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Chairman and Members of the  
Development Management  
Committee

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Extn: 2174  
Date: 1 May 2014

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE – 30 APRIL 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 – 10)

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 30 APRIL 2014  
**TIME** : 7.00 PM

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## East Herts Council: Development Management Committee

### Date: 30 April 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><b>5a, 3/13/0804/OP Land at Bishop's Stortford North</b></p>	<p><u>Bishop's Stortford Town Council</u> notes amendments to the scheme. Whilst it rejected outline consent, the amendments will help to enhance the appearance of this development in this very rural area. It identifies a concern in that trees and landscaping needs to be maintained on a regular basis and seeks comment on how this will be achieved.</p> <p>HCC <u>Archaeological Officer</u> writes to confirm that the scope of the archaeological investigation works are satisfactory.</p> <p>One further response has been received from a local resident raising concern with regard to the ability of roads and facilities in the town to cope with the impact of the proposed development.</p> <p>The <u>Councils Solicitor</u> refers to para 6.2.9 of the report and raises the matter of funding for the maintenance of spaces and trees along the boulevard. She also raises the matter of the provision of housing especially for the</p>	<p>The comments of the Town Council are noted as is the concern that ongoing maintenance is required for trees and landscaping. As indicated in the report, the legal agreement contains a requirement to set up a funded community trust that will be responsible for this maintenance.</p> <p>The Solicitors comments also relate to landscaping maintenance. Whilst the final position with regard to future maintenance is to be established, funding is secured through the s106 arrangements, and the</p>

	<p>needs of an ageing population (para 6.3.2). The commentary here refers to best endeavours, whilst the s106 details (ERP A) require this to be provided.</p>	<p>potential for ongoing service charges, for maintenance to be funded. With regard to the specialised housing requirement, it is considered that a ‘best endeavours’ approach is suitable to this matter and it is suggested that the s106 is worded appropriately. The Council maintains control over this matter through the requirement for reserved matters, or other detailed submissions, to be made with regard to the eastern neighbourhood, in due course.</p>
<p><b>5b, 3/14/0060/OP Former brickfields, Cole Green Way, Hertford</b></p>	<p>The agent acting for the applicant considers that the following matters may not have been given sufficient consideration in the report:</p> <p>Site access – Site is connected to wider community, to east from the railway duct and football club and onto West Street and to the West from St Marys Lane to Brickfield Cottages. These are both classified as Byways Open to All Traffic (BOATS). Confirmation is given that the Western access (via Brickfields Cottages) will not be used for vehicle access/egress. The applicant states that, with resurfacing of the BOAT route to the east, there will be the option of vehicular access to the development in the event that Hornsmill Road was closed.</p>	<p>Site access – Officers note that the access to the East and West of the site are both BOATS. Officers consider however that, even with the improvements to the surfacing, the access from the site to West Street would be unsuitable and also has the potential to flood. In its current state the right of way nearing the site is not capable of accommodating any traffic at all, and even with the improvements proposed, it would be highly unsuitable for the level of traffic that will be associated with the site. Considerable upgrading would be needed and this is likely to be opposed by the Rights of Way unit who would wish to retain a reasonably soft surface in the interests of the rural character of the area and to ensure that it remains suitable for hose riders</p>

<p><b>5b, 3/14/0060/OP Former brickfields, Cole Green Way, Hertford cont'd..</b></p>	<p>Bio-diversity Offsetting – the new planting offered as biodiversity offsetting on land adjacent to the site or via the Environment Bank has been ignored.</p> <p>Brownfield Land – No account made of mineral extraction use of the site (without remediation) or contaminated land. It does not provide a clear understanding of the sites designation. Site is not of high environmental value.</p>	<p>Initial comments from Herts Highways are an objection on the basis of a severe impact to the free and safe flow of users of the BOAT.</p> <p>Bio-diversity Offsetting - As outlined in 7.10, significant harm is attributed to the impact on protected trees. Herts Ecology did state that biodiversity offsetting <i>may</i> address the issues of harm and a 2ha area to the east of the access road has been indicated as an off setting area. However, this land is outside of the site area and the applicant's ownership and in any event Officers remain concerned that it would not achieve adequate compensation of the protected woodland habitat resource which would be lost.</p> <p>Brownfield Land – Officers are aware of the former mineral extraction use of the site and remaining contamination. However, the definition of previously developed land in the NPPF specifically excludes land use for mineral extraction and where the remains of buildings have 'blended into the landscape'. Officers remain of the view that this site is not brownfield (or 'previously developed') land.</p> <p>Whilst Officers consider the site can proceed with a low risk of significant impact to species, habitats and local ecological value, it is considered of high environmental value in terms of the woodland itself.</p>
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<p><b>5b, 3/14/0060/OP Former brickfields, Cole Green Way, Hertford cont'd..</b></p>	<p>Isolated location – The route from the site to West Street is proposed to be re-surfaced, so therefore would be suitable to all forms of transport. The main access at Hornsmill Road is adjacent to bus stops and the development incorporates a green travel plan. The size and configuration of the development makes them sustainable in most locations as residents do not have to leave the site, as most services are on site.</p> <p>Site history – The applicant highlights the fact that the previous application was for 144 apartments and no care home.</p> <p>With regard to the letters of representation they ask for confirmation as to whether there have been any letters in support.</p> <p>Three further letters have been received in objection to the proposals</p> <p>Members have also been circulated by the applicant with details in support of the proposals</p>	<p>Isolated location – Officers acknowledge that the route from the site to West Street would be improved. However, the site is still considered remote and the route would be perceived to be unsafe to genuinely enable use of it. Pedestrian links from the site to the main access and bus stops at Hornsmill Road would be via the long vehicular access route and may also be perceived to be unsafe by the intended users. The Travel Plan would not, in Officers view, overcome the concern with the isolated location.</p> <p>Site history – Noted.</p> <p>No letters in support.</p> <p>These additional letters raise similar concerns to those identified within the report. In particular, concern is raised that two lorries would not be able to pass each other within the access road and will possible cause congestion on the B158.</p> <p>Concern is raised that the River Lea is to be used for sewage effluent discharging and that the proposed bridge will be an eyesore.</p>
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<p><b>5c</b> <b>3/14/0094/OP</b> <b>Land adj. Green End Farm, Braughing</b></p>	<p>The <u>Planning Obligations Unit</u> confirm that for a development of 10 dwellings, financial contributions would be sought towards First, Middle and Secondary Education, Youth and Library services as set out in Table 2 of the 'Planning Obligations Guidance – Toolkit for Hertfordshire' January 2008.</p> <p>2 further neighbour letters have been received raising these additional points: Concern that future residents would remove remaining trees; Request that vehicles do not block access to Green End Farm or park on their land.</p>	<p>Already addressed in the report.</p> <p>The retention of trees could be adequately controlled by condition. Access and parking on private land is a civil matter.</p>
<p><b>5d</b> <b>3/13/1820/FP</b> <b>Sacombe Road, Waterford</b></p>	<p>It is understood that all members have been circulated with communications in support of the development from the applicant (Lafrage Tarmac) and from the Local Coordinating Group.</p> <p>County Councillor Andrew Stevenson considers that this is the type of development that will enhance the area. He feels that the quality of development is high, it is a good fit for this part of Bengo, will improve pedestrian access and he refers to the risk of the reuse of the site for commercial use. He compares the weight to be given to a recommendation of refusal here, to the proposals for larger scale development coming through the District Plan. Lastly he refers to the local support for the proposals.</p>	<p>Officers note the comments that are set out in the supporting documents submitted. It appears that no new issues are raised, but clearly the applicants and supporters have a differing view with regard to the weight to be attached to them. It is noted that additional benefits that are offered, namely the control over the use of other land, are not matters that are considered to meet the CIL regulation tests and therefore should be given no weight in decision making.</p> <p>Officers advise Members to approach the following differing considerations cautiously. Firstly, do the proposals constitute inappropriate development but the weight that can be assigned to the beneficial impacts clearly outweigh the harm. Or secondly,</p>

	<p>The Molewood Residents Association has written to confirm support for the proposals. It welcomes the reduction in the scale of the development from the previous proposals, the new footpath link (albeit it with some concern regarding its design, alignment and lighting). The association considers that the potential for cycling into Bengoe and Hertford is viable and more weight should be given to the benefits of the proposed footpath link.</p> <p>A letter has been received from the Head of Urbanism at the University of Hertfordshire, in support of the proposals. The various sustainability and energy efficiency elements of the proposals are considered to be very commendable. The Centre would hope to be involved in the behavioural evaluation of the housing once built and occupied.</p>	<p>the proposals do not constitute inappropriate development, and therefore the degree of harm is significantly diminished. Officers advise that the proposals are clearly the former and must be treated as such.</p> <p>With regard to the proposed footpath link, the comments from the Highway Authority seriously question the feasibility of the provision of this link, given the distance, infrastructure to be relocated, alignments and the possible need to rely on third party ownerships. Your officers are of the view that the provision will have a significant impact on the character of the currently rural lane and remain of the view that it will do little to promote sustainable travel patterns.</p>
<p><b>5e</b> <b>3/14/0411/FP</b> <b>Hertford</b> <b>Regional</b> <b>College, Ware</b></p>	<p>The <u>Councils Landscape Officer</u> recommends consent and concludes that the proposals will have no adverse impact on significant trees and that prominent trees are retained in the layout.</p>	
<p><b>5f</b> <b>3/13/1654/FP</b> <b>Redricks Lakes,</b> <b>Sawbridgeworth</b></p>		<p>For clarity, Officers consider that, <i>at the current scale and frequency of events</i>, the use of the site for swimming, segway hire, shooting and bird of prey events is considered to be ancillary to the lawful use of the site. Enforcement action is also not</p>



		<p>considered expedient in respect of the open water swimming use of the site. It should be noted, however, that if the intensity or extent of those uses were to increase in the future, then the Council would need to reconsider the expediency test.</p> <p>Whilst it is not considered expedient to take enforcement action to secure the removal of the access track to the marquee, it is recommended that the enforcement notice requires the removal of the hardstanding upon which the marquee is erected to ensure that it is not subsequently used for parking which would have a detrimental impact on the openness and rural character of the area.</p>
<p><b>5g</b>  <b>3/14/0254/FP</b>  <b>The Cottage,</b>  <b>Cautherly Lane,</b>  <b>Great Amwell</b></p>	<p>One further letter of objection has been received.</p>	<p>No new issues raised</p>
<p><b>5i</b>  <b>3/14/0016/FP</b>  <b>5 Bluebell Walk,</b>  <b>Sawbridgeworth</b></p>	<p>Members have been circulated with the original application statement and points in support of the proposals by the applicant.</p>	<p>No new issues are raised as a result.</p>

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