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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Tel: 01279 502174
Date: 22 January 2025

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE - 22 JANUARY 2025

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:

5a. 3/24/0294/FUL - Land North of Hare Street Road, Buntingford, Hertfordshire (Pages 2 - 8)

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

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 22 JANUARY 2025
TIME : 7.00 PM

East Herts Council: Development Management Committee

Date: 22nd January 2025

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 3/24/0294/ OUT – Land north of Hare Street Road, Buntingford</p>	<p>Additional comment received from Cllr Jones, which is summarised as follows:</p> <ul style="list-style-type: none"> • Contest the legality of this proposal as a formal decision was made by members at the 13th November 2024 DMC meeting to refuse planning permission. • The decision taken by members on 13th November related to policies in the NPPF that were current at the time. • The fact that the revised NPPF with amended policies was formalised after the date of the DMC is not a relevant material planning consideration. • Question why there was such an extensive delay to the issuing of a Decision Notice. 	<p>The reasons for reporting this application to the Development Management Committee for a second time are explained in the officer report. In addition an explanation of the additional information which has resulted in a change of circumstances to the November committee resolution are also addressed in the officer report.</p> <p>Comments are noted with regard to correspondence from the CEO of the ICB in a letter dated 9th January. Officers have clarified this discrepancy with the ICB who have confirmed that the letter dated 9th January was sent in error based on out of date information and their position on the</p>

	<ul style="list-style-type: none"> • Have seen correspondence from the CEO of the ICB, dated 9th January 2025, stating that they still have further concerns with the location of the proposal, and they still await more details from the Doctors Partnership on their business plan. • Have never seen applications which have been determined by the DMC being returned. It appears that planning officers are hell bent on influencing the DMC members to change their position and support the officers recommendation. 	<p>planning application remains as set out in their letter of 20th December to the local planning authority, and as summarised on the officer report. It is understood that the ICB have now written separately to all recipients of letter dated 9th January and informed them that this was sent in error.</p>
<p>5a 3/24/0294/ OUT – Land north of Hare Street Road, Buntingford</p>	<p>Three further neighbour letters have been received raising concerns in relation to the application. The issues raised are similar to those set out in the November committee report unless listed below:</p> <ol style="list-style-type: none"> 1) The matters in the Committee Report stated to be changed circumstances justifying re-consideration of the application, are not. None make any material difference to the policy context, or the proposals, or the reasons identified 	<p>The officer response to these concerns is as follows:</p> <ol style="list-style-type: none"> 1) The extent of the circumstances being material to the consideration of the application are covered in the report (paras 9.1-9.28) and include the officers justification for their relative significance. 2) As noted in the officer report at paragraph 9.10-9.17 of the NPPF and Written Ministerial Statement (WMS) comprise a significant change of

	<p>by the Committee at its meeting if 13 November.</p> <p>2) The national Planning Policy context has not materially changed since 13 November. The Government’s national housing target was stated last summer, and EHDC has still not got a five year housing supply whatever way this is calculated, so the weight given to this is not materially different to when the application was refused.</p> <p>3) The new letter of 20 December from NHS ICB is not correct in implying that they have considered all options for providing adequate primary Health Care in Buntingford. They have not. They have not discussed any option involving expansion or redevelopment of the existing site with the landowner alone or together with the owner of the adjacent Nevetts site (HCC), nor have they indicated that they have considered options involving other sites within the existing practice’s catchment, including</p>	<p>planning policy in housing: Targets in the NPPF 2024 (for LPAs) are no longer advisory (as they were under the 2023 NPPF); Housing Test for calculating housing need has been updated which significantly increases the housing need in some areas (including East Herts) and WMS has a clear objective to deliver 1.5million homes; and further policy support for infrastructure (health proposals in development). Officers consider these changes cannot be ignored. The 5 YHLS position has worsened since November 2024. In combination, the changes in national policy constitutes in the ‘officers’ view a material change in circumstances which could lead to a different resolution.</p> <p>3) Officers are satisfied the ICB have carried out an appropriate exercise to inform their updated response. The policy test in the NPPF and District Plan (CFLR9) does not require the LPA</p>
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	<p>other sites occupied by the existing practice.</p> <p>4) Irrespective of the current, as yet, conditional support of the ICB stated in the 20 December letter for the proposed medical centre, its comments do not address any of the material Planning issues that were the actual basis for the Committee’s refusal of permission.</p> <p>5) The previous reasons for refusal are still relevant, and the Council’s Officers should be asked to provide better advice in the redrafting of these in the light of the legal advice sought by the Officers, including reference to the relevant District and Neighbourhood Plan Policies.</p>	<p>to carry out a sequential type of assessment. Notwithstanding this, the ICB have clarified their position which confirm the Hare Street Road site is the preferred location for the Medical Practice.</p> <p>4) The ICB letter accepts there is a pressing need for new or enhanced provision of medical services in the area. This provides important planning context for the applications to be considered and alters the overall planning balance for the proposals.</p> <p>5) Officers consider that the change of circumstances since the November 2024 committee decision, in addition to the additional information not included in the November 2024 report represent a significant change of circumstances, which would justify a different approach to the committee resolution from the November committee.</p>
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<p>5a 3/24/0294/ OUT – Land north of Hare Street Road, Buntingford</p>	<p>An additional comment from Hertfordshire County Council (HCC) highway authority acknowledging the additional transport note submitted by the applicants and welcoming the applicant's agreement with regard to financial contributions towards sustainable transport measures.</p> <p>In addition HCC highway officers have confirmed that HCC tree officers have now visited the site and estimated the CAVAT amount for loss of trees on highway land at the site frontage to be approximately £94,538 (SPONS May 2023).</p>	<p>The additional information with regard to the CAVAT amount for loss of trees on highway land is addressed as part on an update to the S!06 heads of terms, see below.</p>
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Table of errata and updates to reports submitted to Committee.

Agenda No	Paragraph No	Updates
<p>5a 3/24/0294/ OUT – Land north of</p>	<p>10.9</p>	<p>Paragraph 10.9 (planning balance table) amended as follows "Provision of new green space with a Biodiversity Net Gain of 1320%"</p>

Hare Street Road, Buntingford		
5a 3/24/0294/ OUT – Land north of Hare Street Road, Buntingford	11.1	Paragraph 11.1 (HCC transport heads of terms) amended as follows: “CAVAT assessment of highways trees to be undertaken with associated tree planting compensation or financial contribution of approximately ££94,538 (SPONS May 2023)”.
5a 3/24/0294/ OUT – Land north of Hare Street Road, Buntingford	11.1, condition 37	Paragraph 11.1, condition 37 amended as follows: <i>37. Prior to the first occupation / use of each phase of the development hereby approved, full landscaping details for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:</i> <ul style="list-style-type: none"> • <i>Hard surfacing materials;</i> • <i>Soft landscaping proposals;</i> • <i>Retained landscape features;</i> • <i>Planting plans detailing schedule of plants, species, planting sizes and density of planting</i> • <i>Areas for community gardens for food growing / edible landscaping, and An implementation timetable. Thereafter, the site covered by that phase shall be landscaped in full accordance with the approved details and implementation timetable.</i> <i>Reason: To ensure the provision of amenity afforded by appropriate landscape</i>

		<i>design, in accordance with Policies DES3 and DES4 of the East Herts District Plan (2018).</i>
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