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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Extn: 2174
Date: 6 February 2014

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 5 FEBRUARY 2014

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 – 14)

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 5 FEBRUARY 2014
TIME : 7.00 PM

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East Herts Council: Development Management Committee

Date: 5 February 2014

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, 3/13/1375/OP Land north of Buntingford</p>	<p>The appeals for developments on land north and south of Hare Street Road, Buntingford have been allowed and. The Inspector required that developments commence within a period of 2 years in order to ensure housing delivery. Officers understand that Members have all been provided with a copy of the appeal decision.</p> <p>An additional email has been received from a local resident objecting to the resulting traffic impact, a piece-meal development of Buntingford, a decade of construction works, and that there is no need for a large housing supply in this district.</p> <p>Buntingford Town Council is concerned at the proposed transfer of land to the west of the site to it, pending future college use. It notes that it is usual for such land to be transferred to the County Council and therefore suggests this approach be adopted.</p>	<p>In the interests of consistency and to ensure housing delivery, Officers suggest that the time period in condition 1 be changed from 3 years to 2 years for commencement.</p> <p>No further comment.</p> <p>An amendment to item 7 of the proposed legal agreement is recommended, setting out that details for the safeguarding of the amenity land to the west of the site be set out in the agreement, including for transfer at nil cost to and use by Freman College as and when required to facilitate future expansion of the college.</p>

	<p>The applicant has circulated a note by e-mail to all members of the committee setting out points in favour of the proposals. In addition, to officers the applicant has provided a further copy of the application site plan which more accurately identifies the site area than that included in the report at page 65.</p>	
<p>5b, 3/13/1762/FP Hertford Regional College, Ware</p>	<p>Herts County Council’s Solicitors have requested that the requirement for a Green Travel Plan (GTP) is met by a condition rather than within the Section 106 agreement. They have stated that this would be more appropriate in this case as the Section 106 agreement deals only with the residential part of the site and the GTP is required for the new college building.</p> <p>Amended plans in respect of the proposed landscaping for the College part of the development have been received which propose permeable paving around a tree to be retained within the proposed car park.</p>	<p>Officers recommend that the requirement for a GTP is removed from the Section 106 agreement and that a new condition is imposed as follows:</p> <p><i>Prior to the first use of the new college development hereby permitted, a Green Travel Plan for the whole college shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include proposals for all travel by modes other than the private car for journeys to and from site.</i></p> <p><i>Reason</i> <i>To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.</i></p> <p>Officers are satisfied that sufficient measures can be put in place to retain this tree. However, full landscape plans should be agreed by condition to allow further details to be agreed. Plan numbers MMD-325760-L-DR-00-XX-0004 P2 and MMD-325760-L-DR-00-XX-0005 P2 should now be</p>

	<p>The applicant has requested that condition 33 (contamination) is split into two separate conditions relating to the college development and the residential development.</p> <p>The <u>Environment Agency</u> has made a further representation which revises the recommended conditions. They advise that Condition 35 (surface water drainage) is revised and should only apply to the college part of the site.</p>	<p>replaced with ...0004 P3 and 0005 P3 in respect of condition 2 (approved plans).</p> <p>In addition, Officers recommend the inclusion of two additional conditions to ensure that a Landscape maintenance scheme is submitted to and approved by the Council prior to the first occupation of both the college building and the residential development respectively. Standard condition 4P17 is recommended to cover this point.</p> <p>Officers recommend that this condition is repeated as condition 36 but that the words 'in connection with the residential development' and 'in connection with the college development' are added to conditions 33 and 36 respectively, allowing for a phased discharge of conditions.</p> <p>Officers recommend that Condition 35 is revised as follows:</p> <p><i>The development hereby permitted (except demolition) shall not be commenced until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (prepared by: Ardent Consulting Engineers; reference: R780-02; dated: September 2013) has been submitted to and approved in writing by the local planning authority. The drainage strategy shall</i></p>
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	<p>Members will have received a representation from the Scotts Road Residents Committee on the 3rd February and representations from two neighbouring occupiers on the 2nd and 3rd February. These representations generally raise concerns which have already been considered by Officers within their report. However, the Scotts Road Residents Committee has raised an additional concern in respect of the 25-50% reduction in parking provision that Officers refer to within their report.</p>	<p><i>include an assessment of the use of further Sustainable Drainage Systems in addition to those already proposed and confirmation of the required attenuation volumes on site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</i></p> <p><i>Reason</i> <i>To prevent the increased risk of flooding; to improve and protect water quality and improve habitat and amenity in accordance with policy of the East Herts Local Plan Second Review April 2007 and national policy in the NPPF.</i></p> <p>Officers acknowledge that the 25-50% reduction (referred to as a 50-75% provision within the paragraph 7.28 of the report) does fall under the 'non-residential' section of the Council's Vehicle Parking SPD. However, the residential section of the SPD does make it clear that parking provision must be assessed having regard to locational characteristics which include the proximity to shops, jobs and local services as well as public transport services and therefore Officers consider that significant weight must be given to these matters. Having regard to this, and the fact that the Council's parking standards are only given as a maximum number, the allowances made within table 3.1 of the SPD (which in this case is for a 25-50% reduction) can be used by way of guidance to establish a</p>
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	<p>A further representation from the Scotts Road Residents Committee has been received which can be summarised as follows:</p> <ul style="list-style-type: none"> • The majority of residents are not against appropriate development on this site but ask that permission is granted for a density and style of development that is appropriate to the area and is served by sufficient parking within its own grounds; • They remain opposed to the proposal for a block of flats and how close they would be located to the front of the site. Houses would be better and the claims that this would be unviable is not a planning matter; • If flats are approved, the block should be set back inline with the existing college building and should not exceed the confirmed height of the existing building; • The balconies appear as an eyesore and would be potentially untidy and therefore should be rejected or reduced to Juliet style; • A higher parking provision should be required to recognise the realities of homes with 2-3 cars per unit and as there is no spare capacity within the 	<p>broad minimum parking provision that would be acceptable. This approach has been taken with other Major planning applications within the District, including some that have been considered by Inspectors at appeal.</p> <p>These matters have been addressed in the Officer report.</p>
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	<p>neighbouring roads;</p> <ul style="list-style-type: none"> • The houses within the southern part of the site should be reduced from 3 to 2.5 storeys to reduce overlooking and the loss of views for neighbours; • The strip of land along the southern should be adopted by the new home owners or a management company; • More of the mature trees along Scotts Road should be retained; • Better account should be taken of the traffic and parking issues. <p>3 No. additional representations have been received from other neighbours which raise concerns that the amended plans have not addressed the resident’s concerns, or the inaccuracies on the plans.</p> <p>15 No. standardised letters of support have been received from students at the college which state that the Ware campus provides valued courses and the redevelopment will allow them to build on their success to the benefit of the town and its residents and that in order to secure Government funding planning permission should be secured as soon as possible.</p>	<p>The concerns raised by neighbours have been addressed in the Officer report. Officers are satisfied that the plans submitted are not inaccurate and this has been discussed in some detail at paragraph 7.54 of the report.</p> <p>Officers acknowledge that the college is an important element in the social and economic life of the town and that the proposals would enable a positive enhancement of the site both in educational terms and also in respect of the setting of Amwell House which is a Grade II listed building. These benefits of the scheme are referred to in the committee report.</p>
<p>5c 3/13/1273/FP</p>	<p>The applicants agent has submitted a letter of representation which clarifies that the new dwellings are</p>	

Tudor Way and r/o Hutton Close, Hertford	<p>required to cross-subsidise the redevelopment of the block on Tudor Way which will not otherwise be viable on its own and will not be able to come forward. They also highlight the benefits of the proposal which can be summarised as follows:-</p> <ul style="list-style-type: none"> • The buildings are lower than the existing blocks on Hutton Close and have been designed to avoid back to back window overlooking • The existing Tudor Way block has subsidence and is no longer fit for purpose • Riversmead has grant funding secured to start on site immediately • The scheme provides new landscaped areas including swales and pedestrian walkways • It would reduce traffic on Hutton Close • It provides much needed affordable housing 	
5e, 3/13/1936/FP 15-17 North Street, Bishop's Stortford	Hertfordshire County Highways comment that amended drawings have been submitted to address comments previously made in respect of the over-sail of the building onto the public highway.	The comments from County Highways are noted – the applicant will still need to apply for a license for the part of the building which over-sails the highway.
5f 3/13/1497/FP Former Hertford Police Station, Ware Road,	Hertfordshire County Highways comment in respect of the scheme now excluding 5 flats over garages – they re-iterate their comments and do not wish to restrict the grant of permission subject to conditions, subject to an amended S106 for sustainable transport to £60, 673	Noted. Recommend Obligation for sustainable transport changed to £60,673

Hertford	<p>An additional representation has been received from a neighbour raising concerns as follows:-</p> <ul style="list-style-type: none"> - Poor level of on site parking for initial and future demand. Will result in significant overspill parking into the streets surrounding the development - Units to be occupied by families with children. No outside spaces or fresh air (no balconies) - Concern is raised with regard to the provision of a gate to the Ware Road entrance to the site and would not wish to see a gated community overall. This may be instituted by the developer to prevent parking overspill from the site. Suggest removal of permitted development rights allowing this. <p>Would raise an objection to any private covenant which restricted occupiers parking light commercial vehicles within the site, i.e., they had to be parked elsewhere.</p>	<p>Comments are addressed within the Report.</p> <p>Further restriction on permitted development rights is not recommended. Whilst this may require a further application if an entrance gate were proposed, experience elsewhere has shown that such proposals are ultimately supported.</p> <p>The Council is unable to exercise control with regard to private covenants.</p>
5g, Lee Valley Marina, South Street, Stanstead Abbotts	<p>A further letter of objection has been received referring to the impact of the proposed development in relation to the road accesses and the weights of vehicles to be used by the operation.</p>	<p>These matters are addressed in the report</p>
5h, 3/13/2107/FP Peartree Field Wood, Wyddial	<p><u>Hertfordshire Ecology</u> comment that upon the Bat Assessment as submitted with the application and consider that the buildings the subject of the applications do not support a bat roost and the application may be determined accordingly.</p>	<p>From the information submitted with the application and the comments received from Hertfordshire Ecology, Officers are of the opinion that the proposed development will not result in significant harm to protected species in accordance with policy</p>

		ENV16 of the Local Plan and the NPPF.
5k, 3/13/2098/FP Causeway House, 3 Church End, Braughing	<p>A letter of representation has been received from the applicant, in response to the comments received from the Parish Council. The applicant indicates that he has lived in Braughing for 27 years and when he bought the plot of land subject to this application, he anticipated developing a smaller property for his use.</p> <p>He points out that an adjoining occupier has written in support of the proposals.</p>	Comments noted but limited weight can be assigned to length of occupancy and intended occupier of the property.
5l, E/14/0009/B Longcroft, Monks Green Farm, Hertford	<p>A letter, signed very concerned residents of Brickendon, has been received in relation to this report.</p> <p>The writer considers that, when a planning condition is breached, land owners should either be required to submit an application or cease the use. In this case, it is considered that such an approach has not been followed and that the previous planning application and two Lawful Development Certificate applications were dealt with as delegated applications. They should have been reported to the committee as a result of the retrospective nature of the proposals.</p>	<p>This element of the letter is incorrect. The Councils Enforcement Policy sets out the approach that the Council takes in relation to enforcement matters. The policy approach is that the Council seeks to resolve matters informally where it can do so. In each case it is necessary to consider whether it is expedient to undertake enforcement action. Action should not be taken simply or only because a condition has been breached.</p> <p>The element of the letter relating to the Councils constitution and delegation is incorrect. It clearly sets out where matters are to be reported to the committee. There is no requirement in the constitution to report retrospective matters to the</p>

	<p>The writer notes and commends the debate at the 6 November 2013 DM committee and notes that the application has subsequently been withdrawn and that the owner has declined to provide further information.</p> <p>The writer considers that, if the recommendation is followed in this case, then the owner gains planning permission without conditions. This is considered unfair.</p> <p>The writer refers to the report, raising questions in relation to the initial planning permission for the house, its use and siting. The writer queries whether the house would be granted planning permission now, given current NPPF policy.</p> <p>The writer indicates that the timing referred to in para 1.3 clearly shows there has been a continuous breach for many years and that it is inappropriate to have a vehicle sales office use without the associated vehicles on site.</p>	<p>committee simply on this basis.</p> <p>The withdrawal of the application is noted. The decision of the committee regarding whether to take further enforcement action should be based on the harm, if any, that the use is causing.</p> <p>This element of the letter is incorrect. Planning permission is not gained by default if the committee decides to take no further action. The use remains unauthorised.</p> <p>The situation in relation to the planning permission granted for the house has limited relevance in relation to the current matter under consideration. The garage, which is under consideration now, was the subject of a separate permission, and the conditions which control its use are the relevant matters to be considered.</p> <p>No further evidence is provided to corroborate this claim. It is feasible and not uncommon, given modern sales methods, for an administrative office to be located separately from a location where goods sold are inspected at and dispatched from. In any event, this point should be given limited weight in the consideration of this matter as a the impact of a generic office use, rather than the current actual use, is to be considered.</p>
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	<p>The writer considers that the assessment as to whether the use is compliant with planning policies is irrelevant. They then refer to the potential number of members of staff and the associated vehicle storage use.</p> <p>The writer refers to the conditions that are in place to control the use of the house and the debate at the 6 Nov 2013 meeting. These elements are considered to be contradictory.</p> <p>A letter of representation has been received from a person who keeps horses in Mangrove Lane. They state that the company who sell vehicles from this site add considerable traffic to the lane. The company specialise in high performance vehicles and there is concern that vehicles move at high speed along Mangrove Lane, which is also used by horses from a nearby equestrian centre.</p> <p>The owner of the farm has also written to confirm that a possession order has been served on the tenant requiring them to vacate Long Croft and this includes the garage.</p>	<p>This element of the report is relevant and, indeed, should be the basis on which the committee considers whether it is expedient to take action, or not.</p> <p>As above, this should be given limited weight in relation to the consideration of this matter. Comments made during the debate previously and the situation now are not contradictory, they relate to differing sets of circumstances.</p> <p>Whilst this point is noted, Members are advised that consideration is to be given as to whether an office use, in generic terms, causes harm in this location. The behaviour of particular drivers on the road should be given limited weight.</p> <p>Noted.</p> <p>The unauthorised use of part of the wider site by a company for the storage of vehicles is already the subject of separate enforcement action.</p>
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