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Chairman and Members of the  
Development Control Committee

Your contact: Peter Mannings  
Extn: 2174  
Date: 21 March 2013

cc. All other recipients of the  
Development Control Committee  
agenda

Dear Councillor,

## **DEVELOPMENT CONTROL COMMITTEE – 20 MARCH 2013**

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 Officers  
East Herts Council  
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**MEETING** : DEVELOPMENT CONTROL COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 20 MARCH 2013  
**TIME** : 7.00 PM

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## East Herts Council: Development Control Committee

**Date: 20 March 2013**

**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>5a,</b> <b>3/12/2138/FP</b> <b>Bengeo</b> <b>Nursery,</b> <b>Sacombe</b> <b>Road</b></p>	<p>The <u>Council's Engineers</u> comment that the site is within flood zone 1 and the Flood Risk Assessment incorporates a good example of a range of SuDS drainage schemes.</p> <p>Three further individual letters of objection have been received which raise the same concerns as set out in paragraph 5.7 of the report.</p> <p>In addition, Molewood Residents Association has submitted additional sheets in respect of the petition referred to in paragraph 5.4 of the report, which increases the number of signatories by 453.</p>	<p>These matters are covered within the report before Members.</p> <p>No change to recommendation.</p>
<p><b>5b</b> <b>3/12/2154/FP</b> <b>71-77 South</b> <b>Street,</b> <b>Bishop's</b> <b>Stortford</b></p>	<p>The <u>Council's Engineers</u> comment that the site is located in Flood zone 2 (due to an historic flood event in 1947) and partly within Flood zone 1. The site is also entirely within overland surface water inundation flows. There are no historical flood incidents shown at the site other than the 1947 event. They consider the</p>	<p>The Environment Agency have removed their earlier objections regarding flood risk on site, and consider the FRA to be acceptable. Condition 28 requires full details of the surface water drainage system prior to the commencement of development. This is considered to adequately cover the matter.</p>

	<p>developer's Flood Risk Assessment to have insufficient detail related to the design layout and the need to locate surface water systems and connections. They comment that if the redevelopment is able to reduce the impermeable area then it could be possible to construct above ground SUDs/green infrastructure within its boundaries particularly if the footprint of the buildings were reduced further. This would provide a better solution than the poor quality underground SUDs which currently appears to be suggested.</p> <p>The <u>Environment Agency</u> have confirmed that an amended drawing 1440-SK-05 satisfactorily addresses the design of the regrading of the riverbank.</p>	<p>Condition 23 is therefore no longer necessary. Condition 2 should be amended from 1440-SK-03 to 1440-SK-05. This condition will ensure that the development is carried out in accordance with the approved details.</p>
<p><b>5c</b> <b>3/12/2122/FP</b> <b>Bentley House,</b> <b>Pegs Lane,</b> <b>Hertford</b></p>	<p>In response to the amended plans, The Council's <u>Landscape Officer</u> has retained his recommendation of refusal. He considers that the proposal would result in significant tree loss and a severe visual impact upon the general street scene and approach road. Indicative new planting is not considered to mitigate for the loss of these trees.</p> <p><u>The Council's Engineer</u> has stated that the proposed development is suitable for above ground type sustainable drainage systems (SuDS) and could</p>	<p>Officers consider that the amended landscaping proposal provides adequate mitigation for the loss of trees. The green character of Pegs Lane would continue to be an integral part of the character and setting of Bentley House and the mature trees located adjacent to Pegs Lane would soften both the frontage of the building and the new parking area. Subject to the same conditions, no changes to the recommendation are proposed.</p> <p>Whilst the development would introduce habitable space at the lower ground floor of the building to replace an internal car parking area, the site is not in a</p>

	<p>benefit from the introduction of green infrastructure that could intercept surface flows.</p> <p>The Highway Authority confirms that the amended plans remain acceptable and have no implication on the public highway. They do not wish to amend their previous response.</p>	<p>flood risk zone and there is only a modest increase the amount of built form and hard surfacing at the site. It is not therefore considered that the development, which is principally a change of use of the building, would give rise to additional flooding problems that would require a controlling condition.</p>
<p><b>5d</b> <b>3/13/0137/FP</b> <b>Libury Hall,</b> <b>Great Munden</b></p>	<p><u>HBRC</u> have commented that from an ecological point of view the proposal is acceptable provided that the LPA applies the three derogation tests prior to making a decision on the planning application. If permission is granted then appropriate mitigation methods will be required as set out in the Ecological Report.</p>	<p>As <u>HBRC</u> have not raised any objections to the proposal in respect of the bat survey, <u>Recommendation (B)</u> on page 94 of the report is no longer required.</p> <p>Officers have applied the three derogation tests as set out in the report and therefore recommend that planning permission is granted subject to the conditions set out at the head of their report. <u>Recommendation (A)</u> is therefore amended to read 'that planning permission be GRANTED subject to..' [the conditions]</p> <p>However, it is recommended that <u>condition 12</u> is replaced with the following condition:</p> <p>The development hereby permitted shall be carried out in accordance with the details of the Ecological Survey, October 2012 and the mitigation measures contained therein unless otherwise agreed in writing by the Local</p>

	<p>The Council's <u>Engineers</u> have commented that the site is within Flood Zone 1 and there are no historic flood incidents recorded for this site. However, it is recommended that the applicant makes use of above ground sustainable drainage systems (SUD's).</p>	<p>Planning Authority. Reason 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.</p> <p>Having regard to the scale of development that is proposed and the previous planning permission that was granted without the requirements for SUD's and remains extant, Officers consider that it would be unnecessary and unreasonable to impose a condition to require SUD's in this case.</p>
<p><b>5e.</b> <b>3/12/2150/FP</b> <b>3/12/2151/AD</b> <b>3/12/2152/FP</b> <b>3/12/2153/FP</b> <b>The Archers,</b> <b>Havers Lane,</b> <b>Bishop's</b> <b>Stortford</b></p>	<p><u>County Highways</u> have commented on application ref. 3/12/2151/AD that the proposed signage has no implications on highway safety. On application ref. 3/12/2152/FP they have commented that the highway authority would not expect there to be any significant highway related issues as a result of an ATM being inserted in the front wall of the building as most journeys are likely to have dual purpose.</p> <p><u>Bishop's Stortford Town Council</u> has objected to application ref. 3/12/2151/AD commenting that excess lighting and illumination will cause disturbance to the surrounding residents and the hours of operation are a concern to the Town Council. The proposals are against ENV29 (some elements) and LRC11.</p>	<p>No changes to the report</p> <p>The impact of the proposed illuminated signage has been considered in the report. Policy LRC11 relates to the retention of community facilities. This policy is not therefore relevant to the consideration of the application for advertisement consent.</p>

	<p>One further letter of objection has been received to all applications.</p> <p>Officers understand that a local resident has circulated two e-mails to all DC Members dated 13 March 2013 and 14 March 2013 which outlines the concerns of the Havers Action Team on the applications; makes comments on the submitted Noise Survey and provides details of other Tesco applications elsewhere in the Country.</p>	<p>The comments made in this letter are addressed in the report.</p> <p>The concerns raised by the Havers Action Team are addressed in the report.</p> <p>The Council's Environmental Health Team has been consulted on the information circulated in relation to the submitted Noise Survey. Environmental Health have commented that para. 5.1 of the Noise Survey says as the plant equipment/configuration would be practically inaudible at the assessment position, the features listed in Section 8.2 of BS 4142:1997 could not be determined. Environmental Health have commented that as the equipment cannot be heard at the measurement point, no correction (e.g. +5dB) should be applied for tonal or impulsive characteristics of the noise. They therefore disagree with the analysis attached to the circulated e-mails.</p> <p>The submitted Noise Survey indicates that the air conditioning units will not operate between 23:00 and 7:00. As however the noise generated by these units will be unlikely to give rise to complaints from local residents and in accordance with Section 9 of BS 4141:1997 would be of 'marginal significance', it is considered that a condition restricting the hours of operation of the air conditioning units would be unreasonable.</p>
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<p><b>5f. E/11/0176/B 9 Cublands, Hertford</b></p>	<p>Following the completion of the committee report, Officers have been made aware that alterations have been made to the unauthorised development involving an alteration to the fencing and low brick wall.</p> <p>Photographs of the current situation will be available at the meeting</p> <p>The Councils <u>Solicitor</u> suggests that the period for compliance should be altered as this may require planting to be undertaken outside of the accepted planting season.</p>	<p>Although alterations have been made, there remains an element of the fencing (a gateway) that encroaches significantly into the amenity planting area. This constitutes a continuing breach of planning control and no change to the recommendation is proposed.</p> <p>No change is recommended in this respect. This is because of the limited amount of planting required and its location close to the residential occupiers property. This means that it can be monitored and tended with ease outside of the planting season. In addition, the authority has the ability to be flexible with regard to compliance periods without the requirement for further authorisation from the committee.</p>