



**MEETING** : DEVELOPMENT CONTROL COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : THURSDAY 24 MARCH 2011  
**TIME** : 5.30 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE:**

Councillor W Ashley (Chairman).  
Councillors M R Alexander, K A Barnes, S A Bull, A L Burlton,  
Mrs R F Cheswright, R N Copping, J Demonti, R Gilbert,  
Mrs M H Goldspink, G E Lawrence, S Rutland-Barsby (Vice-Chairman),  
J J Taylor, R I Taylor and B M Wrangles.

**Substitutes:**

Conservative Group: Councillors D Andrews, P A Ruffles and  
A L Warman.  
Liberal Democrat Group: Councillor M Wood.  
Independent Group: Vacancy.

I attach, for your attention, a copy of a report, which the Chairman has agreed to accept onto the agenda as an urgent item for the above meeting. Please bring these papers with you to the meeting on Thursday.

*(Note: Substitution arrangements must be notified by the absent Member to Democratic Services 24 hours before the meeting).*

**CONTACT OFFICER: PETER MANNINGS**  
**(01279) 502174**

## PERSONAL AND PREJUDICIAL INTERESTS

1. A Member with a personal interest in any business of the Council who attends a meeting of the Authority at which the business is considered must, with certain specified exemptions (see section 5 below), disclose to that meeting the existence and nature of that interest prior to the commencement of it being considered or when the interest becomes apparent.
2. Members should decide whether or not they have a personal interest in any matter under discussion at a meeting. If a Member decides they have a personal interest then they must also consider whether that personal interest is also prejudicial.
3. A personal interest is either an interest, as prescribed, that you must register under relevant regulations or it is an interest that is not registrable but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of the Council more than it would affect the majority of inhabitants of the ward(s) affected by the decision.
4. Members with personal interests, having declared the nature of that personal interest, can remain in the meeting, speak and vote on the matter unless the personal interest is also a prejudicial interest.
5. An exemption to declaring a personal interest applies when the interest arises solely from a Member's membership of or position of general control or management on:
  - any other body to which they have been appointed or nominated by the authority
  - any other body exercising functions of a public nature (e.g another local authority)

In these exceptional cases, provided a Member does not have a prejudicial interest, they only need to declare their interest if they speak. If a Member does not want to speak to the meeting, they may still vote on the matter without making a declaration.

6. A personal interest will also be a prejudicial interest in a matter if all of the following conditions are met:
  - the matter does not fall within one of the exempt categories of decisions
  - the matter affects your financial interests or relates to a licensing or regulatory matter
  - a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest.
  
7. Exempt categories of decisions are:
  - setting council tax
  - any ceremonial honour given to Members
  - an allowance, payment or indemnity for Members
  - statutory sick pay
  - school meals or school transport and travelling expenses: if you are a parent or guardian of a child in full-time education or you are a parent governor, unless it relates particularly to the school your child attends
  - housing; if you hold a tenancy or lease with the Council, as long as the matter does not relate to your particular tenancy or lease.
  
8. If you have a prejudicial interest in a matter being discussed at a meeting, you must declare that interest and its nature as soon as the interest becomes apparent to you.
  
9. If you have declared a personal and prejudicial interest, you must leave the room, unless members of the public are allowed to make representations, give evidence or answer questions about the matter, by statutory right or otherwise. If that is the case, you can also attend the meeting for that purpose. However, you must immediately leave the room once you have finished or when the meeting decides that you have finished (if that is earlier). You cannot remain in the public gallery to observe proceedings.

## AGENDA

### 4. Minutes (Pages 5 - 52).

To confirm the Minutes of the meeting of the Committee held on Wednesday 9 March 2011.

### 7. 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) 3/11/0356/PT - Replacement of existing 10m lamppost (612) with new 12.14m lamppost type T2 telecommunication pole, 1no. new equipment cabinet and 1no. metre pillar at Junction of Great Hadham Road and Oriole Way, Bishop's Stortford for Vodafone Ltd. (Pages 53 - 68).

MINUTES OF A MEETING OF THE  
DEVELOPMENT CONTROL COMMITTEE  
HELD IN THE COUNCIL CHAMBER,  
WALLFIELDS, HERTFORD ON  
WEDNESDAY 9 MARCH 2011, AT 7.00 PM

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

ALSO PRESENT:

Councillors 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
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

590 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed the press and public to the meeting and those who were watching the live webcast.

The Chairman informed Members that Councillor Duncan Peek had died yesterday afternoon whilst surrounded by friends and family. He stated that Councillor Peek had contributed a tremendous amount to the Committee over many years and his knowledge and experience would be sadly missed.

He advised that he would be sending the condolences of the Committee to the family at this very difficult time.

The Chairman advised that application 3/11/0079/FP would be determined after application 3/11/0050/FP. The Chairman thanked Councillor D Andrews for standing in as a substitute Member for this meeting.

The Chairman advised that the meeting of the Committee due to be held on Thursday 24 March 2011 would start at 5.30 pm.

#### 591 DECLARATIONS OF INTEREST

Councillor D Andrews declared a personal and prejudicial interest in application 3/10/2047/FP in that he worked within the Sainsbury's group. He left the room whilst this matter was considered.

Councillor Andrews declared a personal and prejudicial interest in application 3/10/1295/FN in that he was a governor of Richard Hale School. He left the room whilst this matter was considered.

Councillor R Gilbert declared a personal interest in application 3/10/1200/FP in that he was an acquaintance of the applicant.

Councillor S Rutland-Barsby declared a personal interest in application 3/11/0079/FP in that she occasionally saw the applicant outside of Council business.

Councillor W Ashley declared a personal and prejudicial interest in application 3/11/0079/FP in that he was a partner in William Ashley and Partners. He left the room

whilst this matter was considered and Councillor S Rutland-Barsby chaired the meeting for this item.

Councillor Mrs R F Cheswright declared a personal interest in application 3/10/1583 in that she used the same architect as the applicant.

592 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 9 February 2011 be confirmed as a correct record and signed by the Chairman.

593 (A) 3/10/2047/FO - VARIATION OF CONDITION 39 OF PLANNING PERMISSION 3/08/1528/FP TO ALLOW FOR ALTERATIONS TO THE CAFÉ AREA, INTERPRETATION CENTRE, ASSOCIATED ELEVATIONAL CHANGES TO HARTHAM LANE AND (B) 3/10/2048/LB - ALTERATIONS, REFURBISHMENT AND REPAIRS TO LISTED BUILDING TO ACCOMMODATE ANCILLARY ELEMENTS OF THE PROPOSED FOOD STORE AT MCMULLENS BREWERY SITE, HARTHAM LANE, HERTFORD SG14 1QN FOR SAINSBURY'S SUPERMARKETS LTD

Mr McCormick addressed the Committee in opposition to the application. Mr Wilson spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2047/FO, subject to the agreement of a section 106 obligation which ties the section 106 obligations of the originally approved permission (3/08/1528/FP) to the new planning permission (3/10/2047/FO), planning permission be granted subject to the conditions now detailed.

The Director of Neighbourhood Services also recommended that, in respect of application 3/10/2048/LB, listed building consent be granted subject to the conditions now detailed.

The Director referred to the late representations schedule

detailing comments from Hertford Town Council, Sainsbury's and the East Herts Council Conservation Officer. Members were advised that the report contained all of the conditions from the previous application, subject to a number of minor alterations.

The Director stated that Members were being asked to approve the application and delegate authority to the Director, in consultation with the Chairman of the Development Control Committee, to make amendments to the planning conditions as may become necessary to ensure they are clear, concise and otherwise compliant with the provisions of Circular 11/95.

Councillor S Rutland-Barsby expressed concerns in respect of the loss of the copper hopback and the loss of trees on the site. She referred to negligence by the applicant in failing to secure and look after a Hertford heritage site. She stressed the importance of ensuring there were no further problems.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that, subject to the agreement of a section 106 obligation which ties the section 106 obligations of the originally approved permission (3/08/1528/FP) to the new planning permission (3/10/2047/FO), application 3/10/2047/FO be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2048/LB be granted subject to the conditions now detailed.

RESOLVED - that (A) subject to the agreement of a section 106 obligation which ties the section 106 obligations of the originally approved permission (3/08/1528/FP) to the new planning permission (3/10/2047/FO), in respect of application 3/10/2047/FO, planning permission be granted subject to the following conditions:



1. The development to which this permission relates shall be begun within a period of three years 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 above ground 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. The building works shall be carried out in accordance with the approved samples.

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 the 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. The development shall be carried out in accordance with the approved sample.

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. The development shall be carried out in accordance with the submitted details in the Smart Waste Plan which identified measures

for the minimizing of waste, recycling of materials as approved by letter 5<sup>th</sup> November 2010.

Reason: To accord with Hertfordshire Waste Local Plan policies 7 and 8.

5. Prior to the first occupation of the store details of cycle parking facilities shall be submitted to and approved by the local planning authority. The cycle parking facilities shall be provided and retained in accordance with the approved details prior to the first occupation of the store.

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.

6. The applicant shall secure the implementation of the programme of archaeological work in accordance with the Archaeological Solutions written scheme of investigation approved by The County Archaeologist on 23<sup>rd</sup> August 2010.

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.

7. Prior to the commencement of above ground works, detailed drawings of new doors, windows, roof eaves, shopfront and canopy at a scale of not less than 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the

approved details.

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

8. Prior to the occupation of the store, or within such timetable as may otherwise be agreed in writing with the Local Planning Authority, the repairs and refurbishment of the listed brewery shall be implemented in accordance with a programme of works to be submitted and approved in writing by 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 Policy BH6 of the East Herts Local Plan Adopted Second Review April 2007 and with the policies contained in PPS5.

9. Details of refuse facilities shall be provided as approved by the Local Planning Authority in letter dated 13<sup>th</sup> January 2011 prior to the occupation of the store.

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

10. Prior to the first occupation of the development hereby permitted, 232 spaces shall be provided within the application site for the parking of cars and such spaces shall be retained at all times for use in connection with the development hereby permitted. The car park shall include a designated taxi rank as indicated on plan 2500 SK1008D.

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

11. No above ground 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, planting sizes and proposed numbers/densities where appropriate. The details shall extend to the landscaping of areas of Hartham Common, within the District Councils ownership, to the north of the site, including the enhancement of the recycling bins provision and the implementation of off-site works in plan 06055/32A.

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.

12. All hard and soft landscape work 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 first 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.

13. Prior to the first occupation of the development hereby permitted, a schedule of landscape maintenance for a minimum 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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the areas shown for landscaping on the plans hereby approved 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.

15. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), 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 interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

16. The retail store hereby permitted shall only be open for customers between the 07:00 and 22:00 hours Mondays to Saturdays and for no more than six hours between 07:00 and 22:00 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

PPS4.

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 elevations. 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. The development shall thereafter be laid out in and retained 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 above ground works, 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 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. No plant or machinery to be used in connection with any site demolition, site preparation or construction works shall be operated on the premises before 0730hrs on Monday to Saturday, nor at any time on Sundays or bank holidays.

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

21. Prior to the first occupation of the development, all highway works, including those specified below, shall be completed in accordance with the approved plans 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 B.
  - (c) Realigned Hartham Lane, including new footways.
  - (d) Pedestrian / cycle link 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 Dwgs No.62422/AR/W1or No.62422/AA/1.

Reason: To ensure the development makes adequate provision for off street parking and manoeuvring of vehicles associated with its use and to assist with increasing the linkage of



the site to the town centre and its surroundings and in accordance with policies TR1 and STC1 of the East Herts Local Plan Second Review April 2007.

22. 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.

23. Prior to the first occupation of the development hereby permitted 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/A55 – 25m forward visibility at service yard corner.
  - (b) Dwg No. 62422/SK01 – 25m forward visibility at service yard exit.
  - (c) Dwg No. 62422/A/25 Rev A – Visibility splays from existing business access.
  - (d) Dwg No. 62422/A/21 – Visibility splays from revised McMullen access.
  - (e) New store access with realigned Hartham Lane, 2.4m x 43m.

Reason: To ensure adequate visibility for drivers entering and leaving the site and in accordance with policy TR2 of the East Herts Local Plan Second Review April 2007.

24. No external loudspeaker systems shall be installed.

Reason: In the interests of amenity of the

residents of nearby properties, and in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

25. No deliveries to the site shall take place by vehicles longer than 13.5m. A written record of the time and date of deliveries and vehicle details shall be kept for inspection by the local planning authority on request.

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

26. Prior to the commencement of any piling works, details of the method for piling for construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

27. Prior to the first occupation 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. Measures for the protection of bats, their roosts and access points, shall be implemented as approved by the local planning authority in its letter dated 13<sup>th</sup> January 2011.

Reason: To protect the habitats of bats which are 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.

29. Site clearance and removal of buildings, trees and shrub removal should not take place in the breeding season from 1<sup>st</sup> March to 30<sup>th</sup> August.

Reason: To avoid unnecessary disturbance to breeding birds in accordance with policy ENV16 of the adopted East Herts Local Plan Second Review 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 Second Review April 2007.

31. Within 2 weeks of the date of this permission details of works for the disposal of surface and foul water shall have been submitted to and provided on site in accordance with details first submitted to and as approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the store.

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 previously submitted to and approved in writing by 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 East Herts Local Plan Second Review 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 East Herts Local Plan Second Review April 2007 and policy ENG1 of the East of England Plan.

34. No more than 20% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To ensure that the impact of the development on the town centre is minimised in accordance with national guidance in PPS4, and policy STC1 of the East Herts Local Plan

Second Review April 2007.

35. Prior to the commencement of above ground works, details of the amended entrance to the servicing area, including landscaping and revised boundary wall, shall be submitted to and approved in writing by the Local Planning Authority. The details will ensure that the vehicle movements within the development comply with the tracking plans- Dwgs No.62422/AR/Z07 and Nos.62422/AR/Z08 and ensure visibility will comply with Dwgs Nos.62422/A/55 and Nos.62422/SK01. The development shall be carried out in accordance with the approved plans.

Reason: In the interests of highway safety and appearance of the development and in accordance with policies ENV1 and TR2 of the East Herts Local Plan Second Review April 2007.

36. Details of an additional pedestrian access point to the riverside walk to be provided in the south eastern corner of the car park shall be provided as approved in writing on 5<sup>th</sup> November 2010 by the local planning authority . The access shall be provided in accordance with the approved details.

Reason: To assist with increasing the linkage of the site to the town centre and its surroundings and in accordance with policies STC1 and TR1 of the East Herts Local Plan Second Review April 2007.

37. Full details of the exhibition within the Interpretation Centre shall be submitted for the approval in writing of the local planning authority prior to the first occupation of the new store. The Centre shall be retained open for public access between the hours of 8am

and 6pm on Monday to Saturday and for at least 6 hours on Sundays and Bank Holidays.

Reason : To ensure public access to and appreciation of the heritage asset of the listed brewery having regard to the local and national policy provision of ENV1 and PPS5 and the balanced judgment taken by the Secretary of State in approving the application.

38. The development shall not be brought into use until an external lighting scheme, in accordance with the Institute of Lighting Engineers 2005 Guidance Notes for the Reduction of Obtrusive Light has been submitted to and approved in writing by the local planning authority. External lighting shall only be installed in accordance with the approved scheme.

Reason: In the interests of amenity of the residents of nearby properties, and in accordance with Policy ENV24 of the East Herts Local Plan Second Review April 2007.

39. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until items 1 to 4 below have been complied with. If unexpected contamination is found after the development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until item 4 has been complied with in relation to that contamination.

1. Site Characterisation :

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in

accordance with a scheme to assess the nature and extent of any contamination on site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

## 2. Submission of Remediation Scheme.

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation of the intended use of the land after remediation.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of item 1 above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of item 2 above and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared and approved in writing by the local planning authority in accordance with item 3.

### 5. Long term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be



prepared and approved in writing by the local planning authority prior to the first occupation of the store hereby permitted. Following completion of the measures identified in that scheme and when remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 111'.

Reason: To minimise and prevent pollution of the land and the water environment in accordance with national guidance in PPS23 and Policy ENV24 of the East Herts Local Plan Second Review April 2007.

40. The development hereby permitted shall be carried out in accordance with the following approved plans: Chetwoods drawings nos: 2500 PL (2) 000A, 2500 PL 100A, 2500 PL 427B, 2500 PL 500B, 2500 PL 614C, 2500 SK 1005D, 2500 SK 100, 2500 SK 1006A, 2500 SK 1008D, Henry Riley drawing 35406, TLP drawings nos 06055/26D, 06055/27D, 06055/28D, 06055/29C, 06055/30K, 06055/31B, 06055/32A, GGA drawings nos 19391 SK 102 P6, SKi 04 P3, Acanthus drawings nos 3912 41, 3912 42, 3912 43, 3912 63A, 3912 64, 3912 67A, 3912 71C, 3912 72F, 3912 73C, 3912 74A, 3912 75A, 3912 76B, 3912 82A, 3912 83AB, 3912 84A, 3912 85A, 3912 86A, 3912 87A, 3912 101, 3912 102, 3912 103, 3912 104, 3912 105, 3912 106, 3912 121H, 3912 122B, 3912 123, 3912 124, 3912 125, 3912 126, 3912 127, 3912 128, 3912 129, 3912 130, 3912 131, 3912 132, 3912 133, 3912 134, 3912 135, 3912 136, 3912 233A, 3912 240.

Reason :To ensure the development is carried out in accordance with the approved plans, drawings and specifications

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body eg. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. This permission should be read in conjunction with the specifications and conditions attached to the listed building consent granted under LPA ref: 3/08/1529/LB.
3. The granting of this permission does not convey or imply any consent to build upon land not within the ownership of the applicant, without the approval of the landowner.
4. You are advised to contact Hertfordshire Highways at Highways House, 41-45 Broadwater Road, Welwyn Garden City, Herts SG7 3SP, tel: 01992 356343, with regard to the carrying out of any works on any footway, carriageway, verge or other land forming part of the highway.
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 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 ENV1; ENV2; BH2; BH6; TR2; TR7; TR13; TR14; STC1; ENV24; ENV9; ENV16 and PPS5. The balance of the considerations having regard to those policies and the considerations of the Secretary of State's decision letter in January 2009 is that permission should be granted.

(B) in respect of application 3/10/2048/LB, listed building consent be granted subject to the following conditions:

1. 3 year time limit (1T12)
2. Samples of materials (2E12)
3. New Rainwater Goods (8L09)
4. Making Good (8L10)
5. Subject to the Conservation Officers referral on the precise method for cleaning of brickwork and the repair and replacement of floor boarding in the brewery, the submitted schedule of works and repairs is approved and shall be implemented unless as otherwise agreed in writing by the local planning authority.

Reason : In the interests of the special historic and architectural interest of this listed building having regard to the provisions of national guidance in PPS5.

### Directive:

1. Materials already approved under listed

building consent 3/08/1529/LB are approved for the purposes of Condition 2.

(C) authority be delegated to the Director of Neighbourhood Services, in consultation with the Chairman of the Development Control Committee, to make such subsequent amendments to the planning conditions as may become necessary to ensure they are clear, concise and otherwise comply with the provisions of Circular 11/95.

594 3/10/1295/FN - RENEWAL OF PLANNING PERMISSION GRANTED UNDER REF. 3/05/1062/FP FOR THE ERECTION OF NEW GYMNASIUM AT RICHARD HALE SCHOOL, HALE ROAD, HERTFORD

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1295/FN, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/1295/FN be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/1295/FN, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) Insert:- 002, 003
3. Levels (2E05)
4. Samples of materials (2E12)
5. Detailed plans, at an appropriate scale, of the proposed pedestrian access bridge and ramp cycle storage facilities, any external plant, flues or extracts, and of brickwork details to

columns and plinths, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Thereafter the development shall be implemented in accordance with the approved details.

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

6. Prior to the commencement of development hereby permitted, the vehicle access width onto Pegs Lane shall be 4.1m with kerb radii of 6m, and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Any gates shall be set back a minimum of 5m from the edge of carriageway. A pram crossing shall be provided at the tangent point to each radius.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway and for the convenience and safety of pedestrians and disabled persons, in accordance with Appendix 1 (C) of the East Herts Local Plan.

7. Provision and retention of parking spaces (3V23)
8. Tree retention and protection (4P05)
9. Hedge retention and protection (4P06)
10. Landscape design proposals (4P12) (b, e, f, g, h, i, j, k, l)
11. Landscape works implementation (4P13)
12. Prior to the first use of the development hereby permitted, details of the arrangements

for the building's shared use by the community including public access at weekends and evenings, shall be submitted and approved in writing by the local planning authority. The use of the building shall thereafter continue in accordance with the approved scheme unless as otherwise may be varied and approved in writing by the local planning authority.

Reason: To ensure the provision of the building responds to the opportunity to provide for shared community use and in accordance with Policy LRC2 of the adopted East Herts Local Plan 2007.

Directives:

1. Other Legislation (01OL)
2. You are advised that if during construction or excavation, any contaminated material is revealed then the movement of such materials should be in consultation with the regularity authority.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan 2008, 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, SD2, LRC2, TR7, TR13, ENV1, ENV2, ENV11, BH6, IMP1 and PPS1 and PPS5. The balance of the considerations having regard to those policies is that permission should be granted.

595 3/10/1200/FP - NEW FUNCTION BARN TO PROVIDE ENTERTAINMENT SPACE FOR WEDDINGS, CHARITY FUNDRAISING EVENTS IN ASSOCIATION WITH TEWIN BURY FARM HOTEL AT TEWIN BURY FARM HOTEL,

HERTFORD ROAD TEWIN, AL6 0JB FOR MR V WILLIAMS

Mr Saint Pier and Mr Williams addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1200/FP, planning permission be refused for the reasons now detailed.

The Director read out a written submission on behalf of Councillor L O Haysey, as the local ward Member. Councillor Haysey had stated that the application had been deferred pending the outcome of an appeal decision, to avoid the possibility of costs being awarded if the application had been approved whilst there was an outstanding appeal decision.

She had stated her continued support for this application and urged Members to recall their extensive and constructive comments at the November meeting of this Committee and subsequently approve the application.

Councillor R Gilbert expressed his disappointment that Officers had not been able to support this scheme. He had visited the site and had not been able to see the marquees from the approach road over the River Mimram.

He stressed that the marquees were obscured by a number of large buildings on the site, some of which were listed. Councillor Gilbert stated that the proposed function barn would be smaller than the marquees currently in place on the site.

He commented that there was a large high hedge around the car park which served to screen the site from view. He referred to the significant amount of space required on the site for the manoeuvring of large vehicles and farm machinery.

Councillor Gilbert referred to the work of the applicant in preserving significant parts of the River Mimram valley,

even though he was under no obligation to do so. He stated that The Herts and Middlesex Wildlife Trust had no specific objections to the application.

Councillor Gilbert stressed that he was not prepared to reject an application when the loss of the marquees without a suitable replacement would result in the loss of approximately 20 jobs.

The Director commented that the key issue was the green belt location. He stressed that the national and local planning policy was very firm in stating that there should be no development in the green belt unless very special circumstances could be demonstrated for going against policy.

The Director referred to the inspector's appeal decision in upholding the enforcement notice in respect of the marquees. He stressed that Officers felt that this business would not be at risk of failure if this application was refused. Officers' views were weighted in favour of adhering to the clear provisions of green belt policy.

The Director referred to the issue of deferring the application to address issues of wildlife interests along the River Mimram. The appeal inspector had stated that the issues of wildlife and habitat protection should be given no weight by Members and Officers felt that any section 106 planning obligations would be subject to challenge on that basis. Members were also advised that the inspector had stated that the site had reached its limit in terms of capacity for new buildings.

Councillor Mrs R F Cheswright stated that the proposed barn would encourage locals to use the site and she stressed that the Committee should support the diversification of farms and farm buildings. Councillor Cheswright stated that the application should be supported in relation to policies GBC1, ENV1, PPS7 and GBC8 of the East Herts Local Plan Second Review April 2007.



In response to a query from Councillor Gilbert in relation to conditions, the Director stated that he could see the merits of Members giving Officers a very clear view around the conditions that would be imposed if the application was approved.

The Director advised that this would in effect be a deferral and Officers would come back with a range of conditions for Members to consider. The alternative would be for the Committee to delegate the conditions entirely to Officers in consultation with the Chairman of the Committee. Councillor M R Alexander commented that although he could support a deferral, he felt that deferring all the conditions to Officers was too much and these must come back to Members for approval.

Councillor Mrs M H Goldspink proposed and Councillor R I Taylor seconded, a motion that application 3/10/1200/FP be approved subject to conditions to be agreed by the Director of Neighbourhood Services in consultation with Councillors M R Alexander, W Ashley, Mrs R F Cheswright, R Gilbert and Mrs M H Goldspink.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1200/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/1200/FP, planning permission be granted subject to conditions to be agreed by the Director of Neighbourhood Services, in consultation with Councillors M R Alexander, W Ashley, Mrs R F Cheswright, R Gilbert and Mrs M H Goldspink.

596 3/10/1583/OP - THE ERECTION OF A PUBLIC HOUSE AND TWO DWELLINGS AT THE FORMER COCK PUBLIC HOUSE, STOCKING PELHAM FOR MR D LYLE SMITH

Mr Barker and Mr Nicholls addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/1583/OP, planning permission be refused for the reasons now detailed.

Councillor M J Tindale, as the local ward Member, stressed how essential it was for a pub to be secured for Stocking Pelham. He referred to the Officers' view that a single dwelling was sufficient as enabling development for a pub in this location. He questioned the advice given to the applicant that it was not acceptable to submit a business plan to Officers that featured revenue costs.

Councillor Tindale stressed that the applicant should be free to submit a business plan that satisfied Officers. He commented that if a single dwelling was viable for the applicant, an application would have been submitted on that basis. He also stated that approving the application would give the pub the very best chance of success.

He urged the Committee to approve the application as although the pub may not succeed with two houses as enabling development, giving the pub the very best chance of success was a risk worth taking to secure a pub for Stocking Pelham.

The Director advised that the judgment for Officers was to consider how much other development was acceptable to facilitate the raising of the necessary capital to build a new pub in this location. He stressed that approving an application for development to enable an applicant to offset previous losses was an approach that Officers had not been able to support.

The Director accepted the local desire for the pub. He stressed however that Officers felt that approving an application for a pub that may very likely struggle to survive was not a responsible approach that Officers felt able to support.

Councillor R Gilbert referred to the key issue as being an economic consideration rather than a genuine planning issue. He stressed that the key issue was the economic case for the pub's viability. He stated that most pubs needed a good food offer in order to survive, even though there was significant support locally.

Councillor S A Bull stated that a pub in this location would be a key hub for Stocking Pelham. He urged the Committee to overturn the recommendation and approve the application then delegate the conditions to Officers. He stressed the continued loss of the pub would kill the community of Stocking Pelham.

Councillor Mrs M H Goldspink supported the views of Councillor Bull, and expressed concerns in relation to what would happen on the site if this application was refused. She stressed this pub was a very important community facility which should be supported.

The Director stressed that although the principle of what Members were advocating was straight forward, in practice, Officers may not be able to resolve all of the outstanding issues without bringing a report back to Members for a decision.

Councillor S A Bull proposed and Mrs M H Goldspink seconded, a motion that application 3/10/1583/OP be deferred to enable the formulation of appropriate conditions and legal agreement to support the resolution to grant planning permission.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/10/1583/OP be refused planning permission for the reasons now detailed.

RESOLVED – that, in respect of application 3/10/1583/OP, planning permission be deferred to

enable the formulation of appropriate conditions and legal agreement to support the resolution to grant planning permission.

597 3/10/2154/FP - CHANGE OF USE OF LAND AND EXTENSION AND ALTERATIONS TO EXISTING BUILDING TO PROVIDE 30 NO. KENNELS, NEW ISOLATION BLOCK AND PARKING AT BIRCH FARM KENNELS, WHITE STUBBS LANE, EN10 7QA FOR MR M FERRARO

Mr Padalino addressed the Committee in support of the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2154/FP, planning permission be refused for the reasons now detailed.

Councillor J J Taylor stated that she failed to see how this application would harm neighbour amenity and queried why dog kennels could not be supported as a form of countryside development.

Councillor J J Taylor commented that this application was not a change of use and was perfectly suited to the site. She reminded Members that there had been no objections from any of the statutory consultees. The only objection had been from the immediate neighbouring site that had recently been the subject of an application for residential development in the green belt.

Councillor J J Taylor stressed that noise, smell and insufficient parking were not, in her opinion, significant issues for concern. She stated this was an appropriate and sustainable countryside development that was perfectly suited to this site.

Councillor J J Taylor stated that Officers had considered the scheme to be generally acceptable in relation to the rural character of the area, with minimal encroachment into the countryside. Councillor R N Copping commented that traffic was not an issue as significantly more vehicle movements were caused by the zoo opposite this site.

Councillor J Demonti stated that this was a material change of use and kennels tended to be located away from houses, whereas this scheme was only 25 metres from existing residential development and 5 metres from a proposed new dwelling.

Councillor Demonti commented that this application was contrary to policies GBC9, TR7, ENV24 and PPG2, which stated that special circumstances must be demonstrated before development was approved in the green belt. She stated that no such special circumstances had been demonstrated in this case.

The Director advised that hunt kennels and boarding kennels were what Officers referred to as Sui Generis in that these uses do not fit into any of the established use classes. As such, and bearing in mind the material differences between the two uses, this application did constitute a material change of use.

The Committee was advised that kennels can be located in rural areas and in many cases they had to be. The Director stressed that Officers felt this was inappropriate development in the green belt, particularly as the application involved substantial alterations to the building and not just the re-use of a redundant agricultural building.

The Director stated that noise was an issue for concern, particularly for the outdoor areas which were impossible to sound proof. Officers were also concerned that insufficient information had been submitted in relation to traffic generation.

Councillor J J Taylor proposed and Councillor R N Copping seconded, a motion that application 3/10/2154/FP be granted on the grounds that this scheme was an appropriate and acceptable countryside usage in the green belt.

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

motion was declared LOST.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2154/FP be refused planning permission for the reasons now detailed.

RESOLVED – that in respect of application 3/10/2154/FP, planning permission be refused for the following reasons:

1. Within MGB – EHLP (R021)
2. Insufficient information has been submitted to demonstrate that the building does not require complete or substantial reconstruction before adaptation to the new use, and the proposed conversion includes substantial extensions and physical alterations that would be unsympathetic to the character and appearance of this simple rural building, and intrude into the openness of the Green Belt. The proposal is therefore contrary to policies GBC1 and GBC9 of the East Herts Local Plan Second Review April 2007.
3. The proposed development would be likely to result in harm to neighbour amenity by way of noise disturbance, contrary to policy ENV24 of the East Herts Local Plan Second Review April 2007.
4. Insufficient information has been submitted on anticipated vehicular movements and staff numbers to properly determine the impact of the development on the rural highway network, disturbance to adjacent neighbouring property, and the associated on-site parking provision. The proposal is therefore contrary to policies TR7 and TR20 of the East Herts Local Plan Second Review April 2007.

- 598 A) 3/10/2229/FP AND B) 3/10/2230/LB - SINGLE STOREY REAR FLAT ROOFED EXTENSION TO ADMINISTRATION BLOCK AT WARESIDE PRIMARY SCHOOL, WARESIDE, WARE, SG12 7QR FOR MRS ELAINE BATTEN

The Director of Neighbourhood Services recommended that, in respect of applications 3/10/2229/FP and 3/10/2230/LB, planning permission and listed building consent be granted subject to the conditions now detailed.

The Committee supported the recommendations of the Director of Neighbourhood Services that applications 3/10/2229/FP and 3/10/2230/LB be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/2229/FP, planning permission be approved subject to the following conditions:

1. Three year time limit (1T12)
2. Sample of materials (2E12)
3. Approved plans (2E102) (3251001, 3251002, 3251003, 3251004).

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 GBC3, ENV1, LRC1, TR7 and Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/10/2230/LB, listed

building consent be approved subject to the following conditions:

1. Listed building three year time limit (1T14)
2. Samples of materials (2E12)
3. Listed building (making good) (8L10).

#### 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 Planning Policy Statement 5: Planning for the Historic Environment. The balance of the considerations having regard to that policy is that permission should be granted.

599 3/11/0017/FP - EXTENSIONS TO EXISTING SALES BUILDING WITH REPOSITIONED DISABLED PARKING BAY, NEW COMPOUND AREA AND NEW PLANT AREA AT HOWE GREEN SERVICE STATION, BALDOCK ROAD, BUNTINGFORD, SG9 9EG FOR BP OIL UK LTD

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0017/FP, planning permission be granted subject to the conditions now detailed.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/11/0017/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0017/FP, planning permission be granted subject to the following conditions:



1. 3 Year time limit (1T12)
2. Approved plans (2E10) Plan refs: 12931-20, 12931-21A, 1
3. Tree retention and protection (4P05)
4. Contaminated land survey and remediation (2E33)  
insert '*including a verification report*'
5. Prior to the commencement of the development hereby approved, a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented prior to the first use of the development.

Reason: To prevent the pollution of the water environment and safeguard the residential amenities of nearby properties in accordance with policies ENV1 and ENV20 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 (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 SD2, GBC2, GBC3, TR7, TR23, ENV1, ENV2, ENV4 and ENV26. The balance of the considerations having regard to those policies and the permission granted under LPA Ref 3/09/0688/FP is that permission should be granted.

600 3/11/0104/FN - REPLACEMENT OF FLAT ROOF WITH PITCHED ROOF, RENEWAL OF LPA REFERENCE 3/08/0565/FP AT 18 CHANTRY ROAD, BISHOP'S

STORTFORD, CM23 2SF FOR MR A BROWN

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0104/FN, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/11/0104/FN be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0104/FN, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Matching materials (2E13)

Directive:

1. Other legislation (010L1).

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 saved policies ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and LPA reference 3/08/0565/FP is that permission should be granted.

601 3/10/2177/FP - CONSTRUCTION OF A BASEMENT BELOW THE EXISTING DWELLING AT SCHOLARS HILL HOUSE, SCHOLARS HILL, HELHAM GREEN, WARESIDE, WARE, SG12 7RE FOR MR MURRELL

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2177/FP, planning permission be granted subject to the conditions now detailed.

The Director referred Members to the additional representations schedule for a revised version of the second condition as follows:

‘Prior to the commencement of the development hereby permitted, details of the proposed means of disposal of the excavated spoil from the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the soil disposal shall be carried out in accordance with those approved details unless otherwise agreed in writing.

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

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2177/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2177/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Prior to the commencement of the development hereby permitted, details of the proposed means of disposal of the excavated spoil from the development shall be submitted to and approved in writing by the local planning authority. Thereafter, the soil disposal shall be carried out in accordance with those approved details unless otherwise agreed in writing.

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

3. Approved plans (2E10) – 10-1862-000; 10-1862; 6215se-01.

Directive:

1. Other legislation (01OL1).

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 saved policies GBC3, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies and the limited harm to the character and appearance or openness of this rural site from the development, is that permission should be granted.

602 3/10/2244/FP - TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSIONS AT 27 CHURCH ROAD, LITTLE BERKHAMSTEAD, HERTFORDSHIRE FOR MR ROBERT BEECH

The Director of Neighbourhood Services recommended that, in respect of application 3/10/2244/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/10/2244/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/10/2244/FP, planning permission be granted

subject to the following conditions:

1. Three Year Time Limit (IT12)
2. Approved Plans (2E10)1601-01a, 1601-02a, 1601-03c, 1601-04c, 1601-05a, 1601-06c, 1601-07b.
3. Matching Materials (2E13)

Directive:

1. Other Legislation (01OL)

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 GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

603 3/11/0050/FP - RAISE ROOF AND INSERT 4NO DORMERS TO CREATE FIRST FLOOR ACCOMMODATION, NEW FRONT BAY WINDOW AND CANOPY, CONVERSION OF GARAGE TO HABITABLE ROOM AT ELM SIDE, HORSESHOE LANE, GREAT HORMEAD, BUNTINGFORD, HERTS, SG9 0NQ FOR MR DAVID WHITE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0050/FP, planning permission be granted subject to the conditions now detailed.

The Committee supported the recommendation of the Director of Neighbourhood Services that application 3/11/0050/FP be granted subject to the conditions now

detailed.

RESOLVED – that in respect of application 3/11/0050/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Sample of materials (2E12)
3. Approved plans (2E10) (Location Plan, D100502/1, D100502/2B, D100502/3A).

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 GBC3, ENV1, ENV5, ENV6 and TR7. The balance of the considerations having regard to those policies and the planning permission granted under LPA reference 3/10/0985/FP is that permission should be granted.

604 3/11/0079/FP - CONVERSION AND EXTENSIONS AND ALTERATIONS TO EXISTING SHEDS TO PROVIDE 6 LIVE WORK UNITS AT MONKS GREEN FARM, MONKS GREEN LANE, BRICKENDON FOR WILLIAM ASHLEY AND PARTNERS

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0079/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor R Gilbert in respect of extant planning permission for application 3/08/1739/FP, the Director confirmed that this application remained extant and it would be a matter for the applicant to decide which planning application to implement.

After being put to the meeting and a vote taken, the Committee supported the recommendation of the Director of Neighbourhood Services that application 3/11/0079/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0079/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Materials of construction (2E11)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Contaminated land survey and remediation (2E33)
7. New doors and windows (2E34)
8. Prior to the first occupation of the development hereby approved, the parking areas shown on the approved plans shall be provided and retained at all times thereafter.

Reason: To ensure a high quality site layout and adequate off street parking provision for the development in the interests of highway safety, in accordance with Policy ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

9. Landscape design proposals (4P12) parts d, e, i, j, k and l
10. Landscape works implementation (4P13)

11. Live/work units (5U14)
12. No external storage (5U07)
13. No external working (6N06)
14. Approved plans (2E10) – 11/MGF/SC/01A, 11/MGF/SC/02A, 11/MGF/SC/03A.

Directive:

1. Other Legislation (01OL)

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, GBC9, GBC10, TR7, EDE7, ENV1, BH1, BH2 and BH3. The balance of the considerations having regard to those policies and PPG2 is that permission should be granted.

605 E/10/0095/A - UNAUTHORISED CHANGE OF USE OF LAND AND UNAUTHORISED ERECTION OF TREE HOUSE AND WALKWAY AT 1 HENDERSON PLACE, EPPING GREEN, HERTFORD, HERTS, SG13 8GA

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0095/A, enforcement action be authorised on the basis now detailed.

In response to queries from Councillors R N Copping and R Gilbert, the Director confirmed that Officers could stipulate that the trees that had been lost as a direct result of the unauthorised works must be replaced.

The Committee supported the Director's recommendation



for enforcement action to be authorised in respect of the sites relating to E/11/0095/A on the basis now detailed.

RESOLVED – that in respect of E/10/0275/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be authorised to take enforcement action under s.172 of the Town and Country Planning Act 1990 and any such further steps as may be required to cease the unauthorised use of the land and to secure the removal of the tree house and walkway.

Period for compliance: 3 months

Reason why it is expedient to issue an enforcement notice:

1. The unauthorised change of use of the land from woodland to garden land represents an incursion into the countryside which has an adverse effect on the character and appearance of the local landscape, and the potential to adversely affect wildlife within the woodland. It is therefore contrary to policies ENV1, ENV2, ENV7, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and national policy contained in PPS1 and PPS9.

## 606 UPDATE ON ENFORCEMENT STATISTICS AND AUTHORISED ACTION

The Director of Neighbourhood Services submitted a report updating Members on recently authorised enforcement action.

In response to comments from Councillor M R Alexander on the Esbies Estate making up a majority of outstanding Enforcement Cases, the Committee requested that Officers report back following the outcome of the forthcoming public enquiry for this site.

The Director stated that Officers hoped to be in a position to report back in July or August 2011.

The Committee noted the report as now detailed.

RESOLVED – that the report be noted.

607 VALIDATION OF PLANNING APPLICATIONS - 'LOCAL LIST' CONSULTATION

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The Head of Planning and Building Control submitted a report inviting the Committee to approve a revised 'local list' of validation requirements for planning applications.

The Committee received the report.

RESOLVED – that (A) the proposed amendments to the 'local list' of validation requirements be endorsed; and

(B) the adoption of the revised list for Development Control purposes from 1<sup>st</sup> April 2011 be approved.

608 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

(A) Appeals against refusal of planning permission / non determination;

(B) Planning Appeals lodged; and

(C) Planning Appeals: Inquiry and Informal Hearing dates.

The meeting closed at 8.53 pm

Chairman .....

Date .....

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# Agenda Item 7a

7a **3/11/0356/PT - Replacement of existing 10m lamppost (612) with new 12.14m lamppost type T2 telecommunication pole, 1no. new equipment cabinet and 1no. metre pillar at Junction of Great Hadham Road and Oriole Way, Bishop's Stortford for Vodafone Ltd**

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**Date of Receipt:** 08.03.2011

**Type:** Prior Notification

**Parish:** BISHOP'S STORTFORD

**Ward:** BISHOP'S STORTFORD - SILVERLEYS

## **RECOMMENDATION:**

That, subject to no new substantive issues being raised during the consultation period, authority be delegated to the Director of Neighbourhood Services as prior approval is required and **GRANTED** subject to the following conditions:

1. Prior to the commencement of the development hereby approved, details of the colour of the installations shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details.

**Reason:** In the interests of the appearance of the development, and in accordance with policy ENV28 of the East Herts Local Plan Second Review April 2007.

2. Within 2 months of the erection of the telecommunications pole hereby permitted, the existing lamppost No. 612 shall be removed from the site and the land restored to its previous undeveloped condition to the satisfaction of the Local Planning Authority.

**Reason:** To avoid unnecessary clutter in the interests of the appearance and character of the site, having regard to national guidance in PPG8 and in accordance with policy ENV28 of the East Herts Local Plan Second Review April 2007.

## **Directives:**

1. Other legislation (01OL)
2. Highway Works (05FC)

\_\_\_\_\_ (035611PT.NB)

**1.0 Background:**

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site is located on the western edge of the settlement of Bishop's Stortford, within the Metropolitan Green Belt. This proposal seeks approval to replace an existing 10 metre high lamppost with a 12.14m lamppost type telecommunication pole, 1no. new equipment cabinet and 1no. metre pillar. The telecommunications equipment would be sited upon the highway verge, to the northwest of the Great Hadham Road/Oriole Way roundabout.
- 1.3 To the north of the site lie residential properties in Marguerite Way, Meadowsweet Close and Mayflower Gardens. To the south is an open public space containing a children's play area, which is about 100 metres from the site of the proposed installation. The closest schools to the application site are Manor Fields Primary (approximately 520m distance) and Hillmead Primary (approximately 700 metres distance).
- 1.4 The proposed column would be sited 2 metres to the south west of the existing lamppost which it would replace. It would reach a height of 10 metres to the lamp with antennas, encased in a shroud, projecting a further 2.14 metres above the lamp. The cabinet would measure approximately 2 metres by 0.9 metre and would reach a height of 1.6 metres. The proposed meter pillar would be sited close to the eastern side of the proposed cabinet and would reach a height of 0.6 metre.
- 1.5 The applicant has stated that 12.14 metres is the minimum height that can achieve their radio requirement. Members will recall that an application for a replacement telecommunication column on the highway verge to the east of the current application site was submitted in February 2010 and would have allowed O2 and Vodafone to share the mast. The applicant stated within this earlier application that an increase in height to this neighbouring column from 13 metres to 15 metres was required in order to allow the dual use of the column by the two companies. However, this previous application (ref: 3/10/0326/PT) was refused in April 2010 as members felt that the additional height over the current installation would be visually intrusive in the area.
- 1.6 Following the refusal of that application for a dual operator column, the current application has been submitted which proposes a new column, such that Vodafone and O2 would occupy two separate structures in the area, instead of sharing a single taller column as was previously proposed.

1.7 The mast and associated equipment falls within the criteria of 'permitted development' and as such does not require planning permission. However, the prior approval of the Local Planning Authority is required for the siting and appearance of the development proposed. A determination on prior approval applications must be made within 8 weeks of submission, in this case by 2 May 2011 or the installation can proceed with deemed consent. It is for this reason that the report is brought to the committee as an urgent item.

## **2.0 Site History:**

2.1 There have been no previous applications at this particular site. However, four previous applications have been submitted on land to the east; on the highway verge opposite this site. The details of these applications are summarised below.

2.2 As mentioned earlier, an application for a 15 metre telecommunications column to replace an existing 13 metre mast, with 1 equipment cabinet was refused planning permission under LPA reference 3/10/0326/PT in April 2010, for the following reasons:

1. The proposed installation by virtue of the additional height over the current installation would be visually intrusive and detrimental to the character and appearance of the street scene, contrary to policy ENV28 of the East Herts Local Plan Second Review April 2007.
2. The proposed installation would be sited in close proximity to an area of public open space used by local children. Given considerable public concern in relation to the impact of telecommunication installations on health, the Council is concerned that the proposed location fails to take into account the precautionary principle.

2.3 An earlier application, reference 3/07/0958/PT, was refused for a 12.5 metre column and 2 cabinets on the grounds that alternative sites for the facility had not being fully explored, and that the siting of the cabinets would appear unduly prominent and an obstruction to visibility.

2.4 A subsequent application to that, under LPA reference 3/07/1716/PT, was submitted with a re-siting of the proposed cabinets and for a 13 metre high telecommunication column. This second application was refused solely on the grounds that alternative sitings for this facility had not been fully explored.

2.5 An application for a 13 metre high telecommunication column and 2 ground cabinets in the same area (LPA reference 3/08/0338/PT) was reported to the Development Control Committee in April 2008. Although Officer's recommended the grant of approval, Members resolved that the application be refused on the basis of its visual impact and perceived health risks. The applicant appealed the decision of the Council and the appeal was allowed on the 14<sup>th</sup> November 2008 by the Planning Inspectorate. A copy of the Inspector's decision letter is attached as an appendix to this report, but in summary, the Inspector concluded that:

1. Whilst the new column would be taller than the existing lamppost, the additional height would not be significant, would not appear obtrusive within the street scene and would not appear out of character with the design, scale and amount of existing installations along the road;
2. The proposed column would be seen against the existing substantial and tall bank of landscaping along Oriole Way and Great Hadham Road which would partly obscure views of the post from the surrounding residential areas and would further provide a discreet setting that is not unduly obtrusive to the area;
3. The design of the proposed column and its increase in height over the existing lamppost, along with the ancillary equipment, would maintain the openness of the Green Belt and would accord with advice in paragraph 65 off PPG8: Telecommunications (2001) and would therefore not be inappropriate development in the Green Belt;
4. Whilst the local residents' objections to the column on health grounds due to the location of the pole in relation to homes and open spaces, were noted by the Inspector, he concluded that there was little to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines. It was therefore not considered that local residents' health concerns were sufficient to justify refusing planning permission on this ground.

### **3.0 Consultation Responses:**

3.1 Due to the restrictive timescales involved in this application, no consultation responses had been received at the time of writing this report. However, any representations made before the committee meeting will be reported within the committee's Additional Representation Sheet in the usual way.



3.2 Furthermore, any further representations made after the committee meeting and prior to 15<sup>th</sup> April 2011 will, with the committee's agreement, be considered by the Director in consultation with the Chairman prior to any decision being issued, as set out at the head of this report.

**4.0 Town Council Representations:**

4.1 At the time of writing this report no representations had been received from the Bishop's Stortford Town Council. Again, these will be reported to the committee meeting as above.

**5.0 Other Representations:**

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

5.2 At the time of writing this report 1 letter of representation had been received which questions the previous description of the proposal; the accuracy of the plans and the procedures that Officers have followed in dealing with the application.

5.3 Any additional representations made before the committee meeting will be reported within the committee's Additional Representation Sheet in the normal way.

5.4 Furthermore, any further representations made after the committee meeting and prior to 15<sup>th</sup> April 2011 will, with the committee's agreement, be considered by the Director in consultation with the Chairman prior to any decision being issued, as set out at the head of this report.

**6.0 Policy:**

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

GBC1     Appropriate Development in the Green Belt  
ENV28    Telecommunications

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

Planning Policy Guidance 8 (PPG 8): Telecommunications  
Planning Policy Guidance 2 (PPG 2): Green Belts

**7.0 Considerations:**

Principle of development

- 7.1 In accordance with the Inspector's finding at the 2008 appeal at the adjacent site, Officers consider that the mast would not be inappropriate development in the Green Belt and would maintain the openness of the Green Belt. Whilst this proposal seeks a replacement lamppost that would be slightly larger in its circumference to the lamppost that it would replace and the proposed antennas would increase the height of the lamppost by an additional 2.14 metres, Officers do not consider this increase in size and height would result in a development that would be unduly harmful to the openness of the Green Belt. Furthermore, the proposed cabinet and meter pillar are small in size and would not unduly impact upon the openness of the Green Belt. Accordingly, and having regard to para. 65 of PPG8, it is considered that the proposal would not be inappropriate development in the Green Belt.
- 7.2 As outlined earlier in this report, following the recent refusal of the application to increase the height of the existing mast at the adjacent site to facilitate a site share between O2 and Vodafone, the current application proposes a separate mast for Vodafone to operate. The application is supported by technical evidence to demonstrate the existing Vodafone 3G coverage in the search area and this identifies that there is limited indoor coverage in the area. PPG8 states that the Government's policy is to facilitate the growth of new and existing telecommunication systems, and it goes on to state that authorities should not seek to prevent competition between different operators and should not question the need for the telecommunications system which the proposed development is to support. The application has been supported by evidence to demonstrate the need for the required coverage, and having regard also to the wording of PPG8 it is the opinion of Officers that there should be no objection in principle to the proposed installation.

Alternative Sites

- 7.3 In considering alternative sites it should also be noted that PPG8 states that the sharing of masts and sites is strongly encouraged where that represents the optimum environmental solution in a particular case.
- 7.4 The applicant has submitted details of the site selection process in this case, which outlines the alternative sites that have been considered, and why these have not been chosen. The alternative sites were not

considered to be appropriate for a variety of reasons including visual impact, technical unsuitability and availability of the site. It should be noted that in the case of the recently refused replacement mast at the adjacent site for which the same assessment of alternative sites was submitted, Members did not refuse permission due to the failure to fully explore alternative sites.

- 7.5 Having regard to Member's recent decision to refuse permission at the adjacent site for a development that would have facilitated the needs of both operators (O2 and Vodafone) and the sharing of the site; the applicant considers that a further stand alone site is necessary in this particular location. Officers are satisfied that other sites where the operator could utilise existing masts and buildings have been fully explored and have been justifiably discounted. It is not considered therefore that a refusal on these grounds could be sustained.

Impact on visual and neighbour amenity

- 7.6 The proposed antenna would be 2.14 metres higher than the existing lamppost to be replaced. However, this additional height would not, in Officers' opinion, appear unacceptably intrusive in the street scene or skyline. The mast has been designed to appear as a lamppost, and reflects the design of the mast that was allowed at appeal on the adjacent site in 2008, albeit the current proposal would be 0.86 metres lower.
- 7.7 It is considered that the new installation would not appear out of character with the design or scale of the existing installations in the locality, nor do Officers consider that the development would result in unacceptable clutter around the site. In assessing the impacts that the proposed development would have upon the street scene, Officers have had regard to the existing 13 metre lamppost style column and a smaller mast which are both currently sited on the adjacent site on the highway verge to the east of Oriole Way. However, Officers consider that the cumulative impact of the existing masts and the proposed mast with its associated equipment would not result in a visual clutter that would be harmful to the street scene.
- 7.8 Furthermore, the proposed additional cabinet and meter pillar are considered to be of an appropriate size and siting, such that they would not appear dominant or out of keeping in the street scene. In Officers opinion, the proposed cabinet is sited a sufficient distance away from the highway such that visibility for vehicles approaching the roundabout would not be unacceptably impinged upon. However, once County Highways have assessed the proposal their comments will be

considered on this matter prior to the determination of the application.

- 7.9 With regards to potential hazards to health due to the location of the mast in relation to homes and open spaces, the applicants have submitted the relevant required certificate to confirm that the installation complies with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines in this case.
- 7.10 Advice in PPG8: Telecommunications advises that if the proposed mobile phone base station meets the ICNIRP guidelines for public exposure to radio waves, it is not necessary for a Planning Authority to consider further the health aspects of the proposal. Having regard to this, and the view given in the Inspector's appeal decision in 2008 that there is little evidence to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines, it is considered that it would be unreasonable to refuse approval on this ground.
- 7.11 Furthermore, it is considered that the mast is located a satisfactory distance from nearby properties so as not to appear intrusive when viewed from these properties. The mast is proposed to be located approximately 30 metres away from the boundary with the nearest property, and will be partially obscured from view by the existing landscaping along Oriole Way and Great Hadham Road. Having regard to this distance and the existence of established mature landscaping, it is considered that the height of the new structure would not result in any significant harm to the visual amenities of nearby residential properties such as to warrant refusal of the application.

## **8.0 Conclusion:**

- 8.1 To conclude, whilst the proposed telecommunications mast would be higher than the existing lamp column by approximately 2.14 metres, Officers do not consider that it would appear visually intrusive in the surrounding area, nor be detrimental to the character or appearance of the street scene or to the openness of the Green Belt.
- 8.2 Whilst the concerns raised by local residents previously regarding health matters are noted, Officers are also mindful that a refusal on these grounds on a site in close proximity to this site was not upheld on appeal and it would therefore be inappropriate to refuse permission on similar grounds here.
- 8.3 Having regard to these considerations; the information received on the lack of suitable alternative sites, and the recent refusal of an application to increase the height of an existing adjacent column to meet the needs

**3/11/0356/PT**

of the operator (3/10/0326/PT), it is therefore recommended that prior approval be granted subject to the conditions referred to at the head of this report.

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# Appeal Decision

Site visit made on 29 October 2008

by **C J Leigh** BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
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Decision date:  
**14 November 2008**

## Appeal Ref: APP/J1915/A/08/2080794

*Lamppost 610, Oriole Way, Great Hadham Road, Bishops Stortford, Herts CM23 4PY*

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Part 24 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended).
- The appeal is made by Telefonica O2 UK Ltd against the decision of East Herts Council.
- The application Ref 3/08/0338/PT, dated 18 February 2008, was refused by decision notice dated 9 April 2008.
- The development proposed is for the installation of a 13m street furniture column replacing lamppost 610, along with two ground based equipment cabinets.

## Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 to the Town & Country Planning (General Permitted Development) Order 1995 (as amended) for the siting and appearance of a telecommunications installation comprising a 13m street furniture column replacing lamppost 610, along with two ground based equipment cabinets on land at Oriole Way, Great Hadham Road, Bishops Stortford, Herts in accordance with the terms of the application (Ref 3/08/0338/PT, dated 18 February 2008) and the plans submitted therewith, subject to the following condition:
  - 1) Prior to the commencement of the development hereby approved, details of the colour of the installation shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

## Reasons

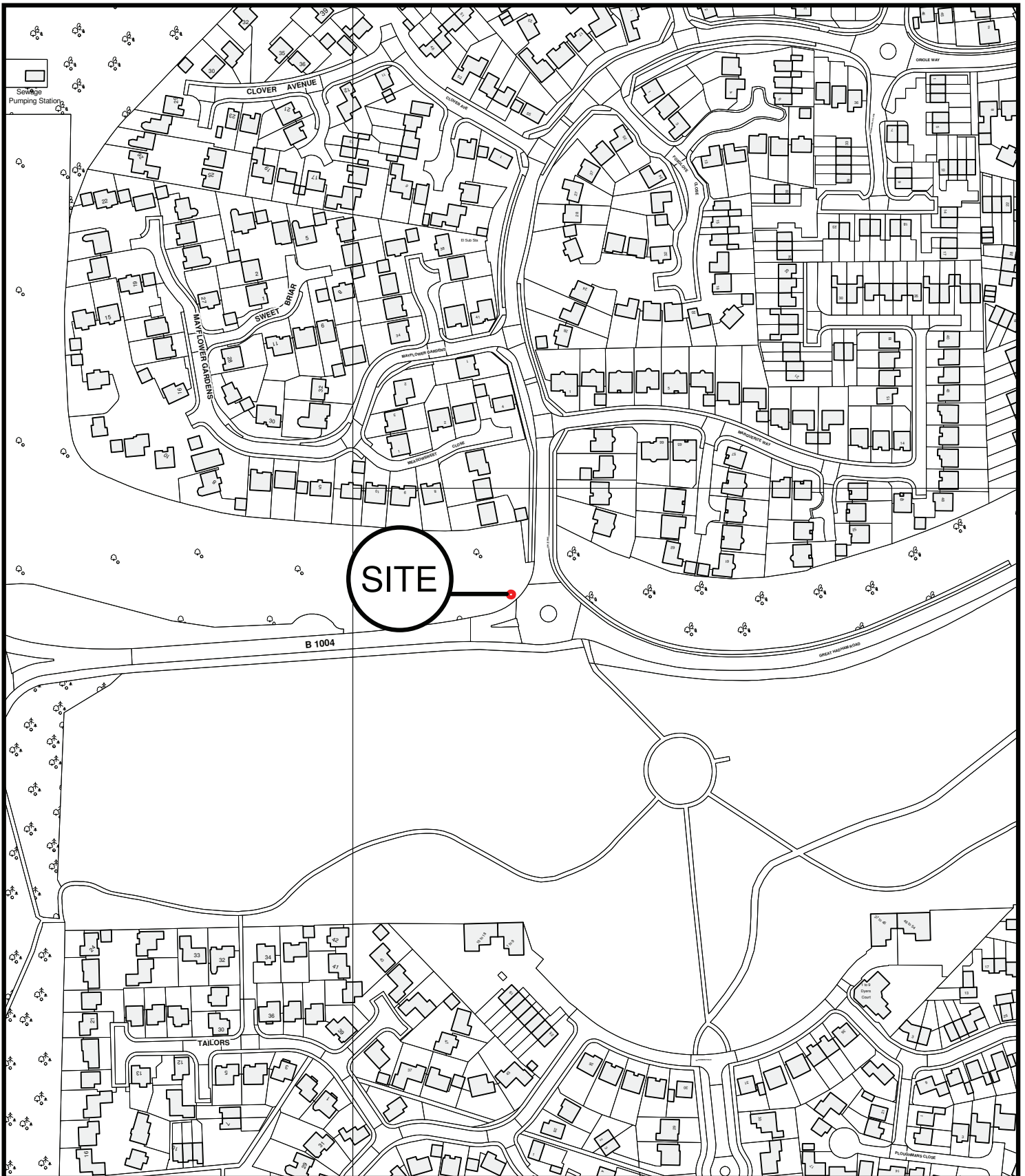
2. The proposed column would replace an existing lamppost that is located on a roundabout, with residential properties close by. I saw at my site visit that there are existing tall lampposts on this roundabout and along the local distributor roads in the area. The new column would be taller than the existing lamppost, due to the telecommunications structure rising above the lighting fixture. However, I consider this additional height to be not significant and the altered design would not appear as an obtrusive feature in the streetscene. I also think the new installation would not appear out of character with the design, scale and amount of existing installations along the roads.
3. The siting of the proposed column and its associated ancillary equipment would be seen against an existing substantial and tall bank of landscaping along Oriole Way and Great Hadham Road. This would partly obscure views from the surrounding residential areas and further provide a discreet setting that is not unduly obtrusive to the area.

4. The appeal site lies within the Metropolitan Green Belt. For the reasons given above, it is my further opinion that the design of the proposed column and its increase in height over the existing lamppost, along with the ancillary equipment, would maintain the openness of the Green Belt. Hence, in accordance with the advice in paragraph 65 of PPG8: Telecommunications (2001), it is my judgement that the proposed development would not be inappropriate development in the Green Belt.
5. I viewed the location of the proposed pole from the open space and recreation area to the south and from within the adjoining residential areas. Although there would be some views of the pole from these locations, for the reasons given earlier I think it would not appear intrusive in the area or as a dominant feature. Local residents have also raised objections on health grounds due to the location of the pole in relation to homes and open space, and their fears that might arise from their views of the pole. I accept that such fears are relevant to my decision. Nevertheless, PPG8 advises that if a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves it should not be necessary for a planning authority to consider further the health aspects of the proposal. On balance, and bearing in mind that there was little objective evidence to support local fears and that the emissions from the mast would be well within the ICNIRP guidelines, I do not consider that local residents' health concerns are sufficient to justify refusing planning permission on that ground.
6. Details of alternative sites for the proposed installation have been provided to me by the appellants. From my observations of the site and the wider area during my site visit, I agree with the appellants' statement that many of the possible alternative locations within their area of search would be more visually intrusive than the site under consideration in this appeal. I also note that other possible sites are not genuinely available due to the unwillingness of landowners to accept installations, and that the appellants point to technical limitations on certain other locations. I am therefore satisfied that the appeal site is the most likely to meet the needs of the appellants and so meet their obligations regarding network coverage.
7. For these reasons I consider that the proposed column and ancillary equipment would have little visual impact when viewed along the street and from nearby properties, and would maintain the openness of the Green Belt. Thus, I consider that the proposal would be consistent with the objectives of Policies GBC1 and ENV28 of the East Herts Local Plan Second Review (2007), and that approval for the proposal should be granted. The Council have suggested a condition requiring the commencement of development within five years. However, this is a condition of approval under Part 24 of Schedule 2 to the GPDO and so is not required. I also think there is no need for a condition requiring the work to be carried out in accordance with the approved details, as any deviation would be outside the scope of this approval. I have attached the condition requiring approval of the colour of the column and ancillary equipment, to ensure a satisfactory appearance to the development, though in a modified form to ensure enforceability.

*CJ Leigh*

INSPECTOR





**SITE**

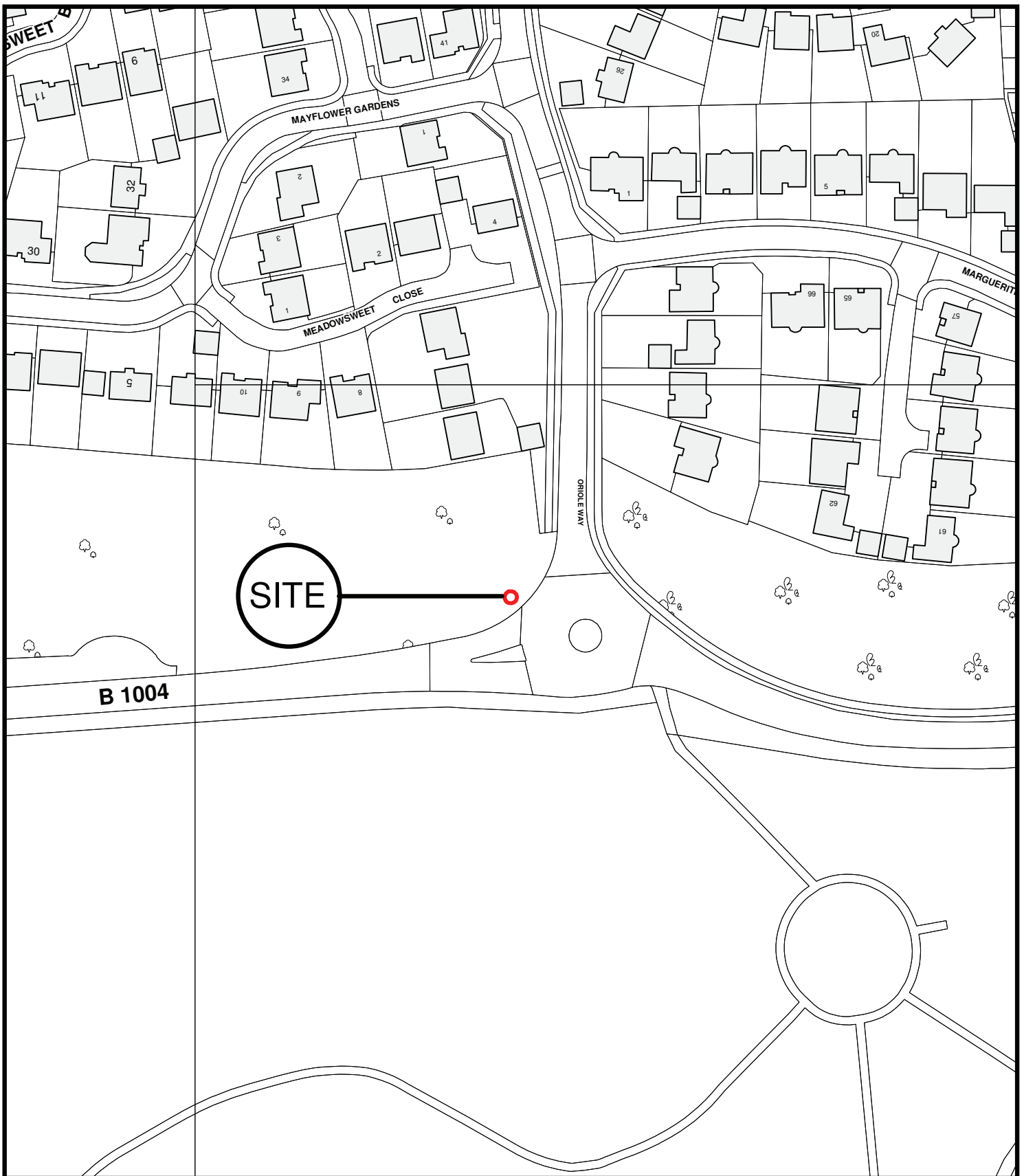
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**Reference: 3/11/0356/PT**  
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