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Chairman and Members of the  
Development Management  
Committee

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Extn: 2174  
Date: 26 March 2015

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE – 25 MARCH 2015**

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 - 12)

Yours faithfully,

Peter Mannings  
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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 25 MARCH 2015  
**TIME** : 7.00 PM

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## East Herts Council: Development Management Committee

### Date: 25 March 2015

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><b>5a</b> <b>3/15/0149/FP</b> <b>Van Hages Garden Centre, Great Amwell.</b></p>	<p>Van Hages agents have made a number of later submissions including a Walking and Cycling Review which County Highways is responding to, a further Legal Opinion, evidence of the public support referred to in recent publicity by online polling. A set of potential draft planning conditions has been provided. A copy of a letter to Councillors has been received referring to the overwhelming support for the application.</p> <p>In response to the committee report they make various points of submission. That they consider the towns of Ware Hertford and Hoddesdon to be healthy and vibrant and none of them appear to be vulnerable. They do not consider the impacts would result in the closure of any anchor stores. The introduction of a roundabout will slow traffic and bring significant benefits on the A1170. Subject to grant of permission Heads of Terms for an agreement will be completed with Waitrose.</p> <p>In response to some officer questions they have stated</p>	<p>Officers note that there remain a number of submissions that are unclear or have been provided too late for full and proper consideration by Highways or your own Officers.</p> <p>It is acknowledged that the roundabout will slow speeds on the A1170 although this could happen without introducing a new food store. It should also be noted that no legal guarantee has been secured by Waitrose.</p>

	<ul style="list-style-type: none"> <li>• The overflow car park does not need to be in the application plans as it is already in operation at high capacity times and that the Council have allowed the field to be used.</li>   <li>• The location of the ice rink will be south of the external sales of the garden centre in between the service route but is not shown on the plans as it is not a permanent operation</li>   <li>• They agree to improvements to the footway and cyclepath between the site and the town centre, along Viaduct Road and improvements to roadside verges (extent to be agreed)</li>   <li>• They consider the impact on the Green Belt to be a matter of fact and degree</li> </ul> <p>There are 25 suggested planning conditions which inter alia indicate store opening times of 7am to 11pm except Sundays Post Office, Doctors Surgery or Dispensing Pharmacy be provided.</p>	<p>Officers remain of the view that the use of the overflow car park is not authorised and that there is no understanding as suggested. However the use for a limited number of days, no more than 28 days a year could be “permitted development “ but potentially this could be controlled by planning condition on any new development. The overgrown nature of the overflow area suggests little recent use.</p> <p>Noted.</p> <p>There is no existing cyclepath between the site and Ware. It is unclear what this commitment means in practice.</p> <p>The impact on openness is not a matter of fact and degree. There will be loss of openness as part of the application.</p> <p>Officers received this late before committee and have not had time to consider fully or respond.</p>
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	<p>A further legal opinion has been submitted with respect to the appeal decision at The Cottage in Great Amwell (see para 7.14 of Committee report). On the subject of openness it refers back to previous points on the baseline fall back case of the impact of the existing lawful use.</p> <p>Two petitions are submitted . 94 signed at the George IV public house in Great Amwell all in favour. 627 signed in favour at Van Hage with 90% in favour.</p> <p><u>Waitrose</u> have written to explain that a store at Van Hage will be easily accessible with free at grade car parking, a dedicated service area and being single storey efficient to operate. Sales would not impact on their store in Welwyn Garden to the same extent. The sales forecast of the Wrenbridge (Bircherley Green) scheme would need to be 19% higher in order to match the sales forecast at Van Hage but for a scheme more expensive to fit out and operate. They also now consider a smaller format store at Bircherley Green, a“Little Waitrose” would not be viable. If the scheme were refused then they would continue their search for a suitable relocation.</p>	<p>Noted. This is already addressed in the report. See para 7.9 and 7.10.</p> <p>Officers accept that the brand has attractiveness and loyalty. It is noted that the question asks “Are you in favour of a Waitrose alongside Van Hage” whereas the application has to be determined as an A1 foodstore.</p> <p>Officers note that profitability may be much greater at Van Hage than in Bircherley Green but this is not the relevant planning test. Key planning tests for Green Belt development and Retail Policy have to be applied equally regardless of the identity of an applicant. The business benefits for a foodstore of being out of town are understood but they do not serve the economic , social or environmental interests of a Town Centre first approach. Officers would be willing to work jointly with Waitrose on alternatives to the existing store.</p>
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	<p><u>County Highways</u> have written today to summarise the position. They refer to a background of discussions and an unwillingness on the part of the applicant to acknowledge the site is unsustainable. The applicants very late representations to sustainable transport and accessibility means they have yet to assess the proposals and provide a full response but an initial check indicates a need for more work. For instance The Walking and Cycling Review mentions £100,000 to carry out works along the A1170 but it is not clear how this has been arrived at. At this stage County Highways continue to recommend refusal with respect to the severe impact on the A1170/A119 roundabout and to the failure to demonstrate that the site is sustainable having regards to the level of Sustainable Transport contributions and the submitted Travel Plan.</p> <p><u>Ware Town Council</u> object to the scheme but if the scheme is to be approved they have provided more detail of what they seek from a S106 agreement ; funds for a range of town centre improvements including resurfacing works, footways and cycleways to Ware, Wifi improvements, grants to historic properties in the High Street and for Tudor Square.</p> <p><u>Barton Willmore</u> agents for Bircherley Green confirm that they met with Waitrose in April and November 2014 and</p>	<p>Noted. It would appear that a more robust Travel Plan and more extensive Sustainable Transport measures could help but even then it is not clear if this would address the Highways objection.</p> <p>The applicant has now stated that they agree to as yet undetailed improvements to the footway and the cyclepath between the site and Ware, but no mention is made of other town centre enhancements. Officers note the Town Council’s request is for wider contributions. In any event Officers do not consider any S106 contributions would overcome the policy objections.</p> <p>Noted</p>
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	<p>were in correspondence with them in March and June</p> <p><u>Environmental Health</u> recommend conditions on working hours, piling, decontamination in the event of permission being granted.</p> <p><u>Broxbourne Borough</u> have objected to the proposal that it will lead to an increase in car borne movements, have an adverse impact on Hoddesdon Town Centre and constitutes inappropriate development in the Green Belt. The site operates successfully as a garden centre but is signally unsustainable location for a major food store. There is concern on the impact on the A1170/A414 Amwell Roundabout. It clearly fails to comply with national planning policy guidance.</p> <p>A petition signed by <u>160 residents of Great Amwell</u> has been received against the proposal. A covering letter welcomes the recommendation of refusal. It argues that overwhelmingly demonstrates that local people do not want the resulting development that would inevitably follow the inappropriate development of a supermarket. The application would compromise the Green Belt in no uncertain terms.</p> <p>Two residents letters in support of the application have been received referring to the fact that Waitrose are being forced out of Bircherley Green; they need a fixed site to get up and running before the lease expires in 2016; the area is no longer open countryside. Waitrose as a higher</p>	<p>Noted.</p> <p>Noted</p> <p>Noted. This objection relates to concerns that the village's status could change in any future District Plan if permission is granted.</p> <p>Noted</p>
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	<p>priced store will not take customers from the 3 new lower priced stores in Hoddesdon Ware and Hertford. A suggestion for a new roundabout is included on the A1170 entrance.</p> <p>One further residents letter <u>objecting</u> has also been received objecting that the store would become a retail park at an attractive rural entrance to Ware. Ware and Hertford do not need to be further decimated by a retail park. It would destroy the Great Amwell environment.</p>	<p>Noted</p>
<p><b>5b</b> <b>3/14/2023/OP</b> <b>Tanners Way,</b> <b>Hunsdon</b></p>	<p><u>Hunsdon Parish Council</u> have commented that they are concerned that the submitted noise assessment is not representative of the level of activities that usually take place at the site and the noise nuisance therefrom. The Parish Council therefore request that the Committee commission a noise consultant to ensure a proper independent assessment is undertaken.</p> <p><u>Herts County Council Planning Obligations Team</u> have provided further information in respect of where financial contributions will be used in the village:-</p> <ol style="list-style-type: none"> <li>1) Secondary education is not now sought but the County Council do request contributions towards</li> </ol>	<p>Environmental Health Officers have commented that the survey was carried out during typical noisy activities associated with Hunsdon Skips and it also took into account the annoyance of impulse noises. The consultant who undertook the noise assessment has also provided photographs and video evidence of the activities that were being undertaken on the site at the time the assessment was being carried out. Officers therefore consider that the submitted noise assessment is acceptable and has appropriately assessed the noise from activities which occur on the Hunsdon Skips site.</p> <p>Officers note the recommendations from the County Council and recommend that details of these contributions be added to the S106 agreement.</p>



	<p>primary education towards the expansion of Hunsdon Primary School from PAN 15 up to a maximum of 20 PAN;</p> <p>2) The Youth contribution will go towards enhancing sports provision at Ware Young People’s Centre;</p> <p>3) The library contribution will go towards enhancing the adult area of the Ware library.</p> <p><u>East and North Herts Clinical Commissioning Group</u> comment that they are responsible for commissioning hospital, community services and additional services from the general practice which will be impacted as a result of the additional housing development. They comment that the exact increase in the population is not known, and whilst the population increase associated with the development may be relatively small, together with other local developments it will add pressure on healthcare infrastructure.</p> <p>Officers are aware that the applicant’s agent had circulated e-mails to Members on 17 March 2015 and 24 March 2015.</p>	<p>The comments are noted – no changes to the recommendation are required.</p> <p>The contents of these e-mails have been noted.</p>
<p><b>5d</b> <b>3/14/2188/FP</b> <b>Manor Wood,</b> <b>Pembridge</b> <b>Lane</b></p>	<p><u>Natural England</u> raise no objection with regard to impact on Statutory Nature Conservation sites and refer to their standing advice on protected species and potential for biodiversity and landscape enhancements.</p> <p><u>Brickendon Liberty Parish Council</u> raise no objection subject to a condition that the use is solely as a holiday venue on short term lets of 4 weeks or less.</p>	<p>In the event of Committee resolving to grant planning permission conditions will need to be imposed in respect of biodiversity, landscaping and protected species.</p> <p>A condition limiting the length of lets would require constant monitoring and would be difficult to enforce.</p>

	<p><u>The applicant's agent</u> wishes to emphasis the benefits of granting permission:</p> <ul style="list-style-type: none"> <li>• An opportunity to tidy up the site in respect of previous planning history</li> <li>• It would fulfil the needs of the local community and has the support of local neighbours and businesses</li> <li>• It would make good use of existing buildings and restore the site in terms of landscaping</li> <li>• It would make sound use of adjoining woodland and improve the environment</li> <li>• It would have no negative impact whatsoever</li> <li>• Following a meeting with Parish Council Members, it appeared that they were supportive and saw the potential for the area</li> </ul>	<p>These points are covered in the report</p>
<p><b>6f Pine Cottage, Ducketts Lane, Green Tye</b></p>	<p>A representation has been received from the adjoining neighbour which states that they are unable to attend the meeting but that they would like their concerns to be taken into account.</p> <p>They oppose the plans as the property has already been extended and this new application would make the house 102% bigger than the original. Surely this cannot be right in a conservation area and should be rejected. It will be totally out of keeping and look very little like the original dwelling.</p>	<p>The comments are noted and support the concern that has been raised by Officers in respect of the cumulative size of additions to the original dwelling.</p> <p>The impact upon a private right of access is not a planning matter and does not form a material consideration for the proposal.</p>

	<p>They also raise concerns that the plans show the intention to build over their right of way to their garage which adjoins the garage within the application site.</p>	
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