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Chairman and Members of the
Development Management
Committee

Your contact: Peter Mannings
Tel: 01279 502174
Date: 7 February 2024

cc. All other recipients of the
Development Management
Committee agenda

Dear Councillor,

DEVELOPMENT MANAGEMENT COMMITTEE - 7 FEBRUARY 2024

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 application:

- 5A 3/19/1237/FUL- Residential development for 50 dwellings comprising of one-to-four-bedroom dwellings, including affordable homes, surface water balancing facility, access roads and footpaths and associated landscaping at Land between Hazel End Road and Farnham Road, North of (and Accessed From) Morbury Avenue, Bishop's Stortford, Hertfordshire, CM23 1JJ (Pages 3 – 14).

Please read these papers prior to the meeting this evening.

Yours faithfully,

Peter Mannings
Democratic Services Officer
East Herts Council

peter.mannings@eastherts.gov.uk

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 7 FEBRUARY 2024
TIME : 7.00 PM

East Herts Council: Development Management Committee

Date: 7th February 2024

Summary of additional representations received after completion of reports submitted to the committee but received by 5pm on the date of the meeting and additional considerations

Agenda No	Summary of representations	Officer comments and additional considerations
5a. 3/19/1237/FUL	<p>Lead Local Flood Authority</p> <p>The Lead Local Flood Authority (Hertfordshire County Council) provided updated comments following further information provided by the applicant.</p> <p>The LLFA recommend approval subject to the conditions and informative below:</p> <ol style="list-style-type: none"> 1. Prior to the commencement of development, construction drawings of the surface water drainage network, 	<p>The conditions and informative shall be added to the decision notice in the event of approval. The applicant has agreed to the conditions and informative.</p>

	<p>detailed network calculations using FEH2013 or newer, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drainage Strategy reference 11460-RPT-Flood Risk Assessment_04 dated 11 October 2023 and subsequent Technical Note dated 13 December 2023, and the drainage strategy drawing 11460-00-7102 Rev I09 dated 30 January 2024 prepared by Brand Consulting, and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.</p>	
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	<p>Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF Policies and local policies of East Hertfordshire District Council.</p> <p>2. Development shall not commence until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be</p>	
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	<p>carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority Reason: To prevent flooding and pollution offsite in accordance with the NPPF</p> <p>3. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first use of the development; a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a</p>	
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	<p>timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policies of East Hertfordshire District Council.</p> <p>4. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage</p>	
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	<p>scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:</p> <ul style="list-style-type: none">I. a timetable for its implementation.II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to	
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	<p>secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.</p> <p>Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Hertfordshire District Council.</p> <p>Informative In December 2022 it was announced FEH rainfall data has been updated to account for additional long term rainfall statistics and new data. As a consequence, the rainfall statistics used for surface water modelling and drainage design has</p>	
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	<p>changed. In some areas there is a reduction in comparison to FEH2013 and some places an increase (see FEH22 - User Guide (hydrosolutions.co.uk)). Applications should use the most up to date FEH2013 data. Other planning applications using FEH2013 rainfall, will be accepted if they are currently at an advanced stage. For the avoidance of doubt the use of FSR and FEH1999 data has been superseded by FEH 2013 and 2022 and therefore, use in rainfall simulations are not accepted.</p> <p>Hertfordshire County Council Growth and Infrastructure Team</p> <p>Comments have been received noting that all HCC contributions are being provided</p>	<p>These matters would be secured via the Section 106 Legal Agreement in the event of approval.</p>
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	<p>but could the following minor points be noted:</p> <ul style="list-style-type: none"> • SEND contribution – the project is towards special school places ‘East’. • Monitoring Fees – each HCC contribution will attract a monitoring fee of £340. • Indexation – most of the contributions are index lined to BCIS 1Q2022 except for secondary education (BCIS 2Q2016) and monitoring fees (RPI July 2021). <p>Amenity Group (Swifts)</p> <p>The present biodiversity enhancement plan proposes very limited enhancements in the form of 2 integrated Swift boxes, 2 Sparrow terraces and 2 integrated bat boxes. For a development of this size,</p>	<p>Phase E forms part of a wider development including various ecological enhancements including the provision of a Country Park. Notwithstanding this, it is considered reasonable to amend condition 11 to reflect</p>
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	<p>having integrated features for wildlife on 8% of the buildings is insufficient.</p> <p>The ecological reports and plan were produced in 2019 and since then the revised Silverleys and Meads Neighbourhood Plan was adopted in July 2022. Policy GIP5 states:</p> <p>"d) In order to protect and enhance wildlife in the area and to increase biodiversity, opportunities to incorporate new wildlife habitats and routes of passage of wildlife (for example bat and bird boxes and holes or gaps in fences for hedgehogs) into significant new developments must be sought. Features for bats and birds must be integrated into the fabric of buildings of new development to ensure permanent gains. All building bordering green space will be expected to</p>	<p>the comments received. The newly proposed condition is as follows:</p> <p>Prior to the commencement of development above ground level, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location and details of the biodiversity enhancement measures to be provided. This shall include but not be limited to 15 Swift boxes and 10 bat boxes. The enhancements shall be carried out in accordance with the approved details. Reason: To enhance biodiversity and create opportunities for wildlife and to achieve a minimum 10% net gain in biodiversity in accordance with policies NE2 and NE3 of the East Herts District Plan 2018.</p> <p>The applicant agrees to the amended condition. The amended condition can be</p>
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	<p>incorporate integrated features for wildlife"</p> <p>This development appears to have green space along the east and north sides, including a tree lined avenue and green space within the development. All of the buildings along these sides ought therefore to have integrated wildlife features in accordance with the policy.</p> <p>Further, since 2019, the status of Swift has changed and they are now on the red list of species of conservation concern, having declined by over 50% since 1995.</p> <p>It is noted that the committee report for this development proposes a biodiversity enhancement plan at condition 11. This is welcome but please consider amending the condition to specify Swift rather than</p>	<p>added to the decision notice in the event of approval.</p>
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	<p>bird boxes and to specify a minimum number of each. The reason integrated Swift boxes is preferred is that they conform to the British Standard for integrated bird boxes, BS42021:2022 making them universal. No other types of bird boxes are necessary. Bearing in mind the contents of the Neighbourhood Plan policy set out above I would also suggest a minimum of 15 integrated Swift boxes and 10 integrated bat boxes.</p> <p>Agent</p> <p>The agent for the application noted that paragraph 6.57 of the Committee report should state 75% affordable rent and 25% shared ownership (15 and 5 units, respectively).</p>	<p>The Council's Affordable Housing SPD requires 84% of affordable units to be provided for affordable rent and 16% for shared ownership. The proposed percentages were requested by the Council's Housing Officer in light of national policy. The proposed mix is still therefore considered acceptable.</p>
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