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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Extn: 2174
Date: 25 February 2016

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 24 FEBRUARY 2016

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:

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 3 – 10)

Yours faithfully,

Peter Mannings
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East Herts Council
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MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 24 FEBRUARY 2016
TIME : 7.00 PM

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East Herts Council: Development Management Committee

Date: 24 February 2016

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

Agenda No	Summary of representations	Officer comments
<p>5a Hunsdon Lodge Farm, Hunsdon</p>	<p>All Members have been circulated with additional representations from the <u>Parish Council</u>. The message of 22 Feb supersedes that of 18 Feb.</p> <p>The PC strongly objects and considers that, as the proposals are similar, the reasons for refusal in relation to the recent application (3/15/0206/OP) apply equally now. The PC refers to pre-application advice provided by the Council and to the development potential of other sites in the village, to provide the amount of development set out in the draft District Plan.</p> <p>The PC is concerned in relation to future management arrangements of any drainage system provided on the site and considers that it has not been fully appraised by HCC. The PC repeats the points submitted by the transport consultant engaged on their behalf (Limes Consultancy).</p> <p>If the committee is supportive of the proposals, the PC request that a number of conditions be applied.</p>	<p>The position of the Parish Council is noted. Officers are of the view that, given the similarity of the proposals and the recent date of the previous decision, there is not a requirement for the committee to reconsider the range of issues associated with the proposals other than those that formed the basis of the previous decision of the committee.</p> <p>In relation to those matters (drainage and highways impact) the proposals have either changed or further information has been submitted. It is necessary to consider these matters again therefore.</p> <p>Officers have set out in the report why previous concerns in relation to drainage are considered to have been resolved. In relation to highways matters officers are of the view that no further submissions have demonstrated that the proposals will have a severe impact – the highway test in the NPPF.</p>

	<p>Two further representations have been received from <u>local residents</u>, one which is identified as being on behalf of Wicklands Road residents. One refers to existing surface water drainage at the Wicklands Road turning head. The other (on behalf of the Wicklands Road residents) refers to the Limes Transport Consultancy submission, site drainage and flooding matters and the issue of village infrastructure to support the development.</p> <p>The <u>applicant</u> has made a further submission in response to that of the PC. The applicant considers that adequate drainage and subsequent maintenance arrangements are proposed. It considers that there is no requirement for it to undertake off site drainage improvement works – but has offered to do so.</p> <p>In response to the PC submission, the applicant refers Members to the comments of the highway authority officer set out in the report.</p>	<p>In relation to the conditions proposed by the PC, these are either already advanced as conditions, are recommended to be dealt with through the legal agreement or are not considered to meet the requirements to be applied to tests.</p>
<p>5b Hertford Regional College, Ware</p>	<p>The applicants have submitted a short viability calculation which shows that the addition of two apartments is broadly cost-neutral, with the profit from the open market apartment creating a cross subsidy to allow the other apartment to be made available for shared ownership affordable housing.</p>	<p>The original application was subject to a rigorous viability assessment in 2015 following which the provision of 26.5% affordable housing was agreed. Officers are satisfied that there is no requirement to revisit that assessment, given that it was agreed less than a year ago. Nevertheless the revised viability calculation is noted, and the increased provision for affordable housing to 27.5% is considered acceptable as set out in paragraphs 10.14 – 10.15 of the report.</p>

	<p>One additional representation has been received from a local resident who considers that the proposal will result in additional local parking congestion as a result of the additional overspill cars from the new residents trying to park in the unregulated spaces in Scotts Close.</p> <p>The resident considers that, with the college leaving Scotts Road, there is no real need for the single lines at all from a traffic safety point of view - and a "residents parking scheme" should replace them. Alternatively, the hours of non-parking could be much reduced e.g. 10:00 to 11:00 like Hoe Lane - to deter commuters.</p> <p>They ask that the Council reconsider the whole parking control regime in the area.</p>	<p>Parking matters are covered in some detail in the report and any wider review of parking restrictions in the area would need to be considered as a separate matter. Officers will refer the resident's suggestions to the Council's Parking Manager.</p>
<p>5c 356-364 Ware Road, Hertford</p>	<p>Members will have received an email from Chelgate Local highlighting the key issues of the site and replying to the committee report on behalf of the applicant.</p>	<p>The identified affordable housing provision has not been included in the statement of terms for the Section 106 agreement at the end of the report. For the sake of clarity, this shall include 3 two-bed and 4 one-bed units of shared ownership units in one of the blocks at the front of the site, and the same mix of rented units in the other block at the front of the site</p> <p>Condition 7 refers to plan 1407/P/10-02 , this should be 1407/P/10-02D.</p> <p>For information.</p>

	<p>The <u>Landscape Officer</u>, following receipt of amended plans, now recommends approval overall for the development.</p> <p>The applicant has requested amendments to conditions 7, 13 and 14 as follows:-</p> <p>7 – Revise condition so that proposed junction with Ware Road be completed “prior to first occupation of the site”, rather than commencement of development</p> <p>13 – Revise condition so that cycle storage is provided “prior to occupation of the units that they would serve”</p> <p>14 – Revise condition so that the verification strategy only is pre-commencement, and any necessary works can be completed during construction.</p>	<p>For information</p> <p>Agreed. No objection</p> <p>Officers recommend that the condition be worded to require the details of cycle storage to be submitted “prior to above ground works”, and their installation “prior to occupation”.</p> <p>Environmental Health are agreed to, and Officers recommend, a revision of the wording of part 4 of condition 14 to read</p> <p><i>4. Prior to the occupation of any dwelling, 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..</i></p>
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	<p><u>Environmental Health</u>: Notwithstanding the additional proposed mitigation measures the Officers maintain their objection on noise grounds.</p> <p><u>Herts and Middlesex Bat Group</u> comment that the proposed mitigation measures are adequate to address the Group's concerns.</p> <p><u>Councillor Goodeve</u> has requested an additional condition to require parking allocation within the site so that each flat has at least one guaranteed space.</p>	<p>Officers have ascribed this issue some negative weight in the report. In view of the objections it is recommended that Condition 19 be amended to require further noise assessment and agreement to the details of noise mitigation measures.</p> <p><i>19. Prior to the commencement of above ground works further noise assessment and mitigation measures shall be provided and as agreed in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.</i></p> <p>Noted. Amend condition 16 to refer to Bat Mitigation Method Statement dated 22nd February 2016.</p> <p>Agreed. Recommend an additional condition as follows: -</p> <p><i>Prior to commencement of above ground works a detailed scheme of parking allocation, including provision of at least one parking space for each unit hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.</i></p> <p><i>Reason</i> <i>To ensure adequate provision of off-street parking</i></p>
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		<p><i>within the development, in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.</i></p>
<p>5d, 3/15/2395/FUL Hillview Care Home Collett Road, Ware</p>	<p><u>Ware Town Council</u>: No objection, but request that there are parking spaces and charging points for mobility scooters.</p> <p><u>Herts CC Ecology</u> has no objection to the proposed development.</p>	<p>The applicant advises that it is rare for residents at their homes to use mobility scooters of the order of 4 in 1000. However, it is their policy to provide parking/charging facilities if residents require them. Plans have now been submitted showing 2 scooter parking/charging spaces within the basement parking area.</p> <p>Noted.</p> <p>Officers recommend an addition to condition 11 to require the submission and implementation of an agreed contamination strategy in the event that any unexpected contamination of the site is found.</p> <p>Condition 11 is therefore suggested to read as follows:-</p> <p><i>The presence of any significant unexpected contamination that becomes evident during the development shall be brought to the attention of the Local Planning Authority through the submission and approval of a land contamination report incorporating any necessary remediation strategy</i></p>

		<p><i>for the site. The development shall thereafter be carried out in accordance with the agreed report and strategy.</i></p>
<p>5e 102-124 Cozens Road, Ware</p>		
<p>5f 3/15/2408/FUL Cherry Tree Hall, Datchworth</p>	<p>The <u>Parish Council</u> has made a further submission referring to the s52 agreement and attaches copies of correspondence which passed between the Councils Chief Executive and the local MP at the time of the drawing up of the agreement (1985). The PC refer to a comment in the Chief Executives letter that the s52 agreement will ensure that future development does not take place on this site. The PC sets out that the agreement still applies and that its ongoing validity should be tested prior to proposals for development being considered. As a result, the PC sets out that this item should be removed from the DMC agenda.</p> <p>The <u>Councils Solicitor</u> has provided advice to indicate that the agreement is enforceable but that further information be given to supplement para 10.18 of the report which sets out that the restriction in the agreement would not survive changes since the 1980s.</p>	<p>It is considered appropriate for the committee to continue to consider this matter. The role of the committee, set out in the Councils constitution, is to consider matters relating to Town and Country Planning. A s52 agreement is such a matter.</p> <p>The letters referred to by the PC were written in light of the circumstances that prevailed at the time. These related to the development of the Cherry Tree Hall property. Members can take into account the previous agreement, but should give weight having regard to the purpose it sought to achieve when it was secured and whether they are relevant now.</p> <p>Since that time of course, there have been considerable changes in planning policy circumstances, not least with the preparation of the Councils Local Plan in 2007 and the NPPF in 2012.</p>

	<p><u>Herts County Council:</u> Seek the provision of a fire hydrant, to be secured via S106.</p> <p><u>Conservation Officer:</u> has considered the significance of heritage assets, their setting in the area, the architectural and design quality of the proposed dwelling, its degree of prominence, its potential impact and whether any such impact might cause harm to identified significance or its setting. He concludes that the impact on the setting of listed buildings in the immediate vicinity is likely to be Low and no other known assets are likely to be affected by the proposed development.</p>	<p>It is necessary then to consider the planning proposals in the light of planning policy circumstances that prevail now. These are set out in the report and are considered by Officers, to enable the committee to support the proposals.</p> <p>It is not essential for members to make a further decision in relation to the s52 agreement as the only parties to it are the Council and the applicant. However, if it wishes, it is within the power of the committee to make a decision that the s52 agreement now be discharged.</p> <p>Scale of this development would not warrant such a provision.</p> <p>Noted.</p>
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