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Chairman and Members of the
Development Control Committee

Your contact: Peter Mannings
Extn: 2174
Date: 13 September 2012

cc. All other recipients of the
Development Control Committee
agenda

Dear Councillor,

DEVELOPMENT CONTROL COMMITTEE – 12 SEPTEMBER 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 Officer
East Herts Council
peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT CONTROL COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 12 SEPTEMBER 2012
TIME : 7.00 PM

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East Herts Council: Development Control Committee

Date: 12 September 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
5a 3/11/0554/O P Terlings Park, Eastwick	<p>Following further discussion and representations received, Officers recommend that the following minor alterations are made to the recommendation or points of clarification noted:-</p> <ul style="list-style-type: none"> • For clarification - reference to 'any subsequent planning application' in the recommended legal agreement will be a reference to any 'reserved matters' application. • Officers recommend that the applicant is required to either make the highway improvements to the A414 to create a new Pelican Crossing or to provide a financial contribution of £60,000 towards such works. • The approved plan numbers referred to in 	

	<p>Condition 3 are D1001P3, D1005P3, D1004P4, D1003P5, D1002P6 and F1100P1.</p> <ul style="list-style-type: none"> • The plan number referred to in Condition 5 is D1004P4. • Officers recommend that Condition 2 is amended to state: The residential development hereby permitted, including ancillary buildings and any underground car parking, shall not exceed a total gross internal floor space of 37,068 sq.m. • The proposed parameter plans have been amended in order to extend the 'area of no built form' to include the root protection areas as shown on the Tree Retention Plan and to include an additional area along the boundary of the site with Eastwick Road and along the access into the site. • Further to Paragraph 7.27 of the Committee report Essex County Council have been informed of highway improvements on their land that Hertfordshire Highways have requested and have not raised any objections to this. • The Council's Engineers have commented 	<p>The comments from the Engineers are noted</p>
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	<p>that the application site is partly within Flood Zones 2 and 3 and part of the site is affected by overland surface water flows. The option of having a SUD's system which is adopted by the Council within amenity land has been discussed with the applicant.</p>	<p>and Officers would expect further details in respect of SUD's to be submitted with the remaining full details at a Reserved Matters stage.</p>
<p>5c 3/12/1094/FP Whitehall Leys</p>	<p>One additional neighbour representation has been received which states that they were pleased to see the application for 7 dwellings was not approved and that their only comment on the current application is that the dwellings should fit into the area and the landscape.</p>	<p>Noted and addressed in report</p>
<p>5d 3/12/ 0140/FP Land adj 99 High Street Watton at Stone</p>	<p>The Highway Authority has commented that it does not wish to restrict the grant of permission. The proposal is acceptable in a highways context, sufficient off-road parking is provided and there are no alterations to the point of access onto the public highway</p> <p>Neighbour responses have been received from No 1 and No 3 Whitehouse Close, raising issues of over-development; loss of privacy to no 1;</p>	<p>Additional conditions are recommended by officers to cover working hours and retention of obscured glazing as follows:-.</p>

	<p>overshadowing, and impact from construction works. A request is made for conditions to:-</p> <ul style="list-style-type: none"> • to prevent vehicles stopping on the access road during delivery and for deliveries to be onto the plot • for working hours to be restricted to 9am – 5pm weekdays with none at weekends due to noise and proximity • to enforce the obscured windows at second floor level • to secure a schedule of cutting back to be agreed to the conifer hedge and nearby conifer tree to ensure they are cut in stages avoiding damage to their foundations • to secure the protection of trees overhanging the plot 	<p><i>In connection with the site preparation and construction works hereby permitted no plant or machinery shall be operated on the site before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.</i></p> <p><i>Reason</i> <i>To safeguard the amenities of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.</i></p> <p><i>The proposed dormer windows in the north east elevation shall be fitted with obscured glass and fixed shut and shall be permanently retained in that condition.</i></p> <p><i>Reason</i> <i>To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.</i></p> <p>A condition for tree protection is already recommended.</p>
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		Parking on the access road is a civil matter and cannot be addressed by planning condition. Works to boundary hedging is not required to make the development acceptable.
5f 3/12/1194/FP Paradise Wildlife Park	Brickendon Parish Council has no objection to the application. The County Archaeologist confirms that the proposals are unlikely to impact on significant archaeological assets and therefore raises no objection	
5g 3/12/1195/FP Paradise Wildlife Park	Brickendon Parish Council has no objection to the application The County Archaeologist confirms that the proposals are unlikely to impact on significant archaeological assets and therefore raises no objection	
5h 3/12/1196/FP	The County Archaeologist confirms that the proposals are unlikely to impact on significant	

<p>Paradise Wildlife Park</p>	<p>archaeological assets and therefore raises no objection</p>	
<p>5k The Old Mission Hall, Chipping</p>	<p>Officers understand that the agent for the appellant has circulated an e-mail to all DC Members dated 10th September 2012.</p> <p>It is suggested that the evidence submitted with the Certificate of Lawfulness application was not considered on the 'balance of probabilities' but on the higher proof of evidence i.e. 'beyond reasonable doubt'.</p> <p>An appeal has been lodged against the refusal of the certificate and the agent has indicated that the applicants also intend to make a claim for costs against the council.</p> <p>They also indicate that an appeal against any enforcement notice will be lodged and, again, a costs claim made.</p>	<p>Officers are satisfied that the correct tests have been applied in order to assess the evidence submitted in this case. It is necessary for the applicant to show a <i>continuous</i> use of the building over the relevant four year period and Officers are not satisfied that the evidence submitted does so. Some documents submitted with the CLEUD application are not originals and appear to have sections of the documents, including signatures and dates, altered or copied over.</p> <p>Officers note the comment and are aware of the appellant's right to appeal and to claim costs. However, Officers consider the decision to refuse the CLEUD application to</p>

		be sound and justifiable on appeal. No change to the recommendation is made.
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