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Chairman and Members of the
Development Control Committee.

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Our ref: PM.
Date: 18 October 2010

cc. All other recipients of the
Development Control Committee
agenda.

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE - 20 OCTOBER 2010.

Please find attached the following reports which were marked "to follow" on the agenda for the above meeting. The Chairman has agreed to accept application 3/10/1500/FO onto the Agenda as an urgent item to avoid undue delay in determining this matter.

4. Minutes (Pages 3 - 18).

To confirm the Minutes of the meeting of the Committee held on Thursday 30 September 2010.

5. Planning Applications and Unauthorised Development for Consideration by the Committee.

- (I) 3/10/1271/FO – Variation of Condition 3 of planning permission ref. 3/08/1390/FP to allow for the removal of approved pedestrian gate and the provision of pole mounted amber flashing lights mounted at roadside on approach to pedestrian crossing point at Paradise Wildlife Park, White Stubbs Lane, Broxbourne, EN10 7QA. (Pages 19 - 26).
- (J) 3/10/0090/FP - Erection of 6 No. Flats, 2 No houses and extension to Public Library at Adams Yard, Maidenhead Street for Atlantic Hertford Ltd – (Amendment of S106 authorisation). (Pages 27 - 44).

8. Urgent Business.

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

- (A) 3/10/1500/FO - Variation of Condition 16 of planning permission ref. 3/07/2005/FP to read "the former garage wall adjacent to the eastern boundary of the site shall be repaired to a height of 3.5m high from the Century Road elevation. The garage wall shall be repaired in accordance with details set out in drawing 10/1465/007A prior to the first occupation of the development." at former Charvill Bros, Baldock Street Ware for McCarthy and Stone R L Ltd. (Pages 45 - 56).

Please bring these papers with you to the meeting next Wednesday.

Yours faithfully,

Peter Mannings (01279) 502174.
Democratic Services Assistant.
Democratic Services.
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 20 OCTOBER 2010
TIME : 7.00 PM

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE MAIN HALL, CHARIS
CENTRE, WATER LANE, BISHOP'S
STORTFORD ON THURSDAY 30
SEPTEMBER 2010, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman).
Councillors M R Alexander, K A Barnes,
A L Burlton, R N Copping, J Demonti,
R Gilbert, Mrs M H Goldspink,
G E Lawrence, J J Taylor, R I Taylor and
B M Wrangles.

ALSO PRESENT:

Councillors R Beeching, A M Graham,
G McAndrew, M Wood and C Woodward.

OFFICERS IN ATTENDANCE:

- | | |
|---------------------|--|
| Liz Aston | - Development
Control Team
Leader |
| Nicola Beyer | - Senior Planning
Officer |
| Fiona Brown | - Planning
Technician |
| Glyn Day | - Principal Planning
Enforcement
Officer |
| Simon Drinkwater | - Director of
Neighbourhood
Services |
| Annie Freestone | - Senior Planning
Technician |
| Lorraine Kirk | - Senior
Communications
Officer |
| Alasdair McWilliams | - Web Manager |
| Peter Mannings | - Democratic |

Faye Morley	Services Assistant - Assistant Planning Officer
Martin Plummer	- Assistant Planning Officer
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

296 APOLOGIES

Apologies for absence were submitted on behalf of Councillors D Andrews, S A Bull, Mrs R F Cheswright, D A A Peek and S Rutland-Barsby.

297 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting. He stated that the meeting was being videoed and the subsequent recording would be posted on the Council's website. He also stated that a Council Officer would be taking pictures during the meeting.

The Chairman thanked Officers for organising the training that had taken place on 29 September 2010.

The Chairman commented that the objecting speakers would be permitted to speak first, followed by the applicant. He stressed that he would not be allowing any extensions to the time that speakers had requested. The Committee would then debate and determine each application in turn.

The Chairman urged the public and Members to be concise and avoid repetition where possible.

298 DECLARATIONS OF INTEREST

Councillor K A Barnes declared a personal and prejudicial

interest in application 3/10/1013/OP in that he was a town council representative on the Bishop's Stortford High School Sports Hall Committee. After addressing the Committee as a ward Member, he left the room whilst this matter was considered.

Councillor R I Taylor declared a personal interest in applications 3/10/1012/OP, 3/10/1013/OP, 3/10/1015/OP, 3/10/1014/OP, 3/10/1009/OP and 3/10/1044/OP in that his wife worked for Hertfordshire County Council Children Schools and Families.

- 299 3/10/1012/OP - COMPREHENSIVE DEVELOPMENT COMPRISING THE CHANGE OF USE OF LAND TO EDUCATIONAL USE (CLASS D1) AND THE ERECTION OF BUILDINGS WITH A COMBINED TOTAL GROSS EXTERNAL FLOORSPACE OF 26,000 SQUARE METRES PLUS RELATED SITE WORKS CONSISTING OF THE CONSTRUCTION OF AN INTERNAL ROAD, CAR PARKING AREAS, A TEMPORARY CONSTRUCTION ACCESS ONTO OBREY WAY, A FLOODLIT MULTI-USE GAMES AREA AND ALL WEATHER PITCH, FORMATION OF PLAYING FIELDS AND ASSOCIATED DRAINAGE WORKS. ASSOCIATED INFRASTRUCTURE WORKS TO WHITTINGTON WAY TO INCLUDE; CONSTRUCTION OF 2 NEW ROUNDABOUTS; PROVISION OF CYCLEWAY AND FOOTWAY LINKS, AND ENHANCED BUS STOP FACILITIES AT LAND SOUTH OF WHITTINGTON WAY, BISHOP'S STORTFORD, HERTS FOR THE GOVERNORS OF THE BISHOP'S STORTFORD AND HERTS AND ESSEX HIGH SCHOOLS
-

Mr Rhodes, Mrs Hayward-Peel, Mrs Bailey, Mr Piggott, Mr Hurford, Mr Peachey, Councillor McDonald and Mr Janke all addressed the Committee in opposition to the application.

Mr Stock and Mr Harris both spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1012/OP, planning permission be refused for the reasons now detailed.

The Director drew Members' attention to the late representations that had been circulated to the Committee in advance of the meeting. He advised that this information included all representations received by 5 pm today and would be placed on the internet.

Councillor R Gilbert thanked Officers for the detailed reports. He welcomed the approach of considering each application separately before they were determined by Members. He referred to the failure of the Local Education Authority to meet a local need for school places and to maintain the standard of the existing school infrastructure.

Councillor Gilbert referred to the detailed reasons for refusal. He stated that the noise and frequency of flights from Stansted Airport was a key issue. He expressed concern that these were outline applications and Bishop's Stortford was unable to absorb the extra dwellings that could be proposed by future reserved matters applications.

Councillor K A Barnes stated that the merits of the applications did not outweigh the issue of protecting the green belt. He stressed that neither Leventhorpe School nor Hockerill Anglo European College supported the applications. He also emphasised that the educational need did not outweigh the harm that would be caused to the greenbelt.

Councillor Barnes commented that the roads would be unable to cope with the increase in traffic. He stated that a full transportation study was essential as the whole town would be affected by these applications.

Councillor A L Burlton stated that the Bishop's Stortford High School and Herts and Essex High School did not need to move to new locations but it was clear that both establishments wanted to go ahead with the move.

Councillor Burlton expressed concerns that this application only related to half of the green belt location at Whittington Way. He stressed that further applications could come forward for the rest of the site should this application be approved.

He stated that surrounding roads could not be widened and traffic and transport around the town was a major issue that would become significantly worse should these applications be refused.

Councillor Mrs M H Goldspink stated that these proposals were the most significant this Committee had had to determine. She acknowledged the concerns in relation to education provision in Bishop's Stortford. She stressed however, that the Committee must determine these proposals on planning policies and nothing else.

Councillor Goldspink stated that this application was clearly against green belt policy and Members must consider whether the educational need had been clearly demonstrated in terms of whether there was any justification for departing from policy.

Councillor Goldspink commented on whether the schools had demonstrated the very special circumstances for why the scheme was acceptable. She detailed the questions she felt must be considered by the Committee in terms of whether there was any justification for departing from policy. She stated that she remained unconvinced that the schools had answered these questions.

Councillor R N Copping stressed that it had not been demonstrated that this site was the most suitable for a new school. He stated that this was a finely balanced judgement but the schools had not demonstrated that there was sufficient justification for departing from policy.

The Director stressed that the costs of delivering a school was not an issue that Members should give significant weight to. He advised however that deliverability, which

included a financial element, was an issue that Members could consider.

The Director stressed that Members had to judge whether the application complied with national and local green belt policies. He also advised that there was a judgement to be made on whether the application satisfied key planning tests on green belt policy giving weight as Members felt appropriate to educational need. He stated that there must be clear very special circumstances which outweighed harm for the proposals for schools in the green belt to proceed.

Councillor A L Burlton commented on whether the Committee should include a reason for refusal in respect of highways concerns. A number of Members expressed concern that highways concerns should be highlighted now so that the issue could be referred to in respect of reserved matters applications.

Councillor R I Taylor stressed that some of the roads in Hertfordshire and Essex had recently been identified as some of the most congested in this part of the country.

The Director advised that Hertfordshire Highways utilised agreed traffic models when commenting on applications of this nature. He advised caution in that the Committee was considering the advice of highways experts. He referred to the availability of traffic management solutions for severely congested roads.

Members were advised that the Committee must be specific as to which roads they were concerned about if there was to be a reason for refusal around highways issues. Councillor Burlton stated that even with a traffic management solution, he could not see how the local roads in Bishop's Stortford could cope with these applications.

Following a lengthy discussion around the roads that would be most affected by this application, the Director

suggested a form of words for a highways reason for refusal.

Councillor R Gilbert proposed, and Councillor K A Barnes seconded, a motion that the Committee accept the Officers' recommendation for refusal subject to an additional reason for refusal to reflect Members' concerns relating to traffic congestion.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1012/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1012/OP, planning permission be refused for the following reasons:

1. The proposed development involves the provision of two schools located within the Green Belt which represents inappropriate development within the Green Belt. The extensive scale and amount of development would result in the site becoming dominated by buildings and extensive areas of hard surfacing. This impact would be emphasised by the extensive nature of the proposed changes in site levels and the limited opportunities for landscaping in between buildings, outdoor recreation areas and along the southern boundary. If permitted the proposal would be detrimental to the openness of this part of the Green Belt and the wider landscape setting of the town. Other harm is associated with the development which relates to the impact of traffic movements and general activity within the site, the impact on landscape features and

rights of way. Whilst there is accepted to be an educational need for additional school places within the Bishop's Stortford Educational Area, this issue is not considered to outweigh the inappropriateness of the development and harm to the openness of the Green Belt or the other harm. The proposed development is therefore contrary to policy GBC1, ENV1, ENV2, ENV11, GBC14 and LRC9 of the East Herts Local Plan Second Review April 2007 and Planning Policy Guidance 2: Green Belts.

2. The Council is not satisfied, on the basis of the submitted information, that the impact of aircraft noise nuisance has been properly considered, in terms of the impact on internal teaching spaces. The Council is not therefore in a position to determine whether an acceptable educational environment would be created by the proposed development. If permitted the proposals would be contrary to Policy ENV25 of the East Herts Local Plan Second Review April 2007 and guidance in PPG24.
3. The proposed development will result in a significant alteration to traffic movements within the town. Despite the package of measures proposed by the applicant the Council is of the view that the development will result in unacceptable levels of traffic congestion, in particular at the Whittington Way/Thorley Street/London Road junction and other junctions northwards along London Road between the site and the town centre. Therefore the proposal would have a harmful impact upon the free flow of traffic and would also be contrary to Policy TR1 of the East Herts Local Plan Second Review April 2007.

300 3/10/1013/OP - DEMOLITION OF EXISTING BUILDINGS
AND THE ERECTION OF UP TO 220 RESIDENTIAL
PROPERTIES AND ASSOCIATED INFRASTRUCTURE AT
THE BISHOP'S STORTFORD HIGH SCHOOL, LONDON
ROAD, BISHOP'S STORTFORD FOR COUNTRYSIDE
PROPERTIES PLC

Mrs Sweeney addressed the Committee in opposition to the application. Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1013/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor K A Barnes, as the local ward Member, addressed the Committee in opposition to the application. He expressed concern in relation to the loss of the play groups, in particular the Blues Pre School. He was concerned in respect of the loss of a sports facility and sports pitches with no prospect of replacement facilities.

Councillor A L Burlton proposed, and Councillor M R Alexander seconded, a motion that, subject to the deletion of the second reason for refusal, the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1013/OP be refused planning permission for the reason now detailed.

RESOLVED – that in respect of application 3/10/1013/FP, planning permission be refused for the following reason:

1. The proposed development would result in the loss of the existing High School as a community facility and its associated playing fields and other sports facilities and the loss of the Blues Pre School without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policies LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

301 3/10/1015/OP - RETENTION AND REFURBISHMENT OF BUILDING FRONTING WARWICK ROAD; DEMOLITION OF OTHER EXISTING BUILDINGS AND THE ERECTION OF UP TO 125 RESIDENTIAL PROPERTIES AND ASSOCIATED INFRASTRUCTURE AT HERTS AND ESSEX HIGH SCHOOL, WARWICK ROAD, BISHOP'S STORTFORD HERTS CM23 5NH FOR COUNTRYSIDE PROPERTIES LTD

Mrs Rhodes addressed the Committee in opposition to the application. Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1015/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor M Wood, as the local ward Member, stated the Bishop's Stortford was a patchwork quilt of separate communities, each with individual community and amenity facilities. He stressed that this application would

adversely affect the future legacy of the town.

Councillor Wood emphasised that if traffic was unable to exit onto Warwick Road, extra traffic exiting onto Dunmow Road would cause significant traffic problems. He stated that the density of the proposed development was very high compared to the surrounding roads.

Councillor C B Woodward, as the local ward Member, expressed concerns over the impact of the development on a heritage building. He expressed concern that there had not been an impact statement completed as part of this application.

Councillor Woodward commented that there were already 291 empty homes in Bishop's Stortford and this application would exacerbate this overprovision. He stressed that this application would result in unacceptable traffic problems and was in the wrong place at the wrong time. He referred to the integral views of local residents.

Councillor K A Barnes expressed his concern over the loss of what were some of the oldest historical buildings in the country. He commented that the Herts and Essex High School was part of the community and this application would result in the loss of buildings that had been in Bishop's Stortford for a century.

The Director advised that Hertfordshire Highways had judged the scheme to be acceptable as a school created more traffic twice a day than would be created by housing in this location. This proposal would only be acceptable if a replacement school were provided, by virtue of which the school related traffic from this part of the town would be removed.

Councillor M R Alexander proposed, and Councillor R I Taylor seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1015/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1015/OP, planning permission be refused for the following reasons:

1. The proposed development would result in the loss of The Herts and Essex School, a community facility and its associated playing fields and other sports facilities, without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policies LRC1 and LRC11 of the East Herts Local Plan Second Review April 2007.
2. The local planning authority considers that the application site constitutes a Heritage Asset as defined in PPS5. Insufficient information has been submitted in respect of the historic significance of the buildings on the site to enable the authority to adequately assess the impact of the proposed demolition on the significance of the Heritage Asset. In the absence of that information and appropriate investigation, the proposal is contrary to national guidance contained in PPS5: Planning for the Historic Environment.”

At this point (9.50 pm), the Committee passed a resolution that the meeting should continue until the completion of the remaining business on the agenda.

302 3/10/1014/OP - DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF UP TO 180 DWELLINGS AND ASSOCIATED INFRASTRUCTURE AT HERTS AND ESSEX HIGH SCHOOL BELDAMS LANE SPORT PITCHES, BISHOP'S STORTFORD, CM23 5LQ FOR COUNTRYSIDE PROPERTIES LTD

Mr Holder, Mr Tripp and Mrs Munroe all addressed the Committee in opposition to the application.

Mr Duncan spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1014/OP, planning permission be refused for the reasons now detailed.

The Director advised that, following discussions with the applicant in respect of financial contributions for infrastructure improvements, the second reason for refusal was no longer required.

Councillor A M Graham, as the local ward Member, stated that this site was privately owned. He referred to the poor and worsening condition of the fencing around the sport pitches over the last 30 years. He stressed that young people needed green space and the preservation of the sports pitches was essential.

Councillor C B Woodward, as the local ward Member, stated that the benefits of extra housing were clear. He stressed, however, that the need had not been identified and the application was contrary to policies PPG1, ENV1 and ENV27 of the East Herts Local Plan Second Review April 2007.

Councillor Woodward emphasised that the amount of open space in Bishop's Stortford was less than the recommended requirement detailed in supplementary planning documents. He commented that any further reductions in open space would be detrimental to the quality of life of Bishop's Stortford Residents.

He referred to the unacceptable traffic implications of the proposed development and urged the Committee to refuse the application.

Councillor M R Alexander proposed, and Councillor A L Burlton seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1014/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1014/OP, planning permission be refused for the following reasons:

1. The proposed development would result in the loss of an outdoor sports and recreation facility without the provision of appropriate replacement facilities of at least equivalent quantity, quality, and accessibility elsewhere in the town. As such, it would be contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.

303 3/10/1009/OP - PROPOSED RESIDENTIAL DEVELOPMENT (UP TO 165 DWELLINGS) AND ALTERATIONS TO EXISTING PATMORE CLOSE ACCESS PLUS RELATED INTERNAL ACCESS ROAD, LANDSCAPING AND OPEN SPACE AREAS AT LAND TO THE SOUTH OF HADHAM ROAD, BISHOP'S STORTFORD FOR HERTFORDSHIRE COUNTY COUNCIL

Mr Sarles, Mrs Otter and Mr Hare addressed the

Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1009/OP, planning permission be refused for the reasons now detailed.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1009/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1009/OP, planning permission be refused for the following reasons:

1. The proposed residential development of this site would result in the loss of a site which could contribute towards the provision of the specified need for additional education capacity within the town of Bishop's Stortford without that need being met in another way. The proposed development is therefore contrary to Policy BIS7 of the East Herts Local Plan Second Review April 2007.

304 3/10/1044/FO - VARIATION OF CONDITION 2 OF PLANNING PERMISSION 3/97/0520/FP THAT STATES THAT THE FACILITY SHOULD BE USED SOLELY FOR THE BENEFICIAL USE OF THE APPLICANTS, THE BISHOP'S STORTFORD HIGH SCHOOL, AND FOR NO OTHER PERSONS, INSTITUTIONS OR ORGANISATIONS TO ALLOW IT TO BE USED BY BOTH BISHOP'S STORTFORD HIGH SCHOOL AND HERTS AND ESSEX HIGH SCHOOL AND FOR LOCAL ORGANISATIONS AT JOBBERS WOOD, GREAT HADHAM ROAD, BISHOP'S STORTFORD FOR THE BISHOP'S STORTFORD HIGH SCHOOL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1044/FO, planning permission be refused for the reasons now detailed.

Councillor K A Barnes stated that traffic levels on the B1004 had doubled in recent years.

Councillor K A Barnes proposed, and Councillor A L Burlton seconded, a motion that the Committee accept the Officers' recommendation for refusal on the grounds that the application was contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/10/1044/OP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1044/FO, planning permission be refused for the following reasons:

1. The proposed use of the site, by reason of its location and lack of accessibility by sustainable modes of transport, would result in an unsustainable form of development and traffic movements and reliance on the private car. The proposal would thereby contrary to policies SD1 and SD2 of the East Herts Local Plan Second Review April 2007.

The meeting closed at 10.02 pm

Chairman
Date

Agenda Item 5i

- 5i 3/10/1271/FO – Variation of Condition 3 of planning permission ref. 3/08/1390/FP for an overflow car park, to allow for the removal of approved pedestrian gate and the provision of pole mounted amber flashing lights mounted at roadside on approach to pedestrian crossing point at Paradise Wildlife Park, White Stubbs Lane, Broxbourne, EN10 7QA for Mr. Peter Sampson.
-

Date of Receipt: 15.07.2010

Type: Variation of Condition - Major

Parish: BRICKENDON LIBERTY

Ward: HERTFORD HEATH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates shall be begun before 22nd October 2011.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. No external lighting (2E26)
3. The flashing safety lights hereby approved shall be installed and activated only when the overflow car park is in use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and highway safety.

4. The lighting units hereby approved shall be finished in black, and details of their fixings shall be submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of this rural lane and the surrounding Green Belt in accordance with policies GBC1 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Tree retention and protection (4P05)
6. Hedge retention and protection (4P06)
7. Tree Protection: Earthworks (4P10)
8. Landscape design proposals (4P12 i,j,k)

3/10/1271/FO

9. Landscape works implementation (4P13)
10. Details of earthworks/mounding (4P16)
11. Landscape maintenance (4P17)
12. Retention of landscaping (4P21)
13. The car park hereby permitted shall be used as an overflow car park only, in connection with Paradise Wildlife Park and not for any other purpose.

Reason: To ensure that no alternative use is made of the premises which would be likely to be a nuisance or annoyance to nearby occupiers.

14. The use of the car park shall be restricted to within half an hour before and after the normal opening hours of Paradise Wildlife Park.

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

15. No materials, debris, pollutants, vehicles or machinery associated with this overflow car park are to be stored or used within the adjacent Wildlife Sites (71/033 Coldhall Green and White Stubbs Lane, and 71/063 Mortals Wood).

Reason: To protect local Wildlife Sites in accordance with policy ENV14 of the East Herts Local Plan Second Review April 2007.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, GBC14, TR7, TR20, ENV1, ENV2, ENV11, ENV14 and LRC10. The balance of the considerations having regard to those policies is that permission should be granted.

_____(127110FO.HI)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises an established wildlife park located in the Metropolitan Green Belt in the south of the district. The site includes a number of buildings and animal enclosures with car parking set in woodland surroundings. The site is covered by a woodland Tree Preservation Order. The overflow car park to

which this application relates is situated on land to the south of White Stubbs Lane.

2.0 Site History

2.1 There is lengthy planning history for development at this site in relation to the established wildlife park which will not be repeated here. The only relevant application is 3/08/1390/FP for the overflow car park on the south side of the road opposite the main entrance to Paradise Wildlife Park. Consent was granted by Members at Committee in October 2008 subject to a number of conditions, some of which remain to be satisfied. Condition 3 required pedestrian gateway features to be installed, following the submission of details within 3 months of the date of the decision (22nd October 2008), but it is now proposed to vary this condition to provide amber flashing safety lights instead.

3.0 Consultation Responses

3.1 Environmental Health do not wish to restrict the grant of permission.

3.2 At the time of writing this report no response has been received from County Highways, Archaeological Officer, Broxbourne Woods Area Conservation Society, Hertfordshire Biological Records Centre, Herts and Middlesex Wildlife Trusts or the Landscape Officer.

4.0 Parish Council Representations

4.1 At the time of writing this report, no response has been received from Brickendon Liberty Parish Council.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No letters of representation have been received.

6.0 Policy

6.1 The relevant saved Local Plan policies in this application include the following:-

GBC1	Appropriate Development in the Green Belt
GBC14	Landscape Character

3/10/1271/FO

TR7	Car Parking Standards
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Trees and Hedgerows
ENV14	Local Sites
LRC10	Tourism

- 6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), Planning Policy Guidance 2 'Green Belts', and PPG13 'Transport' are considerations in determining this application.

7.0 Considerations

- 7.1 This application proposes to vary Condition 3 of permission 3/08/1390/FP for the overflow car park at Paradise Wildlife Park. The condition is worded as follows:

Within a period of three months from the date of this decision, details of materials for the construction and external finish of the pedestrian safety gateway features shall be submitted and agreed in writing by the Local Planning Authority. Such features to be installed in accordance with those approved details within 8 months of the date of this decision.

Reason: In the interests of highway safety and the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

- 7.2 It is now proposed not to install these pedestrian safety gateway features, but to provide amber flashing lights instead to make drivers aware of pedestrians crossing White Stubbs Lane from the overflow car park to the main Park. This is the result of more recent discussions with Herts Highways.
- 7.3 2 no. sets of lights are proposed and would be positioned on new poles alongside existing pedestrian crossing signs on White Stubbs Lane at a distance of approximately 135m east and 125m west of the car park entrance. The light boxes each measure 257mm x 257mm x 1000mm, and each unit houses a pair of vertical amber flashing lights. The units are described as black; however a photograph of the units submitted by the applicant indicates that they would be yellow. Officers consider that black would be necessary in order to minimise the visual impact of the units, and a condition requiring this is suggested.

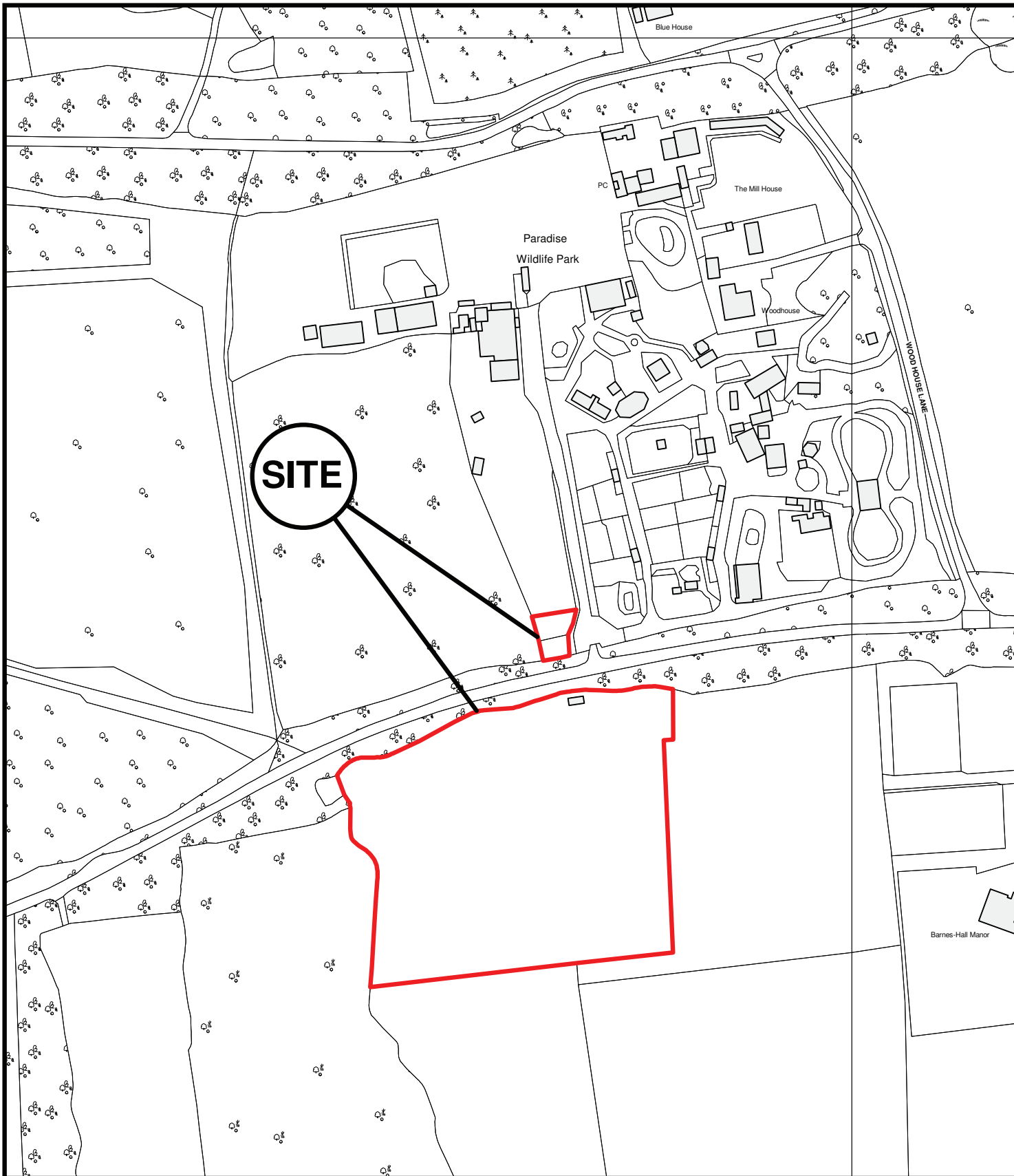
- 7.4 White Stubbs Lane is a rural lane characterised by woodland tree boundaries and highway verges, and is located in the Green Belt. The use of these lights at all times of the day and night would be unnecessary and would be considered harmful to this rural character. A condition is therefore recommended to require the lights to only be activated when the overflow car park is in use. The use of the car park is already restricted to half an hour before and after the normal hours of use of the main Park (Condition 13 of 3/08/1390/OP). Subject to this restriction, Officers do not consider that the proposal would unduly impact on the character of the area or visual amenity of the Green Belt. The applicant has confirmed that the light units would be removed from the pole when not in use to prevent theft.
- 7.5 In terms of highway safety, a need for these safety features is understandable. White Stubbs Lane is a national speed limit road, and it divides this overflow car park from the main Park area. The safety of Park visitors crossing this road is therefore a concern, particularly in summer months when the overflow car park is heavily used with a large number of children visiting the Park.
- 7.6 At the time of writing this report no formal response has been received from County Highways. However, it is understood that this proposed variation has arisen following discussions with Herts Highways. Given that the overflow car park has been used for some time now without any safety features, and the 3 months to install the gateway features has long since passed, it is considered both reasonable and necessary to require these safety lights to be installed when the overflow car park is in use.
- 7.7 It is noted that no other consultees have responded to this application; however it is not considered that this proposed variation would have any implications for archaeology, ecology, or landscaping.
- 7.8 As this application proposes to vary a condition on permission 3/08/1390/FP, the effect of granting consent gives a new permission to the applicant. Similar conditions are therefore again recommended as per 3/08/1390/FP. It is not considered reasonable or necessary to give the applicant a further three years consent. Condition 1 has therefore been reworded to require implementation by 22nd October 2011. Further, Condition 4 previously required a S278 Agreement to be submitted and approved, but Highways have confirmed that this is no longer necessary.

8.0 Conclusion

- 8.1 Overall, the proposed variation of Condition 3 to replace the pedestrian gateway features with safety flashing lights is considered to be acceptable from a highway safety and visual amenity perspective.

3/10/1271/FO

8.2 The application is therefore recommended for approval subject to the conditions set out above.



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East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

Address: Paradise Wildlife Park, White Stubbs Lane, Broxbourne, EN10 7QA
Reference: 3/10/1271/FO
Scale: 1:2500
O.S Sheet: TL 3306
Date of Print: 13-August-2010

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5J 3/10/0090/FP - Erection of 6 No. Flats, 2 No houses and extension to Public Library at Adams Yard, Maidenhead Street for Atlantic Hertford Ltd.

Date of Receipt: 18.01.2010

Type: Full – Minor

Parish: HERTFORD

Ward: HERTFORD - CASTLE

RECOMMENDATION

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 to cover the following matters:-

1. The provision of a public pedestrian right of way across the application site between points A and B on Plan "A" towards the creation of a public pedestrian link to Maidenhead Street.
2. The funding of an agreement under Section 25 Highways Act 1980 (or equivalent) with the Highway Authority in relation to the creation of a public pedestrian right of way to the riverbank between points C and D on Plan "A".
3. The provision of one dwelling to lifetime homes standards.
4. The payment to East Herts Council of £16,000 index linked for the provision, monitoring and maintenance of CCTV coverage within Adams Yard and Maidenhead Yard and the submission of valid planning and other related applications as appropriate.

That planning permission be **GRANTED** subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Boundary walls & fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse for the various businesses and uses around Maidenhead Yard, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

3/10/0090/FP

Reason: In the interests of the appearance of the development within the Conservation Area, the setting of the listed building Seed Warehouse and the amenity of future residents, in accordance with policies BH6, BH 12 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Lighting details (2E27)
6. Details of entrances for the houses and flats directly to Maidenhead Yard shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The dwellings shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

Reason: In the interests of the convenience or residents and perceived safety for users of Maidenhead Yard and in accordance with policies ENV1 and ENV3 of the East Herts Local Plan Second Review April 2007.

7. Landscape design proposals (4P12 - b, e, l, k,)
8. Landscape works implementation (4P13)
9. Construction hours of working- plant & machinery (6N07)
10. Removal of permitted development rights Class A.
11. No part of the development shall be occupied unless and until the applicant has submitted valid planning and other related applications as necessary for CCTV installations for the site.

Reason: In order to secure the provision of CCTV in the interests of public safety.

12. Prior to first occupation of the development, the access from The Wash serving the development shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development and appropriate pedestrian and vehicular access to the development.

13. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and a scheme for mitigation shall be agreed in writing.

3/10/0090/FP

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access works. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

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 SD2, SD5, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR7, TR14, ENV1, ENV2, ENV4, ENV10, ENV11 and ENV20. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (009010FP.TH)

1.0 Background

- 1.1 Members may recall that the committee resolved to grant planning permission subject to a section 106 agreement in March this year. At that stage it was understood the land at Maidenhead Yard was to be purchased by the applicant from East Herts Council.
- 1.2 Subsequently the applicant has negotiated a lease of the site and the planning obligations related to the leasehold area of Maidenhead Yard (rights of way and maintenance) are now incorporated within the lease agreement.

3/10/0090/FP

- 1.3 Herts County Council Rights of Way have recommended that an additional section be designated to connect the route through Dolphin Yard to the river.
- 1.4 In discussion about the provision of CCTV it has been agreed that the applicant will fund the installation, monitoring and maintenance of the equipment and this has been agreed at £16,000. The provision of CCTV is considered necessary in this area due to the level of public access.
- 1.5 A Grampian style condition is added to secure the submission of the necessary applications for the works at the site.
- 1.6 The recommendation is referred back to committee for further authorisation as a result of the changes in circumstances. A copy of the previous report is attached at Appendix A.

2.0 Conclusion

- 2.1 The proposed development will provide a high quality design and infill development that completes an important part for the Hertford Riverside Yards area.
- 2.2 It provides for the enhancement of the site and the enhancement of the setting of the listed Seed Warehouse as well as providing for public access rights and extended monitoring of town centre CCTV.
- 2.3 Due to the fact that part of the site is to be leased from East Herts the original S106 authorisation has had to be amended. The deleted obligations are now covered by the lease agreement.
- 2.4 The application is therefore recommended for approval subject to the proposed S106 and the conditions as set out above.

3/10/0090/FP - Erection of 6 No. Flats, 2 No houses and extension to Public Library at Adams Yard, Maidenhead Street for Atlantic Hertford Ltd.

Date of Receipt: 18.01.2010

Type: Full - Minor

Parish: HERTFORD

Ward: HERTFORD - CASTLE

RECOMMENDATION

(A) That subject to the applicant or successor in title entering into a legal obligation pursuant to S106 of the Town and Country Planning Act 1990 by midday on the 17th March 2010 to cover the following matters:-

1. The provision of two public rights of way for pedestrians connecting Maidenhead Street and the Riverside public space, and through Maidenhead Yard along the eastern edge of the listed Seed Warehouse
2. The provision of one dwelling to lifetime homes standards
3. The provision of extended CCTV coverage to include Adams Yard and Maidenhead Yard
4. The establishment of a management company to be responsible for the maintenance of the development including the Maidenhead Yard area

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:-

1. Three Year Time Limit (1T12)
2. Boundary walls & fences (2E07)
3. Materials of construction (2E11)
4. Details of facilities to be provided for the storage and removal of refuse for the various businesses and uses around Maidenhead Yard, including elevation drawings and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The facilities shall be provided in accordance with the approved details prior to the first

occupation of the development and thereafter maintained to the satisfaction of the local planning authority.

Reason: In the interests of the appearance of the development within the Conservation Area, the setting of the listed building Seed Warehouse and the amenity of future residents, in accordance with policies BH6, BH 12 and ENV1 of the East Herts Local Plan Second Review April 2007.

5. Lighting details (2E27)
6. Landscape design proposals (4P12 - b, e, l, k,)
7. Landscape works implementation (4P13)
8. Construction hours of working- plant & machinery (6N07)
9. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application and such spaces shall be retained at all times for use in connection with Adams Yard, the Seed Warehouse, the relocation of parking from Dolphin Yard and the parking for the approved Co-op development as indicated in the subitted Planning Statement January 2010 or as otherwise may be agreed in writing with the local planning authority.

Reason: To ensure a comprehensive approach to the planning of the Riverside Yards area and adequate off street parking provision for the approved development and other adjoining users in the vicinity and in the interests of highway safety and the appearance of the Conservation Area in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007)

10. Removal of permitted development rights (Part 2 Class A) (2E213).
11. Prior to first occupation of the development, the access from The Wash shall be resurfaced and completed in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development the Conservation Area and Setting of the Listed Building and appropriate pedestrian and vehicular access to the development in accordance with policies BH6, BH12 and ENV1 of the East Herts Local Plan Second Review April 2007.

12. The presence of any significant unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and a scheme for mitigation shall be agreed in writing. The development shall thereafter be carried out in accordance with those agreed details.

Reason: To ensure adequate protection of human health, the environment and water courses in accordance with policies SD5 and ENV20 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. The applicant is advised that it will be necessary for the developer to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access works. The applicant is advised to contact the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage SG1 3HL (Telephone 01438 757880) to obtain the requirements on the procedure to enter into the necessary agreement with the highway authority prior to commencement of development.

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 SD1, HSG6, TR1, TR2, TR7, ENV1, ENV2, ENV3, ENV19, BH6, BH12, LRC4, IMP1. The balance of the considerations having regard to those policies and the provisions of the Riverside Yards Planning Brief 1998 is that permission should be granted.

- (B) Where the legal agreement referred to in recommendation A above is not completed by midday 17 March 2010, the Director of Neighbourhood Services be authorised to **REFUSE** planning permission for the following reason:-

1. The development fails to make the appropriate provisions for long term public access, maintenance of the site, CCTV coverage or lifetime homes provision necessary to support the proposed development. As

such, it would be contrary to the provisions of policies ENV1, ENV3, HSG6 and IMP1 of the East Herts Local Plan Second Review April 2007.

_____ (009010FP.TH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract and has a site area of 0.03 hectares. It lies within the town centre of Hertford to the rear of Maidenhead Street and The Wash with a short frontage to the River Lee. It includes Maidenhead Yard which has been used for many years as a car park. This is currently in East Herts Council ownership but leased to the applicant who is developing the immediately adjacent Dolphins Yard development. This scheme is now well advanced. To the immediate west of the site is the listed Seed Warehouse.
- 1.2 The site is part of a wider area subject of the Riverside Yards Planning Brief adopted as Supplementary Planning Guidance in 1998. The riverside yards area historically was in commercial uses variously as a coal yard, printing works and engineering. The Adams Yard site has been subject of previous planning applications for residential development although no planning permissions were granted. The demolition of two dilapidated brick cottages was approved and has already taken place with the recycling of brick materials in the Dolphins Yard development. The only vehicle access site to the site is the single lane road from The Wash which is to be retained in the proposed scheme and includes provisions for resurfacing of this highway area
- 1.3 This application proposes to provide two new building blocks separated by a footpath passage to be retained for public use along Adams Yard. The mixed use development will include a ground floor extension to the new library within the Dolphins Yard scheme, the floor level of the scheme is raised to allow for the connection. 6 No. 2 bedroom flats will be provided on 3 floors above the proposed library extension. In a smaller building on the west side of Adams Yard 2 No. 2 bedroom houses are proposed.
- 1.4 As part of the proposal, which has been negotiated at length with officers, the Maidenhead Yard area will be re-landscaped to provide 14 parking bays, improved landscaping and a footpath along the side of the Seed Warehouse.
- 1.5 The design of the two built forms echoes the materials palette and detailing of the already approved buildings at Dolphins Yard. Provision is indicated for refuse and cycle parking as part of the plans.

Site History

- 1.6 Dolphins Yard adjacent to the site (3/01/0608/FP) includes 16 flats and maisonettes and the new public library and was approved in January 2008 subject to S106 provisions for the creation of new public space, provision of the public library and contributions towards a footbridge crossing of the river. Planning history at Adams Yard relevant to this application.
- Demolition of existing buildings (3/01/2067/LC) – approved with conditions 14 February 2007.
 - Application for 9 residential dwellings and car parking (3/01/2066/FP) – withdrawn.
 - Apartments and offices - approved subject to S106 (3/03/1209/FP) – withdrawn due to failure to agree S106.
 - Removal of condition to permit demolition prior to replacement planning permission (3/09/1092/FO) – Approved

2.0 Consultation Responses

- 2.1 At the time of writing no comments have been received from Hertfordshire County Highways.
- 2.2 The Environment Agency object to the development as they consider the Flood Risk Assessment submitted with the application is inadequate and that there is an inadequate naturalised buffer zone to the River Lea. They have indicated that if a buffer zone 8m wide from the river bank were provided then the objection would be overcome. The applicants have indicated they anticipate that these objections will be overcome. An update on the position will be reported to the committee.
- 2.3 The Conservation Officer recommends that planning permission be granted for the development. She comments that the issues of concern regarding the elevation design, parking and landscaping have been addressed at pre application stage.
- 2.4 Environmental Health have no objections to the proposal but recommend planning conditions for working hours, noise, dust, bonfires and contaminated land.

3/10/0090/FP

2.5 The Council's Landscape Officer comments that the proposal is good. The landscape proposal offers a well organised use of available space. He seeks a wider planting strip to the side of the disabled bay but this could be covered by condition.

3.0 Town Council Representations

3.1 Hertford Town Council welcomes the application for the library space only as it considers the existing library is not of sufficient size to encompass the needs of Hertford. They otherwise have no objection to the flats.

4.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 No third party letters of representation have been received.

5.0 Policy

6.1 The most relevant Local Plan policies to this application include the following:-

SD1	Making Development More Sustainable
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV19	Development in areas liable to flood
BH6	New Developments in Conservation Areas
BH12	Development affecting the setting of a listed building
LRC4	Arts Culture and Entertainment

6.2 In addition to the above it is considered that Planning Policy Statement 1, (Delivering Sustainable Development), and Planning Policy Statement 3 (Housing) are considerations within this application.

6.0 Considerations

Principle of Development

6.1 The site lies within the town centre of Hertford, wherein residential developments and new development will be generally acceptable in principle. The site is currently a gap site given that the Dolphins Yard scheme of 16 flats is effectively being built around it but with blank facades abutting the Adams Yard site. A building on the site is now necessary to secure an attractive and completed appearance to the Dolphin Yard scheme. The main issues to be considered in the application are therefore

- Whether the design is respectful of the immediate townscape and context of such quality as to secure the enhancement of this part of the Hertford Conservation Area
- Whether the design respects the setting of the listed Seed Warehouse
- Whether the proposed car parking and landscaping works are well designed and appropriate having regard to the Conservation Area and setting of the listed building
- Whether the provisions for public access are acceptable and that these provisions are well overlooked and have regard to public perceptions of safety
- Whether there is an objection on flooding grounds to the development
- Whether there would be harm to the amenity of other neighbouring developments

Design

6.2 The development has been designed as one two storey and one three and a half storey block to respect the scale and massing of adjacent new building and the surrounding townscape which is predominantly of two and three storeys in height. The smaller block which faces onto the Maidenhead Yard side respects the setting of the listed Seed Warehouse and as a lower building enables more natural daylight to filter down to the passage way of Adams Yard and the library extension and flats in the second larger block to the rear.

6.3 The scale, form and detailed design of the development has evolved following pre-application discussions with the Conservation Officer. As part of this the solid mass of wall was broken down to provide greater interest within the elevations by the introduction of more balustrades and balcony areas, a greater area of window openings and more detailing of brick work.

- 6.4 The design of the scheme as proposed will in my view result in a good quality contemporary building that reflects the designs of the approved Dolphins Yard scheme. The development will also secure an extended internal floorspace for the new town library and provide increased light from Adams Yard whereas the approved library is somewhat short of provision for natural daylight in its original approved design.
- 6.5 No objections have been received to the built form on design grounds, the development will secure the enhancement of the Conservation Area and setting of the Listed Building. It also responds to the provisions of the adopted Riverside Yards Planning Brief (Opportunity 3) to enhance the setting of the river and the Seed Warehouse.

Car Parking Design and Layout

- 6.6 The application provides for a car parking area of 14 spaces within Maidenhead Yard that is larger than is required solely for the proposed development. Existing uses and businesses around the yard and nearby require car parking and refuse collection provisions in order to make the best use of the available space and potential parking. The application accordingly provides 6 No spaces for the residents of the 8 new dwellings which is sufficient with regards to the provisions of the Council's adopted Vehicle Parking Standards SPD; 3 No spaces for the business users of the Seed Warehouse; 1 No space for the approved Co –op development at 14 Maidenhead St; 1 No. Space for the relocation of a parking space from 12 Maidenhead Street so that the Maidenhead Street entrance to the new library can operate as an attractive pedestrian free entrance area. The final 3 spaces are proposed for residents of Evron Place flats or for office space in the event that HCC do not enter into agreement on the library. The provision of a balanced parking use of the area is to be secured in the long term by a recommended planning condition. Similarly a condition is proposed to ensure that the refuse provision within the area is able to meet the needs of other businesses given the lack of alternative space.
- 6.7 The landscaping and design of the parking area includes the use of good quality materials, such as Granite Kerbs and setts. Yorkstone paving to the pathway will provide an attractive plinth to the Seed Warehouse. A permeable surface is proposed to the main car park surface. The car park and area of Maidenhead Yard is currently under lease from East Herts Council and negotiations proceed over the future terms. Subject to final details, the layout of Maidenhead Yard will provide for the best use of the site and a well designed setting for the Seed Warehouse.

Public Access

- 6.8 In accordance with the provisions of the 1998 Planning Brief the Adams yard site has a key role in improving public access to the riverside which was one of the key objectives of that document (figure 4). The area has been vacant for a long time since the original drafting of the brief and, with the closure of businesses that operated at the site, consequently became associated with anti social behaviour. However with a well designed and occupied new development I see no reason to consider that such problems will reappear. Nonetheless in accordance with previous thinking it is proposed by a S106 that the scheme will provide for an extension of CCTV coverage as well as being designed to provide for good natural surveillance of people passing through the area.
- 6.9 A planning condition is proposed to provide convenient doorway entrances from the flats and houses directly onto Maidenhead Yard within the design; this can be agreed by a minor change to the drawings and has been agreed in principle with the applicant. This encourages a greater connection with the Maidenhead Yard area and improved security.

Flooding

- 6.10 The Environment Agency has objected to the plans. The objection to the provision of a natural buffer is felt to be misplaced and unreasonable. The riverside area is already part of a planned public space and a route to a potential river crossing and so cannot be redesigned as an 8m natural edge as suggested.

Neighbour Amenity

- 6.11 No objections have been received to the proposal on amenity grounds. The scheme will be placed adjacent to the new residential units within the Dolphin Yard scheme as well as close to potential residential accommodation within the upper floors and outbuildings of 10 to 12 The Wash to the south. I consider the relationship of the proposed development, its built form and the layout of car parking and provisions for refuse bins will respect the future amenity of these residents subject to the recommended conditions.

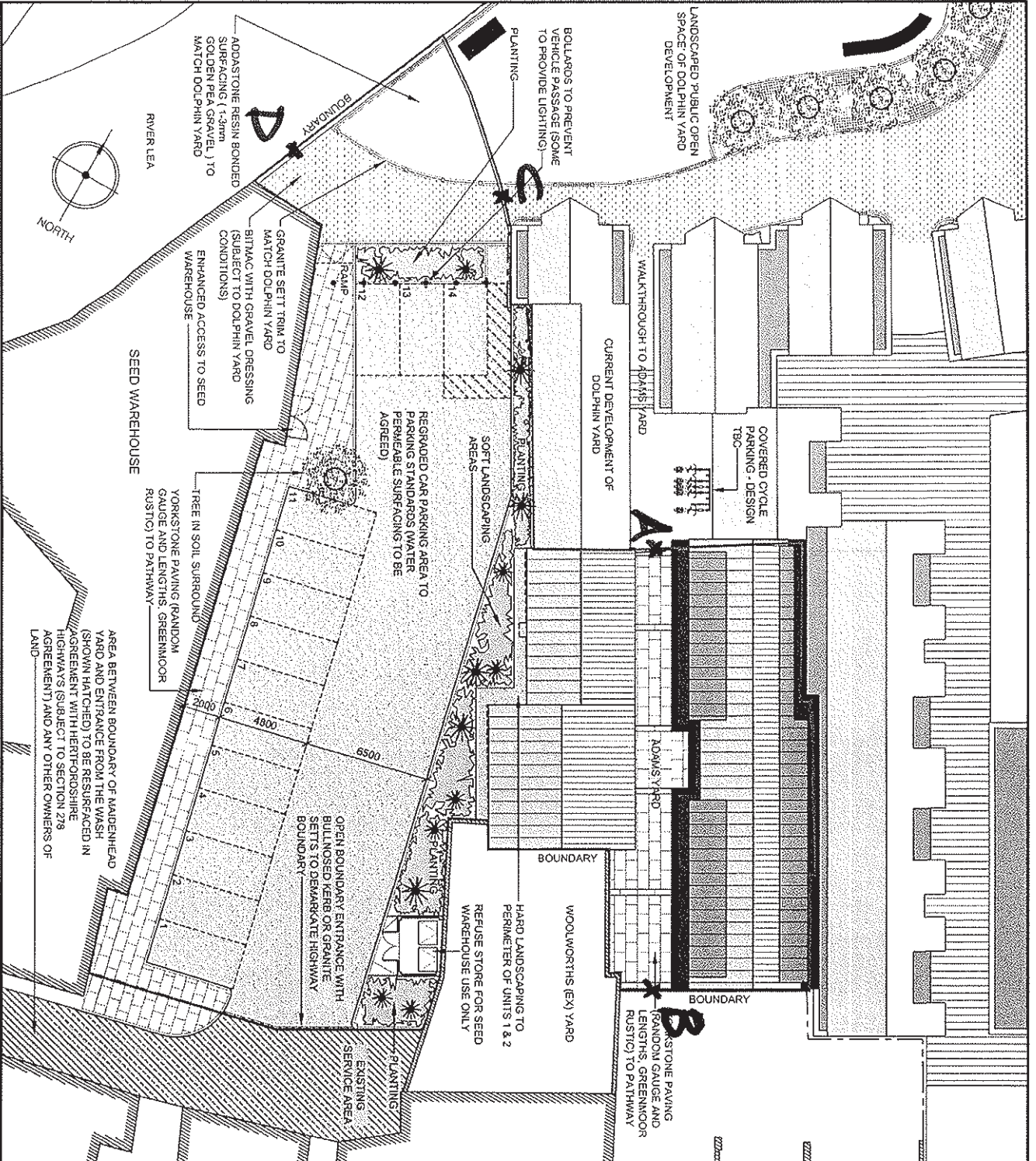
Energy Efficiency and Renewable Energy

- 6.12 The proposal seeks to be consistent with the development of the Dolphin Yard site and it is proposed to construct the development to a Code for Sustainable Homes Level 3.

7.0 Conclusion

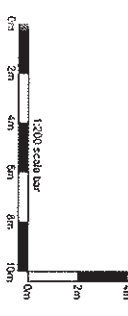
- 7.1 Overall, it is considered that the proposal will provide a high quality design that secures the completion of a very important element of the Hertford Riverside Yards area and is in accordance with the provisions of the adopted 1998 Planning Brief.
- 7.2 It provides for both the enhancement of the Conservation Area and the setting of the listed Seed Warehouse as well as providing for improved library provision, public access and associated parking, refuse provisions.
- 7.3 The application is therefore recommended for approval subject to the S106 legal obligations, and the planning conditions as set out above.

Plan A - S106 Rights of Way



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3/10/0090/RP
 RECEIVED 18 JAN 2009



REVISIONS:

Rev	Date	Description
D	14.01.10	Revised following Planning officers comments
C	05.01.10	Revised following pre-application meeting. Parking numbers reduced
B	11.11.09	Amendments to proposed road plan, bin store / cycle store and loss of one parking space
A	17.07.09	Notes amended to allow scaling. Scale corrected (1:200)

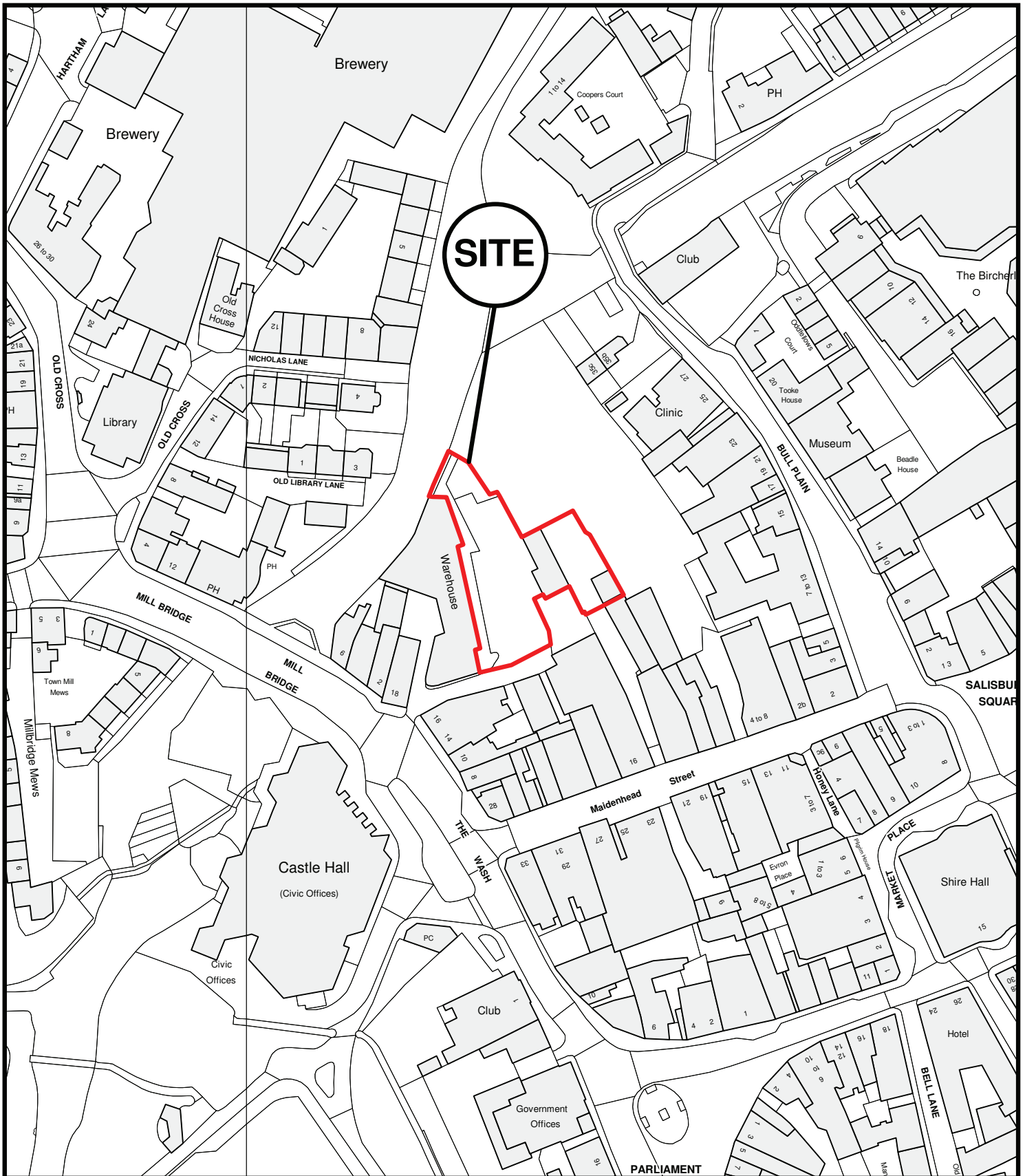
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FOR PLANNING APPROVAL
 Client: ATLANTIC (HERTFORD) LIMITED
 Project: ADAM'S YARD
 HERTFORD
 HERTS

PROPOSED SITE PLAN

Date	Drawn	Scale	Size
18.06.09	DSP	1:200	A3
Project No:	2009002	Drawing No:	P.02
			Revised:
			D

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Address: Adams Yard, Maidenhead Street, Herts, SG14 1DR
Reference: 3/10/0090/FP
Scale: 1:1250
O.S Sheet: TL 3212 NE
Date of Print: 22-February-2010

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Agenda Item 8a

8A 3/10/1500/FO - Variation of Condition 16 of planning permission ref. 3/07/2005/FP to read "the former garage wall adjacent to the eastern boundary of the site shall be repaired to a height of 3.5m high from the Century Road elevation. The garage wall shall be repaired in accordance with details set out in drawing 10/1465/007A prior to the first occupation of the development." at former Charvill Bros, Baldock Street Ware for McCarthy and Stone R L Ltd.

Date of Receipt: 18.08.10

Type: Amendment of condition - Major

Parish: WARE

Ward: WARE - CHRISTCHURCH

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of six months commencing on the date of this notice.

Reason : To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Prior to any building works being commenced samples of the external materials of construction including rainwater goods for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason : In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

3. Prior to the commencement of bricklaying, a sample panel of brickwork shall be provided on the site and shall be formally approved in writing by the Local Planning Authority. The panel shall be retained as a reference for all external brickwork within the development.

Reason: In the interest of achieving a high quality of design and finish for the development in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and national guidance in PPS1.

4. 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 development.

3/10/1500/FO

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

5. Prior to the commencement of work detailed drawings of new doors, windows, roof eaves and shopfronts at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of the appearance of the proposed development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

6. The proposed window openings on the first and second floor windows in the north elevation shall be fitted with obscured glass, and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Details of facilities to be provided for the storage, removal and including provisions for waste recycling of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

8. Prior to the first occupation of the development hereby permitted, the existing vehicular access shall be permanently closed and the kerbs and (footway/verge) reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

9. Prior to the first occupation of the development hereby permitted, spaces shall be provided within the application site for the parking of cars as shown on the plans accompanying the application 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 and Appendix II of the East Herts Local Plan Second Review April 2007.

10. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Planting plans (d) Schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

12. A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall include details of the arrangements for its implementation.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town & 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.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order), 1995 the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

15. Notwithstanding the provisions of the General Permitted Development Order 1995, the commercial units to the Baldock Street frontage shall be used for either A1 (shop), A2 (professional and financial services), B1 (office) or D2 (health) uses only.

Reason : To ensure the use respects the amenities of nearby residents and in accordance with Policy ENV1 of the East Herts Local Plan Adopted Second Review April 2007.

16. The former garage wall adjacent to the eastern site boundary shall be repaired in accordance with details as set out in drawing 10/1465/007A prior to the first occupation of the development. Rendered wall panels shall match the approved render for the sheltered housing development or as may otherwise be agreed in writing by the local planning authority.

Reason: In the interest of the appearance of the development and the Conservation Area and in accordance with Policies ENV1 and BH6 of the East Herts Local Plan April 2007.

17. Prior to the commencement of the development, details of methods for accessing the site and provisions for construction traffic access, associated parking areas and storage of materials shall be submitted to and as approved in writing by the local planning authority.

Reason: To ensure that adequate parking provision is retained at all times in accordance with Policy TR7 of the adopted East Herts Local Plan April 2007.

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18. Prior to the first occupation of the development 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 satisfactory drainage of the site.

19. Finished internal ground floor levels for the development shall be set at a minimum 37.15m AOD although there shall be no overall increase in the building ridge and eaves heights indicated on the approved section drawings T579/1465/027A and T579/1465/029.

Reason: In the interests of securing the development against surface water run off.

20. Prior to the first occupation of the development repairs to the north boundary wall shall be carried out in accordance with a schedule of repairs submitted to and as approved in writing by the local planning authority.

Reason : In the interests of the appearance of the development within this part of the Ware Conservation Area and in accordance with Policies ENV1 and BH6 of the adopted East Herts Local Plan April 2007.

21. No plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

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

22. Wheel washing facilities shall be established within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such facilities, shall be established prior to the commencement of demolition or construction and shall be kept in operation at all times during demolition and construction works.

Reason: To prevent the tracking out of materials onto the highway in the interests of highway safety.

23. Prior to the first occupation of the development the applicant shall provide for the provision of Traffic Regulation Orders to secure appropriate parking controls along the Baldock Street (prohibiting loading/waiting) and Coronation Road (prohibiting waiting at any time) frontages.

Reason: In the interests of the safe and convenient uses of the public highway.

24. Prior to the commencement of above ground development, the applicant shall submit details of enhanced insulation measures and the use of Heat Recovery Ventilators for the building.

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

Directives

1. Other Legislation.
2. Boundary wall. None of the works shall prejudice the repair of the north boundary wall the details of which are subject to provisions of separate planning conditions.

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, HSG3, TR7, EDE2, ENV1, ENV2, BH6 and LRC3 and national guidance in PPS1 and PPS5. The balance of the considerations having regard to those policies and the (other material considerations relevant in this case) is that permission should be granted.

_____ (150010FO.TH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract. It comprises the land of the former Charvill's Garage and Showroom on the corner of Baldock Street and Coronation Road to the north of Ware town centre.
- 1.2 The land has been cleared of its buildings and subject of decontamination works although the building programme has been delayed by the economic downturn. The applicant is now discharging planning conditions with a view to making a commencement by the end of the year.
- 1.3 The original planning permission (3/07/2005/FP) for 39 sheltered units included provision for a new wall along the east site boundary to provide privacy for residents in Century Road which back onto the site.

2.0 Site History

2.1 Previous planning applications at the site of relevance are:

- 3/07/2005/FP Redevelopment to form 39 "Category 11" type sheltered apartments for the elderly with associated communal facilities together with two commercial units. Approved 21st Dec 2007.
- 3/07/1736/FP: Engineering works to enable remediation of the site. Approved 8th Oct 2007.

3.0 Consultation Responses

3.1 The Conservation Officer has no objections subject to the agreement of brick samples, render infill and method of repair to north boundary wall.

3.2 County Highways have no objection.

3.3 Thames Water have no comments on the application.

3.4 The Environment Agency has assessed the application as low risk and will not be providing comments.

4.0 Ware Town Council Representations

4.1 Ware Town Council has no objection to the application.

5.0 Other Representations

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 One letter of representation have been received from the resident of 2 Court Lodge in The Bourne who is concerned about how the wall will abut their own old wall requiring careful work.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:-

- ENV1 Design and Environmental Quality
- BH6 Development in Conservation Areas

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Statement 1, Delivering Sustainable Development,
Planning Policy Statement 5: Planning for the Historic Environment

7.0 Considerations

7.1 The variation of condition seeks to permit the adaptation of an existing rear wall of the former garage building, rather than the construction of a new boundary wall which was required by the original planning condition to permission (3/07/2005/FP). The main issues to consider are whether the retained wall will satisfactorily provide for neighbour amenity and privacy and the details of its design and appearance.

7.2 As this application proposes to vary a condition on permission 3/07/2005/FP, the effect of granting consent gives a new permission to the applicant. Similar conditions are therefore again recommended as per the original planning permission 3/07/2005/FP. The applicant is close to implementing the scheme and it is not considered reasonable or necessary to give the applicant a further three years permission. Condition 1 has therefore been re-worded to require commencement within six months of the date of this decision i.e. by 21st April 2011. The S106 signed for the permission 3/07/2005/FP and its provisions continue to apply.

Neighbour amenity

7.3 The retained garage building wall is an existing and known feature for all the residents in Century Road who back onto the site and who during the course of the original application sought the provision of a screening wall to be included. The amendment has raised no neighbour objections and the impact of the existing wall on the immediate residents is if anything reduced as the new boundary wall may have been positioned about 1m closer to these dwellings according to the site boundary ownership. I therefore consider there will be no harm to neighbour amenity as a result of the variation.

Design details

7.4 The wall will be retained by the provision of new buttresses and these are to be clad in the approved brick as for the main development. A condition of the wall infill panels is that the render should match that of the main building. A coping stone will be placed on the top of the wall.

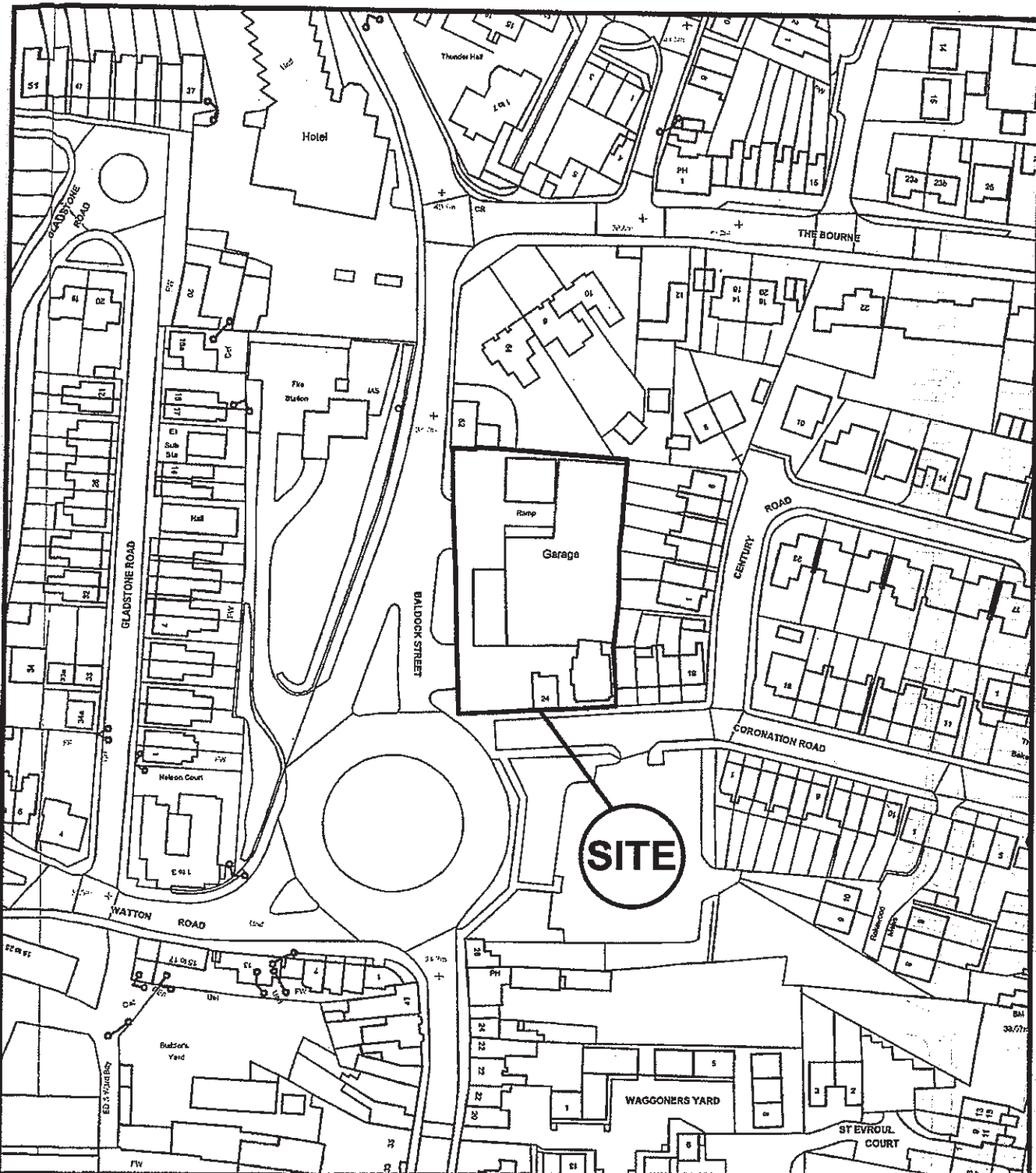
3/10/1500/FO

- 7.5 The details are acceptable to the Conservation Officer and will result in a wall as attractive as the provision of a new wall. The approach reduces the amount of building work, disruption and resources involved so provides a more sustainable approach to development. An area for landscaping between the wall and the car park is indicated and will be subject of details to be agreed under the landscaping condition.
- 7.6 The repair of the older red brick wall on the north boundary is one of the existing planning conditions and this should not be disturbed by the retained garage wall. There is a requirement for party wall agreements too which protect the neighbour's interests.
- 7.7 The details will satisfactorily integrate with the remainder of the development to secure the enhancement of this part of the Ware Conservation Area without detriment to the amenities of adjacent residents. There is therefore no objection on design grounds to the change.

8.0 Conclusion

- 8.1 The site is part of an approved development for 39 sheltered housing units and the amendment of the condition satisfactorily provides for the appearance of the development and the amenity of neighbours which was the intention of the original planning condition.
- 8.2 I therefore recommend the grant of permission subject to the full list of original planning conditions as listed.

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	<p>Development Control East Herts Council Walfields Pegs Lane Hertford SG13 8EQ Tel: 01279 655261</p>	<p>Address: Charvill Bros Ltd, Baldock Street, Ware, SG12 9DU Reference: 3/07/0900/FP Scale: 1:1250 O.S Sheet: TL3514 NE Date of Print: 29-June-2007</p>
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