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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 21 October 2010

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 20 OCTOBER 2010

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
Democratic Services Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 20 OCTOBER 2010
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 20 October 2010

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 |
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| <p>5a Cintel site, Ware 3/10/0386/FP</p> | <p>Asda – request deferral to 17 November Committee to resolve the objection on the impact reason for refusal. Officers understand that the applicant has circulated polling results (from 4 post code districts) by email 19 October to all DC Members, this shows 64% support for their proposal and that 70% support a new store in Ware. Examples of linked trips from 3 other stores are provided. Their legal representatives object to misrepresentation of the Council's position by Waitrose generating more residents' objections. They challenge the availability of the Swains Mill site due to a restrictive covenant.</p> <p>Waitrose have provided more details of their proposals and these were circulated to members via email on 19 October. They write to restate their commitment to develop the site and to a timetable for a planning application by the end of November and a store opening in summer 2010.</p> <p>Cintel Residents Committee has taken a poll of 97 households showing 32% in favour and 52% against. They restate the conditions sought in agreement with Asda but</p> | <p>Not appropriate to defer.</p> <p>The restrictive covenant is said by Waitrose to be an overage provision, and relates to the former Network Rail land. Even if it could not be lifted it would not seem likely to restrict a food store development as this part of the site is provisionally identified to relocate the existing Magog business who could go elsewhere.</p> <p>Noted and officers consider that this supports the view that the site is available.</p> <p>Issues are raised in section 5 of the report.</p> <p>A draft set of planning conditions has been agreed</p> |

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| | <p>have continuing concerns on impact, safety, traffic and amenity issues.</p> <p>30 further letters/emails including Town Councillor Wing state their support for the Asda scheme and a widespread disappointment at the recommendation. Benefits of the store are highlighted. Asda will support the community more than Waitrose and will be within walking distance of more people in the north of the town than Waitrose. Asda will provide a greater range of shopping than Waitrose and be better competition for Tesco. Most people in Ware can't afford to shop at Waitrose but can at Asda. Asda is the local people's choice. A planning appeal by Asda would command widespread local support. Doubt expressed as to whether a Waitrose will be built and to delay in provision. Opposed to doctors surgery in the Waitrose scheme.</p> <p>A further petition signed by 28 residents is in support of scheme</p> <p>16 letters of objection from residents reiterate objections on grounds of harm to the town shops, surrounding area, neighbour impacts, traffic congestion. Officers understand that the group "No Asda In Ware" has circulated by email 17 October to all DC Members objections that the Asda will be 3 times more than policy requires, that there is guesswork in the Asda submissions and that traffic will be 'a nightmare'.</p> <p>2 residents emphasise preference for a Waitrose at Crane Mead which will provide an attractive development and in</p> | <p>with Asda having regard to these concerns.</p> <p>These benefits are listed by supporters at paragraphs 5.34 – 5.40 of the report.</p> <p>Noted</p> <p>Objections raised are covered by original representations at section 5 of the Officers report, Issues assessed at section 7.0.</p> <p>Noted. The planning merits of the Waitrose scheme are not directly relevant to the sequential</p> |
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| | <p>proportion to the size of the town. Would be nearer to active centre of town and link to station will benefit Crane Mead.</p> <p>One resident concerned at lack of updated Flood Risk Assessment.</p> <p>Veolia advise the site is within the Musley Lane groundwater protection zone.</p> | <p>assessment.</p> <p>The Environment Agency has withdrawn objection to the plans.</p> <p>Noted.</p> |
| <p>5b 135 Stansted Road, B/S 3/10/0396/FP</p> | <p>Further discussions have been held with the applicant and the Council's consultants in respect of the financial viability assessment carried out for the development and the proposed s.106 financial contributions. The assessment was originally based on a lower contribution for highways works which was found to be incorrect. As a higher highways contribution was required, this has reduced the finance available for affordable housing by £11,000. As a result, the contribution recommended within the report for affordable housing should be amended to read as follows:-</p> <ul style="list-style-type: none"> • A financial contribution of £574,000 towards the off-site provision of affordable housing. <p>Officers also recommend the deletion of the requirement for the provision of 15% lifetime homes as this is specialist sheltered accommodation designed specifically for that purpose.</p> | |

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| <p>5b cont'd.</p> | <p><u>Bishops Stortford Town Council</u> has commented on the revised affordable housing statement and confirms that its original comments, contained within the report, still stand. They further comment that “it is important that we maximise affordable housing in the town”.</p> <p>A letter has been received from <u>Parsonage Residents Association</u> objecting to the development on the following grounds:-</p> <ul style="list-style-type: none"> • Loss of a valuable community facility and inadequate attempts to explore its continuing use as a public house • Three storeys is inappropriate in this location; would be detrimental to the appearance of the area and result in overlooking of properties in Cannons Close and Legions Way • The development will result in increased traffic and parking problems in the area. Insufficient parking is proposed. <p>Three letters have been received following the revised affordable housing statement. Two indicate that this does not change their original views (as summarised in the report) and one comments that the sum of £585,000 falls short of what could be provided on the site. The contribution would not actually get the homes built.</p> <p>Councillor Woodward has also written to query whether adequate attempts were made to re-use the public house.</p> | |
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| <p>5b) cont'd</p> | <p>Two further objections have been received which query the need for more retirement homes; the size and design of the development; lack of parking on the site and for residents who currently use Elliots Court and Legions Way for parking; the loss of a public house; and the removal of natural soak aways.</p> <p>One letter of support has been received which indicates that the previous public house was making a loss; and if the community wasn't supporting it then, why would it in the future, particularly in current economic climate. It also comments that the development would not be out of character with the surrounding neighbourhood and would be an improvement to the area. The site will otherwise fall further into disrepair and would attract vandalism.</p> <p>In response to Officers comments in paragraph 7.5 of the report, the applicants have stated that the proposed development would employ 1 house manager; a number of cleaners for the communal areas, and a gardener would be contracted to maintain the amenity areas.</p> | |
| <p>5d Westmill Farm, Ware 3/10/1495/FP</p> | <p>The <u>Council's Landscape Officer</u> recommends that planning permission is granted subject to detailed landscaping proposals being agreed via conditions.</p> <p><u>Ware Town Council</u> have no objection to the proposal but ask that a condition be imposed that caravans stay for limited periods only and that no vans are stored over winter.</p> | |

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| <p>5d cont'd</p> | <p>The applicants have written to confirm that they no longer use any part of the farm for agriculture and that the site would be used solely for touring caravans and not for permanent caravans. In respect of the comments made by Environmental Health officers regarding limiting the period of use, they comment that this would not allow them to operate on a level playing field with other sites in the area.</p> | |
| <p>5i Paradise Wildlife Park 3/10/1271/FO</p> | <p><u>County Highways</u> now confirm they have agreed the lights with the Herts Highways office, but they comment that, even though a S278 agreement is no longer required, it should be ensured that the layout and visibility shown on the approved drawings is maintained. A condition is therefore recommended.</p> <p><u>Brickendon Liberty Parish Council</u> object to the proposal and raise the following matters:</p> <ul style="list-style-type: none"> • In the event of an accident, what legal validity would these lights have? • The overflow car park could be used continually and therefore the lights would be harmful to the rural character of the area. • Conditions imposed on the original permission should | <p>Suggest that previous Condition 4 (3/08/1390/FP) be re-worded as follows:</p> <p><i>Within 3 months of the date of this decision, the applicant shall, to the satisfaction of the local planning authority, ensure the provision of the access, visibility and highway works shown on drawing 11500992 0992-SK-01 rev E. Thereafter the development shall be carried out in accordance with the approved details.</i></p> <p><u>Reason</u> <i>In the interests of highway safety.</i></p> |
| <p>5i cont'd</p> | | |

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| | <p>be rigorously enforced</p> <ul style="list-style-type: none"> • Lights will reduce visibility when emerging from the entrance to Birch Farm • Existing traffic signs do not have planning consent • The Council queries why planning permission was approved originally when an earlier application has been recommended for refusal but withdrawn. | |
| <p>8A Charvills, Ware 3/10/0500/FO</p> | <p>Cllr Shaw has written to state her opposition to the renewal of planning permission (a separate application 3/10/1745/FN) due to local objection, its height and inclusion of shops. Sheltered flats are not the development that Ware needs.</p> <p>The applicant is drafting a S106 unilateral to update the planning permission and ensure the planning obligations of 3/07/2005/FP are carried forward to the extended permission 3/10/0500/FO.</p> | <p>This relates to a submitted renewal application rather than the application before members this evening. However this view is referred to members as the variation of condition will have the effect of extending the current permission by 6 months.</p> <p>Officers consider that there is no basis to refuse this proposal as the principle is established by extant permission. The variation is only required to agree boundary wall details.</p> <p>The recommendation within the report is amended “to be subject to the agreement of a S106 that ties the planning obligations of the original planning permission (3/07/2005/FP) to the new permission”.</p> |

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