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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 2 February 2012

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 1 FEBRUARY 2012

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

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 1 FEBRUARY 2012
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 1 February 2012

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, 3/11/2041/FO Seven Acres, 49 & 54-65 Upper Green Road, Tewin</p>		<p>Condition 29, should read as follows:-</p> <p>The development hereby approved shall be carried out in accordance with the following approved plans:- 1, 300, 401, 402, 404A, 405, 501201/01, 501201-A-100, 501201-A-101, 501201-A-102, 501201-A-103, 501201-A-104, 501201-A-105, 501201-A-106 and 501201-A-107.</p> <p><u>Reason:</u> To ensure the development is carried out in accordance with the approved plans, drawings and specifications.</p> <p>Condition 23, should read as:-</p> <p>Prior to the first occupation or use of the development, all access/egress works serving the development as shown in principle drawings referenced 1 and 501201/01 shall be constructed, completed and thereafter maintained to the satisfaction of the Local Planning Authority.</p> <p><u>Reason:</u> To ensure that the access is constructed</p>

		<p>in accordance with the Highway Authority's specification in the interests of highway safety.</p> <p>The description makes it clear that the application also relates to proposed changes to Plot 18, although at Paragraphs 2.2 and 7.2 of the Report this is not referred to. The changes to Plot 18 are a reduction to the porch canopy and an additional WC and en-suite window to the western side elevation and the application submission and plans make these amendments clear. Such changes to the fenestration are minor and would not, in Officers view, compromise the high quality design of the development.</p>
<p>5e, 3/11/2046/SV Tylers Close, Buntingford</p>		<p>Members' attention is drawn to a typographical error within the recommendation (p.63). There are no implications for financial contributions and the recommendation should simply be that contained under number 1.</p>
<p>5f, 3/11/1387/FP Great Hormead Village Hall</p>	<p>The Solicitor representing the applicant has written to emphasize the points made in relation to the current legal agreement arrangements. He confirms that the Village Hall committee would agree to an undertaking that the net proceeds from the plot sale will only be used for village hall works and, if necessary, be tied to the works which are put forward in the planning application.</p>	<p>The applicants Solicitors comments are noted.</p>

	<p>At Officers request the Solicitor has confirmed the position in relation to obligations on the Trustees and that the Trustees agree to the payment of the Councils monitoring fee. The point is made that this requirement will reduce the funds available for the hall improvement works.</p> <p>Two representations have been received from local residents objecting to the reconsideration of the currently proposed legal agreement requirements. The objectors see no grounds for this</p> <p>Officers understand that Mr S Hossack has circulated an e-mail to all DC Members dated 27 January 2012.</p> <p>The <u>Councils Solicitor</u> has commented that a further alternative approach to this matter is to require that the proceeds of sale of the residential plot are lodged with the District Council. The legal agreement would also then require that, prior to commencement; details of the arrangements for the subsequent release of the funding would be submitted to and agreed by the District Council. The applicant would need to permit the District Council to register an interest in the site and would need to agree that the costs of doing so would be met by the applicant.</p>	<p>Officers can advise members of the committee that, if they are mindful to support a change to the current legal agreement requirements, a round of consultation can be undertaken in advance of reaching a decision on the matter. The change proposed does not affect the principal matter, authority is being sought only in relation to the detail of the legal agreement restrictions.</p> <p>Officers have discussed the arrangements further with the Councils Solicitor. With regard to the scale of the proposal the Councils Solicitors suggested arrangements are extensive and would involve considerable additional input from Officers. It would preferable that such additional demand on resources could be avoided.</p>
<p>5g, 3/11/1635/FP Hoe Lane,</p>		<p>Condition 3 on the report should read "11.00 to 15:00 hrs"</p>

<p>Ware</p>	<p>Officers understand that a Ware Town Councillor has circulated an e-mail to all DC Members dated 24 January 2012 emphasising the same issues as those set out in the committee report.</p> <p>Thirteen additional letters from neighbours have been received commenting that the residential area cannot afford any growth in traffic; parking is currently inadequate and the garages are needed for the use of local residents</p> <p>A local resident has contacted the Councils Environmental health service in relation to the proposals and copied some members of the committee into her e-mail of 25 January 2012. The comments indicate a concern in relation to the impact of the proposals on public health matters.</p> <p>The Council's <u>Environmental Health</u> Officers have indicated that they are not able to comment on the application as it is not an existing business.</p>	<p>The issues raised have been addressed in the report</p>
<p>5h, 3/11/1511/FP - Land North of The Old Coach Road, Birch Green</p>		<p>The Planning Inspectorate has confirmed that the applicant has lodged a valid appeal against non-determination in this case and therefore Members are unable to reach a decision on the application. However, Members are asked to confirm the decision that would have been reached had the appeal not been lodged.</p> <p>In respect of the personal circumstances of the applicants (para. 7.43 of the report) Officers have</p>

	<p>The applicants' agent has written in response to the publication of the committee report and has drawn the Council's attention to two recent appeal decisions regarding sites in St. Albans and Wickford, Essex where the Inspector gave greater weight to the RSS figures for pitch provision. They argues that:-</p>	<p>considered this application on the basis that the applicants meet the required criteria for Gypsy and Traveller status but, as the applicant has submitted no evidence of this, Officers do not accept that status at this stage and reserve the right to challenge this at any forthcoming appeal.</p> <p>Members' attention is drawn to a typographical error in the title of the application on page 127 of the report which should read - 3 no. mobile homes and 3 no. touring caravans rather than 2 as stated.</p> <p>Officers consider that, for clarity, the first reason for refusal on page 127 of the report should be amended to include reference to policy HSG10 of the Local Plan against which the development is also assessed, as set out within the report.</p> <p>Officers also wish to clarify that number 6 Birch Green is also a Grade II Listed Building (paragraph 1.1 of the report refers).</p> <p>Officers do not agree that the imposition of a condition foul drainage would be appropriate in this case, particularly in the light of an objection from the Environment Agency and the lack of any detailed information from the applicants in this respect.</p> <p>In respect of the weight to be attached to the policies of the Regional Plan, Officers have clearly</p>
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	<ul style="list-style-type: none"> • Foul drainage issues could be dealt with by condition • Policy H3 of the RSS (East of England Regional Plan) should be afforded more weight than is given within the report and less weight should be given to the Government’s stated intention to revoke the RSS • Accordingly, they consider that there is a significant shortfall in the provision of sites locally, regionally and nationally <p>The <u>Council’s Conservation Officer</u> has confirmed that she recommends refusal of the application. She comments that the impact of the proposed structures can be assessed considering that average mobile homes are of considerable scale and also, in terms of design and materials, not sympathetic to the vernacular character of the village and the nearby listed buildings. Refusal is recommended on the grounds that the installation of mobile homes and caravans on the site will have “a harmful effect on the way the listed buildings are experienced and therefore on their setting and significance”</p>	<p>accepted within the report that the RSS remains part of the Development Plan. However, the report goes on to specify the precise reasons why the Council considers it appropriate to attach more weight to the earlier ‘Option 1’ figures and are satisfied that this is the correct approach in this case and one which has been advocated by the Government for appropriate circumstances. There are important distinctions to be made between this approach and that within the appeal decisions at St Albans and Wickford and Officers are satisfied that no amendment is required to the report.</p> <p>The impact of the proposed development on the setting of the listed buildings is included within the first reason for refusal. No change to report suggested.</p>
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