

6 January 2009

Ref: Planning 15.1.09  
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To: Councillors Jane Gray (Chairman), Mrs F.R. Hill (Vice-Chairman), D.J. Barnard, Liz Beardwell, David Billing, Clare Body, John Booth, J.M. Cunningham, Gary Grindal, A.F. Hunter, David Levett, Alan Millard, M.R.M. Muir, R.L. Shakespeare-Smith and M.E. Weeks.

(Substitutes: Councillors Tom Brindley, Paul Clark, S.K. Jarvis, Michael Paterson, Deepak Sangha and Martin Stears-Handscomb).

You are invited to attend a

**MEETING OF THE PLANNING CONTROL COMMITTEE**  
to be held in the

**COUNCIL CHAMBER, COUNCIL OFFICES, GERONON  
ROAD, LETCHWORTH GARDEN CITY**  
on

**THURSDAY, 15 JANUARY 2009, at 7.30p.m.**

Yours sincerely,



David Miley  
Democratic Services Manager

**AGENDA**  
**PART I**

<b>ITEM</b>	<b>PAGE</b>
<b>1. APOLOGIES FOR ABSENCE</b>	-
<b>2. MINUTES</b> To take as read and approve as a true record the Minutes of the meeting of this Committee held on 18 December 2008.	<b>TO FOLLOW</b>
<b>3. NOTIFICATION OF OTHER BUSINESS</b> Members should notify the Chairman of other business that they wish to be discussed by the Committee at the end of either Part I or Part II business set out in the agenda. They must state the circumstances that they consider justify the business being considered as a matter of urgency.  The Chairman will decide whether the item(s) raised will be considered.	-
<b>4. CHAIRMAN'S ANNOUNCEMENTS</b> Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a prejudicial or personal interest and are required to notify the Chairman of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a prejudicial interest can speak on the item, but must leave the room before the debate and vote.	-
<b>5. PUBLIC PARTICIPATION</b> To receive petitions, comments and questions from the public. At the time of preparing the agenda no requests to speak had been received. Any public participation received within the agreed time scale will be notified to Members as soon as practicable.	-
<b>6. PLANNING APPLICATIONS</b> REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	<b>1</b>
<b>6.1 08/02116/1 - 14A, 15 AND 16 BANCROFT, HITCHIN, SG5 - CHANGE OF USE AND INTERNAL ALTERATIONS TO GROUND FLOOR OF 14A AND 15 BANCROFT TO CLASS A3 (RESTAURANT) TOGETHER WITH REAR EXTENSION TO PROVIDE KITCHEN FACILITY. CHANGE OF USE OF FIRST AND SECOND FLOORS OF 14A, 15 AND 16 BANCROFT TO RESIDENTIAL TO PROVIDE 4 X TWO BEDROOM APARTMENTS TOGETHER WITH ASSOCIATED AMENITY AREA AND PROVISION OF CAR PARKING AND CYCLE STORAGE TO REAR</b>	<b>3</b>
<b>6.2 08/02117/1LB - 14-17 BANCROFT, HITCHIN, SG5 1JQ - LISTED BUILDING CONSENT: INTERNAL ALTERATIONS TO GROUND FLOOR OF 14 AND 15 BANCROFT TOGETHER WITH A SINGLE STOREY REAR EXTENSION TO PROVIDE KITCHEN FOR PROPOSED RESTAURANT TOGETHER WITH INTERNAL ALTERATIONS TO FIRST AND SECOND FLOORS TO FACILITATE CONVERSION TO RESIDENTIAL DWELLINGS</b>	<b>13</b>
<b>6.3 08/02840/1 - 23-25 (UNITS 8 &amp; 9) THE GLOVER CENTRE, BURY MEAD ROAD, HITCHIN, SG5 1RP - CHANGE OF USE OF UNITS 8 &amp; 9 (GROUND FLOOR) AND GARAGE WORKSHOP BUILDING FROM CLASS B1 (BUSINESS) TO CLASS D1 (NON-RESIDENTIAL INSTITUTIONS) TOGETHER WITH INTERNAL ALTERATIONS, ERECTION OF FENCING, PROVISION OF 12 PARKING SPACES AND DROP-OFF POINT TO FACILITATE USE AS SCHOOL FOR AUTISTIC CHILDREN</b>	<b>19</b>

<b>6.4</b>	<b>08/02919/1HH - 26 COMMON RISE, HITCHIN, SG4 0HN - SINGLE STOREY REAR EXTENSION</b>	<b>25</b>
<b>7.</b>	<b>PLANNING APPEALS</b> REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	<b>29</b>
<b>8.</b>	<b>PLANNING ENFORCEMENT CASELOAD AND MONITORING</b> REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL	<b>33</b>

**For the remainder of the Civic Year 2008-2009 the Planning Control Committee will meet on the following dates:**

**Thursday, 19 February 2009**

**Thursday, 19 March 2009**

**Thursday, 16 April 2009**

**Planning Control Committee  
15 January 2009**

**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**6**

**TITLE OF REPORT: PLANNING APPLICATIONS**

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

**Local Government (Access to Information) Act 1985 and Local Government Act 1972**

In respect of each of the following reports concerning individual applications for planning permission, Listed Building Consent, the whole of the application file shall be regarded as background papers for the purposes of Section 100(d) of the 1972 Act.

**AGENDA INDEX**

<b>ITEM:</b>	<b>REF NO:</b>	<b>LOCATION:DESCRIPTION</b>	<b>CONTACT OFFICER:</b>	<b>PAGE:</b>
1.	08/02116/ 1	14a, 15 and 16 Bancroft, Hitchin, SG5 Change of use and internal alterations to ground floor of 14A and 15 Bancroft to Class A3 (restaurant) together with rear extension to provide kitchen facility. Change of use of first and second floors of 14A, 15 and 16 Bancroft to residential to provide 4 x two bedroom apartments together with associated amenity area and provision of car parking and cycle storage to rear	Tom Rea 01462 474565	3
2.	08/02117/ 1LB	14-17 Bancroft, Hitchin, SG5 1JQ Listed Building Consent: Internal alterations to ground floor of 14 and 15 Bancroft together with a single storey rear extension to provide kitchen for proposed restaurant together with internal alterations to first and second floors to facilitate conversion to residential dwellings.	Tom Rea 01462 474565	13

3.	<b>08/02840/ 1</b>	23-25 (Units 8 & 9) The Glover Centre, Bury Mead Road, Hitchin, SG5 1RP Change of use of units 8 & 9 (ground floor) and garage workshop building from Class B1 (Business) to Class D1 (Non-residential institutions) together with internal alterations, erection of fencing, provision of 12 parking spaces and drop-off point to facilitate use as school for autistic children	<b>Tom Rea</b> 01462 474565	<b>19</b>
4.	<b>08/02919/ 1HH</b>	26 Common Rise, Hitchin, SG4 0HN Single storey rear extension	<b>Richard Tiffin</b> 01462 474522	<b>25</b>

<b>ITEM NO: 6.1</b>	<u>Location:</u>	<b>14a, 15 and 16 Bancroft, Hitchin, SG5</b>
	<u>Applicant:</u>	<b>Threadneedle Property Investments Ltd</b>
	<u>Proposal:</u>	<b>Change of use and internal alterations to ground floor of 14A and 15 Bancroft to Class A3 (restaurant) together with rear extension to provide kitchen facility. Change of use of first and second floors of 14A, 15 and 16 Bancroft to residential to provide 4 x two bedroom apartments together with associated amenity area and provision of car parking and cycle storage to rear</b>
	<u>Ref.No:</u>	<b>08/02116/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period :** 22 December 2008

**Reason for Delay** (if applicable)

Committee cycle

**Reason for Referral to Committee** (if applicable)

Part of the application proposal (i.e. proposed A3 restaurant use) is contrary to the Council's Shopping Frontage policy.

### **1.0 Relevant History**

- 1.1 No directly relevant planning history. Pre-application advice on this site was sought by the applicants in 2007(ref: 07/02922/1PRE).

### **2.0 Policies**

#### **2.1 Central Government Advice**

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement PPS 3: Housing

#### **2.2 East of England Plan (May 2008)**

Policy H1: Regional Housing Provision 2001 to 2021

#### **2.3 North Hertfordshire District Local Plan No. 2 with Alterations**

Policy 8: Development in Towns  
Policy 16: Areas of Archaeological significance and other archaeological areas  
Policy 26: Housing Proposals  
Policy 42: Shopping  
Policy 43: Shopping Areas in Town Centres  
Policy 55: Car Parking Standards  
Policy 57: Residential Guidelines and Standards

#### **2.4 Hitchin Town Centre Strategy Final Version 2004**

### **3.0 Representations**

- 3.1 **Hertfordshire Highways:** Does not wish to restrict the grant of permission.
- 3.2 **Conservation officer:** 'No objections - materials for bin store and extension require to be conditioned'
- 3.3 **Environmental Health:** Recommends the attachment of conditions relating to dust and noise mitigation.
- 3.4 **Planning Policy:** Consider that an A3 use may assist in increasing footfall in this part of Bancroft and increase the viability of nearby A1 units. Principle of residential use above is acceptable.
- 3.5 **HCC Archaeologist:** No comments received
- 3.6 **Site Notice/Adjoining occupiers:** Letters received from the occupiers 18 Croft Court and The Hitchin Property Trust raising the following points :
- Numbering incorrect - should start at No. 15 Bancroft.
  - No objection provided there is no outdoor beer garden/smoking area (as at Prezzo's) which causes noise and disturbance

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

- 4.1.1 The application site is located on the west side of Bancroft and comprises a three storey building consisting of 3 no. retail units on the ground floor with ancillary office/storage on the upper floors. Servicing and deliveries to the premises takes place at the rear of the site via an existing vehicular access from Grammar School Walk which leads into a large hardsurfaced servicing and parking area.

#### **4.2 Proposal**

- 4.2.1 The application proposes the change of use of the ground floor of units 14A and 15 Bancroft from retail use to Class A3 use (286.5 sqm) with an associated single storey ground floor extension. Unit 16 would remain as a shop. At first floor and second floor level it is proposed to convert the existing floorspace to four two bedroom flats. Pedestrian access to the upper floor flats is via a new entrance and lobby off Bancroft formed from part of the existing vacant retail unit at No. 14A. An existing flat roofed area to the rear of and attached to the main listed building is to be used as amenity area for the flats with fire escape access to the service yard at the rear. A bin and cycle storage area is proposed within the service yard approximately 10m from the back of the main building.
- 4.2.2 The single storey rear extension to the restaurant unit is 6m deep and 6m wide with a flat roof attached to which would be a fire escape access for the first floor flats.
- 4.2.3 Brickwork to be used for the extension and detached refuse/cycle store is to match the existing brickwork.
- 4.2.4 The application is accompanied by a Design Statement, Marketing statement, Historical Advisory and Assessment, Environmental Impact Assessment and signed unilateral undertaking.

### 4.3 Key Issues

4.3.1 Taking into account central government policy guidance, development plan policy and the comments received from statutory consultees and third parties referred to above I consider that the main issues to be taken into account in the determination of this application are as follows:

- \* The principle of an A3 use within the shopping frontage and residential accommodation on the upper floors
- \* Design and layout of the scheme
- \* Environmental impact including relationship with adjoining residential property.
- \* Access and car parking issues.

#### 4.3.2 The principle of A3 and residential uses

The application premises are located within a shopping frontage area as designated in the current adopted District Local Plan No. 2 with Alterations and therefore the proposal requires consideration against Policy 43 of the District Local Plan which seeks to resist the loss of retail floorspace within the Shopping Core of the town.

4.3.3 The application is supported by a marketing statement which sets out a case for justifying the loss of retail floorspace in favour of an A3 use on the ground floor with residential above. The report states that the retail premises at 14A and 15 Bancroft have been marketed since 2006 (for No. 14A) and from 2007 (No. 15) following which, the applicants agents advise, there has been virtually no retail interest. The report states that a national multiple retailer expressed initial interest although this was not followed up. The increasing number of vacancies and deteriorating retail climate has not assisted in finding tenants. The report concludes that an A3 use could well be the only economic use which would enable residential use on the upper floors and ultimately help transform the immediate locality into a vibrant part of Bancroft. The marketing particulars for No. 15 are attached to the marketing report submitted with the application.

4.3.4 It is clear that this part of Bancroft is struggling to attract and retain retail occupiers, particularly in the current market conditions. At present there are five empty shops units including the application premises out of the fifteen units on the north side of Bancroft from Wilkinsons to Lloyds TSB (33.3% vacancy) In addition, almost opposite the application site a unit formerly occupied by The Halifax is also vacant. Close to the site Woolworths has recently closed and Adams Kids childrens clothiers also nearby is likely to close.

4.3.5 The applicant has demonstrated that a marketing exercise has failed to attract an A1 user for the two vacant units since at least 2007 and in the case of unit 14 since 2006. I consider therefore that an exceptional case to the presumption in favour of retaining retail use on the ground floor of the shopping frontage has been made in this instance. Furthermore, Policy 43 envisages that a restaurant or similar A3 use may, in exceptional cases, add to the attractiveness of the retail core. The presence of the Prezzo restaurant next door to Wilkinsons has perhaps assisted footfall in this part of Bancroft despite adverse retailing conditions. In addition to the flexibility of local plan policy the Hitchin Town Centre Strategy (2004) provides some assistance for the location of A3 uses in shopping frontages as is states in Policy 9 the following:

**'The Council will encourage and approve proposals for the appropriate location of food and drink uses in the town centre, at street level or above, that will actively contribute to the vitality and viability of the town centre and**

**not to the detriment of primary shopping frontages or the amenity of local residents'**

- 4.3.6 Although it is considered therefore that an A3 use for units 14A and 15 may be acceptable in this particular case a subsequent change of use of the premises to an A2 use (Financial and Professional Services) (currently permitted by the Town and Country Planning (Use Classes) Order 2005) would not be appropriate as it is unlikely to generate as much footfall as an A3 use and therefore it is recommended that if permission is granted a condition is attached to restrict future uses.
- 4.3.7 With regard to the residential uses proposed on the first and second floors it is considered that residential use would not disrupt the shopping pattern and indeed is generally in accordance with Government advice to utilise vacant floorspace above shop units in order to assist in town centre vitality.
- 4.3.8 In summary on the principle issue I consider that the change of use of the ground floor premises at Units 14A and 15 to A3 use would be acceptable in land use terms given the submitted evidence of lack of retail interest and the exceptional circumstances put forward by the applicants and permitted by planning policy.
- 4.3.9 **Design and layout**  
The site is within the Hitchin Conservation Area and the main frontage building is grade II listed. It is therefore essential to ensure that the historic appearance and integrity of the listed building and the visual contribution that the former Georgian house makes to Bancroft is maintained and enhanced.
- 4.3.10 The Conservation officer agrees with the historical assessment of the building as submitted by the applicant. Much of the original layout of the building has been removed with later 20th century alterations which have added nothing of architectural merit or interest to the building. Through negotiations with planning officers the one section of surviving internal historic wall at ground level is now to be acceptably maintained. The previous loss of the historic domestic interior of the building makes the restaurant use and layout acceptable. No external extract ducting for the restaurant is shown however this is likely to be at the rear where, because of the location fronting a service yard should present no conservation problems however the details could be conditioned. With regard to the upper floors and the residential conversion, the conservation officer has no objections to the principle of the layout. Details of internal finishes, door and entrance staircase designs and other design features can be conditioned. The proposed layout drawings show the existing shopfront for the smaller unit 14A removed and a double entrance door off Bancroft to a lobby providing access for the flats. The detail is not precise however the applicants propose to submit further shopfront applications to deal with the necessary detail of the shopfront treatments. I consider that an appropriately worded condition should be attached to require the submission of shopfront applications prior to the commencement of any works.
- 4.3.11 The proposed rear extension would have limited impact on the rear of the building and the surrounding area. The kitchen extension is of fairly modest proportions and is flat roofed the design of which, because of the existing flat roofed additions at the rear of No. 14A - 16, represents a visually harmless addition.
- 4.3.12 The proposed bin and cycle storage area is detached from the main building and its modern flat roofed extension and is sited in an unobtrusive location against a high boundary wall.
- 4.3.13 In general I conclude that the design, form and layout of this development successfully integrates with and complements the listed building and neighbouring buildings and the street scene in accordance with the advice in PPS 3 and PPG 15.

#### 4.3.14 **Environmental impact including relationship with adjoining residential properties**

The main concern with this proposal is the impact of the Class A3 restaurant use on the amenities of adjoining occupiers in particular the existing residents at the rear of the site and the proposed residents above the restaurant. In support of the application the applicants have submitted an Environmental Impact Assessment which contains various acoustic readings taken internally and externally together with mitigation measures. In this case there is no outdoor seating area proposed at the rear of the site (unlike Prezzo) which could have given rise to increased noise and disturbance. The main noise exposure is from road traffic noise along Bancroft and mechanical services plant associated with the adjoining Prezzo restaurant. Sound insulation tests between the ground floor and first floors have revealed that the measured sound insulation performance significantly exceeds the requirements set out in Approved Document E of the building regulations. Several mitigation measures are put forward in the EIA report to reduce existing plant noise. The Council's Environmental Health officer comments that the measured and predicted noise levels and the recommended mitigation measures are acceptable the detail of which can be dealt with by condition.

4.3.15 In taking into account the environmental impact due regard should be had to the town centre location and the relatively high existing ambient noise levels generated from road traffic, car parking and restaurant uses and servicing activities. I conclude that the development would therefore have an acceptable impact on the living conditions of adjacent and future occupiers.

#### 4.3.16 **Access and parking issues**

The applicant has indicated 11 car parking spaces within the rear service yard that would be available for the existing and proposed uses. At present there is no allocated parking set out within the rear service yard. It is clear from the layout drawing that adequate space would be available for the proposed parking spaces and for service vehicles to enter and leave the service yard in forward gear. The Highway Authority raise no objections subject to the provision of parking spaces for the residents of the four flats prior to the occupation of the units. The Council's adopted supplementary planning document 'Vehicle Parking Provision at New Development' sets out maximum car parking standards for new development. For the two bedroom flats as proposed a maximum of 1 space would be required for each flat. The application site is in a very sustainable location within the town centre and therefore adequate parking is considered available for the new residents in addition to operational parking for the restaurant and existing shop unit. The access to the rear service yard from Grammar School Walk remains unaffected and therefore there are no sustainable objections to the application in relation to car parking provision or access.

4.3.17 The Highway Authority raise no objection to the development and consider that the existing access is acceptable in terms of vehicle inter-visibility and the new development would not lead to a significant increase in the number of vehicle movements onto the local highway network. The Highway Authority conclude that the development would not have an unreasonable impact on the safety and operation of the adjoining highway.

#### 4.3.18 **Other matters**

The Unilateral Undertaking submitted with the application has been validly completed and the infrastructure contributions as set out are acceptable.

4.3.19 The site is within an area of archaeological importance and there have been recent finds of local and national importance on the nearby Brookers development. I therefore consider it appropriate to attach an archaeological recording condition.

#### 4.4 **Conclusion**

- 4.4.1 It is considered that the proposed development, in the light of the supporting information and exceptional circumstances, would be acceptable in land use terms and that the design and layout of the development would meet the provisions of the local plan policies as set out above. Accordingly, it is considered that in the absence of any sound or clear cut reasons to refuse planning permission that permission be granted subject to conditions.

#### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

- 6.1 That planning permission be **GRANTED** subject to the submitted Unilateral Undertaking and the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the extension and refuse storage building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. The ground floor premises hereby permitted at Nos. 14A and 15 Bancroft shall be used for Class A3 use only and for no other use (including any other use permitted in Class A3) of the Town and Country Planning (Use Classes) Order 2005 or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the proposed use of the premises is appropriate in the interests of the vitality and viability of the shopping frontage.

5. **Notwithstanding the details shown on the submitted drawings and prior to the commencement of works hereby permitted further details of the new shopfronts to units 14A and 15 Bancroft shall be submitted to and approved in writing by the Local Planning Authority through the specific grant of planning permission and listed building consent.**

**Reason: In order to preserve the special character of the Listed Building thereby complying with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

6. **Prior to the commencement of development hereby permitted details of the fume extraction equipment associated with the proposed restaurant use shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**

**Reason: In the interests of visual amenity**

7. **No demolition or development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the Local Planning Authority and approved in writing. This condition will only be considered to be discharged when the planning authority have received and approved archaeological reports of all the required archaeological works.**

**Reason: To record/protect the historic environment.**

8. **Before the occupation of any of the four apartments and the commencement of the restaurant use hereby permitted the car parking facilities as shown on the approved plan (no. PL 104 A) shall be marked out and made available and shall be thereafter be kept available for the parking of motor vehicles associated with the development.**

**Reason: To ensure the satisfactory provision of car parking facilities to serve the development.**

9. **Prior to the occupation of any part of the development hereby permitted the noise mitigation measures set out in the submitted environmental report by Spectrum Acoustic consultants dated July 2008 shall be implemented to the satisfaction of the Local Planning Authority. Furthermore, the proposed additional noise survey and report shall be submitted to and approved by the Local Planning Authority before the commencement of the use. The development shall be carried out in accordance with the approved details.**

**Reason: To protect the amenities of existing and future occupants against noise nuisance.**

10. **Prior to the commencement of the development hereby permitted precise detailed drawings of the glazed stair enclosure at first floor level (including details of materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.**

**Reason: In order to preserve the special character of the Listed Building thereby complying with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

**Reason for Decision**

The proposed change of use, extensions and detached outbuilding hereby permitted are acceptable in terms of planning policy, design and appearance and impact on highway safety and the amenity of existing and future occupiers. As such, the development would be in accordance with the following development plan policies:

**East of England Plan (May 2008)**

Policy H1: Regional Housing Provision 2001 to 2021

**North Hertfordshire District Local Plan No. 2 with Alterations**

Policy 8: Development in Towns

Policy 16: Areas of Archaeological significance and other archaeological areas

Policy 26: Housing Proposals

Policy 42: Shopping

Policy 43: Shopping Areas in Town Centres

Policy 55: Car Parking Standards

Policy 57: Residential Guidelines and Standards

<b>ITEM NO: 6.2</b>	<u>Location:</u>	<b>14-17 Bancroft, Hitchin, SG5 1JQ</b>
	<u>Applicant:</u>	<b>Threadneedle Property Investments Ltd</b>
	<u>Proposal:</u>	<b>Listed Building Consent: Internal alterations to ground floor of 14 and 15 Bancroft together with a single storey rear extension to provide kitchen for proposed restaurant together with internal alterations to first and second floors to facilitate conversion to residential dwellings.</b>
	<u>Ref.No:</u>	<b>08/02117/ 1LB</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period :** 22 December 2008

**Reason for Delay** (if applicable)

Committee cycle

**Reason for Referral to Committee** (if applicable)

The application is associated with a planning application part of which is contrary to local plan policy.

### **1.0 Relevant History**

1.1 No directly relevant planning history.

### **2.0 Policies**

2.1 PPG 15: Planning and the Historic Environment (1994).

### **3.0 Representations**

3.1 **Conservation Officer:** Proposals comply with the provisions of Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3.2 **Site Notice/Publicity:** No representations received

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

4.1.1 The application site is located on the west side of Bancroft and comprises a three storey building consisting of 3 no. retail units on the ground floor with ancillary office/storage on the upper floors. Servicing and deliveries to the premises takes place at the rear of the site via an existing vehicular access from Grammar School Walk which leads into a large hardsurfaced servicing and parking area.

#### **4.2 Proposal**

4.2.1 The application seeks listed building consent for a ground floor rear extension and internal alterations to units 14A and 15 Bancroft to facilitate the change of use to

restaurant on the ground floor and residential conversion of the upper floor office and storage space.

4.2.2 The single storey rear extension to the restaurant unit is 6m deep and 6m wide with a flat roof attached to which would be a fire escape access for the first floor flats.

4.2.3 The application for listed building consent is accompanied by an Historical Advisory and Assessment.

#### 4.3 **Key Issues**

4.3.1 The key issue is the impact of the proposed works on the historic character and setting of the grade II listed building.

4.3.2 The Conservation officer agrees with the historical assessment of the building as submitted by the applicant. Much of the original layout of the building has been removed with later 20th century alterations which have added nothing of architectural merit or interest to the building. Through negotiations with planning officers the one section of surviving internal historic wall at ground level is now to be acceptably maintained. The previous loss of the historic domestic interior of the building makes the restaurant use and layout acceptable. No external extract ducting for the restaurant is shown however this is likely to be at the rear where, because of the location fronting a service yard should present no conservation problems however the details could be conditioned. With regard to the upper floors and the residential conversion, the conservation officer has no objections to the principle of the layout. Details of internal finishes, door and entrance staircase designs and other design features can be conditioned. The proposed layout drawings show the existing shopfront for the smaller unit 14A removed and a double entrance door off Bancroft to a lobby providing access for the flats. The detail is not precise however the applicants propose to submit further shopfront applications to deal with the necessary detail of the shopfront treatments. I consider that an appropriately worded condition should be attached to require the submission of shopfront applications prior to the commencement of any works.

4.3.3 I agree with the conservation officers conclusions and am satisfied that the proposals have addressed the pre-application advice and issues raised and that the proposal would preserve the setting of the listed building, other listed buildings in the locality and the character of the conservation area.

#### 4.4 **Conclusion**

4.4.1 Having regard to the above I do not consider there to be any material objections to be raised against this listed building application.

#### **5.0 Legal Implications**

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

#### **6.0 Recommendation**

6.1 That listed building consent be **GRANTED** subject to the following conditions:

1. The work to which this consent relates shall be begun by not later than the expiration of the period of 3 years from the date of this notice.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. **Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The approved materials shall be implemented on site.**

**Reason: To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.**

4. **Notwithstanding the details shown on the submitted drawings and prior to the commencement of works hereby permitted further details of the new shopfronts to units 14A and 15 Bancroft shall be submitted to and approved in writing by the Local Planning Authority through the specific grant of planning permission and listed building consent.**

**Reason: In order to preserve the special character of the Listed Building thereby complying with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

5. **Prior to the commencement of the development hereby permitted precise detailed drawings of the glazed stair enclosure at first floor level (including details of materials) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.**

**Reason: In order to preserve the special character of the Listed Building thereby complying with the provisions of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**

6. **Prior to the commencement of the development hereby permitted further details of the internal finishes, door and entrance staircase designs and other new design features shall be submitted to and approved in writing by the Local Planning Authority. The existing sash windows shall be retained and if required to be replaced these shall be on a like for like basis and in accordance with details to be agreed by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: In order to preserve the special character of the listed building.**

#### **Reason for Decision**

The proposed works would preserve the special character and appearance of this listed building and as such would comply with the provisions of national planning policy guidance, as summarised below:

Planning Policy Guidance 15: Planning and the Historic Environment.

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<b>ITEM NO: 6.3</b>	<u>Location:</u>	<b>23-25 (Units 8 &amp; 9) The Glover Centre, Bury Mead Road, Hitchin, SG5 1RP</b>
	<u>Applicant:</u>	<b>Chrysalis School for Autism</b>
	<u>Proposal:</u>	<b>Change of use of units 8 &amp; 9 (ground floor) and garage workshop building from Class B1 (Business) to Class D1 (Non-residential institutions) together with internal alterations, erection of fencing, provision of 12 parking spaces and drop-off point to facilitate use as school for autistic children</b>
	<u>Ref.No:</u>	<b>08/02840/ 1</b>
	<u>Officer:</u>	<b>Tom Rea</b>

**Date of expiry of statutory period :** 05 January 2009

**Reason for Delay** (if applicable)

Committee cycle.

**Reason for Referral to Committee** (if applicable)

The proposed use is contrary to local plan policy.

### **1.0 Relevant History**

1.1 No directly relevant planning history

### **2.0 Policies**

2.1 **East of England Plan 2008**  
Policy SS1: Achieving Sustainable Development

2.2 **North Hertfordshire District Local Plan No. 2 with Alterations**  
Policy 36: Employment Provision  
Policy 37: Business Uses (B1 Use Class)  
Policy 55: Car Parking Standards

### **3.0 Representations**

3.1 **Hertfordshire Highways:** Any comments will be reported at the meeting

3.2 **Herts County Council (Children, Schools and Families):** Any comments will be reported at the meeting

3.3 **Site Notice/Adjoining occupiers:** Memorandum received from the Council's Museums Manager raising no objections

### **4.0 Planning Considerations**

#### **4.1 Site & Surroundings**

4.1.1 The application site comprises two ground floor industrial units located towards the rear of the former Kir Gloves factory off Bury Mead Road. The Glover Centre which

comprises a number of B1 industrial units is located within the Bury Mead Road employment area as designated in the adopted local plan (HEB3). Bury Mead Road comprises a number of industrial employment related uses however immediately adjoining the units the subject of this application is an existing nursery school (Class D1 use) granted permission by the District Council in 2001. Permission has also recently been granted for a training centre (also a Class D1 use) at the rear of 35 Bury Mead Road.

## 4.2 **Proposal**

- 4.2.1 The application seeks permission to change the use of two existing Class B1 office units and an adjoining garage workshop to Class D1 use (non-residential institutions) facilitating a school use for autistic children. The proposal includes the provision of 1.8m high close boarded fencing and allocated parking. Overall the use would involve 305 sqm of floor area together with an enclosed external play space.
- 4.2.2 The applicants - Chrysalis School for Autism - intend that the school would have 5 - 6 pupils with a similar number of staff. This would increase to a maximum of 15 pupils and 18 - 20 members of staff.
- 4.2.3 Parking provision would include the provision of 12 spaces in two locations on existing areas of hardstanding. Access to the units would be via an existing 5m wide access road leading into the site from Bury Mead Road.
- 4.2.4 The application is supported by a statement from the Chrysalis School for Autism which sets out the case for seeking new specialist educational provision for children in the area. Information has also been submitted from a local surveyor highlighting letting difficulties for industrial premises in the locality.

## 4.3 **Key Issues**

- 4.3.1 The main issue in this case is the principle of allowing a non-B1 use in an employment area, the adequacy of parking and manoeuvring facilities within the site and the sustainability issues associated with such a non-conforming use.
- 4.3.2 **Principle of the use**  
The District Local Plan identifies the site as forming part of an employment area and Policy 36 of the local plan supports the presumption in favour of retaining such land in employment use. Policy 37 states that permission for employment uses other than business Class B1 will not normally be permitted when the use would be harmful to residential amenity or to the environment generally.
- 4.3.3 The applicants acknowledge the presumption in favour of retaining employment uses through local plan Policy 36 however they consider that this proposal must be considered against the wider availability of employment floorspace in properties in Bury Mead Road and in the Glover Centre itself. The application includes some background information provided by a local chartered surveyor with regard to the lettings of units within the Glover Centre. It is clear that there has been a significant degree of vacancy within the Glover Centre and generally short letting periods where units have been occupied. I would also not disagree with the applicants assertion that there are other vacant units in Bury Mead Road.
- 4.3.4 I consider that there are several factors in favour of allowing the proposed D1 use in this location. Firstly, it is apparent that Bury Mead Road is not a prime location for office use. Many of the premises are older properties and it is likely that these properties, including the units in the Glover Centre, are not flexible in terms of their floorspace and layout for modern business use hence the lack of rental and/or lettings interest. Secondly, it seems that there are, and have been in the past, significant vacancy rates and indeed this seems to have been a factor in the

Council permitting a Class D1 use in part of the Glover Centre in 2001. Thirdly, as the applicants point out, the proposed use would result in a high ratio of employment to floorspace as a result of the intensive teaching methods employed thus contributing to some extent to the employment needs of the local economy. Fourthly, there would be no significant impact on residential amenity or the environment generally given the small numbers of pupils involved and limited floorspace occupied by the use. Finally, given that the Council has permitted a similar D1 use at the adjoining premises also within the Glover Centre, it seems that a refusal of planning permission could be difficult to defend on appeal given the similar circumstances and use involved.

#### 4.3.5 **Parking and access**

The proposal involves the provision of 12 car parking spaces and this level of provision would meet the standards set out in the Council's supplementary planning document on parking provision at new development (i.e. one space per full time member of staff and one space per 100 children) at least for the establishment of the school. A large car park exists at the rear of the site and therefore there appears to be overspill provision if required. However, given the small number of pupils expected at the school even allowing for some growth, it is unlikely that parking will be an issue. There is no change to the access arrangements to the premises therefore it is unlikely that there would be any impact on highway safety in Bury Mead Road.

#### 4.3.6 **Sustainability**

The application premises are within reasonable walking distance to the town centre and railway station and the bus route along Grove Road and therefore I consider that the location can be accessed by alternative modes of transport than the private car. Policy SS1 of the East of England Plan seeks, through a spatial strategy, to bring elements together which create sustainable communities. In this case I consider that the proposal goes some way to fulfilling this strategy through promoting social cohesion by improving access to work and other community services in an inclusive and sustainable location.

#### 4.4 **Conclusion**

- 4.4.1 The applicant has demonstrated that the proposed use would not undermine local plan employment policy or employment land availability in the locality and that the use would be unlikely to have any adverse impact on residential amenity and highway safety. As such I consider that an exceptional case to planning policy has been made and therefore recommend that permission be granted subject to conditions.

### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### **6.0 Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory

Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

3. The use hereby approved shall only take place between the hours of 8.00am and 5.30pm on Mondays to Fridays, 8.00am and 1.00pm on Saturdays and not at all on Sundays and public holidays.

Reason: The use is located in close proximity to residential properties and the restriction of activity is necessary to ensure that the residents of those properties can continue to expect to enjoy times of reasonable peace and quiet.

4. **Before the occupation of any part of the floorspace hereby permitted, the parking facilities shown on the approved plan shall be marked out and made available, and shall thereafter be kept available solely for parking in connection with the premises.**

**Reason: To ensure the provision of satisfactory vehicle parking facilities clear of the public highway to meet the needs of the development.**

**Reason for Decision**

The change of use hereby permitted, given the exceptional circumstances put forward by the applicant, will not have an adverse impact on employment provision in the locality or local amenity. The proposal therefore complies with the provisions of Policies 36 and 37 of the North Hertfordshire District Local Plan no.2 with Alterations 1996.

**ITEM NO: 6.4** Location: **26 Common Rise, Hitchin, SG4 0HN**

Applicant: **Mr & Mrs T Rea**

Proposal: **Single storey rear extension**

Ref.No: **08/02919/ 1HH**

Officer: **Richard Tiffin**

**Date of expiry of statutory period** : 23 January 2009

### **Reason for Referral to Committee**

The applicant is an officer of the Council

#### **1.0 Relevant History**

- 1.1 In April 2002 planning permission was granted for the development of a single storey front extension and part single storey, part two storey rear extension to this property (our ref. 02/00253/1HH). This permission has been implemented.
- 1.2 Permission granted in 2006 for a rear conservatory. This permission has been implemented.

#### **2.0 Policies**

- 2.1 **North Hertfordshire District Local Plan No. 2 - with Alterations:**  
Policy 28 'House Extensions'

#### **3.0 Representations**

- 3.1 None received

#### **4.0 Planning Considerations**

##### **4.1 Site & Surroundings**

- 4.1.1 The application site consists of a semi-detached dwelling located off the eastern side of Common Rise, Hitchin. Common Rise is characterised by a group of evenly spaced 1930s semi-detached properties on relatively spacious, linear plots. Many properties, including the dwelling on the application site, have been significantly altered and extended.

##### **4.2 Proposal**

- 4.2.1 The proposal seeks to increase the width of the conservatory erected under the 2006 permission by 2.5m (3.5m deep) creating a conservatory spanning the full width of the semi. The proposal would not be any higher in section than the existing and while it would be closer to the boundary with No 24, would be fully screened by a boundary fence.

##### **4.3 Key Issues**

- 4.3.1 The proposal falls to be considered against Policy 28 'House Extensions' of the North Hertfordshire District Local Plan No. 2 - with Alterations. This policy sets out

criteria and general principles against which planning applications for extensions to dwellings must be assessed. The main aim is to ensure that extension proposals are of a suitable design in order to be sympathetic to the character of the existing dwelling, to prevent any unacceptable impact on the amenities enjoyed by occupiers of adjoining residential properties and to prevent increases in on-road car parking.

- 4.3.2 Applying this policy, I conclude that such a minor extension to the existing conservatory would not occasion any harm to the amenities currently enjoyed by the occupiers of No 24 Common Rise or the character of the area and would not give rise to traffic and parking problems in the locality.

#### 4.4 **Conclusion**

- 4.4.1 Given the minor nature of the proposal as a modest extension to an existing conservatory, I can see no planning grounds for objection. I therefore consider that the proposal complies with Policy 28 of the North Hertfordshire District Local Plan No. 2 - with Alterations.

### **5.0 Legal Implications**

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

### **6.0 Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out wholly in accordance with the details specified in the application and supporting, approved documents and plans, or with minor modifications of those details which have previously been agreed in writing by the Local Planning Authority as being not materially different from those thereby permitted.

Reason: To ensure the development is carried out in accordance with details which form the basis of this grant of permission.

#### **Reason for Decision**

The development hereby permitted is not considered to have any adverse impact on the amenities of the neighbouring residential properties, the character or visual amenities of the street or on highway conditions in the vicinity of the site and, as such, complies with the relevant provisions of the development plan as set out below:

#### **North Hertfordshire District plan No 2 with Alterations.**

Policy 28 – House Extensions

<b>*PART 1 – PUBLIC DOCUMENT</b>	<b>AGENDA ITEM No.</b>
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<b>7</b>
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**TITLE OF REPORT: PLANNING APPEALS**

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

Please refer to attached report on planning appeals lodged.

No planning appeal decisions have been received since the last meeting of the Committee on 18 December 2008.

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**PLANNING CONTROL COMMITTEE****DATE: 15 January 2009****PLANNING APPEALS LODGED**

<b>APPELLANT</b>	<b>Appeal Start Date</b>	<b>DESCRIPTION</b>	<b>ADDRESS</b>	<b>Reference</b>	<b>PROCEDURE</b>
Mr A Cox	04 Dec 2008	Erection of 3m acoustic high fence along southern boundary of property	Odsey House, Therfield Road, Odsey, Baldock, SG7 6SD	08/01174/1LB	Written Representations
Mr A Cox	04 Dec 2008	Erection of 3m acoustic high fence along southern boundary of property	Odsey House, Therfield Road, Odsey, Baldock, SG7 6SD	08/01173/1HH	Written Representations
Primesight	09 Dec 2008	Erection of 1 internally illuminated free-standing advertisement display	Service Station, Bedford Road, Ickleford, SG5 2UG	08/01568/1AD	-
Mrs Fair	12 Dec 2008	Single storey front extension linking existing detached garage to main dwelling	9 Holden Close, Hitchin, SG4 0EJ	08/01026/1HH	Written Representations
Dr L Hampton	15 Dec 2008	Change of Use of office (B1) to Clinic treatment rooms (D1)	Ground floor R/O 121 London Road, Knebworth, SG3 6EX	08/01915/1	Written Representations

**Note: 1) No appeal decisions received****2) There are no hearings or inquiries scheduled up to 20 February 2009**

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**\*PART 1 – PUBLIC DOCUMENT**

**AGENDA ITEM No.**

**8**

**TITLE OF REPORT: PLANNING ENFORCEMENT CASELOAD AND MONITORING**

REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL

Please refer to attached reports.

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Old Forge, Church Lane, GRAVELEY	Enforcement Notice served in 2001	2-Oct-08	Oct-08	19-Dec-08	19-Dec-08	28 Days 16-Jan-09	Further evidence has been gathered in respect of unauthorised use for car sales. Enforcement report authorised. Preparation of enforcement notice, completed. Notice served on 19 December 2008
Lower Titmore Farm, LOWER TITMORE GREEN	Unauthorised works to Listed Building	25-Jan-07	28-Nov-07				Planning / listed building consent application refused. Enforcement report to be written. Notice to be issued subject to Head of Legal Services being satisfied with the evidence.
r/o Hillcrest House, Bedford Rd, HOLWELL	EN caravan, containers, shed	18-Jan-07	07-Feb-07	20-Mar-07	20-Mar-07	5 months 20-sep-07	Enforcement Notice served 20/3/07, check compliance 20/9/07. Prosecution for non-compliance with court order of 19.12.07. Successfully prosecuted in court 02.07.08 defendant pleaded guilty, fined £2,000, with legal costs of £838.10 and a victim fee of £15. Preparation of further legal action.
Slip End Service Station, SLIP END	S215 Notice	11-June-07	20-June-07				Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Site untidy again, ownership of site to be clarified, and letter sent to owner. Land registry request undertaken. Land registry currently being registered to new owner/occupier, awaiting notification of completion of application by Land registry still outstanding.
41 Bygrave Rodd, BALDOCK	Breach of Condition Notice annexe to self contained unit	19-Mar-07	28-Mar-07	01-May-07	01-May-07	01-Aug-07	07/357/1EUD refused, to Legal for Breach of Condition Notice 28.3.07, served 30/4/07. On going monitoring for compliance. Separate residential use identified. PCN to be served in order to verify status of annex use and occupiers.
3 Sun Street, BALDOCK	Unauthorised works to listed building						Listed building application received for the retrospective removal of the floor, currently being considered. Application for new floor at first floor level anticipated.
Land Adj 20 Maydencroft lane, Gosmore, HITCHIN	Unauthorised construction of residential dwellings.	2-Oct-08	Oct-08				Enforcement report authorised. Planning Contravention Notice returned. Legal advice to be sought regarding further action.

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
Land at junction of Danesbury Park Road and Pottersheath Road, WELWYN	Enforcement Notice for removal of mobile home, and imported soil materials, and cessation of use of land for residential and business use.		24/04/2008				Site survey of previous and new land levels of site undertaken on 22 September. Results received from surveyors. Enforcement Legal advice being sought, draft Enforcement Notice received and to be issued once checked and signed.
The Old Rectory, GRAVELEY	Wilful damage to tree in conservation area	20/11/2007	20/11/2007				Site meeting undertaken with developer to seek agreement for new specimen tree to be planted, in replacement of tree removed. Planting plan shows new trees to be planted, felled lime tree now re-generating, stump not to be removed.

Address	Details (EN BOC SN PCN Prosecution)	Authorisation enforcement action	To Legal for action	Date notice issued	Date notice served	Expiry/ compliance by	Further action/ compliance
99-100 Ickleford Road, HITCHIN	Temporary stop notice	06/12/2007			10/12/2007	28 days	Notice not served as unauthorised works had been removed. Continuing monitoring of site.
Green Lane, HITCHIN	S215 Notice	11-June-07	20-June-07			16-Nov-07	Section 215 notice served. Notice comes into effect 19.10.07. Compliance by 16.11.07. Monitoring to continue as site has been cleared. Site still clear as of 2 January 2009.
Unit 22, Baldock Industrial Estate, BALDOCK	Prosecution unauthorised advertisement – display of balloon.	05-Oct-07	05-Oct-07				Monitoring of advert ongoing. Advert seen displayed in 2009, Checks to be made on regular basis in January 2009.