

# Public Document Pack



Chairman and Members of the  
Development Management  
Committee

Your contact: Peter Mannings  
Tel: 01279 502174  
Date: 10 January 2024

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE - 10 JANUARY 2024**

Please find attached the Additional Representations Summary as circulated by the Head of Planning and Building Control prior to the meeting in respect of the following application:

5. Planning Applications for Consideration by the Committee  
(Pages 3 - 21)

Please review these papers prior to and during the meeting this evening.

Yours faithfully,

Peter Mannings  
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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 10 JANUARY 2024  
**TIME** : 7.00 PM

## East Herts Council: Development Management Committee

**Date: 10<sup>th</sup> January 2024**

**Summary of additional representations received after completion of reports submitted to the committee but received by 5pm on the date of the meeting.**

<b>Agenda No</b>	<b>Summary of representations</b>	<b>Officer comments</b>
<p><b>5b, 3/21/2509/FUL Change of use of the land for 2 Gypsy and Traveller residential pitches, accommodati ng the siting of 2 mobile homes, 4 touring</b></p>	<p>The Planning Policy Team has advised that Members attention should be drawn to the Government’s recent revision of Annex 1 to ‘Planning policy for traveller sites’ (PPTS). As discussed at paragraph 5.20 of the report, the government has recently changed the planning definition of Gypsies and Travellers at Annex 1 to now include those that have ceased to travel permanently as a result of education, health or old age, in addition to those who have ceased to travel temporarily.</p>	<p>It should be noted that, as we already have a significant unmet need, this does not affect the fact it remains that we do not have a five-year supply of pitches/sites to meet identified accommodation needs in the district. We are already aware of the ‘non-nomadic’ need that will need to be taken into consideration going forward and this is detailed in a section in the 2022 GTANA. The change to Annex 1 does not alter the circumstances in relation to the consideration of the current application, but it should be recognised that the</p>

<p><b>caravans and 2 dayroom/amenity buildings, alongside the formation of an access road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane.</b></p>	<p>This change from the 2015 PPTS definition applies from the 19 December 2023 for plan and decision making and has the effect of reverting the definition back to that which was previously in place in the 2012 version of PPTS. The change means that all travellers' needs who meet the 2023 definition will now need to be accounted for in Gypsy and Traveller Accommodation Need Assessments (GTANAs), not just those who met the previous 2015 version of Annex 1 (i.e., those that had ceased to travel only 'temporarily'). In East Herts, the Council had already been seeking to understand the needs of 'non-nomadic' travellers, and the 2022 GTANA was specifically devised to include a section on those needs and the findings are detailed at Section 9 of the study, alongside a breakdown of when the needs should be met in the same time periods as the main body of the study. This means that all necessary</p>	<p>overall total of identified traveller need is substantial and that the Council is currently unable to demonstrate provision of sufficient sites to meet that need.</p>
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	<p>information that would be required regarding travellers under the change to the Annex 1 definition is already available to the Council.</p> <p>As the occupiers of the site were in residence when the GTANA fieldwork was undertaken, and their accommodation needs have already been included in the findings of the 2022 study, the applicants' immediate needs already form a part of the overall outstanding unmet need in the district. Therefore, in relation to the consideration of this current application, the change to Annex 1 does not have any effect on the Council's position.</p>	
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	<p>Neighbour objection from Mr Andy Andreou</p> <p><i>Looking at this plan, there seem to be a couple of things I am not sure about. There are 2 small outbuildings next to each of the mobile homes, what are they? As if this is supposed to be for a generator it's way too close to my house, I already can hear it from the middle of their field - it sounds like a small constant tractor and although it doesn't affect us too much in the winter months, in the summer you cannot open your window without the constant mechanical 'chugging' - surely this would be classed as not only noise pollution but air pollution too as I believe these are diesel powered???</i></p> <p><i>I would also say their home is too close to mine, it needs to be further away from my fence line, as I can hear them in the toilet as it is right now. I never signed up for neighbours and if I</i></p>	
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	<p><i>am being forced to have them then I think it's only fair that somewhere along the line my human rights and feelings should be considered.</i></p> <p><i>The thing I am most concerned about, however, is the plan for 2 mobile homes and 4 touring caravans, have you seen the size of these touring vans? That is more than what is on site at the moment as they only have one, and I honestly don't understand the need for the extra caravans. Can you please clarify what these extra mobile homes are for? At present one family is living in one home. Now surely that means that potentially 6 families could be living on that site which is not an acceptable situation for me. My house is unsalable at the moment and I feel you might be adding to an already precarious and very difficult situation for my family and me.</i></p>	
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	<p><i>Other than that, it's a good solid plan and certainly an improvement as long as the tree lines and boundaries are set out as you have it so that the side blends a little more with the surrounding countryside. I suppose it's the best of a bad situation.</i></p> <p><i>Nothing against Shane who has turned out to be a nice guy, but I have to try and protect myself as much as possible in regard to the value of my home, and I can show you valuations from 3 different people saying it is between 2.3 and 2.5 Million, and now I am not able to get 1.5 million, so this has affected me more than anyone, hence considering now going legal.</i></p> <p><i>Would you kindly advise on the above, I would object to the points I made above, and there will be an uproar in Westmill if 4 more touring vans can be seen from the front, the entire point of</i></p>	
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	<i>getting planning is for them to be out of sight, not create a bigger eye sore.</i>	
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**Table of errata and updates to reports submitted to Committee.**

<b>Agenda No</b>	<b>Paragraph No</b>	<b>Updates</b>
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<p><b>5b, 3/21/2509/FUL Change of use of the land for 2 Gypsy and Traveller residential pitches, accommodati ng the siting of 2 mobile homes, 4 touring caravans and 2 dayroom/ame nity buildings, alongside the formation of an access</b></p>	<p>1.3</p>	<p>The current paragraph 1.3 reads,</p> <p>The application has been amended following previous comments from the Highway Authority. The access is now proposed to be at the north-eastern corner of the site.</p> <p>The amended paragraph should read,</p> <p>The application has been amended following previous comments from the Highway Authority. The access is now proposed to be at the north-western side of the site</p>
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<p><b>road, areas of hardstanding, provision for foul water drainage and widened site entrance onto Cherry Green Lane.</b></p>		
	<p>2.2</p>	<p>The paragraph currently reads as follows:</p> <p>The application site lies in open countryside, amongst other agricultural fields, with residential development scattered around the locality. Hedgerows lie to the north, west and east of the site, whilst agricultural land. The boundary of Westmill Village is approximately 130m to the east of the site. Westmill is defined as a Group 2 village within the East Herts District Plan Policies Map designation.</p> <p>The amended paragraph should read,</p>

		<p>The application site lies in the countryside, a rural area which is amongst other agricultural fields, with residential development scattered around the locality. Hedgerows lie to the north, west and east of the site, whilst agricultural land. The boundary of Westmill Village is approximately 130m to the east of the site. Westmill is defined as a Group 2 village within the East Herts District Plan Policies Map designation.</p>
	2.4	<p>The paragraph currently reads:</p> <p>There are a group of agriculture buildings to the rear of the site. It is also noted that there is a current application for this site, under planning reference 3/22/1027/ARPN.</p> <p>The amended paragraph should read,</p> <p>There are a group of agriculture buildings to the rear of the site known as Gaylors Farm. It is noted that there have been four applications for this site as shown in the 'adjacent site' planning history section of this report, all of which were submitted under the Prior Approval procedure. The latest of these were submitted under references 3/22/1914/ARPN and</p>

		<p>3/22/1915/ARPN for the change of use from agriculture to C3 (residential) both of which were granted subject to conditions in October 2022.</p>
	<p>4.2</p>	<p>The paragraph currently reads as follows:</p> <p>Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out in Section 8 of this report.</p>

		<p>The amended paragraph should read,</p> <p>Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups, such as Gypsy and Travellers, in the context of the development proposals, subject to this planning application which is set out in Section 8 of this report.</p>
	5.11	Paragraph 5.11 currently reads,

		<p>The applicants have provided additional drawings and a schedule for planting. The Landscape Officer advises that the provision of the additional hedging to the front boundary and landscaping around the site would be acceptable. The additional hedging to the front will help with the screening of the development and planting around the perimeter would further screen the development. The landscape officers comments are as follows:</p> <ul style="list-style-type: none"> <li>○ The revised location for the access now results in fairly minimal loss of trees/hedgerow along the site frontage assuming the sight lines shown in red satisfy highways requirements.</li> <li>○ The caravans being moved further back from the road i.e. to remain approximately in their existing location, is an improvement in terms of the site planning and layout for the proposed development.</li> <li>○ The proposed new native hedge planting around the perimeter of the site (including suggested species mix) is acceptable and would provide the biodiversity net gain as well as helping to enclose the site.</li> <li>○ The proposed shingle driveway is acceptable in terms of appearance and permeability.</li> </ul>
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		<ul style="list-style-type: none"> <li>○ <i>Fruit tree planting along the access road is acceptable – medium sized species recommended.</i></li> <li>○ Details of the proposed replanting along the western part of the road frontage (the existing access) are acceptable.</li> </ul> <p>Gapping up details for the rest of the trees/hedgerow along the site frontage are acceptable.</p> <p>The 5<sup>th</sup> bullet point should be amended and read as follows :-</p> <ul style="list-style-type: none"> <li>○ Fruit and nut tree planting along the access road is acceptable – medium sized species recommended.</li> </ul>
	6.8	<p>The current paragraph 6.8 reads as follows:-</p> <p>The site is not an identified site for Gypsies, Travellers and Travelling Showpeople within the pitch allocations that are detailed in the District Plan, Policy HOU9. The District Plan had, prior to the 2022 GTANA, identified sufficient allocation of pitches for Gypsy and Travellers and plots for Travelling Showpeople in the district to the end of the Plan period, 2033. However, following the 2022 GTANA, which updated the evidence base for</p>



		<p>the overall needs in the district, an immediate accommodation need for the occupiers of the site was identified and, therefore, it is incumbent on East Herts to ensure that their needs can be met within the district in a timely manner.</p> <p>The amended paragraph should read as follows:-</p> <p>The site is not an identified site for Gypsies, Travellers and Travelling Showpeople and is not necessary to meet the provision stated in the District Plan. The District Plan has identified sufficient allocation of pitches for Gypsy and Travellers and plots for Travelling Showpeople in the district. Under 14.10.3 of the EHDP suitable provision has been made for gypsy and traveller sites. The Potential Sites Study section 6.1.2 clearly identifies pitch provision in East Herts and since the publication of the report, further sites have been created such as Wellpond Green, Little Hadham, so pitch availability is now in excess of the original recommendations. In neither document was the site that is the subject of this planning application identified as one suitable for development for this purpose</p>
	8.12	Paragraph 8.12 currently reads as follows:-

		<p>The site is within the Rural Area of Green Belt, therefore policy GBR2 is applicable, which seeks to maintain the Rural Area Beyond the Green Belt as a valued countryside resource. Policy GBR2 allows for certain types of developments. Part (g) of policy GBR2 allows for the:</p> <p>The amended paragraph should read</p> <p>The site is within the Rural Area Beyond the Green Belt, therefore policy GBR2 is applicable, which seeks to maintain the Rural Area Beyond the Green Belt as a valued countryside resource. Policy GBR2 allows for certain types of developments. Part (g) of policy GBR2 allows for the</p>
	8.38	<p>Paragraph 8.38 currently reads as follows:-</p> <p>The May 2022 GTANA identified that, overall, a total of 31 permanent pitches for Gypsies and Travellers should be provided in the district for the period up to 2027. Due to the retrospective nature of the development, the applicants of the scheme under consideration were already residents in East Herts at the time that the survey work for the May 2022 GTANA was undertaken and, therefore, their specific needs were taken into account in the final report. The Accommodation Needs Assessment identified that the</p>

		<p>2 pitches arising from the application site are related to an immediate need and would therefore go towards the meeting the overall identified need in the district.</p> <p>The amended paragraph should read,</p> <p>The May 2022 GTANA identified that, overall, a total of 31 permanent pitches for Gypsies and Travellers should be provided in the district for the period up to 2027. Due to the retrospective nature of the development, the applicants of the scheme under consideration were already residents in East Herts at the time that the survey work for the May 2022 GTANA was undertaken and, therefore, their specific needs were taken into account in the final report. The Accommodation Needs Assessment identified that the 2 pitches arising from the application site are related to an immediate need and would therefore go towards the meeting the overall identified need in the district. <i>It should be noted that the site is not an identified site for Gypsies, Travellers and Travelling Showpeople within the pitch allocations that are detailed in the District Plan, Policy HOU9. The District Plan had, prior to the 2022 GTANA, identified sufficient allocation of pitches for Gypsy and Travellers and plots for Travelling Showpeople in the district to the end of the Plan period, 2033.</i></p>
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	8.46	<p>Paragraph 8.46 currently reads,</p> <p>The Landscape Officer has commented on the additional information submitted. The applicants have submitted a revised layout plan and landscaping details. The additional plans, show that the front boundary will be bolstered with new hedging and would help in screening the development from the public highway. There will also be additional planting along the boundaries to further screen the development and the Landscape Officer has commented that subject to the implementation of this the proposal is acceptable. <i>It is however noted that the site is not part of a “valued landscape” which paragraph 170 of the NPPF requires to be protected and enhanced.</i></p> <p>The amended last sentence should read,</p> <p>It is however noted that the site is not part of a “valued landscape” which paragraph 180 (a) of the NPPF requires to be protected and enhanced.</p>

	8.50	<p>Paragraph 8.50 currently reads,</p> <p>Regarding biodiversity, <i>paragraph 174 of the NPPF</i> requires net gains in biodiversity, as does policy NE3, where it is feasible and proportionate to do so.</p> <p>The relevant paragraph of the NPPF should read 'Paragraph 180 (d) .....</p>
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