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Chairman and Members of the  
Development Control Committee

Your contact: Peter Mannings  
Extn: 2174  
Date: 8 December 2011

cc. All other recipients of the  
Development Control Committee  
agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE – 7 DECEMBER 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 7 DECEMBER 2011  
**TIME** : 7.00 PM

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## East Herts Council: Development Control Committee

### Date: 7 December 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><b>Item 5a</b><br/><b>3/11/1627/FO</b><br/><b>Riverside</b><br/><b>Garden Centre</b></p>                   | <p>A neighbouring occupier repeats claims made in relation to land ownership. General concern is expressed with regard to the impact of development at the application site (particularly flooding) on the neighbouring property. The occupier seeks an intervening wall and bunding.</p> | <p>Land ownership issue is a civil matter. The application does not affect land ownership issues.</p>   |
| <p><b>Item 5c</b><br/><b>3/11/1716/FP</b><br/><b>Dalmonds</b><br/><b>Wood Farm,</b><br/><b>Brickendon</b></p> | <p>Officers understand that the agent acting on behalf of the applicant has circulated a letter dated 2 December 2011 to all DC Members</p>   | <p>Officers note the contents of the letter. However the recommendation remains unchanged.</p> <p>Officers are satisfied that the correct financial test has been applied in this case. The relevant test in PPS7 for temporary accommodation requires that there is clear evidence that the proposed enterprise has been planned on a 'sound financial basis'. In this case, the Business Plan is very brief and, in addition, is said to be based on the extrapolation of trading figures from the last few years. However, those figures are not provided. Officers do not consider that the requirements of PPS7 are met and reason for refusal 2 clearly refers to the correct test.</p> |

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|  |   | <p>Officers also remain concerned that insufficient information has been submitted in respect of the availability of other nearby accommodation.</p> <p>In respect of the log cabin, Officers consider that the proposed plans indicate that it would not be a readily moveable structure. It incorporates a fixed terrace and plinth and has a degree of permanence. In any event, the impact of the structure (whether or not it meets the definition of a mobile home) on the character and appearance of the surrounding Green Belt is a material consideration and Officers consider that this is appropriately reflected in reason for refusal 3.</p> |
| <p><b>Item 5d</b><br/><b>3/11/1373/FP</b><br/><b>Bayfordbury</b><br/><b>Campus,</b><br/><b>Lower Hatfield</b><br/><b>Road, Bayford</b></p> | <p>Additional letter from local resident raising concern in relation to the foul drainage matters. Primary concern remains the route that discharged treated water will take.</p> <p>Neighbour concern about relocation of SUDS attenuation basin and pond for surface water to the south west of site.</p> <p>Letter from the applicant's agent, with a request to alter the time limit for the planning permission commencement from 3 to 5 years. Additional time requested because of the need of the applicants to raise finance to implement the project. development</p> | <p>Noted, addressed in report</p> <p>Noted, addressed in report.</p> <p>This is considered reasonable because of the unusual circumstances of the applicants and the need for funds to be generated.</p>  |

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| <p><b>Item 5e</b><br/><b>3/10/1968/FP</b><br/><b>Former depot and coachworks, Widbury Hill, Ware</b></p> | <p>The <u>Councils Solicitor</u> points out the requirement for the provisions of the legal agreement still to be applied to the development</p> | <p>Noted – the recommendation is amended to state that planning permission is subject to the applicant entering into a s106 agreement, the provisions of which remain as per the report submitted to the February 2011 committee.</p>   |
| <p><b>Item 5f</b><br/><b>3/11/1742/FP</b><br/><b>New Mead Nursery, Walkern Road, Benington</b></p>       | <p>Officers understand that the agent acting on behalf of the applicant has circulated a letter dated 2 December 2011 to all DC Members</p>      | <p>Officers note the content of the letter however the recommendation put forward remains unchanged.</p> <p>Members are still able to weigh up whether the harm caused by the development is outweighed by the benefit. In the case of the initial recent application, Members took the view that the proposals could be supported because of the direct provision of two affordable homes. The next application was refused by officers as insufficient information had been submitted to justify the claim that the scheme was by then unviable.</p> <p>Whilst sufficient information has now been submitted, this cannot mean that automatic approval must be forthcoming. Members must still weigh the balance of harm and benefit.</p> <p>In this case, whilst a financial contribution of £100,000 is offered, there is no justified basis for this figure. It is unlikely that any provision will be achieved because of the lack of a development to which the contribution could be put. Officers view is that, even in a hypothetical case,</p> |

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|  | <p>The <u>Councils Solicitor</u> suggests that the proposals should also be refused on the basis of the lack of compatibility with the Councils affordable housing policy. The additional comment is made that, whilst a financial contribution may be secured it may not be possible to use this to meet any need arising in Benington.</p> | <p>taking into account no government grant, financial provision of at least £200,000 should be made to enable the provision of two affordable units.</p> <p>The submitted viability assessment indicates that a sum of this nature (£200,000) could be offered and the scheme maintain a profit margin return of 16%. (Whilst this is below current preferred returns due to development risks it is considered that enhanced financial provision can be made).</p> <p>As a result it is considered that the benefits of the scheme do not outweigh the harm and, whilst development is acceptable in principle, it is recommended that it is refused on the basis of the harmful impacts identified in the report.</p> <p>The comments are noted. Financial provision is offered and the potential usability of this is referred to above. The relevant Local Plan policy is HSG3 and further detail is set out in the Affordable Housing and Lifetime Homes SPD. In the SPD it is set out that financial provision should be robustly justified and that, where it is offered, it will only be considered where steps are in place to deliver it (such as alternative sites etc). This is not the case here and therefore it is recommended that an additional refusal reason should be applied as follows:</p> <p><b>Additional refusal reason:</b></p> |
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|   |  | Whilst financial provision is to be made as part of the proposals to support the provision of affordable housing, no justification has been supplied in relation to the scale of that financial provision. No other steps have been taken to ensure that actual delivery of affordable housing can be achieved as a result of the financial provision and therefore the proposals are contrary to the requirements of policy HSG3 of the East Herts Local Plan (second review) April 2007 and of the Affordable Housing and Lifetime Homes SPD, Jan 2008. |
| <b>Item 5g</b><br><b>3/11/1637/FP</b><br><b>Paradise</b><br><b>Wildlife Park,</b><br><b>White Stubbs</b><br><b>Lane, Bayford</b>                  | One letter of support received from a neighbouring occupier  | No further comment  |
| <b>Item 5i</b><br><b>3/11/1631/FP</b><br><b>Land adj River</b><br><b>Stort, Grange</b><br><b>Paddocks,</b><br><b>Bishop's</b><br><b>Stortford</b> | Additional letter of objection raising a concern in relation to the safety of cyclists using the route – given its alignment | Noted but the concern is not considered to be significant or one which forms a basis for permission to be withheld.   |
| <b>Item 5m</b><br><b>3/11/1808/FP</b>   | Environmental Health advises that any permission shall include conditions for soil decontamination.                          | This is covered by condition 6.   |

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| <p><b>Monks Green Farm, Monks Green Lane, Brickendon</b></p>                                     | <p><u>Brickendon Liberty Parish Council</u> comments with no objections.</p>   | <p>Noted</p>  |
| <p><b>Item 5o</b><br/><b>E/11/0325/A Barleycroft Works, barleycroft End, Furneaux Pelham</b></p> | <p>The site owner writes to advise that the material stored on the adjacent field is soil conditional and cattle /poultry bedding – both for agricultural purposes. The owner confirms that the height of the stored pallets is to be reduced to within the defined limits. Woodchip is being stored on site because of the problems that receiving customers have to store this.</p>  | <p>Comments are noted but it is considered that the action set out in the report remains the appropriate way forward.</p>                         |
| <p><b>Item 6</b><br/><b>Land at North of the Old Coach Road, Birch Green.</b></p>                | <p>Further update. 5<sup>th</sup> December 2011<br/>The Council has been advised that the land had not been purchased by the family which took up recent occupation. The landowner has informed officers that the requirements of the ‘operational notice’ (namely the ‘removal of the hard standing from the site and the reinstatement of the land to its former condition’) will be complied with by the 21<sup>st</sup> December 2011.</p> <p>The current appeal to the Planning Inspectorate against the above notice was lodged the occupiers of the site.</p> | <p>Noted. This appeal will not be challenged or defended until it is evident that the owner has complied with the requirements of the notice.</p> |