

# Public Document Pack



Chairman and Members of the  
Development Control Committee

Your contact: Peter Mannings  
Extn: 2174  
Date: 11 October 2012

cc. All other recipients of the  
Development Control Committee  
agenda

Dear Councillor,

## **DEVELOPMENT CONTROL COMMITTEE – 10 OCTOBER 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 – 6)

Yours faithfully,

Peter Mannings  
Democratic Services Officer  
East Herts Council  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

**MEETING** : DEVELOPMENT CONTROL COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 10 OCTOBER 2012  
**TIME** : 7.00 PM

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## East Herts Council: Development Control Committee

### Date: 10 October 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
<b>5b, 3/12/1235/FP Rochfords, Birch Green</b>	One additional letter of representation has been received which express no objection to the development	
<b>5f, 3/12/1278/FO Tesco Stores, Lancaster Way, B/S</b>	A letter has been received from the applicant's agent following the publication of the report. They indicate that:- <ul style="list-style-type: none"> <li>• The Noise Assessment submitted in support of the application demonstrates that the proposal will not have any detrimental impact on neighbours</li> <li>• No public safety concern has been raised in relation to the current operation of the petrol filling station and the 24 hour operation of the adjacent store</li> <li>• The applicant would provide any necessary security measures to ensure public safety is maintained</li> </ul>	These matters are referred to in the report.

<p><b>5f, 3/12/1278/FO Tesco Stores, Lancaster Way, B/S cont'd</b></p>	<p>To give Members comfort however, the applicants agent suggests the following additional condition:-</p> <p><i>If, within six months of the hours to extend the opening of the PFS being implemented, antisocial behaviour not previously identified becomes apparent it must be reported in writing immediately to the Council. An investigation and risk assessment must be undertaken to review the issues and where necessary a solution shall be submitted to and approved in writing by the local planning authority.</i></p>	<p>Officers cannot recommend that the suggested condition be applied. The information currently available does not demonstrate a sufficient link between the opening hours of the PFS and antisocial behaviour.</p> <p>In addition, the proposed condition is not considered by Officers to be clear and precise in its requirements. There is no information in relation to existing levels of antisocial behaviour which could be used as a benchmark for future judgements and it is unclear what scope any investigation and risk assessment might have or what criteria would be used to judge the necessity for any 'solutions'.</p> <p>Officers therefore consider that it would fail the tests in Circular 11/95.</p> <p>It is not considered appropriate, in relation to the tests, to endeavour to formulate a condition which seeks to pre-empt future circumstances. This will always lead to uncertainty and therefore inability to meet the necessary tests. As a result, Officers remain of the view that it is necessary to seek anti-social behaviour prevention measures to be implemented as part of the development proposals if the evidence supports it. In this case, information available currently doesn't do so. Officers understand that police representatives are to attend and speak at the meeting. Advice can be provided</p>
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	<p>The Councils Anti-social Behaviour and Projects Officer indicates that concerns have been raised in relation to anti social behaviour in other car parks in the town.</p>	<p>in relation to any further information made available through that process.</p>
<p><b>5g</b> <b>3/12/0424/FP</b> <b>Johnsons</b> <b>Crossing</b> <b>Bishop's</b> <b>Stortford</b></p>	<p>The Parsonage Residents Association have written to object to the proposal and in particular its design; standard of construction and impact on local wildlife habitat. Whilst preferring to see the bridge removed and redesigned, they accept that this is unlikely to happen and wish to see the current bridge made safe for all users.</p> <p>Officers understand that a local resident has circulated an e-mail to all members of the committee dated 9 October 2012 enclosing representations that he will be referring to during public speaking at the meeting.</p> <p>The Councils Solicitor refers to the potential need for conditions to deal with the issues raised by the Councils Landscape and Engineering Officers.</p>	<p>The design and impact of the bridge and wildlife issues are considered within the committee report. There is no evidence that the surfacing on or approaching the bridge is unsafe and, in any event, this would be an on-going maintenance matter for the land owner rather than a material planning consideration.</p> <p>Noted – no further conditions are suggested as the current landscaping condition proposed addresses the matters raised by the Landscape Officer. It is not considered necessary or reasonable to apply further conditions in relation to flood risk matters.</p>

<p><b>5k, E/12/0048/A Grill 55, South Street, B/S</b></p>	<p>The owner of the restaurant has written to Officers indicating that, as they are located at first floor level, they consider that signs have to be more prominent than those at street level. A small fascia sign at street level is not considered to be sufficient for their advertising purposes.</p> <p>They do indicate, however, that they are willing to negotiate with Officers and they propose the removal of the central banner and the shortening of the other banners at the site.</p>	<p>Officers cannot agree that first floor signage is required to be more prominent than that at street level, particularly given the location of this site within the Conservation Area.</p> <p>Whilst the applicant is encouraged to consider alternative advertising proposals for the site, the proposal put forward is considered by officers to be equally unacceptable, particularly given the earlier appeal decision for fewer banner signs at the site.</p> <p>Officers will consider any alternative proposals submitted through the pre-application or application process, but the existing unauthorised signage is harmful and should be removed in the meantime.</p> <p>No change to the recommendation is suggested in this case.</p>
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