

## East Herts Council: Development Management Committee

### Date: 20<sup>th</sup> September 2023

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. 3/21/1756/FUL	<p><b><u>UKPN Substation Access</u></b></p> <p>The agent has submitted an email noting that on page 29 the committee report states “<i>there is no change to the access to the substation</i>”. The agent clarifies that there is a change to the ramped access (there is no ramp at present, but due to the change in site levels there will be in future).</p> <p>The agent confirms that the sub-station will still be accessed in the same manner, via the same route, and access via the same size vehicles is still possible (even with the ramp) as shown on the submitted tracking</p> <p><b><u>Letter from Tesco Stores Ltd</u></b></p> <p>A further letter of objection on behalf of Tesco Stores Ltd has been submitted. Its main points are summarised as:</p> <ul style="list-style-type: none"> <li>- Tesco maintain objection that the proposal is contrary to policy ED1. Balance of benefits do not outweigh breach of policy. Officer’s Report fails to have regard to the breach of Policy BP4 of the</li> </ul>	<p>Officer Comment:</p> <p>The comment on page 29 should be disregarded with regards to the ramp which the agent clarifies is a new feature to respond to the level changes as a result of the development.</p> <p>The applicant has shown through the tracking plans that the substation is accessible for suitable sized vehicles, noting the provision of the ramp.</p> <p>Officer Comment/Response:</p> <p>Addressed in Para 8 Planning Balance and Conclusion in update report. In terms of BP4 in the Neighbourhood Plan, the conflict with policy is acknowledged in the original committee report para</p>

	<p>Neighbourhood Plan which ‘only supports “The regeneration or redevelopment of existing industrial sites to a commercial business facility” but not for retail purposes.</p> <ul style="list-style-type: none"> <li>- Sequential Test should consider whether providing a “neighbourhood foodstore” as part of a local centre at Bishop’s Stortford North or South is sequentially preferable to sanctioning the use of non-policy compliant and protected, allocated employment land.</li> <li>- Paragraph 122 of the NPPF has not been considered in the report. The policy states that: <i>“applications for alternative uses on the land should be supported, <b>where the proposed use would contribute to meeting an unmet need for development in the area.</b>”</i> Tesco Stores suggest that the development would not contribute to meeting an unmet need for the development.</li> </ul>	<p>10.12. This para also directs the reader to the other material considerations which are applied in the balance, acknowledging the conflict with the policy. It is the officers view that the weight given to the policy conflict is appropriate in coming to a conclusion (in section 8 of the update report).</p> <p>Sequential test is set out in para 6.5-6.10 of the update report. Officers still consider (as of September 2023 as they did in December 2022) that there are no available suitable sequentially preferable sites identified within the geographical area agreed with the Planning Service, and the sequential test has been met. This includes the local centres in Bishop’s Stortford South and North which do not include ‘suitable’ sized units. Para 6.9 of the officer report is relevant in the consideration of whether these sites are ‘suitable’ which in the officer’s view, they are not suitable.</p> <p>NPPF para 122 does not direct LPAs to refuse applications for alternative uses where the applicant has not demonstrated whether there is an unmet need or not. The Committee Report acknowledges that the proposal conflicts with the allocation in Policy ED1, and this is given appropriate weight. In this case, other material considerations outweigh the tension identified with Policy ED1 (and Policy BP4 of the Neighbourhood Plan). Even if para 122 was to be applied, the Council accepts the</p>
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	<ul style="list-style-type: none"><li>- Failure to address impact on planned investment.</li></ul>	<p>argument put forward by the applicant that they have demonstrated that there is a qualitative need for additional convenience retail provision in the area, to widen consumer choice and meet the needs of the growing neighbourhood to the north of Bishop's Stortford.</p> <p>Paragraph 10.33 of the original committee report addresses this issue by concluding:</p> <p>"It is concluded that the proposed development would not adversely affect existing committed and planned public and private investment; either in the town centre or the catchment area of the application site".</p> <p>Taking into account all of the evidence - the Council do not consider the scheme will have a significant adverse impact on existing, committed and planned public and private investment in the catchment area of the proposal.</p> <p>The reference to the Sequential Test is only with regards to demonstrating that the nature of this proposal is different from other planned investments. This point was set out in the officer response within the Additional Representations Summary for the DMC on December 7th 2022.</p>
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	<p><b><u>Additional letter of support</u></b></p> <p>One letter of support has been received noting that the proposed Lidl would be an asset to the area and it would provide a great service to families such as mine who are living on a tight budget.</p>	Noted.
<b>5c, 3/23/0440/FUL</b>	<p>The HCC's Growth and Infrastructure Unit have noted that :-</p> <ul style="list-style-type: none"> <li>• The report should refer to the inclusion of nursery provision within the new primary school provision, and</li> <li>• The indexation to be applied to the monitoring fee should read RPI July 2021</li> </ul>	Officers accept this

**Table of errata and updates to reports submitted to Committee.**

<b>Agenda No</b>	<b>Paragraph No</b>	<b>Updates</b>
<b>5a. 3/21/1756/FUL</b>	Pages 50-66	<p>Following a review of the December 7<sup>th</sup> 2022 DMC minutes and notes, and additional representations and correspondence post December 2022, a number of minor changes to the wording of planning conditions have been discussed and agreed with the applicant. It should be noted that the previous resolution to grant permission was given subject to s106 agreement and the following conditions being amended. Conditions 3, 14, 24, 30 and 35 are therefore updated and supersede those referenced in the update report on pages 50-66.</p> <p><i>NB: It should be noted that condition 3 (modifications to development) was worded to secure EV charger bays in convenient locations for disabled users and this was on the request of</i></p>

	<p><i>the DMC members. Condition 14 was reworded to ensure 6 x EV charging points shall be provided for use prior to commencement of the use of the superstore. This was on the request of DMC members. It should also be noted that condition 35 was reworded to ensure the Applicant liaises with the occupiers of the adjoining property at 289 Stanstead Road as part of the process of discharging the planning condition for landscaping.</i></p> <p>The following amendments to the conditions set out in pages 50-66 are recommended:</p> <p><b>Condition 3</b> updated with following <b>new text in bold</b> added:</p> <p>Notwithstanding the details shown on the plans hereby approved the following modifications shall be made to the development and shall be submitted and approved by the Local Planning Authority prior to the commencement of the development:</p> <ul style="list-style-type: none"><li>- Details confirming the location of 7 additional cycle parking spaces within the site;</li><li>- Details (including sections confirming land levels) of the landscape buffer/hedge to be implemented within the site on the northern boundary of No. 289 Stanstead Road.</li><li>- <b>The location of electric vehicle charging points and disabled parking spaces (so that some electric vehicle charging points are conveniently located for disabled users)</b></li></ul> <p><b>Condition 14</b> updated with the following <b>additional text added in bold</b>:</p> <p>No development shall commence until a scheme comprising of 10% of parking spaces being provided with Electric Vehicle Charging Points has been submitted to and approved in writing by the Local Planning Authority. <b>The scheme shall include 6 of the spaces to be equipped with electric vehicle charging points prior to the commencement of the use.</b></p>
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		<p><b>Condition 24</b> updated with following <b>new text in bold</b> added:</p> <p>The development hereby approved shall be constructed and fitted out so that the potential consumption of wholesome water meets 'BREEAM excellent' when measured in accordance with a methodology approved by the Secretary of State. The development shall not be occupied unless <b>written evidence</b> has been submitted to the Local Planning Authority for their written approval.</p> <p><b>Condition 30</b> updated changing the permitted hours on Sunday from 1800 to 1600.</p> <p>The (Class E) retail unit hereby permitted shall not be open to customers outside of the hours 07:00 to 22:00 on Mondays to Saturdays and 10:00 to <b>16:00</b> on Sundays.</p> <p><b>Condition 35</b> updated with following <b>new text in bold</b> added:</p> <p>Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable <b>and details of liaison with the occupiers of the property known as 289 Stanstead Road</b> regarding the detailed design and implementation of the landscaping. The development shall be implemented in accordance with the approved details.</p>
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<b>5c, 3/23/0440/FUL</b>	Condition 16	<p>This condition currently reads as follows: -</p> <p><i>The ground floor area shown on the approved drawings as being for commercial use shall only be used within Use Class E(c) and Use Class E(g)(i).</i></p> <p><i>Reason</i></p> <p><i>In the interests of residential amenity and the vitality of the Town Centre.</i></p> <p>This is over restrictive consequently, the applicant has requested that Condition 16 should now be substituted with the following wording: -</p> <p><i>The ground floor area shown on the approved drawings as being for commercial use shall only be used for such uses as shown within Use Class E.</i></p> <p><i>Reason</i></p> <p><i>In the interests of residential amenity and the vitality of the Town Centre.</i></p> <p>Officers accept this.</p>
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