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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 16 December 2010

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 15 DECEMBER 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 – 12)

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 15 DECEMBER 2010
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 15 December 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
<p>5a Cintel Watton Road, Ware 3/10/0386/FP</p>	<p>Mark Prisk MP writes to request the provisions of the "Community Charter" signed between local residents and Asda be brought to members' attention. This addresses concerns that might not otherwise have been included in a S106 and shows the applicants commitments. Concerns have been raised that the acoustic fence must run along the site road and not the back of residents' gardens and be a 3m fence.</p> <p>Martin Robeson Planning Practice is concerned that the content of their letters dated 12th November, 30th November, 1st December, 2nd December and 7th December have not been reported and requests a supplementary paper be circulated to members. This should emphasise that the identity of individual retailers is not to be considered, he notes the report contains a number of references to Waitrose and Asda. Furthermore a wider area is now available, suitable and viable at Crane Mead and a plan showing the Crane Mead site and 4 registered ownerships has been submitted. This shows the ownerships for Marks Mill, Magog Ind, Starsgate Ltd and</p>	<p>Noted and referred to in the report at paragraphs 2.15, 3.69 and 3.73. Details of the 4m fence could be subject to a planning condition and aligned to meet residents' wishes.</p> <p>Noted but the point about the identity of operators is mentioned in the report already e.g. paragraphs 3.34, 4.4 and 4.10.</p> <p>The Crane Mead Supermarket Proposal plan attached as an Appendix, and the recent ownership plan of the 4 registered site ownerships, indicates the same extent of land being considered with Waitrose in previous pre application discussions albeit the Mill Studio was retained for employment use – see paragraph 3.31 and 3.32.</p>

	<p>Paul and Robert Dixon</p> <p>The County Council’s view that the development is unacceptable unless other planning benefits, such as the retail need exist is flawed, if the application is refused on the sequential test.</p> <p>With regards to the committee report, MRPP object to four key areas</p> <ol style="list-style-type: none"> 1. The sequential test is fundamentally about compliance or not and not a balancing judgment as the paragraphs 4.2 and 4.9 suggest. The sequential site must only be assessed in terms of availability, suitability or viability without comparison being made with the application proposals and subject to the application of flexibility regarding the business model. 2. Chase and Partners conclusion is that the proposal will not cause “serious harm” to the town centre and not that it will not cause “harm” as paragraph 3.48 states. 3. The inability to mitigate highway objections through S106 obligations to be balanced against retail and planning benefits is unfounded due to failure to comply with sequential test. Members should be invited to refuse on highways grounds. 4. Given the lack of a detailed application, a premature and inappropriate judgement is made on the retail 	<p>The sequential test is to be considered by its own criteria in accordance with PPS4. Just because an application may fail it does not mean the proposal does not in itself have benefits, including retail benefits, that can override a specific planning objection such as highways congestion.</p> <ol style="list-style-type: none"> 1. While PPS4 and the sequential test provide robust policy it is not requiring officers or elected members to refrain from the making marking judgements which there will inevitably be in some areas. 2. Chase and Partners have employed both forms of wording. The conclusion is at paragraph 4.17. 3. See comment above. While members are fully entitled to take a view on highway impacts, officers are satisfied that this consideration can be weighed against wider planning benefits. 4. Inevitably the Crane Mead situation is premature and a judgement has to be made, the officer’s report does so.
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	<p>effects of a larger store at Crane Mead site</p> <p>Additional points are</p> <ul style="list-style-type: none"> • that the Asda retail land take is 1.5ha whereas the Cintel site is larger at 1.75ha. • the owners of Mill Studio are willing to dispose of the whole of their interest (now confirmed by separate letter from Bidwells) • 35% of Ware Tesco shoppers visit the town centre, not 30% as referred at para 3.47 <p><u>Asda's</u> agents have written and enclose Counsel's advice. It has noted the withdrawal of the impact reason for refusal. It says the basis on which officer's consider there to be conflict with the sequential test is extremely narrow; the report is clear that the Crane Mead site cannot accommodate a larger store to meet the town's needs and as a matter for the committee's judgement it would be perfectly entitled to conclude that Crane Mead as not suitable and therefore not sequentially preferable to the Cintel Site. If the officer's advice on sequential approach were accepted, the committee could still grant permission if it considered the benefits the development would bring were compelling enough to override conflict with national retail guidance.</p>	<p>All noted</p> <p>Noted. Officer's have judged that Crane Mead can provide for similar needs. Reasons to override national guidance would need to be clearly set out and compelling</p> <p>Noted</p>
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	<p>The <u>Government Office for East Of England</u> writes to confirm that the Secretary of State would be required to look at the case and no planning permission granted without the Secretary of State’s authorisation.</p> <p><u>Glaxo Smith Kline</u> have written to reiterate concerns about the Green Travel Plan. Should members decide to resolve to grant planning permission for the above planning application we would request that either the requirements of condition 11 are included within the S106 Agreement or it is made clear in the S106 agreement that the Green Travel Plan has to be agreed with HCC and East Herts to ensure that the provisions of the Green Travel Plan do not conflict with condition 11 and the obligations within the Green Travel Plan do not override condition 11.</p> <p><u>Residents</u> Petition of 12 signatures in support for the Asda proposal.</p> <p>Sixteen residents’ letters received reaffirming strong support that town needs more choice and competition, it will encourage business at Baldock Street end of town and any traffic problems will be outside peak hours. Disappointed at deferrals and delaying tactics of vague plans for Crane Mead. The Crane Mead site has poor access and the Hertford Waitrose store may close.</p> <p>Two letters from resident opposing the store, Asda are globally infamous for destroying small town shopping centres. Small businesses operate on a shoe string.</p>	<p>The concern relates to staff parking provisions of the Green Travel Plan. It is felt these details of this can be included within any S106 document.</p> <p>.</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>
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	<p>One further objector that the store is well out of main shopping area and will have adverse effect on a fragile second order centre vulnerable to loss of trade. Small town centres across the nation are becoming ghost areas and depriving the public of choice of outlets.</p> <p>Ashurst, acting on behalf of <u>Tesco</u>, notes that the report (unlike that submitted to the 20 October meeting) no longer contains a recommended refusal reason relating to impact on the vitality and viability of Ware town centre. As no further information has been submitted it is not considered that there has been any material change that justifies a revision to the previous position. It is considered that this second reason for refusal should be reinstated.</p>	<p>Noted</p> <p>No additional comments to those set out in the report.</p>
<p>5b Hertford Police Station, Ware Rd. 3/09/1728/FP</p>	<p>17 additional neighbour letters have been received which concentrate on matters already raised, but which can be summarised as:-</p> <ul style="list-style-type: none"> • Over-development • No soft landscaping • Houses on Ware Rd too bulky • Hotel near school inappropriate • No need for hotel, nursery or nursing home - need schools • Surrounding infrastructure can't cope with extra cars – concern for safety of children and pollution • Loss of open space 	<p>Issues raised addressed in submitted report</p>

	<p>Email from GML architects stating that HCC are presenting a Report to the County's Education & Skills Cabinet Panel on Thurs 16th Dec noting that there is a growing short-fall in the supply of reception places in Hertford, but recommending further expansion be achieved at Morgans Primary and Abel Smith Primary School. Email comments that the report notes that consideration was given to enlarging Wheatcroft School (neighbouring the HPS site), but the decision has been taken not to proceed.</p>	
<p>5c Buttermilk Hall Farm 3/10/1598/FP</p>	<p>Officers request the following additional condition in order to ensure that the proposed gas flare does not result in any damage to the existing trees on the site:-</p> <p>“Notwithstanding the details shown on the approved plans, and prior to the commencement of the development, the precise siting of the gas flare in relation to the adjoining trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented, retained and maintained in accordance with those details to the satisfaction of the Local Planning Authority.</p> <p><u>Reason:</u> To safeguard the health of the adjoining trees in the interests of amenity in accordance with policies ENV1; ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007”</p> <p>Officers understand that four representations have been circulated to all DC Members. These are a letter</p>	<p>No additional comments to those set out in the report</p>

	<p>(incorrectly) dated 31 Nov 2010 from a local resident and e-mails from local residents of 2, 4 and 11 December 2010.</p> <p><u>Cottered Parish Council</u> has sent a further letter dated 22 November 2010 repeating concerns regarding noise; smell; digestate; efficiency; and traffic issues raised in their previous correspondence.</p> <p>Three further letters in objection have been received raising the following issues:</p> <ul style="list-style-type: none"> - proposals would lessen food production; - would lead to the import of maize; - Council would not be able to control where maize imported from; - Heat produced would be wasted – proposals are in the wrong location as the site is not adjacent to housing – or it would encourage house building at the site; - Poor access; - The applicants have no experience of the development; - There have been safety issues at other developments of this nature <p>A letter in support has been received setting out that the application is a commendable project with the best green credentials and EHDC should grant permission. The technical and environmental aspects have been carefully thought through. Experience with similar plants in this</p>	
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	<p>country suggests little likelihood of problems with traffic smell or noise. Several residents at the PC meeting supported the project.</p> <p>Petition of 239 signatures presented from residents in Cottered, Ardeley, Throcking and Buntingford objecting to the application.</p>	
<p>5d Nine Acres, High Road, High Cross 3/10/1758/FP</p>	<p>The <u>Planning Policy</u> officer comments, at para 3.1 (2nd para) suggest that the GTAA identified a need for 45 pitches in East Herts – this figure infact related to the wider area covered by five authorities who commissioned the report</p> <p>Thundridge Parish Council object to the proposals on the basis that:</p> <ul style="list-style-type: none"> - 6 homes is wholly excessive and represents overdevelopment; - Site is already overdeveloped and there is no proven need; - Contrary to policies TR7, ENV1 and OSV1 of the Local Plan; 	Noted
<p>5e GSK, Park Road, Ware 3/10/1774/FP</p>	<p>Request from applicant that condition 3 be amended to require compliance before the building is occupied, rather than before it is constructed.</p> <p><u>County Archaeology</u>: Site is adjacent to an Area of Archaeological Significance and may feature significant</p>	<p>No objection to amendment proposed</p> <p>There is a history of archaeological significance in the area and it is considered appropriate for</p>

	<p>remains/heritage assets. A condition is recommended requiring a pre-commencement programme of archaeological work.</p> <p>The applicant considers that the site is too far from the AAS (c. 130m) for the condition to be justified. Any remains discovered on site would be reported to the relevant authority as appropriate.</p> <p><u>Environment Agency</u>: Comments as in previous application – Development to be carried out in accordance with submitted Flood Risk Assessment with floor levels no lower than 35.57m above Ordnance Datum</p> <p><u>Environmental Health</u>: Condition recommended requiring the reporting of unsuspected contamination to the Council.</p>	<p>measures to be put in place to ensure that any present on the site are dealt with properly. It is recommended that an appropriate condition is applied. County archaeological officers have indicated that the requirements can be dealt with expeditiously.</p> <p>Recommended condition no. 5</p> <p>Recommended condition no. 6</p>
5k Harwood Park Crematorium, Stevenage	<p>North Herts District Council has no adverse comments to make.</p>	
5l Hartham Leisure Centre, Hartham Lane, Hertford	<p>The <u>Highway Authority</u> does not wish to restrict the grant of permission. It does however request the imposition of a condition requiring the site to be surfaced prior to its first use for car parking purposes.</p>	<p>Officers do not consider that the suggested condition is reasonably necessary in this case and would not, as a result, meet the relevant tests of Circular 11/95.</p>
5m 16 North	<p>Officers understand that the applicant has circulated an e-mail to all DC Members dated 13 December 2010 from the</p>	

<p>Street, Bishop's Stortford</p>	<p>applicant setting out matters in support of the proposals</p>	
<p>7 135 Stansted Road, Bishop's Stortford</p>	<p>Two sets of comments have been received setting out the following:</p> <ul style="list-style-type: none"> - previous objections remain particularly in relation to the overpowering design; - Stansted Road is too busy, particularly difficult for the elderly; - There are more appropriate locations; - Attempts should be made to retain the hotel and pub; - Disruption to existing residents parking - Loss of wildlife - Loss of existing views; - Existing access from Stansted Road should be maintained 	