

# Public Document Pack



Chairman and Members of the  
Development Management  
Committee

Your Contact: Peter Mannings  
Tel: 01279 502174  
Date: 2 February 2022

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE - 2 FEBRUARY 2022**

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 for Consideration by the Committee (Pages 3 - 8)

Yours faithfully,

Peter Mannings  
Democratic Services Officer  
East Herts Council

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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 2 FEBRUARY 2022  
**TIME** : 7.00 PM

## East Herts Council: Development Management Committee

### Date: 2nd February 2022

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
5C. 3/21/2353/FUL		Please note that there is a typing error in Para 1.4 of the officer's report which refers to "the proposed 4 floodlighting columns" This should read "6" floodlighting columns.
5d. 3/21/2547/FUL	<p>Response received from <b>Environmental Health</b> Department (Air Quality and Land Contamination) Confirming they do not wish to restrict the grant of permission.</p> <p>Response received from <b>Hertfordshire Ecology</b> confirming that the Biodiversity net gain, and bat and great crested newt mitigation measures proposed are acceptable, and suggesting conditions and informatives.</p> <p>In addition Herts Ecology refer to the fact that the site lies within the site is within the SSSI impact risk zone for Hertford Heath. and whilst not aware of any risks to the SSSI as a result of the development suggest that this be</p>	<p>Officers therefore advise that the following conditions and informatives are attached to the decision.</p> <p><b>Condition16.</b> An Ecology Management Plan detailing how the development works, ecological enhancements and subsequent management shall be undertaken to achieve the target condition outlined in the Biodiversity Metric 3.0 Calculation (report date September 2021), shall be submitted to and approved in writing by the Local</p>

	<p>confirmed by Natural England.</p>	<p>Planning Authority prior to the commencement of the development. The management plan shall be carried out as approved.</p> <p>Informative:                  “A Great Crested Newt licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a Great Crested Newt licence. It will also be a criminal offence if the terms of conditions of the Great Crested Newt licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to”</p> <p>Informative:                  A bat licence from Natural England is required to deliver this development. It will be a criminal offence if works proceed without a bat licence. It will also be a criminal offence if the terms of conditions of the bat licence, including in particular the mitigation and compensation requirements under the licence (which may require certain measures to be delivered before the development works start), are not adhered to</p> <p>With regard to impact on Hertford Heath SSSI to the north of the site Natural England advice is that it is for the Local Planning Authority to consider the potential impacts and whether their advice is required. In this instance the main issue with development off site but within the Impact</p>
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	<p>Response received from <b>HCC Highway Authority</b> –          “We've just seen a revised plan. Our view is that a formal bellmouth is excessive and over engineered for what is meant to be an emergency access only, and presumably will be used only very rarely (less than once a year?). It seems a real shame that every passing pedestrian on a daily basis will be inconvenienced as they approach this access, having to slow down/stop, check over their shoulder, and cross an access bellmouth, all of which will hardly ever see vehicles movements. Our LTP4, NPPF, and an increasing number of other government guidance makes clear that the needs of pedestrians should come first.”          The Highway Authority has, in addition stated that they can not formally recommend that the design details be covered by condition, but that if the LPA is confident that an appropriate design can be achieved by condition then that is a matter for them.</p>	<p>Risk Zone is their potential impact on air quality or result in additional recreational use of the SSSI which would be likely to cause harm. In this instance the development will not result in any material change in air quality nor will it increase the recreational use of the SSSI and on this basis there is no requirement to consult with Natural England.</p> <p>Following receipt of this response, the applicants have confirmed in writing that they are happy to work with the Highway Authority to achieve an appropriately designed emergency access that will clearly prioritise pedestrians utilising the footway. As such it is Officer opinion that as there is no in principle highway objection to the creation of an emergency access here, provided it is only to be used for emergency access, then the final design of the access can be dealt with via an appropriately worded condition.</p> <p>The following condition is proposed:  <b>Condition17.</b> Notwithstanding the details shown on the approved site plan, full amended details of the proposed emergency access shall be submitted to and agreed in writing by the Local Planning Authority, in consultation with the Highway Authority, prior to its construction. The submitted details shall demonstrate how pedestrian movement will be prioritised in accordance with the NPPF and LTP4. The access shall be completed in full accordance with the agreed details prior to the first occupation of the development.</p>
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	<p>Impact on Heritage Assets</p>	<p>The NPPF states:            99. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.  <b>200.</b> Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.</p> <p>As set out in the report it is considered that, less than substantial harm would be caused to the setting of the Grade II listed houses on Hailey Lane and the Curtliage Listed Science Block. Great weight must therefore be given to this harm.</p> <p>Para 202 of the NPPF states:  <b>202.</b> Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.</p> <p>It is considered that the public benefits arising from the improved educational facilities, together with the improvement to the setting of Hailey House from the</p>
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		redevelopment amount to clear and convincing justification for the development sufficient to outweigh the identified harm.
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