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Chairman and Members of the  
Development Management  
Committee

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Extn: 2174  
Date: 26 May 2016

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE – 25 MAY 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:

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

Yours faithfully,

Peter Mannings  
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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 25 MAY 2016  
**TIME** : 7.00 PM

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## East Herts Council: Development Management Committee

### Date: 25 May 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
<b>6a</b> <b>Home Farm,</b> <b>Munden Road,</b> <b>Dane End</b>	9 additional letters of objection have been received (some forwarded by a Member) and some duplicates of letters already made, together with 2 on-line objection petitions with 302 and 779 names respectively. These reiterate objections raised previously and already referred to in the report.	Noted - No new comments made.
<b>6b</b> <b>Land North of</b> <b>The Park Farm</b> <b>Industrial</b> <b>Estate and</b> <b>Freman</b> <b>College</b>		<p>Following further discussions that have taken place between Officers and the applicant, and the discharge of some of the conditions imposed upon the existing planning permission, some minor revisions to the list of conditions set out in the report are required. It is recommended that these be finalised by Officers under delegated authority in consultation with the Chairman and Vice-Chairman.</p> <p>In addition, and following discussion with the County Council, it is recommended that the wording for the Legal Agreement as set out on page 39 of the report is amended to:-</p>

	<p><u>Cottered and Throcking Parish Council</u> has commented that they are reassured that the number of affordable dwellings has been maintained at 40%. However, they consider that the development shows obvious evidence of segregation with the affordable dwellings situated to the extreme edges of the site; isolated from the aspirational dwellings and in some areas this is emphasised by a 6ft separating wall. There appears to be no evidence that the number of 5 and 4 bedroom houses match the needs of the community.</p> <p>Insufficient parking spaces have been provided.</p> <p>3 additional representations have been received from local residents which raise concerns by the increase in the number of 4 and 5 bedroom houses which will present a more intrusive skyline and host a larger number of cars. They comment that no cycle route provision has been</p>	<p><i>Either, a Deed of Variation to tie this permission in with the signed Section 106 Agreement for 3/13/1375/OP, or the revocation of the Section 106 Agreement for 3/13/1375/OP and a new Section 106 Agreement to deal with both the original obligations and the net uplifts required as a result of this revised permission</i></p> <p>The issue of housing mix is addressed within the Officer's report and no further comments are made at this stage.</p> <p>The proposed parking provision is addressed within the Officer's report and no further comments are made at this stage.</p> <p>No further comments are made in respect of housing mix.</p> <p>In respect of Cycle routes, Travel Plans are required by condition within will encourage sustainable travel</p>
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	<p>made and that they object to the routing of traffic north towards the A10. One representation states that in 1969 tests carried out by the County Council indicated that chalk was dissolving below the clay cap within the area where the housing development is proposed and that an extra condition should be considered to require a geophysical ground density survey to be carried out to avoid a swallow hole occurring in 30-50 years' time.</p> <p>A letter from the applicant's consultant, RSK Environment Ltd, has been submitted in response to the above third party letter relating to ground conditions. They comment that there was no evidence from the site walkover nor from recent aerial photography (when the field has been ploughed) of any depressions or visually differing soil colouration. The Envirocheck data base from 2011 produced for the site indicates that the site is at low risk from Ground Dissolution based upon British Geology Society assessment.</p> <p>RSK recommends careful inspection during ground excavations for differing ground conditions to those encountered to date.</p>	<p>including cycling and a condition is recommended that requires a footpath to Ermine Street and cycleway provision.</p> <p>In respect of the concerns raised relating to ground conditions, the response received from RSK is noted and Officers are satisfied that this matter can be appropriately assessed through the Building Regulations legislation.</p>
<p><b>6c</b> <b>Sovereign House, Hertford</b></p>	<p>In respect of the amended plans, <u>Hertford Town Council</u> are 'concerned to note of proposals to have an at grade crossing'.</p>	<p>Officers can confirm that, whilst this matter had been explored previously, no 'at grade crossing' is proposed.</p>

	<p>The <u>Lead Local Flood Risk Authority</u> has withdrawn its objection and recommends additional conditions</p>	<p>Noted and the following additional conditions are recommended:-</p> <p><u>Condition 1</u>                  The development permitted by this planning permission shall be carried out in accordance with the strategic drainage report produced by Conisbee reference 150504/TG/AW dated 18<sup>th</sup> of December 2015 and the following mitigation measures as detailed within the surface water drainage strategy.</p> <ol style="list-style-type: none"> <li>1) The surface water run-off generated by the site must not exceed of 5 l/s during the 1 in 100 year event + climate change event.</li> <li>2) A minimum attenuation volume of 150 m<sup>3</sup> must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. Attenuation to be provided in brown and green roofs and underground cellular storage; as shown in Appendix C of the strategic drainage report produced by conisbee reference 150504/TG/AW dated 18<sup>th</sup> of December 2015.</li> </ol> <p>The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance</p>
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		<p>with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LLFA.</p> <p><u>Reason</u></p> <p>To prevent flooding by ensuring the satisfactory disposal of surface water from the site.</p> <p><u>Condition 2</u></p> <p>No development shall take place until detailed drainage calculations have been submitted to the LPA for approval; and until final design details of the SuDS elements and the drainage network is completed and sent to the LPA for approval.</p> <p>The design of the drainage scheme shall also include:</p> <ol style="list-style-type: none"> <li>1. Detailed drainage calculations for a range of rainfall events up to and including the 1 in 100</li> </ol>
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		<p>year event plus 30% climate change allowance.</p> <p>2. Detailed engineering details of the design of the proposed green and brown roofs, in line with <i>The SuDS Manual (CIRIA C-753)</i>.</p> <p><u>Reason</u></p> <p>To ensure that the site can effectively be drained during the lifetime of the development.</p>
<p><b>6g</b> <b>Priory Farm House, High Street, Hunsdon</b></p>	<p>A representation from a Solicitor firm representing a neighbour who has previously objected to the application has been received. Concern is raised that the development does not represent a sustainable form of development and the relevant test in the NPPF has not been satisfied. The grant of planning permission would therefore be unlawful in their view. The development represents a departure to the Development Plan and there are no material planning considerations. Planning permission should be refused.</p>	<p>The legal view from a Solicitor representing a third party have been carefully considered and reviewed by the Councils legal team. Officers consider that assessing whether or not development is sustainable is a matter of planning judgement and that Officers and Members of the Development Management Committee are best placed to make this assessment given their role in the determination of planning applications. Officers consider that the Committee Report clearly explains why the proposal is considered to be a sustainable form of development and that the relevant tests in the NPPF (as set out above) have been satisfied. Officers do not consider that the grant of planning permission would be unlawful.</p> <p>Members will note from the planning history section</p>



		<p>at section 9 that there is a history of refusal of planning applications for a new dwelling on this parcel of land (LPA references 9/95/1267/FP and 3/95/0527/FP). Officers consider that the recommendation for approval of planning permission for a single dwelling on this site, as set out in the Committee Report, is distinguishable from that planning history on the following basis:-</p> <ul style="list-style-type: none"> <li>- Policy has changed significantly from when those previous planning applications were refused. The NPPF is a material consideration and sets out a presumption in favour of sustainable development;</li> <li>- The NPPF sets out that where the Development Plan is out of date (which is the case with the East Herts Local Plan April 2007 in terms of the provision of a five year supply of housing), planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework. This assessment is set out in full in the Officer Committee Report (paras 10.4 -10.22);</li> <li>- It is a material consideration that, since the determination of those refused planning applications, site circumstances have changed which primarily incorporates the development of the land to the north of the application site to demolish existing</li> </ul>
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		agricultural buildings and construct 5 dwellings and convert and outbuilding to a dwelling (as approved under LPA reference 3/12/1325/FP).
<b>6e Hartham Leisure Centre, Hartham Lane, Hertford</b>	<u>Hertfordshire Ecology</u> have advised that they have no objection in principle to the development, but that the netting could present a trapping hazard to local bird populations, and that an appropriate gauge of netting would reduce this risk to an appropriate level.	<p>Noted. The following additional condition requiring approval of details is recommended to secure an appropriate gauge of netting:-</p> <p><i>Prior to the implementation of the development hereby permitted a detailed specification of the gauge of the proposed fencing shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.</i></p> <p><u>Reason</u> <i>To ensure that the development does not cause any potential harm to the local bird population in accordance with policy ENV17 of the East Herts Local Plan Second Review April 2007</i></p>