

MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 18 JULY 2018, AT 7.00 PM

---

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

ALSO PRESENT:

Councillors G Cutting

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Fiona Dunning	- Planning Officer
Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

104 APOLOGIES

Apologies for absence were submitted on behalf of Councillors S Bull and K Warnell. It was noted that Councillors P Ballam and D Oldridge were substituting for Councillors S Bull and K Warnell respectively.

105 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that as the District Plan had taken further significant steps towards formal adoption, the weight that could be assigned to it had increased.

106 DECLARATIONS OF INTEREST

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

Councillor B Deering declared non-pecuniary interests in applications 3/18/0432/FUL and 3/17/1537/FUL, on the grounds that he was a Member of Hertfordshire County Council for the Hertford Saint Andrews division.

107 MINUTES - 20 JUNE 2018

Councillor T Page proposed and Councillor P Boylan seconded, a motion that the Minutes of the meeting held on 20 June 2018 be confirmed as a correct record and signed by the Chairman, subject to the following being added to the end of the first sentence in paragraph 11 of Minute 63:

'but opening hours were challenged in respect of night time economy provision'

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

RESOLVED – that the Minutes of the meeting held on 20 June 2018, be confirmed as a correct record and signed by the Chairman, subject to

the following being added to the end of the first sentence in paragraph 11 of Minute 63:

‘but opening hours were challenged in respect of night time economy provision’

- 108 3/18/0432/FUL - ERECTION OF MULTI STOREY CAR PARK (MSCP) OVER SIX LEVELS PROVIDING 546 SPACES, OPEN AIR SURFACE CAR PARKING FOR 27 SPACES TO THE NORTH OF THE CAR PARK. ERECTION OF A 4 STOREY BUILDING WITH COMMERCIAL USE AT GROUND FLOOR AND 15 RESIDENTIAL FLATS ARRANGED OVER THE UPPER 3 LEVELS, A MULTI-USE GAMES AREA (MUGA) AND ASSOCIATED HIGHWAY AND PUBLIC REALM WORKS. REMOVAL OF FENCE AND RETAINING WALL AT EHDC CAR PARK NORTHGATE END, BISHOP'S STORTFORD CM23 2ET

The Head of Planning and Building Control recommended that in respect of application 3/18/0432/FUL, subject to the conditions detailed in the report to the Committee on 20 June 2018 and the amendments and additions detailed in the report now submitted, planning permission be granted subject to the conditions now detailed.

The Head drew attention to the additional commentary detailed in the schedule of late representations. Members were referred in particular to comments of the Conservation Officer, Environmental Health, the HCC Property Services Officer and the Bishop's Stortford Civic Federation. The Head also referred to 37 additional objections from neighbouring and local residents with some objectors having emailed Members directly.

The Head explained that the principal change was the changed orientation and enhanced size of the Multi Use Games Area (MUGA) which would now meet the specifications of Sports England and had been subject to a seven day consultation period.

Officers felt that, in order to protect the amenity of adjoining neighbours, a condition regarding lighting restrictions should remain contrary to the views of the HCC Property Services Officer. The applicant had increased the affordable housing offer to 6 units or 40% provision.

The Head referred to noise readings taken on site at the start of July 2018 and these readings had been compared to an overall summary that had been completed regarding background noise. The subsequent summary from the Environmental Health Officer had been submitted to Planning Officers and had been emailed to the Committee Members.

Members were advised that the matter of electrical charging points had been addressed at paragraph 2.9 on page 45 of the report submitted. The applicant had indicated that there was the ability to provide more charging points if demand were to increase in future. The Head drew Members' attention to the matter of pedestrian movements in reference to pages 46 and 47 of the report. There was no other significant new information that needed to be brought to the attention of the Committee regarding the conditions or the recommendation.

Councillor M Casey commented on the viability assessment and the compromise of 20% affordable

housing that had been offered previously. He queried what had changed to allow a revised offer of 40% affordable housing provision.

Councillors R Brunton and J Jones commented on policy in respect of affordable housing and sought clarification regarding low cost home ownership and whether this contributed to the 40% affordable housing provision.

Councillor P Boylan suggested that condition 31 be strengthened to reflect the dual nature of the 20 electric vehicle charging points. He was also pleased to hear that the technology was intended to be future proofed. He commented on the possibility of a condition to give a safety net against this car park being completed without the development of Old River Lane.

Councillor D Andrews referred to outstanding issues regarding the MUGA and commented on pedestrian movements to and from the proposed car park and the suggested times of peak demand of 12:45 to 13:00. Councillor M Allen referred to the impact of the application on pedestrian movements and Councillor D Oldridge commented on the revised location of the MUGA.

The Head confirmed that the applicant was willing to provide six affordable housing units to meet the Council's target of up to 40% affordable housing even though this had been proven to be unviable. The units would be shared ownership rather than rented accommodation in the form of social housing. Condition 31 would be amended in respect of the 20

dual charging points.

The Head reminded the Committee that the applicant would have three years to implement this application should planning permission be approved. Members were advised that conditional arrangements between development sites would not be reasonable or appropriate in relation to the standard tests for conditions. Members were also not in a position to seek to exclude or include elements of an application with planning conditions.

The Interim Legal Services Manager reminded Members that their role was to determine applications and they should not seek to advise developers. Members were further advised that they could not seek to link this application to existing or future developments and they must determine what had been submitted by applicants.

The Head confirmed to Councillor B Deering that the noise issue had now benefited from a full and proper assessment. The noise readings had indicated that a level of noise mitigation was required in relation to Yew Tree Place. The Head detailed the findings of the noise assessment in terms of decibel levels and summarised the options available in terms of mitigation regarding the managed operation of the proposed car park.

Councillor D Oldridge was advised by Officers that the final formulation of the conditions could be and often was delegated to Officers in consultation with the Chairman and Vice-Chairman of the Committee plus local ward Members.

The Head referred to a point that had been raised by Councillor D Oldridge at the meeting of 20 June in relation to previously developed land. Further clarification was provided in relation to this matter.

Councillor D Andrews commented on the importance of the availability of infrastructure to support future demand for additional capacity for the charging of electric vehicles. He referred in particular to the cabling infrastructure capacity from the utility companies or the sub-station to satisfy the energy demands of the car park.

Councillor D Oldridge proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved, subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

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

RESOLVED – that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management

arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

### Conditions

1. Time limit for implementation
2. Approved Plan numbers

### Archaeology

3. No 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. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made. The development shall be carried out in accordance with the details approved.

Reason: To secure the protection of and



proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007 and policy HA3 of the East Herts District Plan pre-submission version, Nov 2016.

#### Contamination

4. 2E33 No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Socotec Uk Ltd Phase 1 Desk Study report dated February 2018 (Ref: H8019-18), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the

## National Planning Policy Framework.

### Waste Management

- 5 2E32 Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development ; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012.

### Noise Attenuation – car park

- 6 No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the car park use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29<sup>th</sup> May 2018 as supplemented by report ref 2009/EBF/R3 dated 10 July 2018. The use hereby permitted shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

#### Noise Attenuation – MUGA

- 7 No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the Multi-Use Games Area (MUGA), access walkway and surface level car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29<sup>th</sup> May 2018. The use shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be

effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

#### Construction Management Plan – pollution control

- 8 Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
  - a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and

neighbours

- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality (including dust), light and odour.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

#### Landscape and Ecological Management Plan (LEMP)

- 9 No development shall take place until a Landscape and Ecological Management Plan (LEMP) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:
  - a) Description and evaluation of features to be managed;
  - b) Ecological constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions;

- f) Preparation of a work schedule to undertake the works and provide appropriate long term maintenance (at least 5 years);
- g) Extent and location/area of proposed works on appropriate scale maps and plans;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: In order to ensure that the development enhances the ecological value of the site and adjoining area in accordance with policies ENV15, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and policies DES3 and NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Air Quality

- 10 No development shall take place until a scheme for mitigating the impacts of the development on local Air Quality has been submitted to and approved in writing by the local planning authority. The scheme shall

follow the recommendations identified in the Phlorum Air Quality Assessment report (Ref: 7801A AQ draft v1) dated February 2018. The scheme shall include a timetable for implementation of the approved mitigation measures and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy EQ4 of the East Herts District Plan pre-submission version, Nov 2016.

### SUDS

- 11 No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted the Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018.

### The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet

and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Final design of the attenuation tank should incorporate silt traps and appropriate pollution prevention methods.
3. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
4. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event based on details proposals for the opening and diversion of the Main River.

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

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..



### External Lighting

- 12 2E27 Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016 .

### No lighting for MUGA

- 13 Notwithstanding condition No. 12, no lighting is permitted on the Multi-use Games Area.

Reason: In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016.

### Management plan for MUGA and grassland

- 14 No development shall take place until

details have been submitted to and approved in writing by the local planning authority which set out how the access to the MUGA outside of the permitted of hours of use and the surrounding grassland at any time shall be controlled. The details shall include how the area will be secured from the surface car park but be accessible for ball retrieval and maintenance during operating hours. The development shall be carried out in accordance with the details agreed.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### Secured by Design

- 15 Prior to development commencing on site details shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will meet the Secured by Design standards. Once approved, the development shall be constructed and operated as such.

Reason: To ensure the car park and residential developments have been designed to reduce the opportunity of crime

in accordance with Policy ENV3 of East Herts Local Plan Second Review April 2007 and policy DES5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

#### Details of deculverting

- 16 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning authority a detailed design for the deculverting of the Old River Stort.. The deculverting works shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding on site and elsewhere by ensuring that an acceptable open-channel diversion of the Old River Stort is provided. In addition to increase the biodiversity of the site in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 17 All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a

result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, 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 or hedging 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 or hedging 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 and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### Landscape details

18 All existing trees, shrubs, natural and

historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e. weld mesh) to BS5837: 2012 Trees in relation to design, demolition and construction securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. 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 that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity, in accordance with policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-

submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### On-site parking details

- 19 No development shall commence until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all servicing vehicles to enter and exit the site in forward gear.

The development shall be carried out in accordance with the details agreed and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway in accordance with policy TRA2.

### Finished surfaces of parking

- 20 Details of the finished surface of the parking areas shall be submitted to, and approved in writing by the Local Planning Authority before the development commences and such surfaces shall be completed to the

Authority's satisfaction before any part of the development is first brought in to use.

Reason: In the interest of amenity, safety and long-term maintenance in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Construction Traffic Management Plan

- 21 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
  - b. Traffic management requirements;
  - c. Construction and storage compounds (including areas designated for car parking);
  - d. Siting and details of wheel washing facilities;
  - e. Cleaning of site entrances, site tracks and the adjacent public highway;
  - f. Timing of construction activities to avoid school pick-up/drop-off times;
  - g. Provision of sufficient on-site parking (including for existing properties and

- on-site activities), prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Hard Surfacing Materials

- 22 Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Samples of materials



- 23 Prior to any building works being commenced samples of the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

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 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### Landscape design proposals

- 24 Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage,

power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

- 25 Prior to commencement of development, details of the method of piling for the 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 agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with policies ENV1 and ENV24 of

the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### Boundary treatment

- 26 Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### SuDS management and maintenance plan

- 27 Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure

the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

#### Vehicular access

- 28 Prior to the first occupation / use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position(s) shown on the approved plan drawing number (03010 8D ASL Rev D). Arrangement shall be made for surface water drainage to be intercepted and outfall discharged so that it does not discharge from or onto the highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

#### Access gates, barriers

- 29 Prior to the first occupation/use of the development hereby permitted any access gate(s), barriers, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the back of the footway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 30 Prior to first use of the multi-storey car park and the rear surface area parking area hereby approved, the public parking area identified as The Causeway car park (and identified on the OS plan dated July 2018) shall be closed for public use. Once closed, the Causeway car park shall subsequently remain unavailable for public use.

Reason: In the interests of the free flow of traffic through the highway network and in accordance with policy TRA1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

#### Car Parking Management Plan

- 31 Prior to first occupation/use of the development, a Car Parking Management

Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:

- i. Details of car parking allocation and distribution;
- ii. Operational details, and integration with other East Herts managed car parks within Bishop's Stortford;
- iii. Scheme for signing car park and any real time capacity information system;
- iv. A scheme for the provision and parking of cycles;
- v. Provision for a minimum of 20 Electric Vehicle charging points (which will serve as dual charging points with the capacity to charge up to 40 vehicles at one time);
- vi. Details of the infrastructure that will be provided as part of the development and subsequently, both within the site and off site as necessary, to enable the capacity of vehicle charging provision to be increased to a minimum of 160 vehicles in the future;; and
- vi. Monitoring required of the Car Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter

retained for this purpose.

Reason: In the interests of highway safety, to ensure sufficient available on-site car parking, to ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development, in the interests of encouraging the use of sustainable modes of transport and in the interests of residential amenity. All in accordance with policies TRA2 and DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 32 Communal television reception facilities shall be provided prior to first occupation of the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and no other external television reception facilities shall be provided. Once provided, the television reception facilities shall remain as such.

Reason: To prevent the proliferation of telecommunication facilities in the interests of visual amenity and in accordance with policy in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

FRA mitigation measures

- 33 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018 and the following mitigation measures:
1. Undertaking appropriate drainage strategy for multi-storey car park based on attenuation and discharge into the Old River Stort restricted at 5l/s.
  2. Undertaking appropriate drainage strategy for northern car park drainage system and MUGA based on attenuation and discharge into the Old River Stort restricted at 2.5l/s.
  3. Undertaking appropriate drainage strategy for the four storey residential and commercial building on attenuation and discharge into Thames Surface water sewer restricted at 2.5l/s.
  4. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
  5. Implementing drainage strategy as indicated on the drawing titled Proposed Below Ground Drainage Layout drawing no. 1000 Rev 2 including attenuation tank and



permeable parking bays.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 34 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

#### Hours of use of MUGA

- 35 The MUGA shall not be used between the

hours of 19:00 and 09:00 on any day and the 1.5m wide access route, shown on Drawing No. 17144\_07\_100 Rev P2, shall be secured and remain closed between 19:15 and 08:45 on any day.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 36 The permitted use of the commercial unit shall be limited to A1, A2 or B1 uses.

Reason: In order to ensure an acceptable impact in relation to residential amenity and in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 37 The commercial unit shall be completed and ready for occupation with the glazed shopfront installed prior to the first occupation of the residential units.

Reason: To ensure that the commercial unit is ready for occupation in accordance with policy ED1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Construction hours

- 38 In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Hours of the car park

- 39 The vehicular entry into the public car park shall be restricted as follows:
- in relation to the ground floor and top floor of the multi storey car park and the rear surface parking area - to between 0700 and 2300 on any given day.
  - in relation to all other floors of the multi storey car park – to between 0700 and 2400 on any given day

Details of how this will be controlled

shall be submitted to and approved in writing by the local planning authority prior to the opening of the car park. The development shall be carried out and thereafter operated in accordance with the details approved.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 40 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the highway authority in relation to sustainable transport measures for the car park and residential element of the proposal; and

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the highway authority in accordance with policy TRA2 of the East Herts District Plan pre-submission version,

Nov 2016 together with the Main Modifications, Feb 2018.

- 41 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the education authority in relation to primary and secondary education expansions; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the education authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 42 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that must provide details identifying the 6 Affordable Housing units, setting out how they will be managed and retained in their affordable housing use, nominating tenure and the Housing Association; and

Thereafter, no more than 50% of the market housing to be provided as part of this development shall be occupied until the 6 Affordable Housing units have been completed and made ready for occupation.

Reason: To ensure the development meets the provision for affordable housing in accordance with policy HOU3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 43 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the Bishop's Stortford Library improvements have been addressed; and Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the County Council library Service in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 44 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing

by the local planning authority that will show how provision has been made for Parks and Gardens, outdoor sports facilities, green space and for children and young people required as a result of the development; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 45 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how a wet woodland in the locality of the de-culverted Old River Stort, as set out in the Flood Risk Assessment, can be achieved;

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets

the requirements of the local planning authority in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

### Informatives

- 1 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Stort and the Old River Stort Culvert, both of which are designated as 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at [PSO-Thames@environment-agency.gov.uk](mailto:PSO-Thames@environment-agency.gov.uk).
- 2 The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
- 3 The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be



made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

- 4 To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
- 5 Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
- 6 In the event of bats, otters, or water voles, or evidence of them, being found work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
- 7 Storage of materials: The applicant is advised that the storage of materials

associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

- 8 Obstruction of public highway: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a public right of way. If this development is likely to result in the public highway and public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

- 9 Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other detritus on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
- 10 The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further

information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

### Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

- 109    3/17/1537/FUL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FOODSTORE, WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS AT CONSUMERS ASSOCIATION GASCOYNE WAY, HERTFORD SG14 1LH
- 

The Head of Planning and Building Control recommended that in respect of application 3/17/1537/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were reminded of the policy requirement to maintain sufficient sites for

employment use in light of the significant increase in housing sites detailed in the District Plan.

The Head stated that Officers had assessed the shortcomings of the site in terms of its attractiveness as an employment use as well as the proximity of watercourses and the issue of flooding. Members were advised that the likelihood of the site being utilised for employment was in some doubt.

The Head stated that the application was largely acceptable in policy terms. The site was close to the Hertford town centre but had been perceived to be remote from the town centre due to the busy A414 Gascoyne Way. The site was separated from West Street properties by a watercourse and the intervening green space.

The Head advised that the usual preferred linkage to the town centre was compromised to a degree by the significant barrier feature of Gascoyne Way. Officers felt that, on balance, the application would not adversely affect the town centre core retailers and would not adversely affect the function of the town centre or the character of the historic core of Hertford.

Dr McAllister and Mr Close addressed the Committee in support of the application. Councillor P Ruffles commented on the nature of Aldi retail offer and whether this application would give permission for that retailer only. He commented on the screening element of the car park in reference to landscaping to the Lea Valley side of the site. He referred in particular to protection for residents of West Street. He also referred to the wording of the conditions and the two

hour limit for users of the car park and the possibility that they could also visit the town centre.

Councillor D Andrews commented that although he was broadly content with the application, he wondered whether Section 106 amelioration would be of benefit for the residents of West Street. Councillor D Oldridge commented on the need for clarity regarding condition 21 and car parking hours of use and condition 7 in terms of a more precise number of cycle spaces for the car park.

Councillor B Deering commented on the importance of securing a workable underpass that people will use and he referred to the critical importance of protecting the underpass with CCTV. Councillor T Stowe highlighted the importance of the car park and roadway being covered by a permeable material to avoid surface water run-off.

The Head confirmed that the occupier of the site was not wholly relevant as the application was for a class A1 retail use. The building would be bespoke for a particular operator for convenience and comparison retailing.

Members were advised that the screening to the southern side of the car park was a very valid point and condition 26 covered a landscape management plan regarding the southern perimeter of the site. The Head stressed that the hours of use of the car park was covered by the proposed planning condition 21 and a car park management plan, although Officers would look at the wording of this in light of Members' comments and concerns on the car park.

Members were advised that the modelling work carried out by Hertfordshire County Council had indicated that the scheme would not have any adverse impact on the road network. The conditions regarding disabled car parking spaces and cycle spaces could be amended to be entirely specific in terms of not being less than a certain number.

The Head concluded that Officers would continue to liaise with the applicant on funding for treatment works for the underpass plus CCTV. Members were advised that Officers would work with the applicant regarding surface water drainage conditions and details of construction materials.

Councillor J Jones praised the proposed development as an excellent design that sat well next to Gascoyne Way. He felt that the food store would be very welcome in Hertford. Councillor D Andrews commented on the possibility of a condition that ensured that the car park was secured so that it was more difficult for non-shoppers to use the car park after the proposed food store had closed.

Councillor P Ruffles welcomed the subway treatment works and drew attention to three other subways which already had murals and emphasised that it would be most welcome if this underpass followed the tone of these. He also welcomed the location of this site to the west of the town centre as the retail offer had shifted to the east.

Councillor P Ruffles countered the point made by Councillor J Jones regarding an excellent design. He

felt that the existing employment building was good looking and the proposed development was a standard store design that did not look any better. Councillor P Ruffles expressed concerns regarding cyclists and pedestrians having safe passage across the entrance to the site given the speed of traffic on Gascoyne Way. He suggested that Officers could go back to HCC Highways regarding whether more could be done regarding the safety of cyclists and pedestrians.

The Head referred to condition 4 in the report submitted and advised that the intended store operating hours would actually be 8 am to 10 pm from Monday to Saturday. The car park management plan could be amended to ensure the safety and security of the car park.

The Head emphasised that the junction had a crossing island where each half had issues in terms of visibility and the speed of vehicles. Officers could take this issue back to the highways experts so that other potential design arrangements could be explored and incorporated into the conditions following further scrutiny.

In reply to a comment from Councillor D Oldridge regarding the balance of short term and long term parking spaces, the Head confirmed that Officers would further explore this issue on behalf of the Committee.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion that in respect of application 3/17/1537/FUL, the Committee support the



recommendation for approval subject to a legal agreement and the conditions detailed in the report submitted.

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

RESOLVED – that in respect of application 3/17/1537/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

- 110 3/18/1112/FUL - REDEVELOPMENT OF COLEBROOKE COURT: RETAIN BUILDING STRUCTURE WITH ADDITION OF ONE STOREY TO THE TOP FLOOR TO CREATE A PART-4 AND PART-5 STOREY BUILDING COMPRISING 11 RESIDENTIAL UNITS (9 X 2-BEDROOM AND 2 X 1-BEDROOM) WITH ASSOCIATED CAR PARKING, CYCLE STORAGE, PLANT AND LANDSCAPING WORKS. FOUR STOREY FRONT EXTENSION FOR NEW ENTRANCE AND INCREASED SIZED STAIRWAY. EXTERNAL WORKS INCLUDING RECLADDING AND THE ADDITION OF NEW WINDOWS AND JULIETTE BALCONIES AT COLEBROOKE COURT, THE RIDGEWAY, HERTFORD SG14 2TL
- 

The Head of Planning and Building Control recommended that in respect of application 3/17/1112/FUL, subject to a Section 106 agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised of

the mix of proposed development which would comprise 100% affordable housing and 100% shared ownership.

In reply to a comment from Councillor T Stowe regarding the proposed zinc cladding, the Head confirmed that this was a matter for the building regulations regime rather than the planning system.

Councillor P Boylan commented on the windows of the proposed western elevation of Colebrook Court. He referred to the large size of the proposed windows and sought clarity in respect of the prospect of overlooking.

The Head confirmed to Councillor P Ruffles that although he could not give any assurances now, Officers would have a discussion with the applicant regarding waste and recycling collection and storage and the proposed conditions. The Head also confirmed to the Committee that, in respect of the points that had been raised by Councillor P Boylan regarding building orientation and overlooking, he did not have plans for the adjacent site so was not able to confirm matters and this would have been taken into account when the proposals for the adjacent development site were considered.

Councillor P Ruffles proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/1112/FUL, the Committee support the recommendation for approval subject to Section 106 agreement and the conditions detailed in the report submitted.

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

motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1112/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

111 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 9.08 pm

Chairman .....
Date .....