

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE MAIN HALL, CHARIS
CENTRE, WATER LANE, BISHOP'S
STORTFORD - DUE TO TECHNICAL
PROBLEMS THE WEBCAST OF THE
DEVELOPMENT CONTROL MEETING
HELD ON 25TH AUGUST WILL NOT BE
AVAILABLE UNTIL MID SEPTEMBER ON
THURSDAY 25 AUGUST 2011, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman)
Councillors M Alexander, E Bedford,
E Buckmaster, S Bull, J Demonti, G Jones,
T Page, S Rutland-Barsby, J Taylor and
B Wrangles

ALSO PRESENT:

Councillors P Gray, P Ruffles, N Symonds,
M Tindale, M Wood and C Woodward

OFFICERS IN ATTENDANCE:

Liz Aston	- Development Control Team Leader
Fiona Brown	- Planning Technician
John Careford	- Senior Planning Officer
Glyn Day	- Principal Planning Enforcement Officer
Simon Drinkwater	- Director of Neighbourhood Services
Annie Freestone	- Senior Planning Technician
Peter Mannings	- Democratic Services Assistant

Martin Plummer	- Assistant Planning Officer
Kevin Steptoe	- Head of Planning and Building Control

ALSO IN ATTENDANCE:

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249 APOLOGIES

Apologies for absence were submitted on behalf of Councillors A Burlton, Mrs R Cheswright, G Lawrence and M Newman. It was noted that Councillors E Bedford, T Page and E Buckmaster were substituting for Councillors Mrs R Cheswright, A Burlton and M Newman respectively.

250 CHAIRMAN'S ANNOUNCEMENTS

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

In respect of Minute 252, the Chairman advised that, as a higher than anticipated number of people had registered to speak, he had agreed that all registered speakers should be allowed to address the Committee. He sought and received the consent of the Committee in respect of all registered speakers addressing the Committee.

251 DECLARATIONS OF INTEREST

Councillor T Page declared a personal interest in applications 3/10/1964/FP and 3/10/1965/LC in that he was a Member of the Bishop's Stortford Town Council Planning Committee.

252 (A) 3/10/1964/OP - OUTLINE PLANNING APPLICATION

FOR A MIXED USE DEVELOPMENT COMPRISING RETAIL, LEISURE HOTEL, FOOD AND DRINK, RESIDENTIAL, COMMUNITY USES, CAR PARKING, SERVICING AND ACCESS ARRANGEMENTS TOGETHER WITH ALTERATIONS TO THE PUBLIC HIGHWAY AND/OR PUBLIC REALM WORKS AND FLOOD MITIGATION MEASURES ON LAND NORTH OF LINK ROAD; AND (B) 3/10/1965/LC - DEMOLITION OF 1 THE CAUSEWAY; 1, 2 AND 3 OLD RIVER LANE; CHURCH HALL WATER LANE; BOUNDARY WALL NORTH OF CHURCH HALL AND SUBSTATION AT OLD RIVER

The Director of Neighbourhood Services recommended that, in respect of applications 3/10/1964/OP and 3/10/1965/LC, planning permission and conservation area consent be granted subject to the conditions now detailed.

The Director referred to the additional representations schedule, as well as the Section 106 legal obligation agreement and the conditions. The Committee was advised that these documents had been distributed to Members separately as they had not been finalised prior to the distribution of the Agenda.

Members were referred to the additional representations summary for the latest position in respect of the comments of the Environment Agency. The Director stressed that the Environment Agency had considered that a weir to the north of the site was no longer required for flood risk mitigation.

The Committee was advised that Officers felt they had insufficient information to advise on whether the weir should be removed.

Members could defer the applications for this issue to be investigated. Members were reminded that the applications would have to be referred to the Secretary of State if the Committee resolved to grant outline planning permission and conservation area consent.

The Director referred to the comments of the Council's retail advisors in respect of the position of Waitrose's objections to the application, given that Waitrose had control of some of the land that was the subject of these applications.

The Director advised that the Council's Solicitor felt that there remained some tension with regard to a number of issues, particularly flooding and the impact on heritage assets close to the site.

The following people addressed the Committee in objection to the applications:

- Mr Hurford, Chairman of the Bishop's Stortford Civic Federation;
- Mr Edwards on behalf of the Chantry Residents' Association;
- Mr Cooper on behalf of Coopers Bishop's Stortford;
- Karen Burton;
- Jackie Colman;
- Mr Elmer;
- Mr Hare; on behalf of the Water Lane Table Tennis Club;
- Mr George on behalf of Yew Tree Place residents;
- Mr Harrison on behalf of Waitrose, Bishop's Stortford;
- Mr Moys, Solicitor for Mr and Mrs Hagon and a number of other residents.

The following people addressed the Committee in support of the applications:

- Mr Fraser and Mr Perry on behalf of Hendersons Global Investors Company;
- Mr Disney;
- Mr Lawson; and
- Sarah Stevens.

Councillor N Symonds addressed the Committee by reading out a statement on behalf of Councillor A Burlton. Councillor Burlton's concerns related to overdevelopment of the site in terms of the massing and height of the proposed development.

Councillor Burlton was also concerned that the merits of the application did not justify 3 to 4 storey buildings on this site. He had commented that buildings should be restricted to 2 to 3 stories and the residential elements of the scheme should be withdrawn.

Councillor Symonds referred to Councillor Burlton's concerns that the application would result in traffic problems, particularly in respect of the proposed 'T' junction. He was also concerned in relation to the loss of natural vegetation to make way for the flood compensation area (FCA). He had stated that the application should be refused until all outstanding issues had been resolved.

Councillor Symonds and Councillor M Wood addressed the Committee as local ward Members in respect of their concerns on both applications. Councillor Wood was concerned in respect of the loss of valuable site lines in Bishop's Stortford. He expressed concerns in relation to highways congestion and the inadequacy of the proposed temporary parking provision.

Councillor Wood queried the need for a hotel in this location given the proliferation of hotels at Stansted Airport. He also strongly questioned whether the town needed more flats and a second cinema. He was particularly concerned that the application would result in the decline of town centre businesses.

Councillor M Tindale addressed the Committee in support of the applications in his capacity as Executive Member for Finance. He referred to the decisions taken by Full Council in relation to the Causeway Offices in that the

principle of development on this site had been established.

Councillor Tindale stated that the views expressed on the applications were not fully representative of the population of East Herts. He referred to the difficulty of the decision facing the Members of the Committee.

Councillor G Jones expressed concerns that high rise development was proposed with such a narrow access route being provided to the site and between the blocks of development.

He referred to the challenging balance of judgement faced by the Committee. He stated that he was minded to vote against both applications as the scale of the proposed buildings was insensitive to the conservation area of Bishop's Stortford.

Councillor Jones stated that the application would result in traffic chaos as the town's road network was already operating at full capacity and there was insufficient car parking to support such development. He expressed concerns over the loss of the United Reformed Church Hall and the likely impact on Heritage Assets.

Councillor Jones stressed that the proposed Cinema and Hotel were poorly sited in that the site was remote from the train station. He was also concerned that the development would match and exceed the nearest tallest buildings.

Councillor J Taylor stressed that the scheme must be determined on the merits of the applications and any previous decisions must be disregarded. She reminded Members that this was an outline application and all matters were reserved. Councillor Taylor stated that Bishop's Stortford did not need an enhanced retail offer and a new cinema and hotel as the town already had sufficient shops and a cinema.

Councillor Taylor commented that such a scheme should be supported by 1043 parking spaces as opposed to the proposed 600. She expressed concerns in relation to the loss of trees on the site. She also commented that elements of the high street could resemble a ghost town if this scheme was approved.

Councillor Taylor referred to her concerns in relation to highways issues, in particular the ageing population who were unable to use public transport for legitimate reasons. She was also concerned regarding pedestrian safety at the proposed 'T' junction.

Councillors Taylor and Jones were both concerned that the site was located in the flood zone of the River Stort. Councillor Taylor was concerned as to whether flood water could be contained within the FCA. She referred to the Environment Agency's objections and stated that the application did not comply with policy ENV25 of the East Herts Local Plan Second Review April 2007.

Councillor E Buckmaster commented that there was no guarantee from Officers or from the consultation responses that the flood risk issue could be fully mitigated. He stressed that the Bishop's Stortford Town Plan and the 2020 vision document did not include a development of this nature on this site.

The Director advised that the basis for the whole proposal was what the future held for Bishop's Stortford. He referred to there being a different situation now compared to when a Districtwide retail assessment had been carried out for the towns in East Herts. He stressed that the Authority could not time when any given scheme was submitted.

The Director advised that the applicant had undertaken to maintain the current levels of parking during the implementation phase of this application. He further advised that the applicant had given some sound and forthcoming assurances that every effort would be made

to minimise disruption.

Members were advised that, as always, the Committee must make a judgement as to whether the impact of the proposals could be justified in relation to the potential benefits to Bishop's Stortford in terms of a retail led proposal with new modern facilities.

The Director reminded Members that the Authority was obliged to deliver in terms of future housing supply in East Herts. He stated the Government Policy was very much in support of delivering that supply. He stressed that the Authority had not objected to the housing numbers that East Herts had been asked to deliver.

Members were advised that East Herts had performed poorly to date in terms of future housing supply in the District. The Director stated that, in terms of the flood risk mitigation measures, the Council's Drainage Engineer had stated that although the application complied with regulations in technical terms, the risk mitigation measures were very much at the lower end of the scale of acceptability.

The Director stated that the traffic issue was to a degree intractable in that Bishop's Stortford was an historic market town with very little that could be done to improve road capacity without fundamentally altering the town's character. He commented that there was insufficient space in the town for a development that provided 1000 plus car parking spaces.

Members were advised that due to the constrained nature of the town's highway network, the only realistic solutions were improving the flow on the existing roads, such as using the SCOOT system publicised by Hertfordshire Highways. Solutions were also available that gave priority to certain types of vehicles at junctions.

The Committee was reminded that due to the geography of the East Herts area, for many people, the only solution

for getting around was the private vehicle. The Director stressed that although there were concerns in respect of 4 blocks of development on this site, Officers had felt that the impact of the proposals was not so fundamental as to outweigh the potential benefits of the scheme. Members would have to make that judgement when determining these applications.

Councillor S Bull commented that he was an experienced retired retailer and it was widely accepted that big developments of this nature increased the prosperity of the surrounding town area. He stressed that this development close to the town centre should reduce the leakage to surrounding settlements such as Cambridge and Harlow.

Councillor Bull stated that this application would encourage people to continue to visit Bishop's Stortford and ensure the town was heading in the right direction.

Councillor T Page stressed that he was not satisfied that the issue of flood prevention had been satisfactorily addressed. He stated that a competently planned infrastructure had to be installed before this scheme was implemented.

Councillor Page expressed concerns that Bishop's Stortford South was the most economically challenged ward in the town and this application would further accelerate the loss of vitality of South Street. He concluded that these applications did not stand up to the provisions of ENV19 and ST1 and ST1a of the East Herts Local Plan Second Review April 2007.

Councillor M Alexander stated that Bishop's Stortford was a well respected town that was suffering due to the leaching of trade to surrounding settlements. He stressed that the applicant was a serious company that was not about to walk away from the town should this scheme be implemented.

The Director advised Members that the parking provision standards were set out in terms of maximum rather than minimum provision. He also stressed that Hertfordshire Highways had not objected to the proposals so Members should be cautious when putting forward reasons for rejecting the applications. The Committee was advised that the fact that the scheme was not included in the local plan was not sufficient as a reason for refusal.

The Director emphasised that Members could advance an argument that the scheme would have a detrimental impact on the conservation area of Bishop's Stortford. He reminded the Committee that there would be no net loss of trees as a consequence of the proposals. Members were advised that the County Archaeologist was satisfied that the investigations that had taken place were sufficient.

Members continued to debate possible reasons for refusal following the continued advice of the Director.

Councillor J Taylor proposed and Councillor J Demonti seconded , a motion that applications 3/10/1964/FP and 3/11/1965/LC be refused on the grounds that archaeological remains had not been sufficiently investigated, the flood risk issue had not been resolved, the impact on traffic in general terms was not acceptable and was contrary to policy TR1 of the East Herts Local Plan Second Review April 2007 and the scale and height of the development would have an unacceptable impact on the character of the conservation area of Bishop's Stortford.

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

After being put to the meeting and a vote taken, the Committee accepted the recommendations of the Director of Neighbourhood Services that applications 3/10/1964/OP and 3/10/1965/LC be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/10/1964/OP, subject to the referral of the application to the Secretary of State in relation to the Town and Country Planning (Flooding) (England) Direction 2007, and subject to the applicant entering into an agreement under section 106 of the Town and Country Planning Act 1990 as amended covering the following matters:

1. The provision of up to 40% affordable housing either as direct provision or through a commuted sum, or an element of both, the amount of which is to be determined;
2. Prior to demolition of the URC Church hall, the provision of replacement facilities of equal or greater quality to those currently provided in the hall in a location in close proximity to the existing URC Church hall to the satisfaction of the Council in consultation with the URC;
3. The provision of £307,916 financial contribution towards enhancing bus services that access the town centre and related infrastructure;
4. The provision of a financial contribution of up to £50,000 to enable the implementation of selective vehicle detection equipment at Adderley Road / The Causeway; Station Road (next to the bus interchange); South Street / Station Road; Riverside / Adderley Road; New access junction on Link Road (to serve the proposed development) within the town centre in order to mitigate for delays caused to bus service 510.
5. The agreement of appropriate timescales and criteria against which the operation of the Bridge Street/Link Road junction can be

monitored and, if agreed operational criteria are breached, the provision of additional improvements including signalisation at that junction;

6. The provision of an enhancement to the existing VMS (Variable Messaging Signs), (as set out within the WSP document 'Parking Guidance Signage Review' April (2011)) within the Town Centre to provide enhanced information in relation to the availability of parking and other traffic information;
7. Prior to the loss of any of the current parking provision on the site, the provision of temporary and alternative public parking to be made during the construction of the development to ensure that overall level of public parking provision currently provided on the main site is maintained throughout the construction phase;
8. The provision of a car park management plan to ensure that the parking facilities within the development site follow the overall parking strategy for the Town Centre;
9. The provision of financial contributions towards nursery and secondary education, childcare, youth and libraries in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Guidance 2008;
10. Bridge – prior to the occupation of the first Class A1 or A2 or A3 or A4 or A5 unit to investigate the feasibility of the provision of a bridge and submit to the Local Planning Authority an application for planning permission to construct a pedestrian bridge

over the watercourse between Link Road and Castle Gardens and, if permission is secured, to construct the bridge within 12 months of the granting of permission. Details of maintenance liability are to be agreed with the Council.

11. The provision of fire hydrants;
12. All reasonable legal and monitoring fees are to be paid by the applicant.

planning permission be granted subject to the following conditions:

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out otherwise than in accordance with detailed plans and drawings showing the siting, design and external appearance of the building(s) and landscaping of the site, which shall have been approved in writing by the Local Planning Authority before any development is commenced.

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

3. No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. No use or occupation shall take place until the approved written scheme of investigation for archaeological works has been implemented in full, and the Local Planning Authority has received and approved an archaeological report of all the required works, and provision has been made for analysis and publication where appropriate.

Reason: To ensure the protection of and proper provision for any archaeological remains in accordance with Policy BH2 of the East Herts Local Plan April 2007 and Planning Policy Statement 5: Planning and the Historic Environment.

4. No development shall take place until detailed plans, showing the existing and proposed ground levels of the site relative to adjoining land and buildings, together with the slab levels of the proposed buildings have been submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development is

properly related to the levels of adjoining development in the interests of amenity.

5. Prior to or concurrently with the submission of the first of any reserved matters applications for the site, a Design Guide shall be formulated and submitted to the Local Planning Authority for approval. The Design Guide shall be prepared in accordance with the principles and parameters established in the outline application and shall include more detailed information in relation to the following:
 1. the approach to be followed in relation to the design and external appearance of the buildings, including the ratio of glazing to other elements of the buildings, external materials to be used and colour treatments to be applied;
 2. the approach to be followed in relation to the surface treatment to be applied in any areas of the site outside of buildings, street furniture, lighting, public art and any other structures to be placed in these areas;
 3. the approach to be followed in relation to advertising to be applied to the external façade of any of the buildings or otherwise within the site;

Reason: To ensure high quality design and coordinated development in accordance with policy ENV1 and BH6 of the East Herts Local Plan Second Review April 2007

6. No development above ground level shall take place until all materials to be used for hard surfacing within the site including roads, driveways and car parking areas 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: To ensure that the development does not detract from the appearance of the locality in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. Prior to the first occupation of any of the A1, A2, A3, A4, A5 units (retail units), a plan showing the uses designated for each unit shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with that plan and any change in use of the units within the approved plan shall be agreed in writing by the Local Planning Authority.

Reason: To ensure that there is an appropriate mix of retail and other uses to sustain the vitality and viability of the Town Centre in accordance with policies STC1 and STC2 of the East Herts Local Plan Second Review April 2007.

8. Within 12 months of commencement of the development hereby approved, details of the management and availability of any D1 community facility space have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the community facility is properly provided for within the site for the local community in accordance with policy

LRC11 of the East Herts Local Plan second Review April 2007.

9. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 1. Drawings and full details of any temporary highway works and the phasing of any highway works;
 2. Methods for accessing the site;
 3. The parking of vehicles of site operatives and visitors;
 4. Loading and unloading of plant and materials;
 5. Storage of plant and materials used in constructing the development;
 6. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 7. Wheel washing facilities;
 8. Measures to control the emission of dust and dirt during construction;
 9. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 10. The management of any crossings of the public highway and/or other public rights of way.

Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

10. No development shall take place until details

of the phasing of construction of development on the application site have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

1. the details of access to be provided to buildings located on the site which are to remain in use during construction;
2. detail of the timing of the provision of vehicular and foot access to new buildings which are to be constructed;
3. detail of the timing of the provision of the public area of the site located between proposed block A and the western perimeter of the site (adjacent to the extent of Coopers, as proposed) as shown on plan references T04 10 and T12 09.

Reason: The development shall be carried out in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

11. Prior to first occupation of any part of the development hereby approved, the Green Travel Plan as set out in Chapter 9 of the Transport Assessment shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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

12. No development shall take place until details of cycle parking facilities shall be submitted to

and approved in writing by the Local Planning Authority. Once agreed, those facilities shall thereafter be implemented in accordance with the approved details, made available for use prior to the first occupation of the site and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To encourage the use of sustainable means of transport in accordance with policies TR13 and TR14 of the East Herts Local Plan Second Review April 2007.

13. The development shall be carried out in accordance with the Flood Risk Assessment (WSP, October 2011 Revision 1) and the Flood Risk Addendum (WSP, March 2011) and the mitigation measures detailed within those documents.

Reason: In the interests of flood risk in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 25: Development and Flood Risk.

14. Prior to the first occupation of the development hereby permitted, details shall be submitted to and agreed in writing by the Local Planning Authority of a specification of works to open up and naturalise the current culverted route of the watercourse within the flood compensation area and as identified in the WSP report 'Justification for not de-culverting Old River Lane culvert' 29 July 2011. Once agreed, the works shall be implemented as such and shall be completed prior to the first occupation of the development hereby agreed. The timing and specification of the works may be further varied and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development maximises its ecological and biodiversity potential. In accordance with policy ENV18 of the East Herts Local Plan Second Review April 2007

15. Prior to first occupation of any part of the development a management plan for the flood compensation area and any drainage system used on the application site 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: To prevent flooding by ensuring that the flood compensation area and any other drainage system is satisfactorily maintained and managed by the responsible party, in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 25: Development and Flood Risk.

16. No development shall take place until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:-
 1. A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

17. Prior to first occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the

reporting of this to the Local Planning Authority.

Reason: To ensure the site no longer poses a potential risk to groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

18. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If piling is found to be necessary the development shall be carried out in accordance with the approved details.

Reason: In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

19. No development above ground level shall take place until details of facilities to be provided for the storage and removal of refuse from the Main site during the operational phase have been submitted to and approved in writing by the Local Planning Authority. The facilities shall thereafter be provided and retained in accordance with those approved details.

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

20. No trees located on land within the Bishop's

Stortford Memorial Gardens or the beech tree T72 (all shown on plan reference 42806L/topo 1 of 3; 2 of 3 and 3 of 3 within Chapter 12.1 of the EIA) shall be removed, unless otherwise agreed in writing by the Local Planning Authority. Those trees shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

21. Within 12 months of commencement of the development hereby approved, a management plan for all open spaces and routes within the site which are outside of buildings has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that outside spaces and routes are properly managed in the interests of the amenity of the site and the surroundings.

22. Details of replacement bat foraging, commuting and habitat to replace that lost as part of the development and the timescale for provision shall be submitted to, and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans.

Reason: To ensure that appropriate levels of replacement bat foraging, commuting and habitat space are provided for, in accordance with policy ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 9: Biodiversity and Geological Conservation.

23. No development shall take place until a scheme setting out the measures to be taken to ensure the creation of new habitats within the FCA and the timing of that provision has been submitted to and agreed in writing by the local planning authority. Once agreed, the scheme shall be implemented in accordance with those agreed details.

Reason: To ensure that the development mitigates for the potential loss of existing habitats and biodiversity in accordance with policy ENV17 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 9: Biodiversity and Geological Conservation.

24. Details of CCTV provision on the site together with a management plan 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 ensuring that the development provides adequate means to protect against crime, in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

25. No development shall take place until a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralized and renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

26. The development shall, except to the extent that the Local Planning Authority otherwise agrees in writing, be carried out in accordance with the details submitted with the application.

Reason: To comply with the requirements of the Town and Country Planning (General Permitted Development) Order 1995.

27. The development hereby approved shall be carried out in accordance with the following approved plans: T03A 07, T03B 08, T04 10,

T05 09, T06 08, T07 08, T08 10, T09 10, T10 10, T11 10, T12 09, T13 09, 0721/GA/010 D, 0721/GA/009 D.

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

Directives:

1. Other legislation (01OL1)
2. Under the terms of the Water Resources Act (1992) and the Land Drainage Byelaws(1981) the prior written consent of the Environment Agency is required for certain works in over, under or with 8 metres of a Main River (or as otherwise agreed by the Environment Agency).
3. Planning obligation (08PO1)
4. Street name and numbering (19SN4)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD3, HSG1, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR4, TR7, TR8, STC1, ENV1, ENV2, ENV3, ENV11, ENV16, ENV18, ENV19, ENV21, ENV23, ENV25, LRC11, BH1, BH2, BH3, IMP1 and PPS1 Delivering Sustainable Development, PPS3 Housing, PPS4 Planning for Sustainable Economic Growth, PPS5 Planning for the Historic Environment, PPG13 Transport, PPG17 Open Space, Sport and

Recreation, PPG24 Planning and Noise, PPS25 Development and Flood Risk. The balance of the considerations having regard to those policies and the significant investment of the proposed into the town is that permission should be granted.

(B) in respect of application 3/10/1965/LC, conservation area consent be granted subject to the following condition:

1. Listed Building three year time limit (1T14)

The meeting closed at 11.05 pm

Chairman
Date