

MINUTES OF A MEETING OF THE
DEVELOPMENT CONTROL COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
WEDNESDAY 22 JUNE 2011, AT 7.00 PM

PRESENT: Councillor W Ashley (Chairman)
Councillors M Alexander, D Andrews, S Bull,
Mrs R Cheswright, J Demonti, G Jones,
M Newman, S Rutland-Barsby, J Taylor and
B Wrangles.

ALSO PRESENT:

Councillors P Moore, W Mortimer, P Ruffles
and N Symonds.

OFFICERS IN ATTENDANCE:

Glyn Day	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Assistant
Kevin Steptoe	- Head of Planning and Building Control
Alison Young	- Development Control Manager

96 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors A Burlton and G Lawrence. It was noted that
Councillor D Andrews was in attendance as substitute for
Councillor Burlton.

97 CHAIRMAN'S ANNOUNCEMENTS

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

The Chairman advised that the application at Longmead, Buntingford had been referred to the Secretary of State for a decision. The Secretary of State had since advised Officers that there was no need for this referral. Officers would now go ahead and issue the decision notice approving this application.

The Chairman advised that there would be a special meeting of the Committee on Thursday 25 August 2011 to determine applications in respect of the Old River Lane site (The Causeway), Bishop's Stortford by Hendersons Global Investors. This would be held in the Charis Centre, Bishop's Stortford at 7.00 pm.

The Chairman referred to the training schedule that had been circulated to Members. He advised that the first session would be held prior to the next meeting of the Committee on 20 July 2011. This would be in the Council Chamber, Wallfields at 5.15 pm for approximately an hour and a quarter. The subject of this training would be national and regional policies.

98 DECLARATIONS OF INTEREST

Councillor S Bull declared a personal and prejudicial interest in application 3/11/700/FO in that he was involved with the trust that had sold this site to the applicant. He left the room whilst this matter was considered.

99 MINUTES

RESOLVED - that the Minutes of the Development Control Committee meeting held on 25 May 2011 be confirmed as a correct record and signed by the Chairman.

- 100 (A) 3/11/0153/FP - CONSTRUCTION OF A LIMITED ASSORTMENT DISCOUNT RETAIL FOOD STORE WITH 14 NO. RESIDENTIAL UNITS ABOVE, WITH ASSOCIATED CAR PARKING AND NEW VEHICULAR ACCESS FROM LONDON ROAD AND (B) 3/11/0154/LC - THE DEMOLITION OF EXISTING BUILDINGS AT THE FORMER LANCASTER GARAGE SITE, LONDON ROAD, BISHOP'S STORTFORD, CM23 3BJ FOR AUDLEY DEVELOPMENTS PLC
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The Director of Neighbourhood Services recommended that, in respect of applications 3/11/0153/FP and 3/11/0154/LC, subject to the applicant or successor in title entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, planning permission and conservation area consent be granted subject to the conditions now detailed.

The Director referred to the additional representation schedule where the floor areas for the retail elements of the application were clarified for Members. Members were requested to note the provision of 61 parking spaces, which complied with policy TR7 of the East Herts Local Plan Second Review April 2007.

Councillor G Jones stated that he was pleased to see an application to develop the site. He was concerned however in relation to the height and scale of the buildings in the Bishop's Stortford conservation area. He commented that the application was contrary to policy BH6 and ENV1 by virtue of the size, scale and proportionality of the proposed development. He also expressed concerns in relation to the significant traffic implications of the application.

Councillor Mrs R Cheswright stated a view that was contrary to the opinions of the conservation officer. She commented that the proposed development was not an attractive structure for this location. She also referred to the adverse traffic implications of the application on what was a very busy road.

The Director stressed that Officers did not have the evidence to support any concerns in relation to the traffic implications of

the proposed development.

In response to a Member query, the Director confirmed that the proposed amenity space was considered to be acceptable for a town centre location. He also advised that it would not be appropriate to expect a developer to fund solutions to existing problems such as airport parking or pressure on parking for users of the train station.

The Director acknowledged that the proposed development was larger than existing buildings on the site. Officers were satisfied however that the development was acceptable in relation to the scale, size and form of other buildings in the area. The use of high quality materials had also persuaded Officers that the application could be supported.

The Director further advised that the applicant was willing to put forward funds that could be used to fund future Traffic Regulation Orders (TROs). He stated that a section 106 deferred payment arrangement could be drafted so that the funds would only be required if the traffic and parking implications were found to be significant.

Councillor J Demonti proposed and Councillor B Wrangles seconded a motion for an additional section 106 agreement for a deferred payment of £5,000 to fund Traffic Regulation Orders if necessary.

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

The Committee accepted the recommendations of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, applications 3/11/0153/FP and 3/11/0154/LC be granted subject to the conditions now detailed.

RESOLVED – that (A) subject to the applicant or successor in title entering into a legal agreement

pursuant to section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. £38,500 towards sustainable transport measures included in the Bishop's Stortford Transport Plan and specific improvements to passenger transport infrastructure to increase accessibility to the site for customers visiting the site by public transport;
2. £6,214 towards Secondary Education;
3. £182 towards Youth facilities;
4. £1, 806 towards Libraries;
5. £11,269 towards developing a 'trim trail' in and around Grange Paddocks and Sworders Field;
6. The provision of fire hydrants;
7. £300 standard monitoring fee per clause;
8. Deferred payment of £5,000 to fund Traffic Regulation Orders if necessary.

in respect of application 3/11/0153/FP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T121)
2. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (or any other Order amending, revoking and re-enacting that Order) the foodstore premises shall be used for a Limited Assortment Discounter retail store only (as defined in Directive 5) and for no other purpose within Class A1.

Reason: To ensure that the use as approved reflects the identified retail requirements of Bishop's Stortford, in accordance with Planning Policy Statement 4: Planning for Sustainable Economic Growth

3. Levels (2E051)
4. Samples of materials (2E123)
5. Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing, by the Local Planning Authority and thereafter implemented in accordance with any approved details:
 - 1) A preliminary risk assessment which has identifies all previous uses and 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

6. Prior to the occupation of the development hereby approved, 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. The long-term monitoring and maintenance plan shall be implemented in accordance with the approved details.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

7. If, during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

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

Reason: To ensure protection of controlled waters, namely the principal aquifer beneath the site and the surface watercourse to the south of the site in accordance with Policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. No development hereby permitted shall take place 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:

- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials;
- c) Storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) Wheel washing facilities;
- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) A restriction on any burning of materials on the site.

Reason: To safeguard the amenity of residents of neighbouring properties in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and in the interests of highway safety and in accordance with Hertfordshire Waste Local Plan policies 7 and 8.

10. Any existing vehicular access onto the Station Road or London Road frontages of the site and not incorporated with the approved plans

shall be permanently closed.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

11. Prior to first occupation of the residential dwellings, details of the operation of the access control leading to the undercroft parking shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access shall be implemented and maintained in accordance with the approved details.

Reason: To ensure the provision of appropriate access and in the interests of highway safety.

12. Construction hours of working – plant and machinery (6N072)
13. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a) means of enclosure; b) hard surfacing materials; c) planting plans; d) schedules of plants noting species, planting sizes and proposed numbers/densities and e) a timetable for implementation and f) hard standing.

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

14. All hard and soft landscape works shall be

carried out in accordance with the details approved pursuant to Condition 13. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

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

15. Prior to the commencement of works a scheme for the protection of dwellings against external noise shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for sound attenuation of dwellings of not less than 40dB with windows shut and other means of ventilation provided. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policy ENV25 of the East Herts Local Plan Second Review April 2007.

16. Before first occupation of the approved development, all access and junction arrangements serving the development shall be completed in accordance with the approved plans and constructed to the

specification of the Highway Authority.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience.

17. No delivery vehicles for the retail element of the development hereby approved shall be allowed on the site between 19:00 and 07:00 unless they are parked on the site with their engines switched off between those times.

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

18. Approved plans (2E102)

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. The Limited Assortment Discounter store hereby approved is defined, in accordance with the Competition Commission's report 'The Supply of Groceries in the UK Market Investigation' of 30 April 2008, as being stores which carry a limited range of grocery products and base their retail offer on selling these products at very competitive prices. This means that the number of product lines (stock-keeping units) available within the store at any one time should not exceed two thousand

lines.

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD5, TR1, TR2, TR7, TR8, TR14, STC1, ENV1, ENV2, ENV3, ENV20, ENV25, BH6 and IMP1. The balance of the considerations having regard to those policies is that permission should be granted.

(B) in respect of application 3/11/0154/LC, planning permission be granted subject to the following conditions:

1. Listed building three year time limit (1T141)
2. Conservation Area (clearance of site) (8L134)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular Planning Policy Statement 5: Planning and the Historic Environment. The balance of the considerations having regard to that policy is that permission should be granted.

101 3/11/0571/RP - RESIDENTIAL DEVELOPMENT OF 55 DWELLINGS WITH PARKING AND RELATED WORKS INCLUDING NEW SITE ACCESS AT LAND ADJACENT TO THE LEVENTHORPE SCHOOL, CAMBRIDGE ROAD, SAWBRIDGEWORTH, CM21 9BY FOR HUBERT C LEACH LTD

Mr Hawkins addressed the Committee in opposition to the application. Mr Cooper spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0571/RP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0571/RP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0571/RP, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Levels (2E05) insert '*and site cross sections*'
3. Materials of Construction (2E11)
4. Approved plans (2E10)

SAWB/AAA/0010, SAWB/AAA/0011,
SAWB/AAA/0020, SAWB/AAA/0030,
SAWB/AAA/0040, SAWB/AAA/0090,
SAWB/AAA/0091, SAWB/AAA/0092,
SAWB/AAA/0093, SAWB/AAA/0094,
SAWB/AAA/0095, SAWB/AAA/0096,
SAWB/AAA/0097, SAWB/AAA/0098,
5539/T/01-01, 1395.1 Rev A,
SAWB/0840/AAA/0050,
SAWB/0840/AAA/0051,
SAWB/0912/AAA/0050,
SAWB/0912/AAA/0051,
SAWB/1227/AAA/0050,
SAWB/1227/AAA/0051,
SAWB/GAR/AAA/0050,

SAWB/1153/AAA/0050,
SAWB/1645/AAA/0050,
SAWB/1249/AAA/0050, SAWB/45-
49/AAA/0050, SAWB/50-55/AAA/0050,
SAWB/1885/AAA/0050

5. Completion of Roads (3V13)
6. Hard Surfacing (3V21)
7. Wheel washing facilities (3V25)
8. Tree Retention and Protection (4P05)
9. Hedge Retention and Protection (4P06)
10. Tree/Natural feature protection: fencing (4P07)
11. Landscape design proposals (4P12)
b), f), i), j), k), l) insert '*and crime prevention*'
'*Policy ENV3*'
12. Landscape Works Implementation (4P13)
13. Details of earthworks/mounding (4P16)
14. Landscape maintenance (4P17)
15. Retention of landscaping (4P21)
16. Vehicular use of garage (5U10)
17. Construction hours of working – plant and machinery (6N07)
18. In accordance with a timetable to be agreed in writing by the Local Planning Authority, the area of land at the eastern boundary of the site shown as open space on plan ref SAWB/AAA/0010 shall be made available for

use by the residents of the development, and shall be permanently maintained as open space.

Reason: In the interests of the amenities of the future occupants of the site in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of the development, details of a lighting scheme for all communal areas shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: To ensure that all publicly accessible areas are appropriately lit to provide a safe and secure environment, in accordance with policy ENV3 of the East Herts Local Plan Second Review April 2007.

20. Prior to the commencement of development above ground level full engineering details of the proposed junction onto Cambridge Road shall be submitted to and approved by the Local planning Authority in consultation with the Local highway authority. Occupation of any new dwelling shall not occur until the approved junction has been constructed in accordance with the approved plans.

Reason: To ensure that the access is constructed to an appropriate specification in the interests of highway safety and convenience in accordance with policy TR2 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Outline permission relationship (07OP)
Insert '24 November 2008' '3/07/1569/OP'
4. Street Naming and Numbering (19SN)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular SD1, SD2, HSG2, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR7, TR14, ENV1, ENV2, ENV3, ENV11, ENV21, LRC3, SA1, SA2, SA4 and IMP1. The balance of the considerations having regard to those policies and the grant of outline planning permission in November 2008 (ref. 3/07/1569/OP) is that permission should be granted.

102 3/11/0384/OP - RESIDENTIAL DEVELOPMENT OF UP TO 81 UNITS PLUS RELATED OPEN SPACE, LANDSCAPING AND ACCESS (PHASE II) AT THE FORMER TRINITY CENTRE, FANHAMS HALL ROAD, WARE FOR HERTFORDSHIRE COUNTY COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0384/FO, subject to the applicant, within 6 months of the date of this resolution, entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, outline planning permission be granted subject to the conditions now detailed.

Councillor M Alexander expressed concerns in respect of

a single point of access for this outline permission for phase 2 of this development. He pointed out that the access junction through Lady Margaret Gardens was often congested on match days of Ware Youth Football Club.

Councillor Alexander stated his surprise that the fire brigade seem satisfied with the single point of access. He stated that should the junction of Lady Margaret Gardens and Fanhams Hall Road become blocked, then the residents of this proposed development would be trapped. He stressed that the County Council should have suggested alternative access arrangements when commenting on this application.

The Director reminded Members that this site had always been a housing allocation site with a single point of access. Members were advised that County Highways had not sought to restrict the approval of planning permission for this outline application for up to 81 units.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant, within 6 months of the date of this resolution, entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990, application 3/11/0384/OP be granted subject to the conditions now detailed.

Councillors M Alexander, D Andrews and J Taylor requested that their dissent with this decision be recorded.

RESOLVED – that subject to the applicant, within 6 months of the date of this resolution, entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990:

1. The provision of financial contributions of £625 per 1 bed residential unit, £750 per 2 bed unit, £1125 per 3 bed unit, and £1500 per

4 +bed units towards Sustainable Transport Programme and Measures in the vicinity of the site.

2. The provisions of a financial contribution of £8000 for TRO costs, and Bus stop improvements.
3. The provision of Primary and Secondary Education Contributions, in accordance with the current HCC Contributions Table.
4. The provision of Library contributions, in accordance with current HCC Contributions Table;
5. The provision of Youth infrastructure contributions in accordance with the current HCC Contributions Table;
6. The provision and adoption of suitable landscaped open space and areas of play and / or commuted sums for equivalent off-site provisions in accordance with the Council's adopted SPD: Open Space, Sport and Recreation 2009, together with a sum for the future maintenance of such spaces. Such provision shall include, as a minimum, a LEAP and a LAP for the site, or provision shall be made via the enhancement/enlargement of the existing play space on POS2, including the provision of a NEAP.
7. The provision of fire hydrants;
8. The provision of 40% affordable housing comprising 75% rented and 25% Intermediate market housing;
9. The provision of 15% of the dwellings to be built to 'Lifetime Homes' standards and scaled

drawings to be submitted at reserve matters stage of internal layout and external spaces for these dwellings.

10. The provision of a publicly accessible network of pedestrian and cycle routes linking the existing network in (Phase 1) Lady Margaret Gardens, Tower Road and Evergreen Road.

in respect of application 3/11/0384/OP, outline planning permission be granted subject to the following conditions:

1. Outline permission time limit (1T03)
2. Outline permission –submission of details (2E01)
3. Programme of Archaeological work (2E02)
4. Surface water source control measures shall be carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development.

Reason: To protect controlled waters as the site is in an area of high risk on a principle Aquifer around a water abstraction borehole in accordance with policy ENV20 and 21 of the East Herts Local Plan April 2007.

5. Provision of wheel washing facilities (3V25)
6. Contractors parking and materials storage compound (3V22)
7. Ecological Survey / Assessment (4P04)
8. Landscaping design proposals (4P12)

9. Landscaping Implementation (4P13)
10. The development shall be carried out in accordance with the approved Flood Risk Assessment E1360/njb/hla/FRAreport REV3 dated December 2010 by Wormald Burrows Partnership and the recommended mitigation measures contained therein.

Reason: To prevent flooding by ensuring satisfactory disposal of surface water from the site and the delivery of a sustainable drainage system in accordance with policy ENV 21 of the East Herts Local Plan April 2007.

11. Contaminated land survey and remediation (2E33)

Directives:

1. Other Legislation (01OL)
2. Planning Obligations (08PO)
3. Notwithstanding, the application description for an outline development of 'up to 81 dwellings' proposed on the site shown on the indicative plans, the appropriateness of the site to accommodate 'up to 81 dwellings' together with adequate open space provision will, given the constraints of the site, have to be demonstrated at the detailed stage of a Reserved Matters application.

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 7 and 8 of the Waste Local Plan and policies SD1, SD2, SD3, HSG3, HSG4, HSG6, TR1, TR2, TR3, TR7, TR8, TR12, TR14, ENV1, ENV2, ENV3, ENV11, ENV20, ENV21, LRC3, LRC9, BH1, BH2, BH3, WA2 (I), (II) and IMP1 of the Adopted Local Plan and national planning guidance PPS1, PPG13 and PPS3. The balance of the considerations having regard to those policies and the Trinity Centre Development Brief approved August 2002 is that outline permission should be granted.

103 3/11/0674/FP - ERECTION OF 14 DWELLINGS WITH PARKING, LANDSCAPING AND ASSOCIATED WORKS AT WESTERN HOUSE HOSPITAL, COLLETT ROAD, WARE FOR JAMES MCCONNELL, BELLWAY HOMES

Mr Lee addressed the Committee in opposition to the application. Mr Croucher spoke for the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0674/FP, subject to the applicant or successor in title entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, planning permission be granted subject to the conditions now detailed.

The Director advised that details of the emergency access arrangements would have to be submitted to Officers prior to construction. Officers considered it inappropriate to require a pedestrian access from Lime Close as there was sufficient parking within the proposed development in accordance with the Council's supplementary planning document (SPD). A condition regarding construction methods could be added to the planning permission if Members felt this was necessary.

Councillor M Alexander referred to the refuse and emergency vehicle plan that had been submitted. He expressed concerns as to how refuse vehicles could get up to this site

and whether these vehicles would use the emergency access via Lime Close. He queried whether an emergency vehicle could negotiate the narrow turning circle for the emergency access from Lime Close.

Councillor Alexander stated that he was concerned in relation to the issue of the pedestrian link. He stressed that a single visitor parking space was insufficient and he stated that he felt that most people would park in Lime Close and walk to this site.

The Director advised that it would be unfortunate if parts of any given community were segregated from neighbouring developments. Members were advised that it might not be practical to create a secure access for emergency vehicles that could not also be used by pedestrians. He commented that emergency services would not want a significant barrier that could not be swiftly removed.

The Director also advised that refuse vehicles should be able to access this site as these vehicles were able to negotiate the route up to neighbouring developments and also had no problems servicing the former hospital on this site.

Councillor Alexander stated that the access to the site was privately owned and often became impassable in conditions of ice and snow. He also commented that he had observed refuse vehicles experiencing considerable difficulty in negotiating Lime Close. He stressed that the fire service would not be happy with similar difficulties in an emergency.

Councillor M Alexander proposed and Councillor D Andrews seconded a motion for an additional condition that, prior to the commencement of the development, details of the emergency vehicle access onto Lime Close shall be submitted to and approved by the Local Planning Authority. The details submitted shall ensure no pedestrian access between the site and Lime Close.

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

The Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant or successor in title entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, application 3/11/0674/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject to the applicant or successor in title entering into a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 to cover the following matters:

1. The provision of a financial contribution of £15,000 towards transport schemes and measures in the vicinity of the site.
2. The provision of a financial contribution of £49,590 towards primary education.
3. The provision of a financial contribution of £58,198 towards secondary education.
4. The provision of a financial contribution of £1,084 towards libraries
5. The provision of a financial contribution of £6,388 towards parks and public gardens.
6. The provision of a financial contribution of £17,694 towards outdoor sports facilities
7. The provision of a financial contribution of £2,613 towards provision for children and young people
8. The provision of fire hydrants in accordance with the current HCC Planning Obligations Contributions Table.
9. The provision of 15% of the dwellings to be

built to 'Lifetime Homes' standards.

in respect of application 3/11/0674/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Boundary walls and fences (2E07)
3. Sample of materials (2E12)
4. Prior to the installation of any windows and doors, detailed drawings of new doors and windows, including details and materials of the garage doors, at a scale of not less than 1:20 shall be submitted to, and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved plans and specification.

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

5. Provision and retention of parking spaces (3V23)
6. Prior to the commencement of the development hereby approved details of the emergency vehicle access onto Lime Close shall be submitted to and approved by the Local Planning Authority. The details submitted shall ensure no pedestrian access between the site and Lime Close. Once agreed the access arrangements shall be implemented prior to the occupation of any dwelling on the site and shall therefore be retained in accordance with those details.

Reason: To ensure the development makes adequate provision for emergency access in the interest of highway and public safety.

7. Tree retention and protection (4P05)
8. Hedge retention and protection
9. Landscape design proposals (4P12) parts a), d) e), f), i), j) k) and l)
10. Landscape works implementation (4P13)
11. Vehicular use of garage (5U10)
12. Withdrawal of P.D, Part 1 Class E (2E22)
13. Prior to the commencement of the development hereby approved, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority and undertaken in accordance with the approved details:
 - 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 results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

14. Prior to occupation of the development hereby approved, a verification report demonstrating completion of the works set out in the approved remediation strategy (Condition 14) 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure protection of controlled waters in accordance with policy ENV20 of the East Herts Local Plan April 2007.

16. No infiltration of surface water drainage into the ground is permitted other than with the express 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 controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure protection of controlled waters in accordance with policies ENV20 and ENV21 of the East Herts Local Plan April 2007.

17. Approved plans (2E10) – 101002-BEL.NL-01A, 02A, 03, 04A, 05, 06A, 07A, 08A, 09A, 10, 11, 12A, 13, 14A, 15A, 16A, 17A, 18A, 19A, 20A, BELL17679 11, 7320/01.

Directives:

1. Other Legislation (01OL)
2. Where works are required within the public highway to facilitate the emergency vehicles access onto Lime Close the highway authority require the construction of such works to be undertaken to their specification and by a contract who is authorised to work in the public highway. Before works commences the applicant will need to apply to the Eastern Herts Highways Area Office, Hertford House, Meadway Corporate Centre, Rutherford Close, Stevenage, SG1 3HL.
3. Street name and numbering (19SN)
4. Veolia Water (28GP)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular policies SD1, SD2, SD3, HGS1, HSG3, HGS4, HSG6, HGS7, TR2, TR7, ENV1, ENV2, ENV3, ENV4, ENV9, ENV11 and BH6 and PPS5. The balance of the considerations having regard to those policies is that permission should be granted.

Please note that under new regulation 11D of the Town and Country Planning (fees for applications

and deemed applications) (amendment) (England) Regulations 2008, a fee is chargeable of £85 per request for the discharge and/or confirmation of compliance with a condition. To avoid any unnecessary cost we would recommend that you submit all the required information for discharge of conditions in one application as the fee is payable per request.

104 3/11/0700/FO - VARIATION OF CONDITION 3 - APPROVED PLANS. (AMENDED PLANS TO PROVIDE SINGLE STOREY REAR EXTENSIONS TO PLOTS 2 AND 3 AND THE CONVERSION OF GARAGE SPACE INTO KITCHEN/ DINING ACCOMMODATION TO PLOTS 10 AND 11) AT ALLOTMENT GARDENS, ERMINE STREET, BUNTINGFORD, SG9 9AZ FOR WESTERN HOMES PLC

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0700/FO, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0700/FO be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0700/FO, planning permission be granted subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Boundary walls and fences (2E07)
3. Approved plans (2E10)
WH131/11/P/05.01, WH131/11/P/10.01 Rev A, WH131/11/P/25.01, WH131/11/P/25/02 Rev A, WH131/11/P/25/03, WH131/11/P/25.04, WH131/11/P/25.05 Rev A, WH131/11/P/25/06, WH131/11/P/35/01,

30110R

4. Samples of Materials (2E13)
5. Refuse disposal facilities (2E24)
6. Completion of Roads (3V13)
7. Hard Surfacing (3V21)
8. Tree Retention and Protection (4P05)
9. Hedge Retention and Protection (4P06)
10. Tree/Natural feature protection: fencing (4P07)
11. Tree protection: excavations (4P09)
12. Landscape design proposals (4P12)
a), b), d), e), f), i), j), k), l)
13. Landscape Works Implementation (4P13)
14. Retention of landscaping (4P21)
15. Construction hours of working – plant and machinery (6N07)

Directives:

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Outline permission relationship (07OP)
Insert 20 May 2010' '3/09/0101/OP'
4. Street Naming and Numbering (19SN)

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 TR2, TR3, ENV1, ENV2, ENV3, ENV11, ENV16 and PPS1, PPS3 and PPS9. The balance of the considerations having regard to those policies and LPA Ref 3/09/0101/OP and 3/11/0039/RP is that permission should be granted.

- 105 (A) 3/11/0236/SV - MODIFICATION OF SECTION 106 UNILATERAL UNDERTAKING (REF 3/07/1546/FO) TO OMIT CLAUSE 5.1 REMOVING THE REQUIREMENT TO PROVIDE A CAR CLUB AT FORMER TXU SITE, MEAD LANE, HERTFORD FOR WESTERN HOMES LTD (B) 3/11/0217/FP - CONSTRUCTION OF 12 SPACE CAR PARK (8 SPACES FOR ELDER COURT AND 4 SPACES FOR RESIDENTS OF SPENCER STREET) WITH ACCESS VIA EXISTING ACCESS ROAD TO SPENCER STREET AT LAND AT ELDER COURT, MEAD LANE, HERTFORD, HERTS, SG13 7GD FOR WESTON HOMES LTD
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Mr McCormick addressed the Committee in opposition to the application. Mr Luder spoke for the application.

The Director of Neighbourhood Services recommended that the S106 unilateral undertaking (reference 3/11/0236/SV) dated 21 January 2008 pursuant to planning permission 3/07/1546/FO be varied to omit Clause 5.1 removing the requirement to provide a Car Club. The Director also recommended that, subject to a variation of the legal agreement as now detailed, application 3/11/0236/FP be granted subject to the conditions now detailed.

Councillor M Newman commented on whether these applications had to be determined together or could the Committee consider them separately. The Director

confirmed that although the report covered interrelated issues on both applications, there was no reason why the applications could not be considered separately.

In response to further queries from Councillor Newman, the Director commented that a decision to authorise the variation of section 106 planning obligations under recommendation (A) meant that a decision had to be made on recommendation (B) as an applicant could not discharge their obligations under application 3/11/0236/SV without a decision being made on application 3/11/0217/FP.

Members were reminded that applicants could lodge appeals against non determination of an application. The Director queried what Members sought to achieve by disentangling these applications.

Councillor S Rutland-Barsby proposed and Councillor M Alexander seconded, a motion that application 3/11/0217/FP be approved and application 3/11/0236/SV be deferred and authority be delegated to Officers to further consider the conditions in consultation with Councillor Rutland-Barsby and the Chairman of the Committee.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that the S106 unilateral undertaking (reference 3/11/0236/SV) dated 21 January 2008 pursuant to planning permission 3/07/1546/FO be varied to omit Clause 5.1 removing the requirement to provide a Car Club.

The Committee accepted the recommendation of the Director that, subject to a variation of the legal agreement as now detailed, application 3/11/0217/FP be granted subject to the conditions now detailed.

RESOLVED – that (A) in respect of application 3/11/0236/SV to vary the S106 unilateral undertaking (reference 3/11/0236/SV) dated 21 January 2008 pursuant to planning permission 3/07/1546/FO be varied to omit Clause 5.1 removing the requirement to provide a Car Club, planning permission be deferred; and

(B) subject to a variation of the legal agreement as now detailed, in respect of application 3/11/0217/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10 – WH112/11/P/05.101, WH112/11/P/15.01 rev A, WH112/11/P/10.000, WH112/11/P/10.100, WH112/11/P/10.101 rev A, WH112/11/P/35.101 rev A, WH112/11/P/35.102 rev A, WH112/11/P/35.103 rev 0)
3. Prior to any building works being commenced, details of the brick for use on the retaining wall hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

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

4. Prior to the commencement of development, specification details of the lighting columns and bollards, including dimensions, levels of illumination and materials of construction, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be carried out as approved, and

no further lighting shall be provided without the prior written permission of the Local Planning Authority.

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

5. Tree retention and protection (4P05)
6. Landscape design proposals (4P12 e, i, j, k)
7. Landscape works implementation (4P13)
8. No soakaways shall be constructed in contaminated land.

Reason: To protect groundwater quality in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

9. If, during development, contamination not previously identified is found to the present at the site then no further development shall be carried out (unless otherwise agreed in writing by the Local Planning Authority) until the developer has submitted and obtained written approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater and surface waters in accordance with policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007.

10. The development hereby permitted shall not

be commenced until such time as a scheme to provide floodplain compensation up to the 1 in 100 year plus climate change flood level has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority

Reason: To ensure no loss of floodplain storage capacity as a result of the development which would otherwise increase flood risk, in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007 and PPS25 'Development and Flood Risk'.

106 3/11/0334/FP - NEW ACCESS AND DRIVEWAY AT WYDDIAL BURY FARM, WYDDIAL ROAD, WYDDIAL FOR MR CHARLES LEE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0334/FP, planning permission be refused for the reasons now detailed.

Councillor S Bull, as the local ward Member, expressed concerns that vehicles would not be able to safely negotiate the archway to access this site. He referred to other access openings for this site.

The Director advised that Members must always weigh up the issues and the policy perspective on any application. The Director stated that Officers had been concerned that this application compromised the setting of existing buildings and adversely affected the character of the paddock.

Members were advised that should the application be

approved, Officers would impose the usual standard conditions for an application of this nature.

Councillor S Bull proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/11/0334/FP be granted as the balance of issues weighed in favour of taking a sensible approach and approving the application for safety reasons. The planning conditions would be delegated to Officers.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/11/0334/FP be refused for the reasons now detailed.

RESOLVED – that in respect of application 3/11/0334/FP, planning permission be granted subject to the following conditions:

1. Time limit (IT121)
2. Hard surfacing (3V213)
Amend to “for the driveway and access hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with those approved details.”
3. Programme of archaeological work (2E024)
4. Approved plans (2E102) – “06-11.5a”.

107 3/11/0722/FP - REPLACEMENT MODERN MODULAR CLASSROOM UNIT AT SACRED HEART RC JMI SCHOOL, BROADMEADS, WARE, SG12 9HY FOR THE BOARD OF GOVERNORS, SACRED HEART RC JMI SCHOOL

The Director of Neighbourhood Services recommended

that, in respect of application 3/11/0722/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0722/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0722/FP, planning permission be granted subject to the following conditions:

1. Temporary permission - building (1T08 – 3 years)
2. Approved plans (2E10 - BA/4025.213/200, BA/4025.213/201, BA/4025.213/202)
3. Materials as on plan (2E42)
4. The development hereby permitted shall only be carried out in accordance with the approved flood risk assessment (Barker Associates, April 2011 BA/4025.213/001CC), and finished floor levels shall be set no lower than 34.3m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the development and future occupiers in accordance with policy ENV19 of the East Herts Local Plan Second Review April 2007.

Directives:

1. Other legislation (01OL)
2. Groundwater protection zone (28GP)

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 SD2, GBC1, TR2, TR7, ENV1, ENV14, ENV19, ENV20 and LRC1, PPS1, PPG2 and PPS25. The balance of the considerations having regard to those policies, and other material considerations, is that permission should be granted.

- 108 3/11/0544/FP - RE-SURFACING OF EXISTING CAR PARK AT GRANGE PADDOCKS; TEMPORARY CAR PARK; NEW FOOTBRIDGE BESIDE VEHICLE BRIDGE; PEDESTRIAN AND CYCLE PATH ALONG RIVER STORT WITH LINK TO GRANGE PADDOCKS; LINKS TO EXISTING BRIDGES AND INSTALLATION OF LAMP POSTS ALONG THE ROUTE FROM RYE STREET TO CASTLE GARDENS AT LAND ADJACENT TO THE RIVER STORT (EAST SIDE FROM GRANGE PADDOCKS TO CASTLE GARDENS), BISHOP'S STORTFORD FOR EAST HERTS COUNCIL

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0544/FP, planning permission be granted subject to the conditions now detailed.

Councillor J Demonti commented that the lights along the footpath could lead people to believe this was a safe route when this was not necessarily the case. She also queried the lighting up times.

Councillor G Jones emphasised that the site was designated as green belt and this application was a material change of use that was inappropriate unless the openness of the greenbelt was maintained. He commented that, due to the loss of recreational facilities, the application was contrary to policy LRC1 of the East Herts Local Plan Second Review April 2007.

Councillor Jones stated that as East Herts Council was the applicant, the Authority should be seen to conform to local plan policies. He commented that he did not feel this was an acceptable situation for departing from green belt policy.

The Director commented on whether Members felt that condition 6 should be strengthened so that the applicant had more than 3 months to cease the use of the temporary car park upon the completion of the approved works to the car parks. Members were advised that such development was not normally considered to be unacceptable in relation to green belt policy.

Councillor G Jones proposed and Councillor D Andrews seconded, a motion that application 3/11/0544/FP be deferred to enable further details to be submitted in relation to proposed lighting (including hours of operation), the route of the footpath and timescale for the provision of the temporary parking.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/11/0544/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0544/FP, planning permission be deferred to enable further details to be submitted in relation to proposed lighting (including hours of operation), route of the footpath and timescale for the provision of the temporary parking.

109 3/11/0658/FP - CHANGE OF USE FROM OFFICE TO BEAUTY SALON AT THE ANNEX TO PISHIOBURY HOUSE, PISHIOBURY DRIVE, SAWBRIDGEWORTH, CM21 0AF FOR MISS REBECCA WILSON

Mr Wadia addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0658/FP, planning permission be granted subject to the conditions now detailed.

In response to a query from Councillor S Rutland-Barsby, the Director stated that Officers had carefully considered the weight to be applied to the relative impact of an office use when compared to the use now proposed by this application. He stressed that Members must make a similar judgement when determining this application.

Councillor M Newman commented that he did not accept the views of the Officer as detailed in paragraph 7.8 of the report now submitted. He referred in particular to traffic generation and parking provision in that he was not satisfied that the proposal would not result in a significant increase in traffic generation over the existing office use and that sufficient parking provision was available within the site.

Councillor M Alexander sought clarification on what County Highways meant when they had questioned the sustainability of the proposals. The Director advised that Officers understood this to mean that the proposed location would be more sustainable if this was a town centre location with better access to public transport.

The Director advised that Officers felt that policy EDE3 was less relevant than policy EDE2 on this application. He stressed that Officers had considered the application to be acceptable in policy terms.

In response to concerns from Councillor G Jones with regard to this application setting a precedent, the Director emphasised that Members should restrict their deliberations to primary planning issues, such as traffic, highways and parking implications.

The Director advised caution around Members' concerns in relation to traffic generation with the proposed use. He stressed that Members should be careful with any concerns based around assumptions that could not be substantiated. He also stated that concerns with traffic generation could prove difficult to sustain.

The Director emphasised that the Council's parking standards were framed as maximum standards and this scheme complied with those of one space per 30 square metres.

Councillor J Taylor proposed and Councillor Mrs R Cheswright seconded, a motion that application 3/11/0658/FP be refused on the grounds that the proposed use would result in an unacceptable impact on residential amenity by virtue of the additional traffic generated in the adjacent residential area of Pishiobury Drive and would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review 2007.

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

The Committee rejected the recommendation of the Director of Neighbourhood Services that application 3/11/0658/FP be granted subject to the conditions now detailed.

Councillor W Ashley requested that his dissent with this decision be recorded.

RESOLVED – that in respect of application 3/11/0658/FP, planning permission be refused for the following reason:

1. The proposed use would result in an unacceptable impact on residential amenity by virtue of the additional traffic generated in the adjacent residential area of Pishiobury Drive.

The proposal would thereby be contrary to policy ENV1 of the East Herts Local Plan Second Review 2007.

110 3/11/0763/PT - INSTALLATION OF AN 11.8 METRE HIGH STREET FURNITURE TELECOMMUNICATION COLUMN, ONE GROUND BASED EQUIPMENT CABINET AND ONE 1 METRE HIGH PILLAR AT LAND ADJACENT TO MATHAMS DRIVE, VILLIERS-SUR-MARNE AVENUE, BISHOP'S STORTFORD FOR TELEFONICA 02 UK LTD

Mr Shaw addressed the Committee in opposition to the application.

The Director of Neighbourhood Services recommended that, subject to no new substantive issues being raised during the consultation period, in respect of application 3/11/0763/PT, prior approval was required and authority be delegated to the Director of Neighbourhood Service to grant planning permission subject to the conditions now detailed.

Councillor N Symonds, as the local ward Member, addressed the Committee in opposition to the application. Councillor M Newman stated that he could not see any justifiable reason why existing masts could not be shared.

The Director advised that Officers had been advised that there were clear technical constraints as to why these masts could not be shared. Members were reminded that this proposed mast was classed as permitted development and was before the Committee so that Members could consider the sighting and appearance of the mast. Members should not be considering the issue of mast sharing or whether there was a need for an additional mast.

Councillor G Jones referred to the other masts in the vicinity. He stated his concerns over the proximity of the proposed development to 64 Mathams Drive. He considered that the impact of a mast this close to a

residential property was unacceptable.

The Director stressed that Officers felt that the proposed mast would not result in unacceptable clutter. Officers also considered that the location and appearance of the mast was acceptable. The Director stressed that this was a subjective view and provided that Members restricted their debate to location appearance, they could safely make a case in support of or in objection to the Officers' recommendation.

The Director reported that sharing masts was difficult in that mobile phone operators had sought to keep masts to as modest a height and scale as possible. Whilst this reduced the impact of any given mast it also meant that mast sharing was difficult as each mast was too small for sharing to take place.

The Director stressed that for a mast to be used for sharing, the structure would have to be that bit taller with more ancillary equipment. Members were advised that widespread mast sharing would result in structures that were more visually dominant.

Councillor G Jones proposed and Councillor J Demonti seconded, a motion that application 3/11/0763/PT be refused on the grounds that the mast was unacceptable due to the close proximity and intrusiveness of the proposed development to number 64 Mathams Drive.

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 recommendation of the Director of Neighbourhood Services that, subject to no new substantive issues being raised during the consultation period, in respect of application 3/11/0763/PT, prior approval was required and authority be delegated to the Director of Neighbourhood Service to grant planning permission subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0544/FP, subject to no new substantive issues being raised during the consultation period, authority be delegated to the Director of Neighbourhood Services to grant planning permission subject to the following conditions:

1. Prior to the commencement of the development hereby approved, details of the colour of the installation shall be submitted to and approved in writing by the Local Planning Authority,

Reason: In the interests of the appearance of the development.

Directives:

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

111 3/11/0532/FP - ALTERATIONS TO ROOF FROM HIPS TO GABLES INCLUDING INSERTION OF DORMER WINDOWS AND RAISING UP OF RIDGELINE AT THE OLD PUMP HOUSE, WARE PARK, WARE, HERTS, SG12 0DX FOR MR MIGUEL DIEZ

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0532/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0532/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0532/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)
2. Approved plans (2E102): 808.01, 808.02, 808.03, MC1 and MC2 received on the 29th March 2011 and 808.04 Revision 1 and 808.05 Revision 1 (received on the 6th June 2011)
3. Notwithstanding the details shown on the approved plans, the external materials of construction for the building hereby permitted shall be approved in writing by the Local Planning Authority prior to any building works being commenced. Thereafter the development shall be carried out in accordance with those 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.

4. The proposed first floor window to the eastern elevation shall be fitted with obscure-glazing and be non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. Thereafter, the window shall be retained as such.

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

Directive:

1. Other legislation (01OL1)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007), and in particular policies ENV1, ENV5, ENV6 and GBC1 and national Planning Policy Guidance 2 – Green Belts. The balance of the considerations having regard to those policies is that permission should be granted.

112 3/11/0186/FP - REAR CONSERVATORY TO HOUSE AND SIDE EXTENSION TO EXISTING DETACHED GARAGE AT HIGH MEADOW, CHURCH END, ALBURY FOR MR CLARKSON

The Director of Neighbourhood Services recommended that, subject to the applicant entering into a legal agreement requiring that the permission granted within LPA reference 3/08/1039/FP shall not be implemented, in respect of application 3/11/0347/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that, subject to the applicant entering into a legal agreement requiring that the permission granted within LPA reference 3/08/1039/FP shall not be implemented, application 3/11/0347/FP be granted subject to the conditions now detailed.

RESOLVED – that, subject the applicant entering into a legal agreement requiring that the permission granted within LPA reference 3/08/1039/FP shall not be implemented, in respect of application 3/11/0347/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T121)

2. Matching materials (2E123)
3. Approved plans (2E102) – 004PEL/D 1.00; 2.02; 1.01; 2.03; 2.01;

Directive:

1. Other Legislation (01OL)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5 and BH1. The balance of the considerations having regard to those policies is that permission should be granted.

- 113 3/11/0512/FP - SINGLE STOREY PART FRONT AND SIDE EXTENSION - BRAMBLES, LONDON ROAD, SPELLBROOK, BISHOPS STORTFORD, HERTS, CM23 4BA FOR MR K KYRIACOU
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The Director of Neighbourhood Services recommended that, in respect of application 3/11/0512/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0512/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0512/FP, planning permission be granted subject to the following conditions:

1. Time limit (1T121)
2. Approved plans (2E102)
The development hereby approved shall be carried out in accordance with the following approved plans SE1; SE2; SE3; 09.003.11 and 09.003.12

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

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC1, ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

114 3/11/0526/FP - SIDE CONSERVATORY AT 4 SOUTH COTTAGES, THE FORD, LITTLE HADHAM, WARE, SG11 2AT FOR MR AND MRS WILLIAMS

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0526/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0526/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application

3/11/0526/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)
2. Approved plans (2E10) (TM/TS/040311/01A)
3. Matching materials for conservatory (2E14)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies GBC3, ENV1, ENV5, ENV6 and BH2. The balance of the considerations having regard to those policies is that permission should be granted.

115 3/11/0677/FP - SINGLE STOREY REAR EXTENSION AND FRONT PORCH AT 20 HURN GROVE, BISHOP'S STORTFORD, CM23 5DD FOR MR AND MRS CLARKE

The Director of Neighbourhood Services recommended that, in respect of application 3/11/0677/FP, planning permission be granted subject to the conditions now detailed.

The Committee accepted the recommendation of the Director of Neighbourhood Services that application 3/11/0677/FP be granted subject to the conditions now detailed.

RESOLVED – that in respect of application 3/11/0677/FP, planning permission be granted subject to the following conditions:

1. Three year time limit (1T12)

2. Approved Plans (2E10) – NH/442/01;
NH/442/02; NH/442/03
3. Matching Materials (2E13)

Directive:

1. Other legislation

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular ENV1, ENV5 and ENV6. The balance of the considerations having regard to those policies is that permission should be granted.

- 116 E/10/0303/B - UNAUTHORISED WORKS FOR THE REMOVAL OF GRADE II LISTED WROUGHT IRON GATES, STANDARDS AND SIMPLE IRON SIDE RAILINGS AND THEIR REPLACEMENT WITH POWDER COATED STEEL GATES, POSTS AND RAILINGS AT FROGMORE FARM, FROGMORE HILL, ASTON, SG14 3RR

The Director of Neighbourhood Services recommended that, in respect of the site relating to E/10/0303/B, enforcement action be authorised on the basis now detailed.

The Committee accepted the Director's recommendation for enforcement action to be authorised in respect of the site relating to E/10/0303/B on the basis now detailed.

RESOLVED – that in respect of E/10/0303/B, the Director of Neighbourhood Services, in conjunction with the Director of Internal Services, be

authorised to take enforcement action under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and any such further steps as may be required to secure the removal of the unauthorised boundary treatment and the restoration of the listed building to its state and form at the date of its listing.

Period for compliance: 6 months.

Reasons why it is expedient to prosecute and/or issue an enforcement notice and/or issue a repairs notice:

1. The unauthorised gates and railings are out of keeping with, and detrimental to, the historic and architectural character of the listed building and therefore fail to sustain and enhance the significance of this designated heritage asset, contrary to policies HE7 and HE9 of PPS5 - Planning for the Historic Environment.

117 PROPOSED MIXED USE REDEVELOPMENT (REF: 3/10/0386/FP) AT CINTEL SITE, WARE FOR ASDA FOOD STORE (2601 SQM NET), 13 DWELLINGS AND RETAINED CHILDREN'S NURSERY

The Head of Planning and Building Control submitted a report to update Members in relation to the receipt of a pre-action notification letter for a judicial review of the Committee's decision to approve an application for an Asda food store in Ware.

The Head of Planning and Building Control recommended that, subject to all outstanding legal agreement matters being resolved, the Council proceeds to release the formal planning application decision relating to the proposals now detailed.

Members were advised that Officers and the Applicant

had both received legal advice in relation to the impending judicial review. Officers would be releasing the decision as soon as all outstanding section 106 legal agreement issues had been resolved.

After being put to the meeting and a vote taken, the Committee supported the Officer’s recommendation that, subject to all outstanding legal agreement matters being resolved, the Council proceeds to release the formal planning application decision relating to the proposals now detailed.

RESOLVED - that once all outstanding legal agreement matters have been resolved, the Council proceeds to release the formal planning application decision relating to the proposals now detailed.

118 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 9.21 pm

Chairman
Date