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Chairman and Members of the  
Development Control Committee

Your contact: Peter Mannings  
Extn: 2174  
Date: 19 July 2012

cc. All other recipients of the  
Development Control Committee  
agenda

Dear Councillor,

## **DEVELOPMENT CONTROL COMMITTEE – 18 JULY 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 – 10)

Yours faithfully,

Peter Mannings  
Democratic Services Officers  
East Herts Council  
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**MEETING** : DEVELOPMENT CONTROL COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 18 JULY 2012  
**TIME** : 7.00 PM

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**East Herts Council: Development Control Committee**  
**Date: 18 July 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><b>5b</b>  <b>3/12/0597/FP</b>  <b>Seven</b>  <b>Acres,</b>  <b>Upper</b>  <b>Green Rd,</b>  <b>Tewin</b></p>	<p>The applicant’s agent has confirmed that the access to the west of the site to connect with Footpath 15 does not form part of a formal footpath/access proposal - For clarification the 4.8 metre wide vehicular access to the applicants retained land is to be gated on the development side of the footpath to prevent motorcycles etc gaining access to the footpath and across the fields.</p>	<p>Whilst Officers were supportive of increased footpaths through the site to increase pedestrian links around the locality of the site, this particular access raised concerns with the Parish Council. Officers would prefer to see a footpath link to Footpath 15. However, no fundamental objection is raised to its omission or to the proposed gate and the restriction of access onto the land to the west.</p> <p>Officers recommend an additional condition in respect of protected species at the site as follows:-</p> <p><i>The development hereby permitted shall be carried out in accordance with the details of</i></p>

<p><b>5b 3/12/0597/FP Seven Acres, Upper Green Rd, Tewin...cont 'd</b></p>	<p>Officers have been made aware of a petition which has been presented to the County Council seeking funds from the development to be made available to Tewin Cowper School in the village.</p> <p>A letter has been received from a local architect to say that the existing vehicular access for number 56 Upper Green (shown to be closed) is now to be retained and that this has been agreed with the Highway Authority. In addition, an area shown for bin storage should also be omitted from the scheme.</p>	<p><i>the submitted bat survey dated June 2012 and the mitigation and compensation measures contained therein.</i></p> <p><u>Reason</u> <i>To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007</i></p> <p>The County Council has indicated that the primary education contribution is intended to fund the provision of additional primary school places in the local school planning area which would be primarily Tewin Cowper School.</p> <p>The applicants have submitted revised drawings to address these issues and condition 2 on the agenda paper therefore requires amendment to refer to the following revised plans:- LSDP10880.01 Rev E; LSDP10880.02 Rev E; and 501201/2/01 Rev A.</p>
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<p><b>5c, 3/12/0145/FP The Bungalow, Ermine Street, Colliers End</b></p>	<p>An amended plan has been submitted showing an alternative layout for the proposed parking associated with the development. This now involves the omission of the turning circle and a reduction in the parking area and the provision of landscaping and trees to help screen the parking area further.</p> <p>One letter has been received from a nearby resident who states that they have no objection to the proposal</p>	<p>The amended plan does show a parking area which will result in less visual impact to the character, appearance and open rural surroundings. However, for the reasons set out in the Committee Report, harm is still associated with the amended parking layout and it does not fully overcome Officers previous concerns.</p>
<p><b>5e, 3/12/0791/FP Fanhams Hall Hotel, Ware</b></p>	<p>Officers understand that the applicants agent has circulated an e-mail to all DC Members dated 4<sup>th</sup> July 2012 attaching a copy of the applicants Business Case.</p> <p>The Highway Authority has clarified that the sustainable transport contribution would fund improvements to existing bus stop provision in the area in order to encourage bus use by staff. The applicants' agent has also written to confirm that, they are now willing to enter into a legal agreement in respect of the sustainable transport contribution.</p>	<p>This information was assessed during the consideration of the application and is addressed in the committee report.</p> <p>Officers consider that the second reason for refusal can be withdrawn as a result.</p>

<p><b>5f, 3/12/0268/FP Dalmonds Wood Farm, Mangrove Lane, Near Hertford</b></p>	<p>Confirmation has been received that the Forestry Commission grant (para. 7.15) would not affect the grant available from the European Commission (para 7.14)</p> <p>Officers understand that an e-mail from the applicant dated 11 July 2012 has been circulated to all members.</p>	<p>In para 7.17, the sum should now read £22,500.</p> <p>In response, Officers would comment that the Council has given consistent advice through its formal pre-application response that the development would be inappropriate in the Green Belt and would alter the character of the area. The viability of the proposal was also raised by Officers as a concern at that stage.</p> <p>The Woodland Management plan is fully considered within the report and it also assesses the characteristics of the proposed development and its benefits in terms of tourism and contribution to the local economy. The provision of riding lessons at the equestrian centre is acknowledged but does not alter the conclusions reached in the report.</p>
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<p><b>5g</b> <b>76 South Street,</b> <b>Bishop's Stortford</b></p>	<p><u>Environmental Health</u> officers recommend a condition relating to air extraction and filtration be applied to any permission.</p>	<p>A condition is considered reasonable in respect of cooking fumes in that it will safeguard the amenities of nearby residential properties and the appearance of the property in accordance with policy ENV1 of the Local Plan.</p> <p>The following condition is therefore suggested:-</p> <p><i>Prior to the commencement of the new use hereby permitted, a scheme for the extraction and filtration of cooking fumes shall be submitted to and approved in writing by the Local Planning Authority. Such approved details shall thereafter be implemented, retained and maintained unless otherwise agreed in writing by the Local Planning Authority</i></p> <p><b>Reason</b></p>

		<p><i>In the interests of the appearance of the development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007</i></p>
<p><b>5h, 3/12/0272/FP Old Clay Pit, St Marys Lane, Hert'fordbur y</b></p>	<p>Officers note that the numbering of the conditions is in error and that there are two numbered No. 5.</p> <p>The applicants agent has indicated that the timescale set out in condition 1 (which currently reads that work shall commence within 4 months) would not be practicable as the Licence they require from Natural England and the mitigation work for badgers will take longer than 4 months. They suggest that 6 months would be appropriate. The Councils legal manager has also commented upon the time limits suggested and queries whether it would be more appropriate to impose a date for completion of the works rather than commencement.</p>	<p>The conditions should be re-numbered accordingly.</p> <p>Government guidance in Circular 11/95 is that conditions requiring the completion of a development should not normally be imposed. However, in this case Officers consider that the combined effect of conditions 1 and 4 will ensure that the development is achieved and landscaped at least within 10 months of the permission being granted.</p> <p>Officers consider it would be reasonable to vary condition 1 to read that work shall commence within 6 months for the reasons given by the applicant. Officers do however then propose that condition 4 - relating to</p>

		<p>timescales of landscaping be shortened to 'within 4 months' of the commencement of development, to ensure that this is undertaken in a timely manner and can be achieved by the end of the spring planting season 2013.</p> <p>At Para 7.9 of the Report reference is made to bats. Bats were not found; it should read 'birds and badgers'.</p> <p>For clarification, at Para 3.4 the comments from HMWT pre-dated the submission of the ecological survey. No further comments were received since the further submission.</p>
<p><b>5j, E/12/0052/A Gravelly Lane, Braughing</b></p>	<p>Braughing Parish Council has written to object to the recommendation put forward by Officers. They consider that this is yet another example of the developer ignoring the conditions of the permission without any enforcement action being taken. The lack of action brings the whole planning system into disrepute. They request that,</p>	<p>It is important to note that the enforcement of planning control should only be taken where it is expedient to do so in the public interest – i.e. where the development carried out is harmful in a demonstrable way. This is established in the Councils own enforcement policy. In this case, officers consider that</p>

	<p>at the least, the developer must apply for retrospective permission and, ideally, full enforcement of the legislation be undertaken.</p> <p>The developer has indicated that an application to regularise matters is anticipated to be submitted this week.</p>	<p>the breach (the increased height of this part of the building) is not detrimental to the appearance of the development itself or the surrounding area.</p> <p>The enforcement system does not exist to implement punitive measures, but instead, seeks to regulate and resolve any harm caused.</p> <p>The local planning authority cannot require the submission of an application for planning permission but must consider any breach of control carefully against the policies of the Local Plan and assess whether it is expedient to take any enforcement action. There is a risk of costs being awarded against the Authority if it cannot properly substantiate, on planning grounds, a decision to take such action.</p> <p>Noted – officers have encouraged the applicant to submit this as soon as possible.</p>
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