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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 13 January 2011

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 12 JANUARY 2011

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 – 8)

Yours faithfully,

Peter Mannings
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East Herts Council
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MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 12 JANUARY 2011
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 12 January 2011

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, 3/10/1598/FP Buttermilk Hall Farm, Baldock Road, Buntingford</p>	<p>Officers understand that a number of communications have been sent direct to Members. These include a summary of comments on the report and other communications. They are not summarised here as Members have received them direct.</p> <p>Members have received a letter from <u>Cottered Parish Council</u> dated 7 January 2011 with associated input and output diagram.</p> <p>In addition, following the site visit on 10 January, Members have been sent a note on the points of discussion at that meeting, by the applicant.</p>	<p>The main issues raised are the visual impact and sustainability credentials of the proposals. The issue of visual impact is addressed in the reports and members have been able to visit and inspect the site.</p> <p>With regard to sustainability, different commentators claim different impacts for the proposals. The Councils Local Plan policy (SD3) supports <i>renewable</i> energy proposals (as distinct from carbon-neutral proposals). Officers view is that the renewable nature of this proposal has not been called into question and is supported in principle by the policy.</p> <p>Objectors ask that a decision be deferred on the basis that the developers have not engaged in active consultation as is set out in PPS22. Whilst such engagement is good practice Officers view is that further delay in this matter is unlikely to yield more information in terms of the range of planning issues and therefore it is recommended that a decision can be made.</p>

		<p>Officers recommend that, as per the December report, the following condition is also applied if Members are minded to support the proposals:</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>In addition, Members are referred to the representations that were set out in the additional representation summary to the 12 December meeting. If any Member is uncertain of these details can be supplied by Officers.</p>
<p>5b, 3/10/1968/FP Widbury Hill, Ware</p>	<p>An email has been received from the agent querying the conflict between s.106 point 11 and Condition 13 re: the bridge.</p>	<p>Officers suggest that Condition 13 be removed, and clause 11 of the S106 be re-worded as follows:</p> <p>“To submit full details on the location and specification of the pedestrian route for written approval from the Local Planning Authority, including the footbridge over the River Lee to Tumbling Bay, and not to occupy more than 50% of</p>

	<p>Para 7.38 should read £154,737, not £159,737</p> <p>Amended plans received 7th Jan changing 5 no. 4 bed units to 3 bed units as required by the Housing Team. This introduces a new housing type, AE, but the change only involves removing an internal wall. Financial contributions have already taken account of this amendment.</p> <p>The <u>Councils Solicitor</u> suggests an amendment to the wording of the proposed legal Agreement in relation to affordable housing to read:</p> <p>To provide 30 units of affordable housing with a tenure mix of 75% social rented and 25% intermediate affordable housing or, subject to the availability of grant funding, as otherwise agreed with the Council to a minimum mix of 50% social rented and 50% intermediate affordable housing.</p> <p>This is to avoid the any presumption by default that to 50/50 mix is the most acceptable and to give</p>	<p>the units until the footpath and bridge are both brought into use.”</p> <p>For clarity officers also recommend the following additional wording be added to the end of clause 9:- “and a scheme to ensure the maintenance of public access to the open space”</p> <p>Noted. The figure is correct elsewhere in the report.</p> <p>Only change to report are plan numbers for Condition 2 – delete 061001-WIM.NT.01, 02 and AA-E1, and add 061001-WIM.NT.01 A, 02 A, AA-E1 A, AE-P1 and AE-E1.</p> <p>This is agreed.</p>
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	clarity that both shared equity and intermediate rental units are included within the definitions.	
5c 3/10/1959/FP and 3/10/1960/LB Wickham Hall, Hadham Road, Bishops Stortford	<p>An e-mail has been received from the agent regarding the requirement to complete the legal agreement by 2nd February. Whilst they confirm that, for their part, they are able to meet the deadline, they consider it unreasonable to propose refusal of the application if the deadline is not met due to any delay on the part of the Council.</p> <p>They suggest that the recommendation should be altered such that if any delay is caused by the Council, the 2nd February time limit is extended. Alternatively, that a refusal is not triggered on 2nd February if the applicant lodges an executed s.106 in the form as submitted with the application.</p>	<p>A draft legal agreement has been submitted with the application. For the most part, it appears acceptable (subject to some minor amendments). The Council's solicitor has confirmed that, provided there is no difficulty with the owner's title to the land, completion of the agreement by 2nd February 2011 is achievable on the part of the Council.</p> <p>Officers do not therefore consider it necessary to amend the recommendation.</p>
5d 3/10/1866/LC Jeans lane, Bishops Stortford	A response has been received from Herts & Middlesex Wildlife Trust expressing concern that there may be bats present on the site.	Officers recommend that this matter be dealt with by way of a directive advising the applicant of their obligations under the habitats Directive and the need to carry out appropriate surveys prior to any demolition being carried out.

<p>5e, 3/10/1458/FP Edgewood Farm, Broxbourne Common</p>	<p>County Archaeology and Brickendon Liberty Parish Council confirm they have no additional comment to make on the amended plans. Officers understand that the agent, Mr. Howard, has circulated an email to all DC Members dated 6 January 2010.</p>	<p>Noted.</p> <p>This raises no new information. Members will note from the Officer's report that it is not just the siting of the dwelling but also its height that results in a more visually intrusive form of development.</p>
<p>5f, 3/10/1890/FP 232 Hertingfordb'y Road</p>	<p>The Council's Landscape officer considers that additional landscaping be carried out to the frontage of the site in order to assimilate the proposed development into the countryside.</p>	<p>Officers recommend that Landscape conditions 4P12 and 4P13 be added to the list of conditions.</p> <p>Officers also recommend that Class A "permitted development" rights be removed by an additional condition in order to control any future extensions/alterations to the new building in the interests of the openness, character and appearance of the Green Belt.</p>
<p>5h, 3/10/1999/FP Unit 3, Mimram Road, Hertford</p>	<p>Additional comments have been received as follows:</p> <ul style="list-style-type: none"> - indicating that the parking provision shown for the proposals is leased to another of the units at the Mimram Road site; - no disability access facilities are provided to the first floor unit; - proposed use and activity will be unacceptable in terms of noise impact and at times outside the current uses. 	<p>Officers have checked with the owner of the site and he indicates that no lease arrangement is in place with regard to the parking area.</p> <p>Disability access provisions are governed by separate legislation.</p>

<p>5j, 3/10/2027/FP 47 Amwell End, Ware</p>	<p>Neighbouring occupiers have written in support to the proposal.</p> <p>Further commentary was received from an advisor acting on behalf of the applicant in relation to the impact of the proposals on trees.</p>	<p>Noted.</p> <p>The issue has been satisfactorily resolved as set out in the report.</p>
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