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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Extn: 2174
Date: 18 September 2014

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE – 17 SEPTEMBER 2014

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 – 14)

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council
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MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 17 SEPTEMBER 2014
TIME : 7.00 PM

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East Herts Council: Development Management Committee

Date: 17 September 2014

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>5(a)</p> <p>3/13/1925/OP, Former Sainsbury's Depot, Buntingford</p>	<p>Attached to this schedule are the recommended Heads of Terms and conditions for this application. It was indicated in the report that these would be provided to Members at the Committee meeting.</p> <p>1 further letter of representation has been received which comments that the proposed development would benefit from the Secured by design scheme and a condition should be attached that the scheme meets the criteria of a full Secured by Design award. It further comments that Hertfordshire Police should be consulted and their Architectural Liaison Officer/Crime Prevention Design Advisor involved.</p> <p>It is recommended that the following recommendation be included:</p> <p>(C) That the Head of Planning and Building Control, in consultation with the Chairman of the Committee and a minimum of one of the two local ward Members (whilst informing both ward members at all stages of</p>	<p>Comments noted. The Crime Prevention Design Advisor, Herts Constabulary has commented on the application that they have no issues with the proposal and that they will not be opposing the development.</p>

	<p>any relevant action or decision) be authorised to make amendments to the heads of terms and all related matters in relation to the legal agreement and to add or remove conditions and directives and make such changes to the wording of them as may be necessary to ensure a satisfactory development.</p> <p>Members are to disregard paragraphs 7.41-7.42 as ‘The Planning System: General Principles (2005)’ has been superseded by the National Planning Practice Guidance (NPPG). Paragraph 014 of the NPPG states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.</p>	<p>Given the current status of the draft District Plan, Officers remain of the view that a refusal on the grounds of prematurity would not be justified.</p>
<p>5b 3/14/0528/OP and 3/14/0531/OP South of Hare Street Road, Buntingford</p>	<p>Subsequent to the dispatch of the committee report the appellant has indicated agreement to the following matters both relating to the recommendation in the report and additionally:</p> <ul style="list-style-type: none"> - Funding provision of £6000 toward a school site search exercise and a phasing restriction preventing Area 3 (3/14/0531/OP) coming forward for development prior to the identification of such a site (subject to a long stop date) - Funding provision of £15,000 toward highway modelling 	<p>These payments are in addition to those in the current draft agreement provided by the appellants – which cover other infrastructure matters. The payments are offered on the basis that matters can be concluded through delegated arrangements by 1 December 2014.</p> <p>The funding offers for school site search and highway modelling are pro-rata similar to those offered by the applicant in relation to the proposals at the former Sainsbury’s site (5a above)</p>

	<ul style="list-style-type: none"> - Funding provision toward an employment provision fund (amount to be agreed) - Funding provision of £75,000 toward the establishment of a local Hopper bus type service, paid prior to the occupation of more than 10 dwellings in Area 2 (in addition to sustainable transport contributions) 	<p>No phasing restriction is offered in relation to highway modelling and no further contribution is offered should that modelling identify that further works of mitigation are required. However, the £75,000 toward a local bus service is an additional funding stream. Further assessment can be undertaken to consider the CIL regs compliance of this additional funding. At this stage, Members are recommended to endorse the funding offer with the caveat that consideration can be given to utilising the funding offered for highway mitigation measures if any are identified from the modelling work. No further additional funding would be sought however.</p> <p>The appellant clarifies that these funding streams will be withdrawn if the matter proceeds to the current planned appeal.</p> <p>Given this further submission, Officers are of the view that the caveats set out in the report (covering Employment, Highways and Education matters) are acceptably met and can be removed from the recommendation.</p> <p>Recommendation A remains that the Council would be minded to GRANT permission, but without caveat</p> <p>Recommendation B remains that delegated</p>
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	<p>Members are to disregard paragraphs 7.12-7.13 as 'The Planning System: General Principles (2005)' has been superseded by the National Planning Practice Guidance (NPPG). Paragraph 014 of the NPPG states that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.</p> <p>In response to amended plans, the Council's <u>Landscape Officer</u> recommends consent. They comment that the revised proposals no longer extend the built form right up to the tree belt on the high ground, and provide an area of natural separation to give an improved setting for the new housing within the wider landscape. The development does not now, in their opinion, exceed the overall landscape capacity of the site. They conclude that the creation of a broad linear open space along the extent of the eastern boundary now retains a rural connection with</p>	<p>authority be granted to further engage with the appellants but that the scope of that be widened to include (subject to the consultation specified) authority to determine resubmitted development proposals (which are not materially different) and deal with all matters relating to the completion of legal agreements and planning conditions.</p> <p>Given the current status of the draft District Plan, Officers remain of the view that a refusal on the grounds of prematurity would not be justified.</p> <p>No further comment.</p>
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	<p>the landscape to the east.</p> <p><u>NHS England</u> confirm that their previous comments and requests for financial contributions remain relevant.</p> <p><u>Affinity Water</u> comment that the site is located in the groundwater Source Protection Zone (SPZ) of Hare Street Pumping Station and that works should be done in accordance with the relevant British Standards and Best Management Practices to significantly reduce the groundwater pollution risk.</p> <p><u>Buntingford Town Council</u> maintain their objection for the reasons set out in the report, and state that despite revisions to the landscape proposals, the revised plans would not result in a lessening of the impact on the Wyddial Plateau.</p> <p>7 no. additional letters of representation have been received and make the following additional points:</p> <ul style="list-style-type: none"> - The landscape revisions will still lead to an unacceptable and intrusive development onto the Wyddial Plateau; - Overdevelopment should not be allowed; - Wheatley’s proposed mitigation to build 1 or 1.5 storey houses on the higher land is ludicrous as these homes would be occupied by the elderly and less able with difficult access to the town; - Unsustainable development due to lack of employment and a railway station; 	<p>Noted.</p> <p>Noted. A condition to require further land contamination work would be recommended in the event of an approval.</p> <p>Noted – please refer to the Landscape Officer’s comments above.</p> <p>Noted – many of these issues are already addressed in the Committee report. The loss of agricultural land weighs against the proposal, but is not considered harmful to outweigh the benefits. The Highway Authority have raised no objection to the proposed works on Hare Street Road, and the details will be subject to their approval.</p>
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	<ul style="list-style-type: none"> - Loss of farmland as a valuable resource; - Hare Street Road is too narrow and unsuitable for new developments; - Street lighting should not extend into open countryside, and the traffic island will obstruct large vehicles, buses and cycle events. 	
<p>5(c) 3/13/2223/FP, High Road, High Cross</p>	<p>Officers understand that members have received an update note from the applicants together with an email dated 16th September 2014 setting out the latest amendments to the proposals.</p>	<p>Members will note that a LAP and amenity green space is proposed as part of the development. The applicant has indicated that a Management Company will be set up to manage this space. Officers consider that, in the interests of the future maintenance, upkeep and appearance of those areas, that details of this management company be required to be submitted as part of the S106 legal agreement. The list of s.106 matters should therefore include:-</p> <ul style="list-style-type: none"> • The provision of a Management Company to ensure the long term maintenance of the landscaped and play areas at the site <p>There is a typographical error in Condition 12 which should read:-</p> <p><i>Prior to the commencement of any development, including works to implement the drainage strategy, a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment</i></p>

	<p>Six letters of objection have been received from local residents which raise the following issues:-</p> <ul style="list-style-type: none"> • The development proposes too many houses for High Cross • The proposed play area is inadequate and poorly located beneath a tree • Access to the development is dangerous • Development would not integrate well into the rest of the village • Drainage issues are still not fully addressed • The scheme is low quality which would alter the character of the village • Density, and 3 storey elements, out of keeping with the village • New entrance will remove a number of parking spaces on High Road • Significant impact on setting of a number of listed 	<p><i>(FRA) "Land off Cambridge Road, High Cross Flood Risk Assessment", reference Number 130489/T6, dated 28 November 2013 shall be submitted to and approved in writing by the local planning authority. The drainage strategy shall include a restriction in run-off and surface water storage on site as outlined in the FRA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.</i></p>
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	<p>buildings</p> <ul style="list-style-type: none"> • Insufficient screen planting • Further discussion should be had in respect of the proposed access to the site and the chicane i.e. the chicane could be removed and the access to the development be provided as a roundabout • Query why a strip of land adjacent to North Drive cannot be transferred to the Parish Council • The benefits of the drainage scheme should not be used as justification for the development as the drainage scheme benefits a few houses and not the rest of the village. 	
<p>5(d) 3/14/0607/FP Marsh Lane, Viaduct Road, Ware</p>	<p>Ware Town Council has commented that they have no objections to the amended scheme and welcome the changes to the design to incorporate pitched roofs.</p> <p>The Council's Conservation Officer has commented on the amended scheme that in assessing the proposed mass, scale, design and use of materials against the identified character of Amwell End Conservation Area, these elements are considered in keeping with the function of the unit as a hotel and reflect the wider architectural character and appearance associated with Conservation Areas. They comment that the proposal would have little or no impact on this architectural or historic character and appearance associated with Ware Conservation Area to which the site addresses.</p>	<p>Noted</p> <p>Noted</p>

	<p>Officers understand that the applicant has circulated a letter to all Members of the Committee which outlines the amendments made to the proposed development.</p>	<p>Revised conditions:</p> <ol style="list-style-type: none"> 1. Delete condition 15, as it is the same as condition 12 2. Amend the wording of conditions 12 and 16 to read “Neither the hotel nor the restaurant hereby permitted shall be occupied prior...” <p>The amendment under 2 is to allow the construction and opening of the new Youth Centre without needing to provide information primarily related to traffic and parking generated by the hotel and restaurant.</p>
<p>5(e) 3/14/0992/FP Sainsbury’s Hartham Lane Hertford</p>		<p>Inadvertently planning conditions were omitted from the report.</p> <p>These cover the amended hours relaxation as proposed by the application, and also continue the existing agreed provisions related to the approved landscaping and retail use at the site. As follows:</p> <p>The retail store hereby permitted shall only be open for customers between the 07:00 and 22:00 hours Mondays to Saturdays, 07:00 and 22:00 hours on</p>

		<p>Bank Holidays and for no more six hours between 07:00 and 22:00 on Sundays. Reason: Having regard to the amenities of nearby residents and in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.</p> <p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the areas shown for landscaping on the plans hereby approved shall be retained and maintained as open landscaping, and shall not be developed, enclosed or used in any way that is detrimental to that character. Reason To ensure the continuity of amenity value afforded by the approved landscaping, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority. Reason To ensure the Local Planning Authority retains</p>
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	<p>The applicant has forwarded a Certificate B which meets the legal requirements to notify others with a legal interest with the site.</p>	<p>control over any future development as specified in the condition in interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.</p> <p>The use of the retail store hereby permitted shall be solely for Class A1 planning use with ancillary A3 Café use. The net retail sales floor area shall not exceed 2328sqm.</p> <p>Reason Having regard to the retail needs tests of the development and to ensure the scale of the use is appropriate to the site, its provisions for car parking and its retail impacts on the town centre in the interest of the appearance of the Conservation Area and in accordance with Policies ENV1 and STC1 of the East Herts Local Plan Adopted Second Review April 2007 and national guidance in PPS4.</p> <p>No change - This is a legal requirement for the applicant, although parties have already been notified via the planning application.</p>
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