure adequate highway arrangements for the development at all times;

22. Prior to the first occupation of the development hereby permitted, details of a phased parking scheme shall be submitted to and approved in writing by the Local Planning Authority. Spaces shall be provided within the application site for the parking of cars in accordance with the approved scheme and such spaces shall be retained at all times for use in connection with the development hereby permitted;

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007;

23. Notwithstanding the submitted plans, landscaped mounding shall be provided in the areas indicated by green lines on the plan approved hereby in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development;

Reason: In the interests of visual amenity in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007;

24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, the areas shown for landscaping on the plans approved hereby shall be retained and maintained as open landscaping, and shall not be developed, enclosed or used in any way that is detrimental to that character;

Reason: To ensure the continuity of amenity value afforded by the approved landscaping, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007;

25. Any external lighting shall not be switched on before a time to be first agreed in writing by the Local Planning Authority. In any event, the external lighting of any sports facilities shall be switched off by 2230 hours, and any lighting to the parking areas shall be switched off by 2359 hours on any day. No lighting shall be brought into operational use until such time as appropriate hooding and shielding has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with those approved details;

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 and

ENV23 of the East Herts Local Plan Second Review April 2007;

26. Details of any external plant, or external ducts and extractors, including location, design and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. There shall be no occupation of any part of the development for its permitted use prior to the implementation of noise abatement measures that have been submitted to and approved in writing by the Local Planning Authority;

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007;

27. Access to and egress from the site for works in relation to the development approved hereby, shall only be obtained from the approved access as shown on the plan approved hereby;

Reason: To ensure a satisfactory access for the construction traffic;

28. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority, of proposed measures for controlling dust arising from the carrying out of development. Such measures shall be in operation during the whole of the period when works in connection with the development are being undertaken;

Reason: In the interests of the amenities of nearby residents in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007;

29. There shall be no occupation of any part of the development for its permitted use prior to the

provision of an illuminated footpath link not exceeding 400m in overall length between the existing bus stop in Bentley Road and the entrance of the indoor tennis club building. Where the footpath link crosses the land marked yellow on the plan approved hereby it shall have a minimum width of 2m and shall be dedicated as a public highway. The whole footpath link shall not be constructed other than in accordance with plans which shall first have been submitted to and approved in writing by the Local Planning Authority;

Reason: To minimise the reliance upon private car transport in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007;

30. No soakaways shall be constructed in contaminated ground;

Reason: To prevent pollution of the water environment in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007;

31. The construction of the foul and surface water drainage system shall be carried out in accordance with details submitted to and approved in writing by the Local Planning Authority before the development commences;

Reason: To ensure appropriate means of drainage of the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007;

32. No works or development shall take place until full details of a scheme for the construction of a cycleway and footway in front of Nos. 6 to 10 and 12 to 16 Welwyn Road has been submitted to and approved in writing by the Local Planning Authority. No building within the development is to

be occupied until the cycleway and footway has been constructed in accordance with the details agreed in writing, and shall thereafter be retained to the satisfaction of the Local Planning Authority;

Reason: To minimise the reliance upon private car transport in accordance with in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007;

33. Prior to the commencement of any works on the site and at an appropriate time of year a surveys of bat, badger, reptile and invertibrate activity, including details for their protection and any necessary mitigation measures, shall be undertaken by a suitable specialist. This shall be submitted to and approved in writing by the Local Planning Authority and any subsequent mitigation shall be undertaken in accordance with the findings of the survey;

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007;

34. Prior to the commencement of development details of measures to be incorporated into the scheme to minimise the risk of crime and to meet the specific security needs of the development shall be submitted to and approved by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details;

Reason: To ensure that the necessary crime prevention measures are incorporated into the development in accordance with Policy ENV3 of the East Herts Local Plan Second Review April

2007;

35. Prior to the commencement of development details of measures for securing more than 10% of the energy for the development from sustainable energy shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented thereafter to the satisfaction of the Local Planning Authority;

Reason: To ensure the requirements of ENG1 of the Regional Spatial Strategy are met;

36. Prior to the commencement of construction works hereby permitted remediation of the site shall be carried out in accordance with the Remediation Strategy hereby approved. Any amendments to these proposals shall be submitted to and approved in writing by the Local Planning Authority prior to any works being carried out. On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans;

Reason: To minimise and prevent pollution of the land and the water environment and ensure the effectiveness of the remediation strategy in mitigating contamination and preventing pollution of controlled waters in accordance with Policy ENV20 of the East Eerts Local Plan Second Review April 2007;

37. Prior to the commencement of development details of the foundation design shall be submitted to and approved in writing by the Local Planning Authority;

Reason: To minimise and prevent pollution of the land and the water environment in accordance

with Policy ENV20 of the East Eerts Local Plan
Second Review April 2007;

38. The function room and restaurant shall be vacated
by 2359 hours on any day;

Reason: In the interests of amenities of the
residents of nearby properties.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD4, SD5, GBC1, TR1, TR2, TR3, TR4, TR7, TR13, ENV1, ENV2, ENV3, ENV4, ENV11, ENV14, ENV15, ENV16, ENV20, ENV21, ENV23 and ENV24. The balance of the considerations having regard to those policies and other material considerations is that permission should be granted.

- 570 3/08/2037/OP – OUTLINE APPLICATION FOR UP TO 5,000 SQUARE METRES OF B1 BUSINESS UNITS TO INCLUDE APPROVAL OF ACCESS, LAYOUT AND SCALE AT THE FORMER PARK AND RIDE CAR PARK, WOODSIDE INDUSTRIAL ESTATE, DUNMOW ROAD, BISHOP'S STORTFORD FOR M AND D DEVELOPMENTS LTD

Jane Orsborn addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/2037/OP, outline planning permission be refused for the reasons now detailed.

The Director advised that Councillor M G Carver had set out some comments on the matter in his role with the Chamber of Commerce. Councillor Carver had emphasised the critical

importance of supporting developments of this nature in the current economic climate.

The Director advised that the previous use of the site as a park and ride facility was an acceptable use in the metropolitan green belt.

Councillor Mrs M H Goldspink proposed and Councillor W Quince seconded, a motion that application 3/08/2037/OP be approved as the proposed development would not be of detriment to the character of the area and would provide for an identified need for employment land in Bishop's Stortford.

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

The Director sought and was given direction from Members as to whether Officers should seek to secure section 106 contributions for sustainable transport measures.

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/08/2037/OP be refused outline planning permission for the reasons now detailed.

Councillor K A Barnes requested that his abstention from voting be recorded.

RESOLVED - that (A) authority be delegated to Officers to, subject to referral of the application to the Secretary of State as a departure from the Local Plan, grant permission subject to:

DNS

a legal agreement securing a financial contribution of £24,000, index linked, from the date of the grant of the planning permission towards sustainable transport measures in the vicinity of the site.

(B) in respect of application 3/08/2037/OP, outline planning permission be granted subject to the following

DNS

conditions:

1. Outline permission time limit (1T13);
2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the appearance of the buildings and landscaping of the site, which shall have been approved in writing by the Local Planning Authority before any development is commenced;

Reason: To comply with the provisions of Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995;

3. Restriction of use (buildings) (5U021);

Insert 'Use Class B1';

Insert 'B';

4. The permission hereby granted relates to the provision of 5,000 square metres floorspace. The creation of any additional floorspace within the buildings shall not be undertaken unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure that the Local Planning Authority retains control over any future development as specified in the condition and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007;

5. The permission hereby granted relates to the provision of 13 incubator units, each of no more than 60 square metres in floorspace. The creation of any additional floorspace within the buildings shall not be undertaken unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure that the Local Planning Authority retains control over any future development and the need for small industrial units is provided for;

6. Boundary walls and fences (2E07);
7. Withdrawal of P.D. (Part 2 Class A) (2E21);
8. Covered cycle parking facilities shall be provided, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development and thereafter retained and made available for use in accordance with the approved details;

Reason: To encourage the use of cycles as means of transport, in accordance with policies TR13 and TR14 and Appendix II of the East Herts Local Plan Second Review April 2007;

9. Refuse Disposal Facilities (2E24);
10. Lighting Details (2E27);
11. Provision and retention of parking spaces (3V23);
12. Wheel Washing Facilities (3V25);
13. Tree retention and protection (4P05);
14. Hedge retention and protection (4P06);
15. Prior to the commencement of the development hereby approved, details of construction vehicle movements and construction access arrangements shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, and

thereafter all construction vehicle movements shall accord with the approved details;

Reason: To ensure the impact of construction vehicles on the local road network is minimized;

16. Prior to the first occupation of the development, a Green Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority and the Highway Authority, which shall include measures to encourage the use of sustainable modes of transport with the objective of reducing the staff and visitors to the site travelling by private car. Prior to the first occupation of the development, the agreed plan shall be implemented and complied with thereafter;

Reason: To promote the use of non car modes of transport in accordance with national guidance in PPG13 and policy TR4 of the East Herts Local Plan Second Review April 2007;

17. No external storage (5U09).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, GBC1, TR1, TR4, TR7, TR14, EDE8, ENV1, ENV2, ENV9, ENV11 and IMP1. The balance of the considerations having regard to those policies and the proposed development would not be of detriment to the character of the area and would provide for an identified need for employment land in Bishop's Stortford is that permission should be granted.

571 3/08/1528/FP – MIXED USE REDEVELOPMENT OF PART OF THE MCMULLEN'S BREWERY SITE, COMPRISING A FOODSTORE AND CONVERSION OF THE FORMER BREWERY BUILDING TO PROVIDE ELEMENTS OF THE FOODSTORE, INCLUDING CAFE, OFFICES AND COMMERCIAL SPACE, COMMUNITY SPACE, ASSOCIATED CAR PARKING AND LANDSCAPING, RIVERSIDE WALK, RE-NATURALISATION OF RIVER BANK, BRIDGE LINK TO TOWN CENTRE, RE-ROUTING OF HARTHAM LANE AND ASSOCIATED PROVISION OF NEW ACCESS AND SERVICING POINTS, AMENDED DESIGN AND ADDITIONAL INFORMATION AT MCMULLEN'S BREWERY SITE, HARTHAM LANE, HERTFORD, HERTS FOR SAINSBURY'S SUPERMARKETS LTD

Mr Wilson, on behalf of the applicant, addressed the Committee in support of the application and drew attention to Circular 5/2005.

The Director of Neighbourhood Services recommended that , in respect of application 3/08/1528/FP, the Committee endorse the agreement reached between the applicant and Officers with regard to all legal obligation matters. He advised that all conditions and obligations are appropriate and reasonable and Members are requested to endorse the proposals now detailed.

The Director also recommended that, should Members endorse the conditions and section 106 obligations now detailed, then application 3/08/1528/FP be referred to the Secretary of State as required by virtue of the Town and Country Planning Shopping Direction. He explained that referral as a departure from the policies of the development plan was not required.

The Director provided a detailed breakdown of the amended conditions, legal agreement obligations and summary of reasons for decision now detailed.

The Committee was advised that a letter of objection had been received from Tesco, raising concerns over the approach of the Local Planning Authority in processing the application. The letter had been sent direct to Members of the Committee and a further copy circulated prior to the commencement of the meeting. The Director advised that the contents of the Tesco representation had been considered but had not necessitated any change to the Officer's recommendation.

The Director advised that a further letter from a resident and County Councillor had been received, raising a number of issues that had already been addressed at the previous meeting of the Committee. No new issues had been raised by this representation.

Councillor S Rutland-Barsby reiterated her concerns that traffic would always remain an issue at the junction used to access the site. She commented that she would abstain from any further discussion and any subsequent voting on this application. Councillor Mrs R F Cheswright commented that this was a severely congested site for traffic accessing the road network.

The Director reminded the Committee of the outcome of the January meeting where Members had supported application 3/08/1528/FP in principle and had deferred the matter to enable Officers to formulate appropriate conditions and legal agreement obligations. The decision now being sought by Officers was not one of principle, but whether the details of the section 106 contributions and conditions now detailed were acceptable.

After being put to the meeting and vote taken, the Committee endorsed the conditions now detailed and endorsed the view that it was appropriate and reasonable to require the matters now detailed to be accommodated in a section 106 planning obligation pursuant to section 106 of the Town and Country Planning Act 1990. The Committee endorsed the referral of the application to the Secretary of State with a

recommendation for approval.

Councillors S Rutland-Barsby and J J Taylor requested that their abstentions from voting be recorded.

RESOLVED - that (A) following the resolution of the Committee, on 14 January 2009, to grant planning permission in respect of application 3/08/1528/FP, the inclusion of the following elements in a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 be approved:

DNS

1. The funding of a design competition for improvements to the public realm in Old Cross and Bull Plain to mitigate the impact of the proposed development, in accordance with a specification to be agreed, to undertake consultation on the results of that competition; to meet the costs associated with providing engineering details and costings, of professional fees not exceeding £20,000, and to meet 50% of the costs of final implementation of schemes, which may be agreed, up to a maximum contribution of £150,000, index linked;
2. The submission of a planning application, of professional fees not exceeding £10,000, seeking permission for the development of a pedestrian bridge at Dolphin Yard (to an agreed specification) within an agreed timescale and be required to provide funding of £60,000 index linked toward the construction of such a bridge if permission is granted;
3. The provision of non vehicular public rights of way for pedestrians and cyclists on the new riverside route between the site and Folly Island and through the site along the alignment of the former Hartham Lane;
4. The payment to the Council the sum of £5000 to

be used for the extension of an alcohol ban area across the Hartham Common area;

5. The payment to the Council of £10,000 to provide funding for a public arts project at the entrance to Hartham Common within the vicinity of the site;
6. The payment to the Highways Authority the sum of £505,000, index linked, for the delivery of sustainable transport measures in the vicinity of the site including improvements to bus stops, Hertford Bus Station, pedestrian and cyclist facilities identified in the Transport Assessment and such schemes as may be identified in the Hertford Transport Plan 2009/2010 to improve access by means of transport other than the private car;
7. Provision of a Green Travel Plan to include:-
 - Objectives for maximising the proportion of trips by sustainable modes of transport for staff, store and office, and customers including subsidised taxi services and home delivery schemes;
 - Provision of information for staff and customers;
 - Details of targets, monitoring and management of plan with an annual report to be submitted to the Council;
 - Monitoring of trip rates for the first 5 years including provisions for further sustainable payments of £50,000 per annum for five years, in the event that predicted trip rates materially exceed those in the Transport Assessment at Table 5.2, in accordance with an agreed methodology;

8. The management and pricing structure of the shopper's car park, to match adjacent public car parks, in order to promote linked shopping trips and general use by town centre shoppers;
9. The payment to the County Council the sum of £4,000 for the provision of library services;
10. The payment of £25,000 for the provision of a new pedestrian/cyclist crossing of Port Hill;
11. The payment to the Council of £25,000 for funding of consultation and traffic regulation orders in connection with a potential residents parking scheme within the wider Port Vale area;
12. The payment of £15,000 to the highways authority for traffic regulation orders related to parking measures around the site;
13. Provision of a scheme to be agreed with the local planning authority for the maintenance and management of the community space and interpretation spaces, within the Brewery for the first 5 years of operation;
14. Contributions of £25,000 towards a Traffic Management Scheme to address increased problems of "rat running" through the Port Hill area of Bengo.

(B) the application be referred to the Secretary of State with a recommendation that planning permission be granted subject to the following conditions:

DNS

1. Three Year Time Limit (1T12);
2. Samples of Materials (2E12) ... "including rainwater goods";

3. Sample brickwork panel (2E35);
4. Materials arising from demolition (2E32);
5. Cycle Parking Facilities (2E29);
6. Programme of archaeological work (2E023);
7. New doors and windows, “add... roof eaves, shopfront and canopy” (2E34);
8. Prior to the occupation of the retail store, or within such timetable as may otherwise be agreed in writing, the repairs and refurbishment of the listed brewery, shall be implemented in accordance with a programme of works to be submitted and as approved in writing with the local planning authority;

Reason: To ensure the repair and enhancement of the listed brewery, to make it ready for occupation for office, community and arts spaces, and in the interests of the Conservation Area and in accordance with Policies BH6 and BH10 of the East Herts Local Plan Adopted Second Review April 2007;

9. Refuse disposal facilities (2E24);
10. Parking provision and retention (3V23). Add... “The car park shall include the designation of a taxi rank as indicated on plan 2500 SK1008A.”
11. Landscape Design (4P12). Add--- “The details shall extend to the landscaping of areas of Hartham Common, within the District Council’s ownership, to the north of the site, including the enhancement of the recycling bins provision and the implementation of off site works in plan

06055/32”.

- (a) Means of enclosure
- (b) Hard surfacing materials
- (c) Planting plans
- (d) Schedules of plants

12. Landscape Implementation (4P13);
13. Landscape Maintenance (4P17);
14. Retention of landscaping (4P21);
15. Withdrawal of permitted development rights (Part 2 Class A) (2E21);
16. The retail store hereby permitted shall only be open for customers between the hours of 7am to 10pm and for no more than six hours on Sundays and Bank Holidays;

Reason: Having regard to the amenities of nearby residents and in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

17. The use of the retail store hereby permitted shall be solely for Class A1 planning use with ancillary A3 Café use. The net retail sales floor area shall not exceed 2328sqm;

Reason: Having regard to the retail needs tests of the development and to ensure the scale of the use is appropriate to the site, its provisions for car parking and its retail impacts on the town centre in the interest of the appearance of the Conservation Area and in accordance with Policies ENV1 and

STC1 of the East Herts Local Plan Adopted Second Review April 2007 and national guidance in PPS6;

18. Prior to the first use of the store, precise details shall be submitted of the internal ground floor layout of the store, for areas within 10m of glazed sections of the north and east elevation, and as approved in writing of the local planning authority. Such details shall indicate open areas behind the proposed shop windows within the north and east elevations of the building. No posters, boards, display equipment or other obstructions shall be placed within the identified shop window areas unless as otherwise agreed in writing with the local planning authority. The development shall thereafter be laid out in and occupied in accordance with the approved details;

Reason: To ensure that the main building frontages and shop window areas for the new building are attractive and retain transparency in the interest of the appearance of the development in the Conservation Area and in accordance with Policies ENV1, BH6 and STC1 of the East Herts Local Plan Adopted Second Review April 2007;

19. Prior to the commencement of the development, details of a phasing programme for the development of the site; methods for accessing the site and provisions for construction traffic access, wheel washing facilities; associated parking areas and storage of materials shall be submitted to and as approved in writing by the local planning authority. The development shall thereafter proceed in accordance with the approved details;

Reason: To ensure that adequate access for existing users and businesses is maintained at all times and ensure the development proceeds

without undue interference to the safe and convenient use of the public highway;

20. Construction and hours of working (6N07);
21. Prior to the commencement of the use of the store all highway works, including those specified below, shall be completed in accordance with the approved plans, and thereafter retained, unless as otherwise agreed in writing by the local planning authority;
 - (a) All access roads, parking areas, and pedestrian links, as shown on the approved plan Dwg No. 2500 SK 1008 Rev A;
 - (b) Amendments to the Hartham Lane / Cowbridge junction as shown on the approved plan Dwg No. 62422/A/19 Rev A;
 - (c) Realigned Hartham Lane, including new footways;
 - (d) Pedestrian / cycle link (min 3m wide) and bridge to Folly Island as shown on the approved plan Dwg No. 06055/28 Rev D;
 - (e) Loading facilities for the listed building as indicated on Dwg No. 62422/AR/W1;

Reason: To ensure the development makes adequate provision for off street parking and maneuvering of vehicles associated with its use.

22. Existing access closure (3V051)
23. The following visibility splays shall be provided and permanently maintained within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level:

- (a) Dwg No. 62422/A/7 Rev B – 20mph forward visibility at service yard corner.
- (b) Dwg No. 62422/A/25 Rev A – Visibility splays from existing business access.
- (c) Dwg No. 62422/A/21 – Visibility splays from revised McMullen access.
- (d) New store access with realigned Hartham Lane, 2.4 x 43m.

Reason: To ensure adequate visibility for drivers entering and leaving the site;

- 24. No external loudspeakers (2E253);
- 25. No deliveries to the site by Articulated HGV deliveries shall take place between 7am and 7pm. The applicant shall provide plans for an agreed approach to the site via Parliament Square and Mill Bridge and in the event of compliance problems shall keep a written record of deliveries by vehicles and delivery time and date for such period as the local planning authority may subsequently request;

Reason: To mitigate the impacts of deliveries on the environment and in the interests of highway safety;

- 26. Piling Works (2E39);
- 27. Prior to the commencement of the use of the store, fire hydrants shall be installed at the site in accordance with details to be previously approved in writing by the local planning authority;

Reason: To ensure the appropriate provision of

hydrants for emergency vehicles;

28. Bat protection (2E19);
29. Breeding Season: Site clearance of buildings, trees and shrub removal should avoid the breeding seasons of 1st March to 30th August unless otherwise agreed in writing with the local planning authority;

Reason: To avoid unnecessary disturbance to breeding birds in accordance with Policy ENV16 of the adopted East Herts Local Plan April 2007;

30. Floor levels for the building shall be set at least 300mm above the 1 in 100 year level plus climate change flood level of 37.57m above Ordnance Datum;

Reason: To reduce the risk of flooding on the proposed development and future occupants/customers in accordance with Policy ENV19 of the adopted East Herts Local Plan April 2007;

31. Prior to the commencement of the use of the store, works for the disposal of surface and foul water shall have been provided on site in accordance with details first submitted to and as approved in writing by the local planning authority;

Reason: In the interests of securing the sustainable and satisfactory drainage of the site and reduce the risks of flooding, in accordance with policies ENV18 and ENV19 of the East Herts Local Plan Second Review April 2007;

32. Prior to the commencement of the use of the store, directional signage at the site and interpretation boards at the riverside shall be erected in accordance with details to have been

submitted and as approved in writing with the local planning authority;

Reason: To assist with increasing the linkage of the site to the town centre and its surroundings and to increase awareness of the history and ecology of the local rivers, and in accordance with Policies ENV1 and BH6 of the adopted East Herts Local Plan April 2007;

33. The development shall be operated incorporating the provisions of the renewable energy systems as detailed within the submitted Energy Statement, and the use of locally sourced supplies (within 10 miles of the site) for the biomass boiler, or by the use of other renewable technologies as otherwise may be agreed in writing with the local planning authority;

Reason: To ensure the energy efficiency of the building and sustainable design within the development in accordance with Policies SD1 and ENV1 of the adopted East Herts Local Plan.

Directives:

1. Other legislation (010 L1)
2. Relationship with Listed Building Consent (26LB1)
3. Ownership (020W1)
4. Highway Works (05FC2)
5. The applicant is advised to liaise with the Council's Environmental Health section to ensure the proper legal disposal of asbestos at the site.

Summary of Reasons for Permission

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, TR1, TR3, TR4, TR5, TR7, TR8, TR12, EDE1, STC1, ENV1, ENV2, ENV18, BH2, BH6, BH10, BH11, BH12, LRC1, LRC4, LRC9, HE8 and IMP1. The balance of the considerations having regard to these policies, the benefits of the regeneration and improvements to this part of the Hertford Conservation Area, the repair and reuse of the listed brewery building, the benefits of new edge of town centre shopping and shoppers parking and the proposed S106 mitigation package and town centre enhancements override other material considerations and concerns regarding highways access and traffic congestion and are such that planning permission should be granted.

- 572 (A) 3/08/1666/FP - DEMOLITION OF EXISTING CHICKEN FARM BUILDINGS AND AGRICULTURAL BUNGALOW AND THE ERECTION OF 4 NO. DETACHED HOUSES AND 2 NO. SEMI-DETACHED AFFORDABLE DWELLINGS; AND (B) 3/08/1667/LC – DEMOLITION OF EXISTING CHICKEN FARM BUILDINGS AND ASSOCIATED AGRICULTURAL BUNGALOW AT TWO ACRES FARM, BARKWAY ROAD, ANSTEY, HERTS, SG9 0BN, FOR M H DEVELOPMENTS

Mr Brewer addressed the Committee in support of the applications.

The Director of Neighbourhood Services recommended that, in respect of application 3/08/1666/FP, planning permission be refused for the reasons now detailed. The Director also recommended that, in respect of application 3/08/1667/LC, conservation area consent be approved subject to the conditions now detailed.

Councillor Mrs R F Cheswright, as the local ward Member, expressed concerns that future occupants would be wholly

reliant on private cars due to poor levels of public transport. She commented that affordable housing was the only acceptable type in a category 3 village.

Councillor Mrs M H Goldspink sought and was given clarification in respect of investigations for alternative uses on the site. The Director commented that there could be potential alternative uses. He also commented that planning policy restricted development to larger villages and towns due to better transport links. Any affordable housing would need to be secured by means of a legal agreement.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1666/FP be refused planning permission for the reasons now detailed.

Also, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/1667/LC be approved conservation area consent subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/08/1666/FP, planning permission be refused for the following reason:

1. The application site lies within the Rural Area as defined in the East Hertfordshire Local Plan wherein there is a presumption against development other than required for agriculture, forestry, small scale local community facilities or other uses appropriate to a rural area. The local planning authority is not satisfied that the benefits of the proposed scheme are adequate justification for the provision of new, largely free market, house building in this unsustainable rural location. The development would thereby be contrary to the aims and objectives of policies GBC2 & GBC3 of the East Herts Local Plan Second Review April 2007.

(B) in respect of application 3/08/1667/LC, conservation area consent be granted subject to the following conditions:

1. 8L13 – Conservation Area (clearance of site);
2. 8L12 – Conservation Area (demolition).

573 E/08/0501/A – PROSECUTION ACTION IN RELATION TO ACCESS TO SITE TO INVESTIGATE AN ENFORCEMENT COMPLAINT AT BARLEYCROFT WORKS, BARLEYCROFT END, FURNEUX PELHAM, HERTS, SG9 0LL

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/08/0501/A, prosecution action be authorised on the basis now detailed.

The Committee supported the Director's recommendation for prosecution action to be authorised in respect of the site relating to E/08/0501/A on the basis now detailed.

RESOLVED – that in respect of E/08/0501/A, the Director of Neighbourhood Services, in consultation with the Director of Internal Services, be authorised to commence a prosecution under Section 196C(2) of the Town and Country Planning Act 1990 (as amended) and obtain a warrant under 196B(1) of the Town and Country Planning Act 1990 (as amended) requiring admission to the land.

DNS/
DIS

Period for compliance: Not applicable.

At this point (10.26 pm), the Committee passed a resolution that the meeting should continue until 11.00 pm.

574 3/08/2052/FP – RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF BUILDINGS B AND C TO STORAGE (B8) ANCILLARY TO WORKSHOP (B1) AND STORAGE USE OF BUILDING D, AND WITH IMPROVED ACCESS AT LITTLE SAMUELS FARM, WIDFORD ROAD, HUNSDON, SG12 8NN, FOR A.T. BONE AND SONS

The Director of Neighbourhood Services recommended that in respect of application 3/08/2052/FP, planning permission be granted subject to the conditions now detailed.

Councillor J J Taylor expressed concerns over the proposed activities on the site being designated a B1 usage. She expressed a view that the use was more B8 than B1. Councillor Taylor commented that the Committee must consider the likely detrimental impact of lorries on residents' amenity.

Councillor M R Alexander commented that the applicant had spent considerable time and money in efforts to address concerns that had been raised by Officers, Members and residents. He commented that there was little more the applicant could reasonably do to alleviate concerns.

The Director commented that the Committee must make a judgement on the hours of use that Members consider are acceptable. Councillor D Clark, as the local ward Member commented that the change in land ownership had allowed many of the outstanding issues to be addressed.

The Committee had a lengthy debate around the hours of use in the conditions detailed in the report now submitted.

Councillor K A Barnes proposed and Councillor W Quince seconded, a motion that the conditions be amended so that no work was permitted on Sundays and Bank Holidays and that all the time limit conditions applied should be framed in this way.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/2052/FP be approved planning permission subject to the amended conditions now detailed.

RESOLVED - that in respect of application 3/08/2052/FP, planning permission be granted subject to the following conditions:

DNS

1. Within three months of the grant of this permission, a scheme for hardstanding surface treatment of the access road, which shall be designed and implemented in such a way as to reduce the impact on neighbour amenity in terms of noise and disturbance shall be submitted to and approved in writing by the Local Planning Authority;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

2. No industrial process, nor the use of any power tools, shall take place anywhere on the site, other than within the building(s);

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

3. No power tools, equipment, machinery or plant shall be operated outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours on Saturdays and at no time on Sundays and Bank Holidays;

Reason: To safeguard the amenities of nearby

residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

4. All plant, machinery and equipment installed or operated in connection with the permission shall be enclosed with sound insulating materials and installed using appropriate anti-vibration mountings in a way that minimizes the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

5. No commercial vehicles shall be loaded/unloaded from the site outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours on Saturdays and at no time on Sundays and Bank Holidays;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

6. No deliveries shall be taken at or dispatched from the site outside the following times 0730-1900 hours Monday – Friday and 0730-1600 hours on Saturdays and at no time on Sundays and Bank Holidays;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

7. No commercial vehicles shall be started up and manoeuvred within the site outside the following times 0600-2100 hours Monday – Friday and 0630 – 2000 hours on Saturdays and at no time on

Sundays and Bank Holidays;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

8. The number of movements of articulated HGV lorries entering into or out of the site shall not exceed 6 per calendar month and the number of movements of heavy goods vehicles (over 7.5 tonnes) shall not exceed 20 per calendar month, unless otherwise agreed in writing by the Local Planning Authority. A diary shall be kept of all heavy goods vehicles movements and shall be made available to the District Council upon request;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

9. Within three months of the grant of this permission a scheme shall be submitted to the LPA setting out the details of boundary treatment and landscaping to be applied to the boundary of the site and access adjacent to 49 Widford Road. Such a scheme shall be designed to reduce the impact of the proposed uses on neighbour amenity in terms of noise, activity and disturbance. Once agreed in writing by the LPA, the scheme, amended as necessary, shall thereafter be implemented within a further agreed timescale and thereafter retained. The timescales set out in this condition can be amended with the agreement of the LPA;

Reason: To safeguard the amenities of nearby residents, in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007;

10. Within three months of the grant of this

permission, the revised access arrangement as detailed within plan number B01/10/01A shall be fully implemented to the satisfaction of the Local Planning Authority;

Reason: To provide adequate visibility for drivers of vehicles entering and leaving the site;

Directives:

1. Highways works (05FC2);
2. The applicant is advised to consider the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure, Minerals Local Plan, Waste Local Plan and East Herts Adopted Local Plan Second Review April 2007 and in particular policies GBC3, GBC9, TR2, TR20, ENV24 and ENV1. The balance of the considerations having regard to these policies in this case is that planning permission should be granted.

575 (A) 3/08/2022/LC - DEMOLITION OF EXISTING BUNGALOW; (B) 3/08/2021/FP - CONSTRUCTION OF REPLACEMENT DWELLING AND CART LODGE AND; (C) 3/08/2023/FP- EXTENSION TO EXISTING BUNGALOW, CONVERSION OF THE ENLARGED ROOF SPACE AND ERECTION OF CART-LODGE AT ELFERING BANK, LITTLE HADHAM FOR MRS LINDSEY DYBELL

Mr Kain addressed the Committee in opposition to the application. Mr Ready spoke for the application.

The Director of Neighbourhood Services recommended that in respect of application 3/08/2022/LC, conservation area

consent be granted subject to the conditions now detailed. The Director of Neighbourhood Services also recommended that in respect of applications 3/08/2021/FP and 3/08/2023/FP, planning permission be granted subject to the conditions now detailed.

The Director commented that the Historic Environment Unit, Hertfordshire County Council recommended that if planning permission was granted, a condition be attached requiring a programme of archaeological work in accordance with a written scheme of investigation.

The Director advised that Little Hadham Parish Council had objected to the applications. The principal objection was in respect of the location of the proposed dwelling on an elevated plot within a conservation area. The Parish Council had also commented that the proposed change of size and position would be detrimental to the character of the area and was contrary to policies ENV1, ENV5 and BH6 of the East Herts Local Plan Second Review 2007.

The Director stated that the Little Hadham Conservation Society had raised strong concerns in respect of the impact of the development on the historic centre of the Conservation Area. A local resident had commented that the application posed a threat to the privacy and Conservation area status of the surrounding area.

The Director advised that a detailed letter had been received from the applicant's agent, commenting on the representations made by the Parish Council and local residents.

Councillor M J Tindale, as the local ward Member, addressed the Committee in opposition to the applications. He expressed concerns that the applications would result in an overbearing development in a conservation area. He commented that the proposed development was contrary to policies ENV1, ENV5 and BH6 of the East Herts Local Plan Second Review April 2007.

Councillor Mrs M H Goldspink proposed and Councillor A L Warman seconded, a motion that applications 3/08/2021/FP and 3/08/2023/FP be refused on the grounds that the proposed replacement dwelling would be over dominant in relation to neighbouring properties and detrimental to the character and appearance of the area and the Conservation Area and was contrary to policies ENV1, ENV5, ENV6, BH5 and BH6 of the East Herts Local Plan Second Review April 2007.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/08/2022/LC be granted Conservation Area Consent subject to the conditions now detailed.

Also, the Committee rejected the recommendations of the Director of Neighbourhood Services that applications 3/08/2021/FP and 3/08/2023/FP be granted planning permission subject to the conditions now detailed.

RESOLVED - that (A) in respect of application 3/08/2022/LC, conservation area consent be granted subject to the following conditions:

DNS

1. Conservation Area (clearance of site) (8L133);
2. Materials arising from demolition (2E322);
3. Construction hours of working- plant & machinery (6N072);
4. Conservation Area (demolition) (8L12).

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England

Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular BH4. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/08/2021/FP, planning permission be refused for the following reason: DNS

1. The proposed replacement dwelling, by reason of its size, appearance and elevated position, would be overdominant in relation to neighbouring properties and detrimental to the character and appearance of the area and the Conservation Area. It is thereby contrary to policies HSG7, ENV1 and BH6 of the East Herts Local Plan Second Review April 2007.

(C) in respect of application 3/08/2023/FP, planning permission be refused for the following reason: DNS

1. The proposed extensions and the resulting dwelling would be overdominant in relation to neighbouring properties and detrimental to the character and appearance of the area and the Conservation Area. It is thereby contrary to policies ENV1, ENV5, ENV6, BH5 and BH6 of the East Herts Local Plan Second Review April 2007.

576 DEFERRED ITEMS

At this point (11.25 pm), the Committee concluded and the remaining business was deferred until the next meeting.

RESOLVED – that the following items be deferred for consideration to the next meeting:

- Application 3/08/1994/FP and E/08/0463/A;

- Application 3/08/1963/FP;
- Application 3/08/2069/FP;
- Enforcement E/07/0325/A;
- Enforcement E/08/0355/A;
- Enforcement E/08/0410/A;
- Enforcement E/08/0101/A;
- Enforcement E/09/0008/A;
- Enforcement E/09/0040/B; and
- Items for Report and Noting.

The meeting closed at 11.25 pm

W:\BSWP\NPS\DevCon\2008-09\11 February 2009\Minutes 11 February 2009.doc

Chairman
Date