



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 8 NOVEMBER 2017
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)

Councillors M Allen, D Andrews, P Boylan, R Brunton, M Casey, B Deering,
M Freeman (Vice-Chairman), J Goodeve, J Jones, R Standley and
K Warnell

Substitutes

Conservative Group: Councillors P Ballam, S Bull, S Cousins,
D Oldridge and P Ruffles

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Development Management and Council Support, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)

CONTACT OFFICER: PETER MANNINGS
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DISCLOSABLE PECUNIARY INTERESTS

1. A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:
 - must not participate in any discussion of the matter at the meeting;
 - must not participate in any vote taken on the matter at the meeting;
 - must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011;
 - if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
 - must leave the room while any discussion or voting takes place.
2. A DPI is an interest of a Member or their partner (which means spouse or civil partner, a person with whom they are living as husband or wife, or a person with whom they are living as if they were civil partners) within the descriptions as defined in the Localism Act 2011.
3. The Authority may grant a Member dispensation, but only in limited circumstances, to enable him/her to participate and vote on a matter in which they have a DPI.
4. It is a criminal offence to:
 - fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
 - fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
 - participate in any discussion or vote on a matter in which a Member has a DPI;
 - knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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If you think a meeting you plan to attend could be very busy, you can check if the extra space will be available by emailing democraticservices@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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AGENDA

1. Apology

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

4. Minutes – 11 October 2017 (Pages 7 – 20)

To confirm the Minutes of the meeting of the Committee held on Wednesday 11 October 2017.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 21 – 24)

- (A) 3/17/1922/OUT – Outline planning for up to 40 dwellings all matters reserved except for access on Land West of Acorn Street, Hunsdon for Bidwells_(Pages 25 – 48)

Recommended for Refusal.

- (B) 3/17/0645/FUL – Demolition of existing buildings and creation of 64 no. two and three bedroom houses and apartments, associated roads, car parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive at 306-310 Ware Road, Hertford for Persimmon Homes Essex, Tudor Wood Ltd., M A Green and P C Green_(Pages 49 – 68)

Application withdrawn from the Agenda by Officers.

- (C) 3/17/1861/FUL – Construction of seventeen B1(Business) use class units with associated parking and access roads at Watermill Industrial Estate, Aspenden Road, Buntingford for Deed (UK) Ltd (Pages 69 – 84)

Recommended for Approval.

- (D) 3/17/1791/FUL – Construction of sports hall (985m²) with associated changing facilities and car park, with access from Stortford Hall Park at Hockerill Anglo European College Dunmow Road, Bishop's Stortford CM23 5HX for Hockerill Anglo-European College_(Pages 85 – 106)

Recommended for Approval.

- (E) 3/17/2118/HH – Two storey side and single storey rear extension at 1 Beechfield, Sawbridgeworth CM21 9NG for Mrs L Page (Pages 107 – 116)

Recommended for Approval.

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 11 OCTOBER 2017, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Ballam,
R Brunton, B Deering, M Freeman,
J Goodeve, J Jones, P Ruffles, R Standley
and K Warnell.

ALSO PRESENT:

Councillors P Boylan, S Bull, S Cousins,
S Rutland-Barsby and M Stevenson.

OFFICERS IN ATTENDANCE:

Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Victoria Wilders	- Legal Services Manager

179 APOLOGY

An apology for absence was submitted on behalf of Councillor M Casey. It was noted that Councillor P Ballam was substituting for Councillor M Casey.

180 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that Councillor J Jones had arranged the latest in a series of ward walks at 10 am on Friday 13 October 2017.

He also advised that a master planning workshop regarding the Bishop's Stortford South site had been arranged in the Charis Centre, Bishop's Stortford at 7 pm on Thursday 19 October 2017.

181 DECLARATIONS OF INTEREST

Councillor P Ruffles declared a disclosable pecuniary interest in application 3/170392/OUT on that the grounds that he had reacted to the application at an early stage in the consultation and was now fettered. He left the room whilst this application was determined.

Councillor Ruffles also mentioned that, in respect of application 3/17/1010/FUL, he was an old boy of Richard Hale School and retained social links with the school. Councillor J Goodeve commented that her son was a pupil at Richard Hale School.

Councillor Goodeve also mentioned that she was the East Herts representative for Hertford Museum which had written to Officers to comment on application 3/17/0392/OUT.

182 MINUTES – 13 SEPTEMBER 2017

RESOLVED – that the Minutes of the meeting held on 13 September 2017, be confirmed as a correct record and signed by the Chairman.

183 3/17/0392/FUL – MIXED-USE REDEVELOPMENT, INCLUDING PARTIAL DEMOLITION OF EXISTING BUILDINGS, TO PROVIDE UP TO 4,694 SQM RETAIL FLOORSPACE (USE CLASSES A1 TO A5), AN 86-BED HOTEL (USE CLASS C1), 70 RESIDENTIAL FLATS (USE CLASS C3), REFURBISHMENT OF EXISTING CAR PARK TO PROVIDE 143 PAY AND DISPLAY, 40 RESIDENTIAL, 5 CAR CLUB (TOTAL OF 188) PARKING SPACES, ENHANCEMENT OF BUS STATION FACILITIES, NEW PUBLIC REALM AND LANDSCAPING TO RIVERSIDE, AND ASSOCIATED WORKS AND IMPROVEMENTS AT BIRCHERLEY GREEN SHOPPING CENTRE, HERTFORD FOR DIAGEO PENSION TRUST LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/0392/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head introduced the application and detailed the context of the site and the relevant planning history. He also detailed the layout of the existing site and the proposed development. He referred to the proposed enhancements to the bus station and the retention of the car park and the greater focus on the riverside location. Members were shown a number of plan elevation drawings and the Head summarised the proposals for new residential and hotel uses.

Miss Potter and Mr Norman addressed the Committee in objection to the application. Mr Harris spoke for the application.

Councillor S Rutland-Barsby addressed the Committee in support of the application as a local ward Member. Councillor M Freeman read out a statement in objection to the application on behalf of local ward Member Councillor L Radford. He stressed that these points represented the views of Councillor Radford and were not his own.

Councillor B Deering emphasised that his aspiration was for the best that could be achieved on this site. He stated that he had walked around Bircherley Green and the surrounding streets on a very regular basis. He referred to the division of opinion regarding this application and commented on the views expressed by the Hertford Civic Society and Hertford Town Council. He also referred to comments he had received from residents and, in particular, from residents of Folly Island.

Councillor Deering felt that it was significant that the Independent Design Panel was now supportive and he considered it significant that no historic buildings were being demolished and no new roadways were being created. He pointed out that this was a discrete site and approval would not represent a Gascoyne Way moment. He stated that the application would create modern retail floor space whilst opening up the river and improving facilities for bus passengers.

Councillor Deering concluded that the views of the Conservation and Heritage adviser were significant. He referred to the change in parking demand due to the lack of the food store and commented on spare capacity at Gascoyne Way. He highlighted a number of important conditions in the report before stating that he was supportive of the application.

Councillor D Andrews expressed concerns regarding work that had been undertaken with the Environment Agency. He referred to the importance of the area as a habitat and wildlife corridor. He expressed concerns that not enough had been done to improve sustainable transport. He acknowledged that the proposed development would be more attractive than what was already there.

Councillor Andrews commented on a strict time limit for narrow boats being moored close to this site. He commented on the cafe area being in shadow and supported the concerns expressed by the residents of

Folly Island. He expressed support for the proposed development of this site and was pleased that the application had matured to its current form.

Councillor K Warnell commented on the 10% affordable housing contribution and referred to the application being not policy compliant with any viability assessment. He highlighted the views of the Landscape Advisor and referred to the policy of the Authority for 40% affordable housing. Councillor J Jones commented on the proposed health centre and whether there had been any dialogue with the health care provider since the report had been published.

The Head referred Members to the additional representations summary. He highlighted a number of key points and referred to discussions that had taken place between GP surgeries and the Clinical Commissioning Group (CCG). He commented on the likely impacts of a shared health facility on the proposed development. Members were advised of the incompatible objective of the Environment Agency in respect of soft riverside environments given that this was not easily achieved in relation to these proposals which sought to retain the car park buildings on the site.

The Head stated that Officers had and would continue to ensure that the best elements of the scheme were retained in terms of landscaping. Members were advised that very detailed and thorough viability assessments had been carried out in relation to affordable housing provision on this site.

The Head reminded Members of policy tests that had to be met with regard to Section 106 agreements and conditions. He concluded by seeking to assure Members that all of the understandable nervousness and concerns of residents should be managed by the range of conditions proposed. He sought delegated authority to further tweak the conditions and matters covered in the legal agreement, subject to consultation with the

Chairman of the Development Management Committee and at least one local ward Member.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/0392/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report submitted, with authority delegated to the Head of Planning and Building Control to amend, add or delete conditions and matters covered in the legal agreement, subject to consultation with the Chairman of the Development Management Committee and at least one local ward Member.

- 184 3/17/1055/OUT – OUTLINE APPLICATION FOR UP TO 93 DWELLINGS AND ASSOCIATED PUBLIC OPEN SPACE WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS AT CAFÉ FIELD WEST AT LAND TO NORTH OF STANDON HILL PUCKERIDGE FOR MR J BOND
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1055/OUT, subject to a legal agreement, outline planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application which was in outline form with access being the only detailed matter for Members to consider. Members were advised that the application site was slightly larger than that proposed to be allocated in the emerging Standon Neighbourhood Plan.

The Head explained that the completion of the District Plan process and the emerging Standon Neighbourhood Plan would be the best control over the future of development in the village and around the site. Members

were reminded that matters such as planting and dwelling sizes would be covered by the reserved matters application.

Mr Davies addressed the Committee in support of the application. Councillor D Andrews praised the applicant for making the application better than that which had been previously refused by the Committee. He welcomed the contribution towards the bus stops in the vicinity of the site and potential future contributions towards affordable housing and other matters. He referred to potential improvements to the Cambridge Road junction and concluded that he now felt in a position to support this application.

Councillor M Freeman referred to Section 278 agreements and the maintenance of roads to acceptable standards. The Head explained the policy approach of Hertfordshire County Council. Members were advised that building roads to an acceptable standard was the best chance of giving the County Council the option of adopting a road.

Councillor J Jones commented that access onto the A10 would have been more acceptable than the proposed access. He expressed concerns regarding the impact of the application on Puckeridge GP Surgery. He referred in particular to the lack of a figure in the Section 106 agreement for medical infrastructure. The Head advised that Officers had pursued the healthcare provider and the use of the word “potential” in the report allowed Officers the flexibility to continue to explore this with the relevant provider.

Councillor K Warnell emphasised that it was good to see the reduction in units from 160 to the proposed 93. He referred to the sustainability of the application regarding transport and in light of the available employment and other facilities in the town. He sought and was given an explanation as to why this application was judged to be sustainable by Officers when they felt that the previous

scheme had not been sustainable.

The Head assured Members that Officers would be chasing the healthcare provider in respect of the Section 106 provision towards healthcare. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1055/OUT, subject to a legal agreement, outline planning permission be granted subject to the conditions detailed in the report submitted.

- 185 3/17/1222/VAR – VARIATION OF CONDITION 2 (APPROVED PLANS) OF 3/14/1369/FP - DEMOLITION OF FILLING STATION CANOPY, KIOSK, WORKSHOP AND PART OF FORMER GROUND FLOOR SHOWROOM. CHANGE OF USE OF FORMER COACHWORKS AND SHOWROOM BUILDING TO 4 HOUSES AND 9 NEW-BUILD HOUSES. NEW OFFICE BUILDING. ASSOCIATED CAR PARKING, REFUSE AND ACCESS - AMENDMENTS TO APPROVED PLOTS 03 AND 04 DUE TO THE STRUCTURAL INTEGRITY OF THE EXISTING CONSTRUCTION OF THE FIRST FLOOR UPWARDS BEING CONDEMNED. CONVERSION OF FIRST FLOOR UPWARDS NOT VIABLE. REPLACE REVISION 'A' DRAWINGS WITH REVISION 'B' AT FORMER WATERS GARAGE SITE, 9 NORTH ROAD HERTFORD FOR MR N TEDDER
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The Head of Planning and Building Control recommended that in respect of application 3/17/1222/VAR, subject to the completion of a deed of variation under Section 106 of the Town and Country Planning Act assigning the obligations entered into in relation to application 3/14/1369/FP to this application, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. He stated that the applicant

considered that the conversion of the whole building was not structurally or financially viable. The upper floors were to be demolished and replaced with replica new build and the conditions had been transposed from the previous application. Officers were now seeking authority to fine tune the conditions as many or all of the original conditions had been complied with and, therefore, did not need to be reapplied.

Councillor P Ruffles commented that on the west face of the building there was a chimney stack with 4 pots that was significant in that it led into the Georgian regency style development that was evident in North Crescent. He emphasized the importance of these features being reproduced due to their local importance in this area.

The Head assured Members that Officers could ensure that a suitable replica chimney feature was included as part of this application. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1222/VAR, subject to the completion of a deed of variation under Section 106 of the Town and Country Planning Act assigning the obligations entered into in relation to application 3/14/1369/FP to this application, planning permission be granted subject to the conditions detailed in the report submitted and authority delegated to the Head of Planning and Building Control to amend, add or delete conditions and matters covered in the legal agreement subject to consultation with the Chairman of the Development Management Committee and at least one local ward Member.

- 186 3/17/1010/VAR – VARIATION OF CONDITION 4 (LANDSCAPING BUNDS) OF 3/14/0924/FP – ARTIFICIAL TURF PITCH WITH ASSOCIATED FENCING, 6 X14 METRE HIGH FLOODLIGHT COLUMNS AND STORAGE CONTAINER. CREATION OF BUNDS AND AMENDMENTS TO PARKING PROVISION TO PROVIDE 34 PARKING SPACES – PROPOSE TO ALTER AND EXTEND BUNDS AT RICHARD HALE SCHOOL, HALE ROAD, HERTFORD, SG13 8AU FOR MR M BROTHERS
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1010/VAR, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application for a number of modest elements of development on this site. He detailed the relevant planning history. Councillor P Ruffles commented on the current scruffy appearance of the bunds. He stressed the importance of landscaping and planting as well as the importance of the bunds being mowed and maintained.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1010/VAR, planning permission be granted subject to the conditions detailed in the report submitted.

- 187 3/17/1601/FUL – CONSTRUCTION OF A NEW SCIENCE BLOCK AT HOCKERILL ANGLO EUROPEAN COLLEGE, BISHOP'S STORTFORD FOR HOCKERILL ANGLO-EUROPEAN COLLEGE
-

The Head of Planning and Building Control recommended that, in respect of application 3/17/1601/FUL, either delegated authority be granted to the Head of Planning and Building Control to further explore the surface water

drainage issues associated with the development and, subject to their satisfactory resolution, planning permission be granted subject to the conditions detailed in the report now submitted; or, if the issues relating to surface water drainage had been satisfactorily resolved as at the date of the Committee meeting, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application for a new science teaching space on the northern side of the western element of the site. He referred to a building on the site that was of heritage interest as well as other buildings that were either listed or curtilage listed. He stated that a modern building would be introduced into an area of heritage and conservation area interest.

The Head advised that the relationship of the proposed development to residential areas was also relevant. He referred to the proximity of the northern boundary of the site to residential areas with particular reference to Foxley Drive. The application was in 2 phases and no new access was proposed.

The Head referred to the dual recommendation detailed in the report and detailed the reasons for this. Members could proceed to approve the first recommendation if they were comfortable with this approach. Mr Markham and Mr Wyard addressed the Committee in support of the application.

In response to a query from the Chairman, the Head advised that the latest drainage scheme proposed a connection to the main sewer which required Thames Water approval. Officers believed that, if this was agreed, then it was understood that the issue would be resolved. If however, Thames Water refused to grant consent for the connection then a further amended drainage scheme would be required. It was, therefore, still suggested that Members grant delegated authority for Officers to continue these discussions and proceed to determine the

application.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control that delegated authority be granted to the Head of Planning and Building Control to further explore the surface water drainage issues associated with the development and, subject to their satisfactory resolution, planning permission be granted subject to the conditions detailed in the report submitted.

RESOLVED – that in respect of application 3/17/1601/FUL, delegated authority be granted to the Head of Planning and Building Control to further explore the surface water drainage issues associated with the development and, subject to their satisfactory resolution, planning permission be granted subject to the conditions detailed in the report submitted.

188 3/17/1882/HH – SINGLE STOREY REAR EXTENSION AT 18 CHANTRY ROAD, BISHOP'S STORTFORD CM23 2SF FOR MR A BROWN

The Head of Planning and Building Control recommended that in respect of application 3/17/1882/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1882/HH, planning permission be granted subject to the conditions detailed in the report.

189 ITEMS FOR REPORTING AND NOTING

The Head apologised that he had highlighted an incorrect appeal decision at the 19 July 2017 meeting and the

appeal had in fact been allowed at a property known as Highfield Barns. A previous appeal had indeed been dismissed for the conversion of an agricultural building to a residential use. A subsequent challenge had led to that decision being quashed and the appeal was reconsidered and allowed on 22 May 2017.

The Head confirmed to Councillor P Ballam that the two appeal decisions relating to 8 Millbrook Court, Collett Road, Ware, differed in that the application where the appeal was dismissed included a dormer window that was significantly larger than what was proposed by the application where the appeal had been allowed.

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged; and
- (C) Planning Appeals: Inquiry and Informal Hearing Dates
- (D) Planning Statistics.

The meeting closed at 9.23 pm

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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 08 NOVEMBER 2017

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: As identified separately for each application and unauthorised development matter.

Purpose/Summary of Report:

- To enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

RECOMMENDATION FOR DEVELOPMENT MANGEMENT COMMITTEE

That:

(A)	A recommendation is detailed separately for each application and unauthorised development matter.
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1.0 Background

1.1 The background in relation to each planning application and enforcement matter included in this agenda is set out in the individual reports.

2.0 Report

2.1 Display of Plans

2.2 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

- 2.3 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at:
<http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>
- 2.4 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor Suzanne Rutland-Barsby – Executive Member for Development Management and Councillor Support.

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

Report Author: Kevin Steptoe, Head of Planning and Building Control, Extn: 1407.
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities. Priority 2 – Enhance the quality of people's lives. Priority 3 – Enable a flourishing local economy.
Consultation:	As detailed separately in relation to each matter if any are appropriate.
Legal:	As detailed separately in relation to each matter if any are appropriate.
Financial:	As detailed separately in relation to each matter if any are appropriate.
Human Resource:	As detailed separately in relation to each matter if any are appropriate.
Risk Management:	As detailed separately in relation to each matter if any are appropriate.
Health and wellbeing – issues and impacts:	As detailed separately in relation to each matter if any are appropriate.

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT- 8 Nov 2017

Application Number	3/17/1922/OUT
Proposal	Outline planning for up to 40 dwellings all matters reserved except for access.
Location	Land west of Acorn Street, Hunsdon
Applicant	Bidwells
Parish	Hunsdon
Ward	Hunsdon

Date of Registration of Application	17 August 2017
Target Determination Date	16 November 2017
Reason for Committee Report	Major planning application
Case Officer	Hazel Izod

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The site lies outside the existing and proposed village boundaries of Hunsdon and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. However, given the Council's lack of a 5 year housing supply, and having regard to the NPPF, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 1.2 The main issues in this case relate to the benefits of the scheme in terms of housing delivery, the location of the site in relation to services and infrastructure, and economic and social sustainability; balanced against issues raised in respect of primary school education, landscape and visual impact of the development, detailed access proposals, drainage, respecting the setting of a Scheduled Ancient Monument pillbox and the quality of agricultural land which is lost.

2.0 **Site Description**

- 2.1 The site lies to the south of Hunsdon, with Acorn Street to the east, and the B180 to the west. There are existing residential dwellings to the north of the site, including Rectory Close to the northwest, and The Rectory and The Old Rectory to the north. Further north is the village recreation ground and tennis courts.
- 2.2 There is a WWII pillbox Scheduled Ancient Monument to the northwest of the site. To the south of the site are open agricultural fields. The site forms part of a larger field with an arbitrary line now proposed to delineate the site along its southern boundary.
- 2.3 The eastern boundary with Acorn Street is currently open with no boundary screening. There is a mature hedgerow to the west boundary, and some vegetation to the north. The site is undeveloped and reasonably flat, and comprises agricultural land.

3.0 **Background to Proposal**

- 3.1 The application is in outline only, with all matters reserved except for access. The application proposes 40 dwellings including 40% affordable housing with associated open space, parking and landscaping. Land to the north of the site, to the rear of The Old Rectory is outside the red edge but shown as potential recreation land.
- 3.2 The new vehicular access is proposed to the east of the site onto Acorn Street. Indicative potential footpaths are proposed to the north, and to the B180 to the west.

4.0 **Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the pre-submission East Herts District Plan 2016 and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan policy
Principle of development and sustainability	Para 6-16 Section 6	SD1, SD2,GBC2, GBC3, OSV1, HSG1,	GBR2, DPS1, DPS2, DPS3, CFLR10, VILL1, VILL4, DEL2, INT1,

		IMP1	CFLR3, CFLR7, CFLR9
Primary school education capacity	Section 8	IMP1	CFLR10
Layout, design and density	Section 7, 8	ENV1, ENV2, ENV11, LRC3, LRC9	DES3, NE4, HOU2, CFLR1
Affordable housing	Section 6	HSG3, HSG4	HOU3
Heritage assets	Section 12	-	HA1, HA3, HA7
Trees and landscape impact	Section 7, Section 10	ENV2, ENV11, GBC14	DES1, DES2
Access and parking	Section 4	TR1, TR2, TR7, TR12, TR14	TRA1, TRA2, TRA3
Drainage and flood risk	Section 10	ENV21	WAT5, WAT3
Ecology and biodiversity	Section 11	ENV16	NE3, NE4
Residential amenity and noise	Section 7, Section 11	ENV1, ENV24, ENV25	DES3, EQ2
Loss of agricultural land	Para 112, Section 13	-	-

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 **Emerging District Plan**

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan is currently being examined.

5.2 The site has been put forward under the Call for Sites for future allocation in the District Plan. The site has not been allocated as the proposed village policies do not allocate specific sites.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions. It comments that the access road and dimensions appear satisfactory, as does the technical information in the Transport Statement. In respect of sustainability it comments that there are limited local facilities and bus services, and it would expect to see enhancements to the pedestrian permeability of the site, and links to Hunsdon. Sustainable transport contributions are requested.
- 6.2 Lead Local Flood Authority objects to the application on the grounds of an unacceptable Flood Risk Assessment (FRA). The applicant must demonstrate that the development will not increase the risk of flood elsewhere, and where possible reduce flood risk overall. In response to this objection the applicant has submitted additional information, but this has not addressed the issue.
- 6.3 EHDC Engineering Advisor comments that the site lies in floodzone 1 and is mostly unaffected by surface water, although there are some small areas at risk on the south of the site. The site will become much less permeable as a result of the development. The advisor recommends that the infiltration basin also be used as a bio-retention pond to provide some biodiversity and amenity benefits, and swales could be implemented around the south of the site to further reduce flood risk and provide biodiversity benefits.
- 6.4 EHDC Housing Development Advisor comments that 40% of the units would be affordable, and would expect the tenure to be split 75% rent and 25% shared ownership. The units should be split across 1, 2 and 3 bed units.
- 6.5 EHDC Conservation and Heritage Advisor recommends refusal on the grounds of poor urban design. Only one vehicle access point is proposed and this is unacceptable as there is a clear opportunity to provide multiple access points, to create a legible and permeable environment. The advisor also comments that there is a pillbox in the northwest corner of the site that forms part of the Scheduled Ancient Monument 'Hunsdon World War II airfield defences'. The ownership of the pillbox is unclear as the submitted plans show conflicting boundaries. Development up against the pillbox would harm its setting, so any development proposals would need to demonstrate a significant setback. Any development should also improve its overgrown condition and landscaping, and use it as an asset, but this is subject to ownership confirmation.

- 6.6 EHDC Landscape Advisor recommends refusal. There will be no unacceptable impact on trees; however the proposals give the appearance of overdevelopment of the site and local vicinity. The proposed level and amount of development exceeds the landscape capacity of the site, and severely compromises and diminishes the space between settlements. That is to say that the amount of development proposed in terms of building footprint in relation to size of plot in the context of the surrounding area results in an excessive change which cannot be accommodated whilst retaining and, where possible, strengthening existing landscape character and local distinctiveness.
- 6.7 Herts Ecology comments that the existing boundary vegetation provide suitable foraging and nesting habitats for birds, but the arable field is considered to be of low habitat value. At reserved matters stage, all retained and created hedgerows should be incorporated into green infrastructure and buffer zones rather than incorporated into private gardens. All hedgerows and trees should be protected during construction. The Preliminary Bat Roost Assessment concludes that there was no direct evidence of bats, but if any trees are to be removed, further surveys will be required to investigate whether a roost is present or not. Recommendations in the submitted Ecological Appraisal report should be secured by condition. In respect of Priority species farmland birds, the loss is unlikely to result in any significant impacts to the local bird population, but mitigation should be provided on land within the control of the applicant to avoid no net loss of biodiversity.
- 6.8 HCC Development Services objects on the grounds that the impact of this development on primary education facilities cannot be mitigated. It comments that it would expect children in the village to be able to secure a local school place, but Hunsdon JMI School is graded outstanding by OFSTED, is popular with parents, and is full. There are no safe walking routes to any other primary schools in the area, and HCC does not wish to be liable for transport costs. A number of sites have already come forward in the area, and HCC have reached the pooling threshold towards the nominated expansion of the school. Further expansion of the school is not achievable on the existing site, and therefore any future project would require the purchase of additional land, but the cost of such a project is not one that HCC can support at this time due to a significant funding gap.

- 6.9 In respect of library services, it seeks a financial contribution towards the enhancement of IT in the adult lending area at Ware Library, and for youth services towards the MUGA (Multi-Use Games Area)/sports provision for Ware Young Peoples Project in accordance with Table 2 of the HCC Planning Obligations Toolkit. It also seeks fire hydrant provision.
- 6.10 HCC Minerals and Waste comments that regard must be had to relevant waste planning policies. It also comments that the site lies in a sand and gravel pit, and the opportunistic extraction of minerals prior to development is encouraged.
- 6.11 EHDC Environmental Health Advisor raises no objection subject to conditions on contamination, noise, and a Construction Management Plan.
- 6.12 Herts Fire and Rescue Service comments that access and facilities for firefighting should be in accordance with Building Regulations.
- 6.13 Herts and Middlesex Wildlife Trust raises no objection in principle but comments that the proposals should demonstrate that the development will achieve no net loss of biodiversity, and where possible net gains.
- 6.14 Council to Protect Rural England (CPRE) objects on the grounds of inappropriate development in the Rural Area, and the site is outside the village boundary. The sustainability of development in Hunsdon is questionable given that health services and the primary school are already overstretched, and there are limited local facilities, public transport, and employment opportunities. There would also be a loss of best and most versatile agricultural land.

7.0 Hunsdon Parish Council Representations

- 7.1 Objects on the following grounds:
- Contrary to Local Plan policies GBC2, GBC3 and OSV2, and emerging policy GBR2 - the site is outside the village boundary;
 - There are adverse impacts in this case that significantly and demonstrably outweigh the benefits;
 - The cumulative effect of the development with other recent development should be considered;
 - Vehicular access would be preferred from the B180. Concern over safety with speeding traffic and a narrow footway on Acorn Street;
 - The proposed footpath across Parish Council land to the north has not been discussed with the Parish Council and is unacceptable;

- The proposal is unsustainable in transport terms – the majority of trips will be made by car;
- Numerous errors and misconceptions in the Transport Statement – e.g. Roydon is not the closest and most accessible railway station;
- Concerns over surface water drainage due to problems in the area;
- There is a lack of primary school places, and health services are stretched to the limit;
- The development would be affected by noise, vibration, and light pollution from the Hunsdon Skip Waste Transfer Site;
- Impact on an important visual gap between Hunsdon and Hunsdonbury.

8.0 Summary of Other Representations

8.1 66 no. letters have been received raising the following points in summary:

- Unsustainable development;
- Overdevelopment and out of scale - harm to the character of the area and historic character of the village;
- The site is proposed as Green Belt adjustment to compensate for the proposed loss of Green Belt at Gilston;
- Hunsdon has already accommodated its 10% housing growth;
- Increased noise and disturbance;
- Harm from additional cars and traffic – and safety concerns due to single track roads;
- Pavements are too narrow;
- Loss of light, views, and privacy to houses in Rectory Close;
- Inadequate local infrastructure (education, healthcare, water pressure, sewage, and electricity supply);
- Limited public transport services – the bus service on Acorn Street was axed last year, and other services substantially reduced;
- Access should not be from Acorn Street, but the B180 instead;
- Cumulative impact from developments already approved – 40 houses have already been granted recently;
- Harm to wildlife and habitats, and concern over tree removal;
- Indication that houses would be 4-5 bed and out of the price range of local people – smaller houses are desperately needed;
- Site should have been used for the new village chapel;
- Concern over increased flooding as the northeast corner currently floods in heavy rain – this will render the play area unusable;
- Concern over impact on water tables in local wells;
- Impact on WWI historic monuments and local listed buildings;
- Loss of Old Rectory hedgerow to provide access;

- Noise pollution, and smells, from Hunsdon skips will be intolerable for new residents;
- Loss of farmland;
- Erosion of gap between Hunsdon and Hunsdonbury;
- Village is already under pressure from Terlings Park, Gilston, and Harlow North – consideration of this site is premature;
- Developers have not taken community views on board;
- Concern over precedent to build on adjacent field.

9.0 Planning History

9.1 There is no planning history for the site. Members are advised, however, that the following major housing schemes have been determined in the vicinity of the site in recent years:

Ref	Proposal	Decision
3/11/1927/FP	16 dwellings – land south of 10 Acorn Street (now known as Hempstalls Close)	Approved 02.05.2012
3/14/2023/OP 3/17/2030/REM	13 dwellings – land south of Tanners Way	Approved 09.03.2016 Current application
3/15/0260/FUL	12 dwellings – Well House, Acorn Street	Approved 14.06.2017
3/15/0206/OUT	15 dwellings – Hunsdon Lodge Farm, Drury Lane	Refused 20.10.2015 Appeal allowed 17.05.2016
3/15/2217/OUT 3/16/0899/REM	14 dwellings – Hunsdon Lodge Farm, Drury Lane	Approved 27.04.2016 Approved 23.06.2016
3/16/1742/FUL	12 dwellings – Nine Ashes, Acorn Street	Refused 10.03.2017 Appeal underway

9.2 Application 3/16/1742/FUL was refused on the grounds of a harmful landscape/visual impact, and harm to the setting of listed buildings. An appeal is currently underway.

9.3 Application 3/15/0206/OUT was refused on the grounds of surface water drainage, and access issues. This was allowed at appeal.

10.0 Consideration of Relevant Issues

Principle of Development and Sustainability

- 10.1 The site lies outside the defined village boundary of Hunsdon, a Category 1 Village, and therefore within the Rural Area beyond the Green Belt wherein inappropriate development will not normally be permitted. The site also lies outside the proposed boundary for Hunsdon as a Group 1 Village in the emerging District Plan.
- 10.2 Regard is had, however, to the National Planning Policy Framework (NPPF) and its presumption in favour of sustainable development, and the Council's acknowledged lack of a 5 year housing supply. In accordance with paragraph 14 of the NPPF, planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where specific policies in the Framework indicate development should be restricted. It is therefore necessary to consider whether the development will result in any significant adverse impacts.
- 10.3 Emerging policy VILL1 requires that Category 1 Villages accommodate at least a 10% increase in housing stock over the period 1 April 2017-31 March 2033 within the village (currently estimated at 37 houses for Hunsdon). This site, however, is not within the village boundary, and the emerging District Plan cannot be given full weight at this time. Further, policy VILL1 encourages future allocations within Group 1 Villages to come forward through the Neighbourhood Planning process. There is no compensatory Green Belt proposed in this location through the District Plan, as suggested by local residents.
- 10.4 Members will note from the history section above that there have been a number of new major developments approved within the vicinity of the site in recent years, but these have been of a smaller scale (12-16 houses). These sites total 56 new dwellings since 2010, and obviously there have been smaller developments as well, not listed here. The calculation against the emerging policy requirement is made on the basis of housing both permitted and completed within the timescale referred to above. Most of the sites set out above are yet to be completed and all, apart from Well House, were permitted before the time period. The provision of an additional 40 dwellings will make a meaningful contribution to the Council's continuing housing supply need therefore, and carries positive weight for this reason.

- 10.5 The site is located within walking distance of a range of village facilities. Hunsdon has been classified as a Category 1 Village because of the level of services that are available. There is one regular bus service (351) that runs down the High Street and the B180 to the west of the site. The nearest bus stop is located approximately 400m to the north of the site. The service runs between Hertford and Bishop's Stortford approximately 10 times a day Monday-Friday, 4 times a day on Saturday, but with no service on Sundays or Bank Holidays.
- 10.6 There is a pavement along the west side of Acorn Street, and along the west side of the B180. Whilst these pavements provide access to the village, concerns have been raised by both the Conservation and Urban Design Team, and the Highway Authority regarding pedestrian connections. This is discussed in more detail below but in general It is considered that the limited pedestrian connections proposed in this application impact on the sustainability of the proposal.
- 10.7 Whilst it is likely that future residents would be mostly dependent on private vehicles to access higher order services, and employment opportunities (which are limited in the area), there are appropriate services and facilities within walking distance of the site that weigh in favour of the scheme (subject to education availability, see later). The development would also provide some economic benefit through construction, and through economically active new residents with associated spending power. The scheme would also provide some social benefit through the provision of housing, including affordable housing, and support for local services.

Primary School Education Capacity

- 10.8 An objection has been received from Herts County Council in respect of primary school education capacity. It comments that it would not be possible to mitigate the impact of the development on Hunsdon Primary School. The school is already full, and there is no further potential to expand on the current site. It is expected that children should have access to a primary school place within their village, and it would not be sustainable to require young children to travel on a daily basis. This weighs against the sustainability of the proposal.

Layout, Design and Density

- 10.9 The application is in outline form, with only access proposed in detail. Nonetheless an indicative site plan has been submitted which shows the development split into 4 development 'parcels' surrounded by access roads and tree planting. A children's play area is proposed to

the south of the site, with a surface water attenuation feature in the southwest corner, and proposed recreation land to the north, outside the site boundary but within the same land ownership which could be secured by planning obligation. The vehicular access is proposed to the east of the site, onto Acorn Street.

- 10.10 In itself, the indicative layout shows a way in which the site can accommodate 40 dwellings. The proposed density at approximately 22.6 dwellings per hectare is considered to be acceptable in principle in relation to the surrounding area. The density and layout would also allow for appropriate hard and soft landscaping. However, concerns remain in relation to the landscape capacity of the site, and the impact of the development on the character of the area and this is discussed in further detail below.
- 10.11 It is considered that some improvements could be made to the indicative layout, for example by re-locating the children's play area and surface drainage features more centrally within the site, and this could be secured through a reserved matters application.

Affordable Housing

- 10.12 The application makes provision for 40% affordable housing in accordance with policies HSG3 and HSG4. This weighs in favour of the scheme and contributes to its social sustainability. No information has been submitted on tenure split, which would be required to be 75% social rented and 25% shared ownership. This would need to be secured through a legal agreement.

Heritage Assets

- 10.13 The site lies outside the Hunsdon Conservation Area, with the boundary located just over 100m to the north of the site. The site is located on the edge of the village and will therefore form an entrance to the village from the south. A high quality scheme is therefore necessary to respect the setting of the village. Although concerns are raised over the scale of development in relation to the surrounding area, and its visual impact on the surrounding landscape, no objection is raised in respect of the impact of the development on the setting of the Conservation Area.
- 10.14 There is a Grade II listed building to the northeast of the site, The Old Rectory. Adequate spacing and landscaping will be retained between the site and this building to preserve its setting, and no objection has been raised by the Conservation Advisor in this respect.

10.15 In the northwest corner of the site is a pillbox that forms part of the Scheduled Ancient Monument 'Hunsdon World War II airfield defences'. It is unclear whether this lies within the site, and the applicant's ownership, as the submitted plans show conflicting red edge boundaries. Nonetheless, development in close proximity to this pillbox would harm its setting, so any development proposals would need to demonstrate a significant setback. Whilst it is acknowledged that the layout is only indicative at this stage, further information is required to satisfy the Local Planning Authority that no harm would arise to this Scheduled Ancient Monument as a result of the development. Any development should also improve its overgrown condition and landscaping, and seek to use it as an asset.

Trees and Landscape Impact

10.16 There is limited vegetation on site – some hedgerows to the west boundary, and some to the north with scattered trees. The Council's Landscape Officer is satisfied that no harm will arise to trees as a result of the development, and an appropriate planting scheme could be included within any reserved matters scheme including street tree planting, and planting along the southern boundary. Adequate space would need to be retained to existing trees to the north, and those to the northeast corner of the site that fall within The Old Rectory boundary.

10.17 However, the Landscape Officer has raised an objection in respect of the impact of the development on the landscape capacity and character of the site and surrounding area. Although some housing development may be acceptable on this site, the proposal gives the appearance of overdevelopment, the scale of development exceeds the landscape capacity of the site, and severely compromises and diminishes the space between settlements. The extent of development proposed would result in excessive change to the character and appearance of the surrounding area which could not be accommodated. Further, the site is currently very open when viewed from the east, and there is no clear southern boundary to the development site. Any new planting along this southern boundary would take some time to mature to reduce the visual impact of the development.

10.18 The application was accompanied by a Landscape and Visual Impact Assessment which concludes that there would be no overriding or significantly adverse effects that should preclude the development on landscape and visual grounds. The report identifies that the landscape effects arising from the development at the outset would be 'moderate

adverse', but this should diminish over time as vegetation matures and softens the development.

- 10.19 However, the Landscape Officer considers the impact to be significant, and recommends that the application site be reduced in size such that its southern boundary does not extend beyond the approved development to the west (the Tanners Way site). This was also recommended to the applicant at the pre-application stage, but no changes have been made. Having regard to the above it is considered that the proposal would result in harm to the character and appearance of the local landscape and surrounding area, contrary to policies ENV1, ENV2 and GBC14 of the Local Plan. This weighs against the proposal.

Access and Parking

- 10.20 A new vehicular access is proposed to the east of the site onto Acorn Street. Full details are submitted in respect of the access for consideration, and the Highway Authority raises no objection subject to conditions. However, it does raise concerns over the pedestrian access points, and footpath width on Acorn Street.
- 10.21 The Highway Authority suggests that the applicant considers further access points for pedestrians, such as onto the B180, including a tactile pedestrian crossing point. It would particularly welcome a link from the B180 through to Rectory Close as this would provide a good pedestrian link to the village. The illustrative layout does show potential footpaths to the north and west, but further clarification should be provided to demonstrate delivery.
- 10.22 These comments echo those of the Conservation and Urban Design Advisor who considers the site to lack permeability, and therefore represent poor design. The advisor also comments that the proposal for a single vehicle access to Acorn Street results in a cul-de-sac form of development which fails to create a legible and permeable built environment. There is clearly an opportunity to provide multiple access points at this site, with a second vehicular access to the B180 to the west. Given that similar concerns have been raised by the Highway Authority, it is considered that the access details proposed in this application fail to follow good design principles and are therefore unacceptable.
- 10.23 Pedestrian access details should be considered in full at this stage. The Planning Practice Guidance defines Access as "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how

these fit into the surrounding access network.” Full details of pedestrian and cycle access routes should therefore be considered at this stage, as well as vehicular access. Whilst the indicative plan shows potential footpath links to the north and west, these are not confirmed, and insufficient detail has been submitted. There is no indication of cycle routes to encourage other modes of transport. The proposed access details are therefore considered to be unacceptable, and this weighs against the scheme.

- 10.24 In respect of the footway on Acorn Street, the Highway Authority has raised concerns that this narrows in width towards Hunsdon; however this has not been raised as a reason for refusing the application. The existing footpath would still provide safe access to the village, and the provision of additional pedestrian routes would be deemed as suitable alternatives.
- 10.25 In respect of additional traffic movements, it is acknowledged that many surrounding roads are narrow and rural in character; however based on the number of new houses, and the Highway Authority’s assessment, it is not considered that the impact to be significant. The NPPF advises in paragraph 32 that development should only be refused on transport grounds where the cumulative impacts of development are severe. There is no evidence that the impact would be severe in this case, taking into account other approved developments in the area. Further, despite a number of concerns being raised by third parties, there is no evidence that the safety of drivers or pedestrians would be harmed as a result of this development.
- 10.26 In respect of vehicle and cycle parking, adequate space could be incorporated within the layout of the site at a reserved matters stage, in accordance with adopted and emerging policy.

Drainage and Flood Risk

- 10.27 The site lies in floodzone 1 and therefore is not at risk of fluvial flooding. In terms of surface water, the site is at very low risk, although there are some small areas at risk on the southern part of the field (outside the development site). The Lead Local Flood Authority (LLFA) has objected to the application on the grounds that the submitted Flood Risk Assessment (FRA) was inadequate. The developer has since submitted additional information, but the LLFA have confirmed that this does not address their concerns, and the objection still stands. Therefore, in the absence of an acceptable FRA, it has not been demonstrated that the development could achieve a satisfactory sustainable drainage system that would not increase the risk of flooding. The proposal is thereby

contrary to policy ENV21 of the Local Plan, and emerging policy WAT5 of the District Plan.

Ecology and Biodiversity

- 10.28 The site is considered to be of low habitat value as it currently comprises an arable field. The trees and boundary hedgerows may provide a suitable habitat for nesting birds, and the field may provide some habitat for ground nesting birds. An Ecological Appraisal has been submitted and no objection has been raised by Herts Ecology. Any reserved matters application should retain existing hedgerows and not incorporate them into private gardens as this will affect their integrity, and all trees and hedgerows should be protected during construction.
- 10.29 In respect of protected species, further bat surveys will be required if any of the trees are to be removed, and mitigation measures to protect Priority farmland bird species (e.g. skylark and yellowhammer) should be submitted. Recommendations set out in the submitted Ecological Appraisal should be secured by condition. Subject to these controls, the proposal would result in no harm to protected species or habitats.

Residential Amenity and Noise

- 10.30 The site lies to the rear of Nos. 1-8 Rectory Close, and concerns have been raised by neighbours over the impact of the development on the amenity of these residents. The indicative layout plan shows development parcels close to the northern boundary of the site and therefore backing onto the rear of Nos. 1-8 and their back gardens. However, it is considered that a detailed layout could be achieved that retains adequate spacing to this boundary so as to not result in detrimental harm. In respect of The Old Rectory which lies to the northeast of the site, this is located at an adequate distance from the site boundary, and well screened, to prevent any undue harm.
- 10.31 Within the development, it is considered that an appropriate layout could be achieved that prevents harmful relationships between dwellings, and provides adequate external amenity space.
- 10.32 Concerns have been raised over noise impacts from the Hunsdon Skips site located some 100m to the southwest of the site. Whilst no detailed Noise Assessment has been submitted, Environmental Health Officers have had regard to the information submitted in respect of the Tanners Way site (located due west of the application site). Those reports confirm that the Hunsdon Skips site is regulated by the Environment

Agency (EA), and is subject to a number of controls, including an Operational Procedure, and restricted operating hours to manage noise.

- 10.33 In connection with the Tanners Way outline application, noise surveys were carried out, and having regard to the restrictions in place, background noise levels, and the prevailing south westerly wind, it was not considered that any harm would arise to future residential amenity as a result of the Hunsdon Skips site, subject to a condition to secure an acoustic fence as recommended in the noise report. The same issues apply in this case. The same Operational Procedure is in place, and is subject to audit and inspection by the EA. Therefore, any noise impacts would not be considered significant subject to a condition to secure details of a noise mitigation scheme.
- 10.34 Concerns have also been raised over odour impacts from the Hunsdon Skips site. Given the proximity of the site, it is accepted that there may be some impact. No objection has been raised by the Environmental Health in respect of this issue.

Loss of Agricultural Land

- 10.35 An Agricultural Land Assessment has been submitted which identifies the western half of the site as Grade 3a agricultural land, with pockets of Grade 2, and the eastern half as Grade 3b. Paragraph 112 of the NPPF requires Local Planning Authorities to take into account the economic and other benefits of the 'best and most versatile agricultural land', and defines this as Grades 1, 2 and 3a of the Agricultural Land Classification. In this case there would be a loss of some Grade 2 and 3a land and this weighs somewhat against the proposal.

11.0 Conclusion

- 11.1 In accordance with paragraph 14 of the NPPF, and given the Council's current lack of a 5 year housing supply, permission should be granted for new developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Whilst some benefits have been identified in this case in respect of housing delivery, and economic and social sustainability, a number of issues have been identified that weigh against the scheme.
- 11.2 In accordance with the comments from the Council's Landscape Officer, it is considered that the scale of development proposed would exceed the landscape capacity of the site and result in harm to the character and appearance of the surrounding area. The development,

by reason of its extent to the south, would also diminish the spacing between settlements. This harm is considered to be significant and adverse.

- 11.3 The development would also result in demand for primary school places that could not be met by the development through contributions or obligations. The village school is full, and it would not be sustainable to transport young children to schools in other settlements. The development is therefore unsustainable in this respect, and this weighs heavily against the proposal.
- 11.4 The proposal is also considered to be unacceptable in respect of its single vehicle access point, and lack of adequate pedestrian/cycle links to the village. Although potential footpaths are shown on the indicative plan, these have not been confirmed, and given the site's location it is considered that this would be necessary to create a sustainable form of development, particularly given the restricted width of the existing footway along Acorn Street. As it stands, the proposal does not present a well-designed and well-connected permeable form of development. This weighs against the proposal.
- 11.5 The proposal also currently lacks an adequate scheme for dealing with surface water drainage. Whilst a revised scheme and further information has been submitted by the applicant, at the time of writing this report, the LLFA has not removed its objection. This therefore weighs against the proposal.
- 11.6 Insufficient information has been submitted to demonstrate that the setting of the pillbox in the northwest corner of the site, that is a Scheduled Ancient Monument, can be preserved. There is some confusion over ownership, and therefore the opportunity to carry out enhancement works.
- 11.7 Finally the development will also result in the loss of some of the best and most versatile agricultural land, but this does not carry significant weight in the overall balance.
- 11.8 Overall, whilst there are some benefits in delivering 40 new houses on this site, the adverse impacts highlighted above would significantly and demonstrably outweigh the benefits. In conclusion, the development would not therefore represent a sustainable form of development and is therefore recommended for refusal for the reasons set out below.

Reasons for Refusal

1. The proposed development, by reason of its scale and siting, would exceed the landscape capacity of the site, erode the spacing between settlements, and result in harm to the character and appearance of the site and the surrounding landscape, contrary to policies ENV1, ENV2 and GBC14 of the East Herts Local Plan Second Review April 2007, policies DES1, DES2 and DES3 of the emerging District Plan, and Sections 7 and 11 of the National Planning Policy Framework.
2. The proposed development will result in a need for primary school places that cannot be accommodated within the village or surrounding area, or provided through future funded expansion projects. The proposal thereby fails to make adequate provision for primary school education and is unsustainable, contrary to policy IMP1 of the East Herts Local Plan Second Review April 2007, policy CFLR10 of the emerging District Plan, and paragraph 72 of the National Planning Policy Framework.
3. The proposed access arrangements, by reason of a single vehicular access, and insufficient information on additional pedestrian accesses, represent poor design as they fail to create a well-connected and permeable form of development, and fail to encourage walking and cycling as alternatives to the private car. The proposal is thereby contrary to policies ENV1 and TR1 of the East Herts Local Plan Second Review April 2007, policies DES3 and TRA1 of the emerging District Plan, and Section 4 of the National Planning Policy Framework.
4. In the absence of an acceptable Flood Risk Assessment, the Local Planning Authority is not satisfied that the proposed development can incorporate appropriate sustainable drainage techniques and would not increase the flood risk to the site and elsewhere. The proposal is thereby contrary to policy ENV21 of the East Herts Local Plan Second Review April 2007, policy WAT5 of the emerging District Plan, and Section 10 of the National Planning Policy Framework.
5. Insufficient information has been submitted to satisfy the Local Planning Authority that the setting of the Scheduled Ancient Monument pillbox to the northwest of the site can be sustained and enhanced as a result of the development. Harm to the setting of this building would conflict with policy HA1 of the emerging District Plan, and Section 12 of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

KEY DATA**Residential Development**

Residential density	22.6 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	-	0
Number of new units	-	Unknown at this stage as outline application

Affordable Housing

Number of units	Percentage
14	40%

Residential Vehicle Parking Provision

Unknown at this stage as outline application.

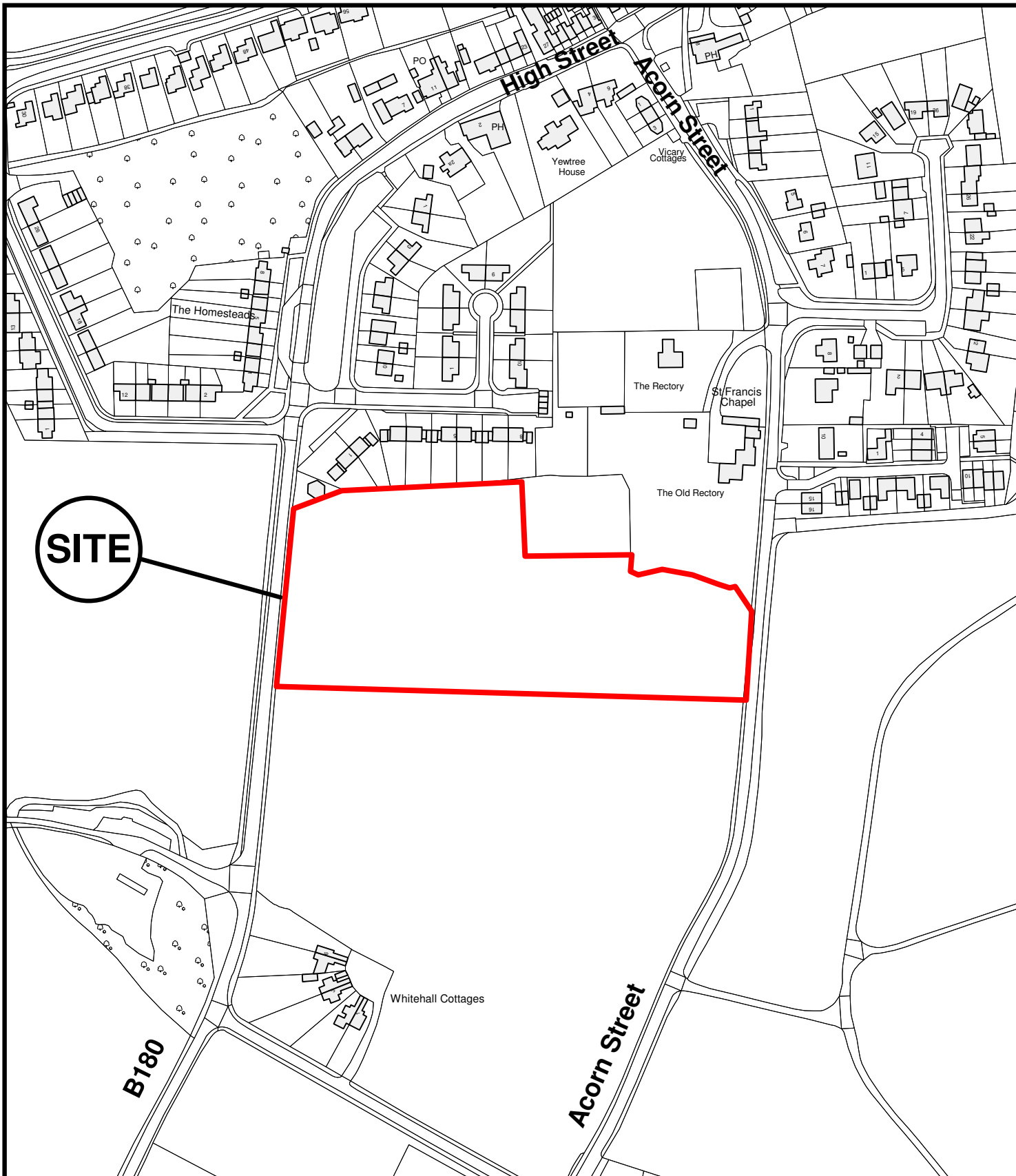
Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	40%	N/A
Parks and Public Gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A

Amenity Green Space	In accordance with Table 12 of Open Space SPD	£0	Proposed on site
Provision for children and young people	In accordance with Table 12 of Open Space SPD	£0	Proposed on site
Maintenance contribution - Parks and public gardens	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution - Outdoor Sports facilities	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	N/A
Maintenance contribution - Amenity Green Space	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Maintenance contribution - Provision for children and young people	In accordance with Table 12 of Open Space SPD	In accordance with Table 12 of Open Space SPD	Only required if adopted by the Council
Community Centres and Village Halls	In accordance with Table 13 of Open Space SPD	In accordance with Table 13 of Open Space SPD	N/A

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 8 Nov 2017

Application Number	3/17/0645/FUL
Proposal	Demolition of existing buildings and creation of 64 no. two and three bedroom houses and apartments, associated roads, car parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive.
Location	306-310 Ware Road, Hertford
Applicant	Persimmon Homes Essex, Tudorwood Ltd, M. A. Green & P.C. Green
Parish	Hertford
Ward	Hertford – Kingsmead

Date of Registration of Application	13 April 2017
Target Determination Date	13 July 2017
Reason for Committee Report	Major planning application
Case Officer	David Snell

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out at the end of this report.

1.0 Summary

- 1.1 The development of the site for housing is considered to be acceptable in principle.
- 1.2 The proposal would make a significant contribution to housing land supply which carries significant positive weight in support of the development.
- 1.3 The report sets out the issues for members to consider in relation to the proposals, the scale of development, site layout issues, amenity for existing and future residents and the provision of affordable housing. Members are asked to make a judgement on the basis of these and all other relevant issues to determine whether there is significant and demonstrable harm in this case, and therefore whether the proposals comprise a sustainable form of development.

2 Site Description

- 2.1 The site comprises 0.7ha of land, the main part of which is located on the south side of Ware Road formerly occupied by commercial development. The site also includes, as a subsidiary element, land to the north of Hamels Drive, part of the Pinehurst residential area. This part of the site is disconnected from the main part by a high cliff/escarpment and set at a higher level. There is no direct access between the two parts of the site.
- 2.2 Historically the main site was occupied a garage (petrol sales, car sales and repairs) on the street frontage and a coach works and plastics factory. The site was vacated and cleared over 10 years ago.
- 2.3 To the east of the site is the Taylor Trading Estate comprising employment uses and to the north and west two storey existing housing.

3.0 Background to Proposal

- 3.1 The application proposes the development of the site to provide two, 2.5 storey, 3 bed houses and three 3 and 4 storey apartment buildings, containing a total of 62, 2 bed apartments together with parking and manoeuvring areas. A total of 64 units. The current proposal follows a similar previous scheme ref: 3/16/1792/FUL proposing 65 residential units that was withdrawn in October 2016.
- 3.2 Access to the site is off Ware Road via an access road along the east side of the site and a total of 97 parking spaces are proposed.
- 3.3 The two houses (semi detached) are proposed to be located on the frontage to Ware Road at the north west corner of the site. Still on the frontage, in the middle, is block A. Wrapping around the north east corner of the site is block B and finally, the south half of the site would be occupied by proposed block C.

4.0 Key Policy Issues

- 4.1 Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.
- 4.2 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the Emerging District Plan 2016:

Key Issue	NPPF	Local Plan policy	Emerging District Plan policy
The principle of the development, including sustainability and housing land supply	Paragraphs 7-16 and Section 6	SD1, SD2, HSG1 EDE2	INT1 DPS1 DPS2 DPS3 HERT1, HOU1 ED1, CC1, CC2
Design and layout	Section 7	ENV1, ENV2, ENV3, ENV4	DES1, DES2 DES3, DES4, HOU2, HOU7
Highway implications	Section 4	TR1, TR2, TR3, TR4, TR7, TR14, TR16, TR20	TRA1, TRA2 TRA3
Affordable housing	Section 6	HSG3 HSG4	HOU3
Neighbour impact	Section 7	ENV1, ENV25	DES3, EQ2
Flood risk and surface water drainage	Section 10	ENV19 ENV20 ENV21	WAT1 WAT2, WAT4, WAT5
Environmental quality	Section 7	ENV20 ENV25	EQ1 EQ2
Promoting healthy communities	Section 8	LRC1 LRC3	CFLR1 CFLR7 CFLR9 CFLR10
Planning obligations and infrastructure		IMP1	DPS4 DEL1 DEL2

5.0 Emerging District Plan

- 5.1. The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has been completed and the Plan has been submitted to the Secretary of State for examination. The weight that can be assigned to the policies in the emerging plan can now be increased,

given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that the Plan is currently being examined.

6.0 Summary of Consultee Responses

- 6.1. HCC Highway Authority does not wish to restrict the grant of permission, subject to conditions. With regard to parking provision, it is noted that the proposals provide less than the East Herts Council current maximum standards. The Highway Authority is content to accept a lower ratio, given that the site may be considered sustainable in terms of access to public transport services. It also notes that, for a nearby new development, Liberty Rise, overspill parking may be occurring.
- 6.2. The Highway Authority seeks funding provision toward measures to improve pedestrian and cycle links along Ware Road and to Hertford East station.
- 6.3. Lead Local Flood Authority initially commented that the application demonstrates that a suitable surface water drainage scheme can be provided but that further detail is required and refusal was recommended. However, a follow up response now advises that the technical objection could be addressed by condition and would not amount to a reason for refusal.
- 6.4. Environment Agency advises on the need to avoid ground water contamination.
- 6.5. EHDC Engineering Advisor states that the site lies in Flood Zone 1 and there are no recorded flood incidents. The proposed swales would result in flood risk reduction as well as bio-retention and amenity areas. Further construction details will be required.
- 6.6. EHDC Environmental Health Advisor has no objection, subject to conditions.
- 6.7. Thames Water raises no objection.
- 6.8. HCC Minerals and Waste comment on their waste policy for construction projects.
- 6.9. EHDC Operational Services raise concerns regarding freighter access to the frontage flats if the car parking spaces on the corners are occupied at the time of collection.

- 6.10. Herts Fire and Rescue Service advise as to the requirements for fire vehicle access, fire protection and water supply requirements.
- 6.11. Natural England has no comments.
- 6.12. HCC Planning Obligations Unit request financial obligations in respect of education, library services and youth services.
- 6.13. HCC Historic Environment Advisor has no objection.
- 6.14. HCC Ecology Advisor has no objection, subject to a condition requiring an ecological survey and mitigation.
- 6.15. NHS CCG request financial obligations in respect of primary care, mental health, acute costs and community healthcare.
- 6.16. EHDC Landscape Officer advises that the layout has a good sense of coherence with pleasing simplicity, clarity and geometry. The hard landscape proposals are well punctuated with grassed areas and trees in an intelligible arrangement of space, albeit largely concerned with parking provision.
- 6.17. However, the proposals are symptomatic of over-development of the site. The courtyard of block C will be in almost permanent shade with a gloomy outlook for residents. Block B is too close to the street with no room for landscape proposals to provide a softer interface between building and street. The result is a cramped harsh appearance that is open to improvement.

7.0 Town/Parish Council Representations

- 7.1. Hertford Town Council express concern regarding access onto the busy main road with poor visibility due to parked cars and insufficient parking provision.

8.0 Summary of Other Representations

8.1. The application has been advertised by means of site and press notices and neighbour notification. 71 responses has been received raising objections summarised as:

- Increased traffic and parking on Ware Road including dangerous pavement parking
- Increase in traffic accidents
- Excessive amount of cramped development
- Excessive density and height
- Poor relationship to and out of keeping with surrounding development
- Overlooking and loss of privacy
- Lack of school places, doctors and dentist practices and overcrowded trains

8.2. Councillor Stevenson and Councillor Wrangles raise concerns about inadequate parking and the exacerbation of existing parking problems on Ware Road.

8.3. Mark Prisk MP considers that Ware Road is under parking stress which has increased significantly over recent months with pavement parking and increased traffic volumes. In March the County Council carried out an audit that identified significant issues. At the very least the development should have 150 parking spaces. There will also be adverse impact on public services. Wheatcroft School is heavily oversubscribed and local GPs are trying to find suitable premises. The application offers nothing that will help mitigate its impact.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/16/1792/FUL	Development of site to provide a total of two houses and three apartment buildings (containing a total of 65 apartments) set in landscaping with access, parking and manoeuvring areas.	Withdrawn	October 2016
3/11/1616/FP	Demolition of existing house and erection of 14	Approved	February 2014

	dwellings and veterinary surgery		
3/10/0088/FP	Redevelopment to provide 5 commercial units (Use Classes A1 Retail, A2 Financial & Professional Services, A3 Restaurant/Café etc., A4 Public House etc., A5 Hot Food Takeaway and D1 Non-residential Institution with associated parking	Refused	June 2010
3/95/0246/FP	Extension to existing parking land involving replacement of bungalow with showroom, sales office and flat, part change of use from residential to parking lot and removal of forecourt canopy and petrol pumps	Refused	September 1995
3/90/1658/FP	Extension of existing parking land involving change of use from residential to parking lot and removal of existing cliff	Refused	January 1991

10.0 Consideration of Relevant Issues

Principle of development; sustainability and housing land supply

- 10.1. The Council is unable to demonstrate a 5 year supply of housing land and therefore the Local Plan policies that impact on the supply of housing land are regarded as being out of date. The NPPF sets out a presumption in favour of sustainable development and requires that, where the relevant development plan policies are out of date, permission should be granted development, unless the impact of doing so would significantly and demonstrably outweigh the benefits (ie, it is not sustainable).
- 10.2. Policy HSG1 requires, amongst other considerations, that new residential development should be well sited having regard to access to services, local infrastructure and the specific constraints of the site. The site is reasonably located in relation to the town centres of Hertford and

Ware, with bus service links along Ware Road. The site would therefore perform well in sustainability terms in accordance with Policy HSG1 and the NPPF. Significant weight should therefore be given to the delivery of housing on the site.

- 10.3. The site has previously been used for employment purposes. Policy EDE2 states that the loss of an existing employment site will only be permitted where the retention of the premises for employment use has been fully explored without success.
- 10.4. In this case the site has not been in employment use for over ten years and planning permission for 14 dwellings and a vet's surgery was granted in 2011. A Commercial Marketing Report has been submitted which confirms that the site has been marketed by Savills and that no interest was received from any employment related uses or developers.. The site has been cleared and it would require redevelopment in order to reinstate employment uses. Paragraph 22 of the NPPF states that the long term protection of sites allocated for employment uses should be avoided where there is no reasonable prospect of the site being used for that purpose.
- 10.5. In the circumstances it is considered that the loss of the employment land is acceptable in principle and that only limited negative weight should be assigned to this issue.

Design and layout

- 10.6. Policy ENV1 requires that new development achieves a high standard of design and that it is compatible with the layout and character of the surrounding area. These requirements are reflected in the NPPF which stresses the importance of good design as a key aspect of sustainable development. Policy ENV2 requires proposals on prominent sites to give special consideration to landscaping.
- 10.7. The proposal comprises four elements:
 - A pair of 2.5 storey houses on the frontage adjoining the existing houses on the Ware Road frontage
 - A middle frontage three storey block (block A)
 - A three, storey block on the east side of the site fronting Ware Road and the access road into the site linked by a single storey element to a four storey block (block B)
 - A 4 storey 'U' shaped block occupying the rear half of the site (block C).

- 10.8. The buildings facing Ware Road are the most prominent and therefore the most sensitive part of the development. The 2.5/3 storey scale of the buildings are considered to be acceptable in this location. However, the part single, part three and part four, storey, western block which adjoins the access road leading into the site will be prominent when viewed from Ware Road to the east over the adjoining Taylor Trading Estate. Car parking is proposed in an almost continuous line along and abutting the east boundary of the site giving very little scope for soft landscaping to impact on the views from outside the site.
- 10.9. The rear, four storey, block is a building of substantial scale with long elevations. It displays some articulation and the provision of balconies break up the large areas of brickwork to some extent.
- 10.10. The overall density of the development would be 85.3dph. The proposed area of open space however above the cliff at the rear of the site is remote from and cannot be accessed from the site. Realistically the density of the developed part of the site would be 98.5dph. The layout of the site reflects the high density of development proposed and large areas of the site are given over to car parking including areas on the boundaries of the site. There is very little scope for soft landscaping within the parking areas, along the access road or along the east boundary of the site.
- 10.11. It is considered that the proposed development is of excessive density and scale and that the layout is cramped. The form of development is not compatible with its surroundings. These poor design aspects of the proposed development should carry significant negative weight.
- 10.12. The proposed development consists primarily of two bedroom units. Policy HOU1 of the emerging District Plan requires that an appropriate mix of housing with regard to tenure, type and size is provided. The proposals are not compatible with emerging policy and the Strategic Housing Market Assessment in this respect, the requirement being for 7% of new open market housing to be provided as 2+ bed flats and 11% of affordable units provided as such. An assessment of delivery will be had across all developments but the proposals here do not sit at all well with the identified development requirements and would therefore carry some negative weight in this respect.

Highway impact and parking provision

- 10.13 Access to the development is proposed via a single access point off Ware Road. The Highway Authority consider that the proposed access arrangements are satisfactory and that the development will not give

rise to a material increase in trip generation given the former industrial use of the site.

- 10.14 The application proposes a total of 97 car parking spaces, an average of 1.51 spaces per unit across the site. The adopted parking standards would require a maximum of 98 spaces. The emerging District Plan standard requires 129 spaces. The site lies within Accessibility Zone 4 and the emerging standards may be reduced by up to 25% in this location which would provide a range of provision of 110 to 129 spaces. However, the potential for reduction in the requirement is based on the assessment of a number of factors including on street parking conditions in the local area and access to public transport. It is considered that some reduction is appropriate, given the accessibility of the site to public transport. However a full 25% reduction is not justified given the known circumstances of on-street parking stress in the area.
- 10.15 An application for the redevelopment of a nearby site 356-364 Ware Road to provide 34 dwellings (8 x 1 bed flats, 18 x 2 bed flats and 8 x 4 bed houses) reference: 3/15/118/FUL was approved by Committee in February 2016, subject to a S.106 Agreement and is now under construction. This application proposed 60 spaces where the adopted standard required a maximum of 61 spaces and the emerging standard in the range of 54-72 spaces. The average of 1.75 spaces across the site was considered to be appropriate at that time for the Ware Road location where public transport links are generally good.
- 10.16 As set out above, it is now known that heavy on-street parking, including pavement parking is an issue along this part of Ware Road and in surrounding streets and that this situation has likely been exacerbated by recent residential developments in the area. It is also noted that this is the main issue raised in consultation with residents.
- 10.17 Whilst the parking provision proposed sits within the current Local Plan standard, weight is given to the emerging District Plan standard and to the known on-street parking pressure in this locality. In the circumstances of the site and the scale of development proposed it is considered that insufficient on-site parking is proposed.
- 10.18 As a result, the development will lead to additional demand for existing on-street parking which is already under stress in the area. It is also likely to lead to indiscriminate parking within the development with consequent adverse impacts on amenity and the environment. As a result the proposals would be likely to have a harmful impact on the amenity of both existing residents in the area and residents of the proposed development. Therefore this issue is attributed negative

weight. It is understood that the Ware Road Safety Audit being undertaken by the Highway Authority will conclude in early November. If further information on this is available this will be reported to the committee meeting.

Affordable housing

- 10.19 The application makes a commitment to 26.5% (17 units) affordable housing provision. This is not in compliance with Policy HSG3 or emerging plan standards. The application is supported by a Viability Assessment. This has been reviewed by the Councils viability consultant who conclude that the site value used in the applicants calculations is excessive and that the scheme is capable of delivering 40% affordable housing and the planning obligations requested.
- 10.20 The applicants consider that the land value amounts to special circumstances in this case. However, in the absence of viability justification the proposal fails of the proposal to comply with affordable housing policy. This reduces the positive weight that can be assigned to the proposals with regard to the delivery of housing, in principle.

Neighbour impact

- 10.21 The front half of the layout is sited and orientated such that it will not give rise to any material neighbour impacts.
- 10.22 The rear four storey block is sited close to the western boundary of the site adjoining existing two storey houses in Cockbush Avenue which rises steeply from Ware Road. Between the upper part of Cockbush Avenue and the application site the slope of the land descends steeply. The distance between the block and facing properties numbers 4-8 Cockbush Avenue (minimum 32m) is satisfactory. The closest property to the block is No.10 Cockbush Avenue (8.5m). However, due to the change in levels the front elevation of this property will look out over the top portion of the block with an intervening existing tree belt. In the circumstances whilst there will be some loss of outlook, it is considered that this will not be significant.
- 10.23 The impact of the development on neighbouring existing development is judged as being neutral. However, the largely enclosed courtyard surrounded by the large block to the rear of the site will be shade at most times. It is considered that this, in addition to the dominance of car parking within the layout and the poor relationship with the employment area to the east, will provide a poor outlook and amenity for future residents with almost no enjoyable semi private space on the site.

10.24 The proposals show cycle parking areas which are not incorporated into the buildings. Whilst full details are not provided, remote provision such as this, simply located in spaces on the periphery of the site or land which will not be required for the development of the buildings, does not encourage the use of the facilities and makes them susceptible to neglect damage and theft. This is contrary to the requirements of the current policy ENV3, and emerging policies relating to the prevention of crime and the encouragement of healthy lifestyles.

Site drainage and flood risk

10.25 The site lies within Flood Zone 1 and is therefore not liable to watercourse flood risks.

10.26 The Lead Flood Risk Authority advise that the proposed surface water drainage strategy satisfactorily demonstrates that appropriate drainage can be achieved. They initially recommended refusal because additional information is required. However, a further response confirms that the objection can be satisfactorily addressed by condition.

Environmental Quality

10.27 In terms of environmental quality and promoting healthy communities it is considered that the cramped layout, lack of amenity space and good outlook will serve to provide a poor environment. Whilst provision is made for an area of open space above the cliff this is a wooded area and it is remote and inaccessible from the built development. Generally the proposal lacks amenity provision.

Planning obligations

10.28 In response to consultation the following planning obligations have been requested:

- Herts CC Sustainable Transport Improvements - £50,875.00
- NHS CCG Primary Care - £41,650.70
- NHS CCG Mental, Acute & Community Health - £206,603.21
- HCC Early Years Education - £16,606.00
- HCC Youth Services - £3,751.00
- HCC Library Services - £8,729.00

It would be necessary to ensure that the financial obligations requested fairly and reasonably relate to the development and that they comply with Community Infrastructure Levy Regulations. Clarification from

consultees has not been sought in this case as the proposals are not supported.

Conclusion

- 10.29 The proposals make a contribution of 64 dwellings to the shortfall in housing supply and this carries significant positive weight.
- 10.30 The layout of the proposed development is considered to be cramped and symptomatic of excessive density proposed for the site. There are large areas of hard surfaced car parking and little space to provide meaningful soft landscaping, particularly within the parking areas and along the boundaries of the site that abut the parking areas. It is considered that the four storey part of the frontage block would be unduly prominent when viewed from Ware Road. Parts of the development do not display good quality design. These aspects of the proposal should be attributed significant negative weight.
- 10.31 The location of the cycle parking facilities are symptomatic of the approach of maximising development on the site and shows no effort to encourage healthy and active lifestyles and provide meaningful amenity space for residents which is located conveniently.
- 10.32 The provision across the site of an average of 1.51 parking spaces per unit would be inadequate for the scale of development proposed. This would impact on the demand for on-street parking and would be likely to adversely impact on the amenities of existing and future residents. It is considered that this would carry modest negative weight.
- 10.33 17 affordable housing units are proposed (26.5%). In the absence of viability justification the lack of affordable housing proposals must be attributed significant negative weight.
- 10.34 It is considered that the proposed development will not materially impact on neighbouring properties. Neutral weight is therefore attributed to this aspect of the development.
- 10.35 On the balance of the above issues it is considered that the proposal does not amount to a sustainable form of development and that the adverse impacts of the development significantly outweigh its benefits. The application is therefore recommended for refusal.

Reasons for Refusal

1. The proposed development by reason of its excessive density, cramped layout, massing, appearance and lack of space for soft landscaping would result in an over-development of the site and unsustainable form of development. The development would be out of keeping with its surroundings and provide a poor level of amenity for future occupiers or make any contribution toward encouraging healthy lifestyles. As a result, the proposals contrary to Policies ENV1, ENV2 and ENV3 of the East Herts Local Plan Second Review April 2007, Policies DES2, DES3, DES4 and CFLR9 of the Pre-submission East Herts District Plan 2016 and the National Planning Policy Framework.
2. The proposed development provides inadequate private vehicle parking provision. The demand for on-site parking is likely to exceed supply and therefore the development will lead to additional demand for existing on-street parking which is already under stress due to demand. As a result the proposals will have a harmful impact on the amenity of both existing residents in the area and residents of the proposed development. The proposals are contrary to Policy TR7 of the East Herts Local Plan Second Review April 2007, Policy TRA3 of of the Pre-submission East Herts District Plan 2016 and the National Planning Policy Framework.
3. The proposed development fails to make an appropriate contribution towards on-site affordable housing provision contrary to Policies HSG3 and HSG4 of the East Herts Local Plan Second Review April 2007, Policy HOU3 of the Pre-submission East Herts District Plan 2016 and the National Planning Policy Framework. As a result the proposals would not constitute a sustainable form of development contrary to the National Planning Policy Framework.
4. The proposals fail to make appropriate provision for additional demand that will be placed on infrastructure, services and facilities as a result of it. The proposals are therefore contrary to Policy IMP1 of the East Herts Local Plan Second Review April 2007, Policies DEL1 and DEL2 of the Pre-submission East Herts District Plan 2016 and the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. East Herts Council has considered, in a positive and proactive manner, whether planning objections to this application could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in the decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Framework.

KEY DATA**Residential Development**

Residential density	97.7 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	0
	2	62
	3	0
Number of new house units	1	0
	2	0
	3	2
	4+	0
Total	130	64

Affordable Housing

Number of units	Percentage
17	26.5

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit (<i>amend if zone 2</i>)	Spaces required
1	1.25	0
2	1.50	93
3	2.25	4.5
4+	3.00	0
Total required		98
Proposed provision		97

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone	Zone 4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0

2	2.00	124
3	2.50	5
4+	3.00	0
Total required		129
Accessibility reduction	<i>Up to 25%</i>	32.25
Resulting requirement		97 (only if full 25% reduction applied)
Proposed provision		97

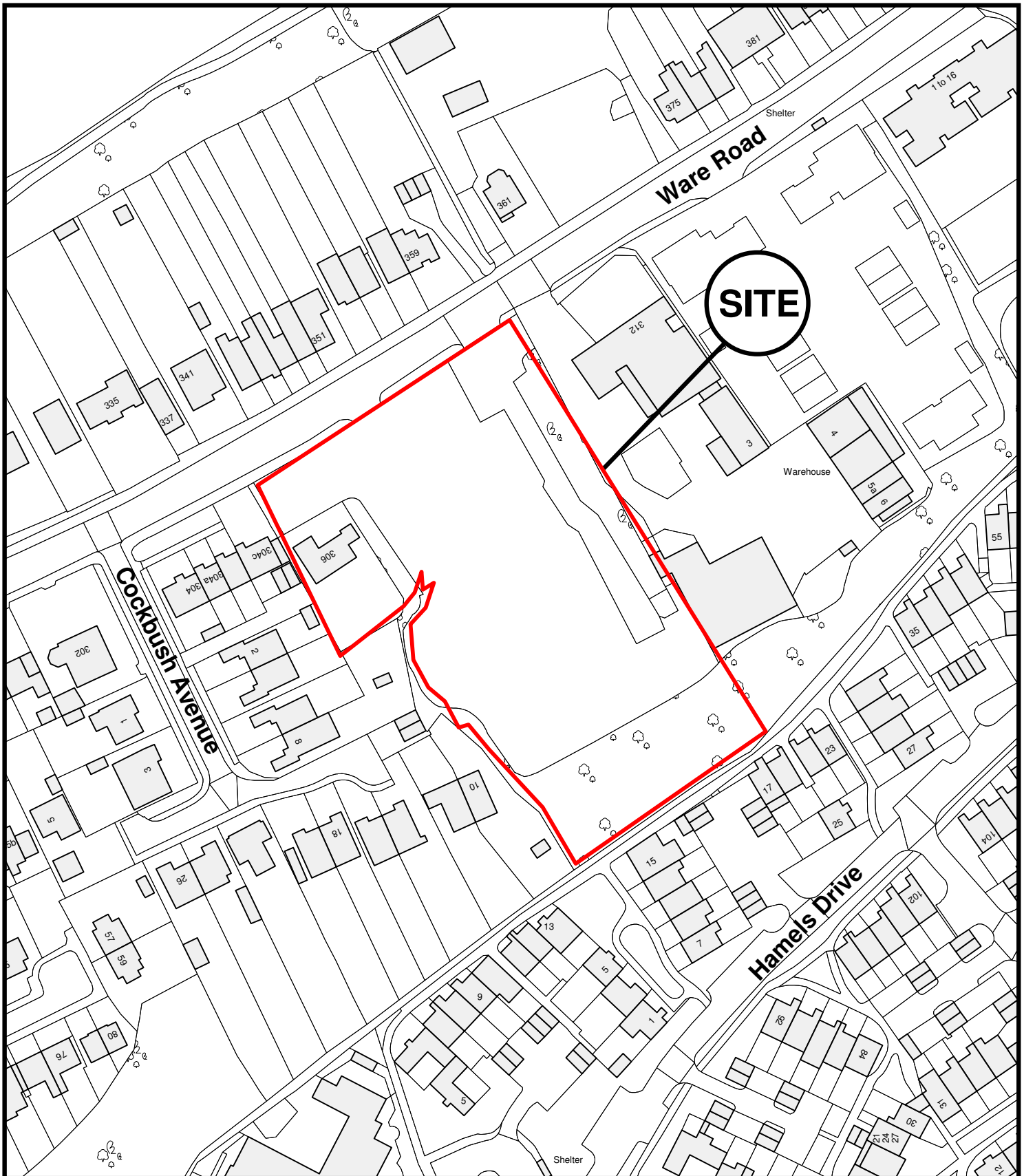
Legal Agreement – financial obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

None have been secured in this case as the proposals are not supported – but would be sought if the proposals were acceptable in other respects.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%		
Parks and Public Gardens	£17,094.73		
Outdoor Sports facilities	£47,344.18		
Amenity Green Space	£7,282.14		
Provision for children and young people	£6,992.57		
Maintenance contribution - Parks and public gardens	£37,731.18		
Maintenance contribution - Outdoor Sports facilities	£118,866.53		
Maintenance contribution - Amenity Green	£20,484.09		

Space			
Maintenance contribution - Provision for children and young people	£13,418.46		
Community Centres and Village Halls			



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Reference: 3/17/0645/FUL

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT - 8 Nov 2017

Application Number	3/17/1861/FUL
Proposal	Construction of seventeen B1(Business) use class units with associated parking and access roads.
Location	Watermill Industrial Estate, Aspenden Road, Buntingford.
Applicant	Deed (UK) Ltd
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	10 August 2017
Target Determination Date	9 November 2017
Reason for Committee Report	Major planning application
Case officer	David Snell

RECOMMENDATION

That planning permission be **GRANTED**, subject to a legal agreement and the conditions set out at the end of this report.

1.0 Summary

- 1.1 The proposal seeks permission for the erection of seventeen Class B1 business units each comprising 140m² of floorspace, a total of 2,380m² of net employment floor area (2,500m² gross). 68 car parking spaces are proposed and access roads.
- 1.2 The majority of the site is allocated for employment use in the Local Plan and in the emerging District Plan and there is no objection in principle to the proposed employment development.
- 1.3 It is necessary to consider some of the detailed aspects of the proposals, including their design and layout, highways and access issues and the location of the development in a zone at risk of flooding. These issues are addressed in the report.

2.0 Site Description

- 2.1 The site comprises a parcel of land of approximately 1.05ha in area situated to the north of the existing buildings at the Watermill Industrial Estate. To the north and east of the site are the residential areas of Luynes Rise and Fairfield, beyond Aspenden Road, respectively. The

sewerage treatment works is located to the southwest and open farmland to the west.

3.0 Background to Proposals

3.1 The application proposes two blocks of single storey commercial buildings one comprising 9 units and the other 8 units each of 140m² in net floor area (2,380m² net floorspace in total). The buildings would be 7.1m in height to the ridge.

3.2 The design of the proposed buildings is standard and functional, comprising blockwork to the lower part of the buildings with composite metal sheeting above and for the roofs.

3.3 Access is proposed off the existing Watermill Industrial Estate access road from Aspenden Road. 68 car parking spaces and a bicycle store for 20 cycles are proposed. One row of the units is proposed immediately to the north of existing buildings on the site. An access route and parking spaces are provided between this and a further block of commercial units to the north. The access route loops around this second block as the units are accessed from both the south and north sides.

3.4 Beyond this are further parking spaces. The remainder of the land between the Industrial Estate and the Luynes Rise properties is included in the application site. No active use is proposed for it however. At the north end of the site, land is included which is actually outside of the designated employment site in the current Local Plan and emerging District Plan. Being some 30m or so in depth at the north end and then tapering back to be the same as the designated site boundary.

4.0 Key Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the emerging District Plan and the adopted Buntingford Community Neighbourhood Plan:

Key Issue	NPPF	Local Plan	Emerging District Plan	NP
Delivering sustainable development	Section 1, 5, para 11 - 16	SD1 SD2, EDE1 BUN4 BUN7	INT1 DPS1 CC1 CC2 ED1 BUNT3	BE2 BE4
Layout and design	Sections 7, 8, 11	ENV1 ENV2 ENV3 ENV4 ENV11	DES1 DES2 DES3 DES4	ES7
Highway implications	Section 4	TR2 TR4 TR7, TR14	TRA1 TRA2 TRA3	T2 T3 T4 T6
Neighbour impact		ENV1 ENV23 ENV24	DES2 EQ2 Q3	
Flood risk – surface water drainage	Section 10	ENV18 ENV21	WAT1 WAT4 WAT5	INFRA 4
Heritage impact	Section 12		HA2 HA4	
Ecological impact	Section 11	ENV16	NE3	ES7
Planning obligations		IMP1	DEL2	

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 The Council resolved to proceed to the publication of its pre-submission version of the District Plan at the meeting of Council of 22 Sept 2016. Consultation on the Plan has been completed and the Plan has been submitted to the Secretary of State for examination. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation. There does remain a need to qualify that weight somewhat, given that it is currently being examined.

6.0 Summary of Consultee Responses

- 6.1 The Highway Authority do not wish to restrict the grant of permission, subject to conditions. It has taken into account that the scale of development is less than that approved previously on the site. Funding towards the implementation of improvements to Aspenden Road is sought.
- 6.2 The Lead Local Flood Authority consider that the application provides sufficient detail to demonstrate that there is a feasible drainage scheme for the site. No objection is therefore raised subject to conditions and an assessment of future management arrangements proposed in the submitted details for discharge of the condition.
- 6.3 The Environment Agency advise that the proposal should be assessed against standing advice. This sets out that development which is classified as “more vulnerable development” is compatible with Flood Zone 2.
- 6.4 EHDC Engineer Advisor notes that the entire site is located in flood zone 2 and close to flood zone 3. The majority of the site is affected by surface water inundation, particularly the centre. Development will reduce the permeability of the site. The proposed drainage systems are not recommended and therefore, as currently submitted the development does not meet NPPF criteria. It is recommended that additional high level sustainable drainage measures should be incorporated into the scheme, including swales, bio-retention ponds and green roofs. These measures can reduce flood risk and promote biodiversity. A revised drainage strategy has been submitted and further response to re-consultation will be reported to Members at the meeting.
- 6.5 Herts Ecology sets out that it would be appropriate to ensure some biodiversity enhancements as part of the proposals. This can be achieved through bird and bat boxes and through an appropriate landscaping scheme.
- 6.6 HCC Development Services request an obligation requiring the provision of fire hydrants.
- 6.7 EHDC Environmental Health Advisor, does not wish to restrict the grant of permission, subject to conditions.

7.0 Town Council Representations

7.1 Buntingford Town Council: No representations have been made.

8.0 Summary of Other Representations

8.1 The application has been advertised by neighbour consultation to local residents and businesses, and by a site notice. 16 responses have been received objecting to the proposal on grounds summarised as:

- Additional traffic and poor access
- Danger to pedestrians
- Increased flood risk
- Inappropriate boundary fencing
- Potential site contamination
- Potential light pollution
- Poor sustainability impact
- Lack of public transport to the site
- Disruption to existing businesses on the estate
- Poorly located household waste site on the estate
- Adverse impact on wildlife
- Cumulative impact of new development in Buntingford

9.0 Planning History

Ref	Proposal	Decision	Date
3/08/0538/FP	Erection of 5 Class B1 offices/workshops	Granted	July 2011
3/08/0539/FP	Erection of 2 Class B1 offices/workshops	Granted	July 2011

10.0 Consideration of Relevant Issue

Principle and delivering sustainable development

10.1 As indicated, the majority of the application site is designated as an employment area in the current Local Plan and the emerging District Plan. As such there is no objection in principle to the proposed Class B1 development. A strip of land on the northeast side of the site is not within the allocated employment area. No development is proposed for this part of the site.

- 10.2 There is an acknowledged lack of employment opportunities in Buntingford and this has adverse implications for the sustainability of recent and approved residential developments. Therefore the delivery of employment units can be attributed significant positive weight.

Design and layout

- 10.3 The design of the proposed buildings is functional and of rudimentary design quality. It is understood that flood damage prevention requirements have driven this, however, they are unlikely to appear significantly different from standard commercial units. Although it is acknowledged that they are proposed for business use, design quality issues should not be abandoned completely.
- 10.4 The layout is likely to lead to an internal space within the buildings which is of a low quality, being completely dominated by vehicle parking and circulation with no space for softening landscaping. Given that the development is proposed for B1 business uses, it is considered that this will provide a low quality environment. An improved environment would be likely to be beneficial in the marketing and letting of the units. There appears to be little attention to energy efficiency or other measures that will beneficially assist businesses with costs. No details are provided with regard to broadband connectivity, but this can be achieved subsequently after the planning process.
- 10.5 Overall the design and layout is considered to be disappointing, not taking the opportunity to create a much more inspiring location for the establishment and growth of businesses. This weighs against the proposals.
- 10.6 Some of those who commented on the proposals referred to the current public footpath within the employment and its poor quality environment. The footpath runs outside immediately to the east of this site. The new development will be viewed from it. Whilst not directly impacted by the proposals, the development will encourage additional traffic to the internal estate roads, which the footpath joins. The proposals do not take any opportunity to enhance the quality of the footpath, encouraging its use as an access to the area for residents.
- 10.7 In this respect, the proposals also have potential for improvement against the aspirational policies of the NP and emerging District Plan.
- 10.8 Lastly, the area of land to the north of the current built proposals, but within the application site, remains unused. No purpose for that part of the site is identified. Access is not precluded and it might be possible

that further development could be implemented on it at some point in the future. Otherwise, it may remain as an unmanaged area of land appearing unsightly from the new development and further impacting on the quality of the environment of the new development.

Highways and parking

- 10.9 Objections have been raised in regard to additional traffic, poor access and danger to pedestrians. In addition to a S.106 financial obligation towards highway improvements a Travel Plan condition is recommended to encourage non-private vehicle modes of travel. It is difficult to see what the applicant is likely to achieve in this respect and, as a result, it does appear likely that much of the traffic generated by the use will be by private vehicle.
- 10.10 The Highway Authority comment that the proposal is for 2,500m² gross floor area which is slightly less than that which was considered to be acceptable under the previous permission. The Authority accepts the original trip generation calculations and considers that the proposals are acceptable subject to conditions and a financial obligation towards off-site highway improvements to Aspenden Road and access to the site.
- 10.11 The adopted Local Plan and emerging District Plan standards would require provision of 72 parking spaces for the 2,500m² of gross floor area of employment space located in parking accessibility Zone 4. A reduction of up to 25% is permitted in the emerging standards in this location, subject to the characteristics of the site and area and the encouragement given to travel by non private vehicle modes. Given the above commentary, no reduction is considered appropriate. 68 parking spaces are proposed across the site. Additional spaces could quite easily be provided, for example on the undeveloped land to the north of the proposed buildings. The provision is considered to be satisfactory.
- 10.12 With regard to cycle parking, current and emerging standards require 1 short term space per 500 sqm of floorspace and 1 long term space per maximum of 10 employees. This would require 5 short term spaces. Employee numbers are unknown at present, of course, but if there were to be an average of 3 per unit, this would give 51 employees and therefore a need for 5 long term spaces.
- 10.13 The proposals show a bicycle store capable of accommodating 20 cycles. This meets the gross requirement, but if it is to be provided as a lockable facility for on site employees, it would not be available on a short term basis for visitors. However, as above, there is additional

land adjacent to the proposed cycle store on which additional spaces could be accommodated.

Neighbour impact

- 10.14 The nearest residential properties are sited approximately 54m to the north and 50m to the east of the proposed units. The proposed Class B1 use would be regarded as being compatible with adjoining residential uses. It is considered that subject to an appropriate landscaping scheme the parking and circulation area to the north of the proposed units will not result in unsatisfactory amenity impact on the occupiers of residential properties to the north of the site.
- 10.15 Objections raised in regard to potential light pollution, boundary fencing and site contamination are addressed by recommended conditions.

Flood risk

- 10.16 The site is situated within Flood Zone 2 wherein the proposal is regarded as compatible development. A sequential test which aims to steer development towards Flood Zone 1 is not required as the site is allocated for the proposed use.
- 10.17 The design of the buildings reflects the requirements of the recommended safety and mitigation measures of the submitted Flood Risk Assessment. All external surfacing is to be permeable.
- 10.18 A revised drainage strategy has been submitted and the Lead Local Flood Authority (LLFA) is satisfied with it, subject to conditions. The comments of EHDC Engineer on the amended strategy are awaited and members will be updated at the meeting. Currently members will note that the Engineer did not favour the elements proposed as part of the originally submitted strategy.

Heritage impact

- 10.19 The proposed development would be sited approximately 65m from the Grade II Listed Watermill House to the north of the site. As a result of this distance and intervening boundary treatments, the proposals would have no harmful impact on the listed building or its setting.

Ecological impact

- 10.20 Herts Ecology advise that, given the current condition of the site, there would be no purpose in carrying out ecological surveys. However, relevant policies aim to deliver overall net gains to biodiversity and a condition is recommended to achieve such improvement. This could include bat and bird boxes in the trees and buildings and an appropriate landscaping scheme.

Planning obligations

- 10.21 The Highway Authority has requested a financial obligation of £55,000 to secure sustainable transport improvements including improvements to Aspenden Road and the access to the site. The works will also require a S.278 Agreement. The improvements to the highway and access addresses issues relating to the impact of the proposed development on the highway network and improvements to the site access and meet the tests of the Community Infrastructure Regulations (CIL).

11.0 Conclusion

- 11.1 The site is allocated for employment use in the Local Plan and the emerging District Plan and, given the ongoing concerns raised with regard to the sustainability of the town, the provision of employment opportunity carries significant positive weight.
- 11.2 Weighed against that is the rather rudimentary nature of the proposals with regard to design and layout. The proposals are no more than standard in this respect and are unlikely to achieve an outcome that is of high quality for business occupiers or visitors to the site. There is some concern that this may impact on the long term attractiveness of the units to occupiers. Some negative weight is assigned to the proposals in respect of these matters.
- 11.3 Likewise, with regard to the impact on travel patterns, little encouragement is given to modes of travel other than the private vehicle. In respect of vehicle access and parking, the proposals are considered acceptable, subject to a S.106 financial obligation towards highway and access improvements and a condition requiring a Travel Plan.
- 11.4 Whilst some negative weight is assigned to the proposals, it is considered that the benefit overall is not outweighed and the proposals can be supported. It is recommended that permission be granted.

Legal Agreement

- A financial obligation of £55,000 to secure sustainable transport improvements including improvements to Aspenden Road and the access to the site
- Provision of fire hydrants

Conditions

1. Three year time limit (1T12)
2. Approved Plans (2E10)
3. Occupation of the development hereby approved shall not take place until improvements to the Aspenden Road junction shown for indicative purposes on drawing number S3203/FP2 have been implemented in accordance with the requirements of the Highway Authority and approval of the Local Planning Authority.
Reason
To secure satisfactory access to the development in the interests of public safety.
4. Prior to first occupation of the development all vehicular access areas shall be laid out and surfaced and arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge onto the public highway.
Reason
To minimise danger and inconvenience to users of the highway and the site.
5. The development shall not be brought into use until a Travel Plan has been submitted to and approved in writing by the writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan shall contain proposals to minimise the use of private cars to the development, including provisions for setting targets for modal split for journeys and the monitoring of the achievement of such targets, together with fall-back measures to rectify any failure to achieve the said targets.
Reason
To promote sustainable transport.

6. The development hereby approved shall not be brought into use until details of the cycle storage provision to be made, along with other cycle parking provision on the site, has been submitted to and confirmed in writing by the Local Planning Authority. Once approved, the provision shall be implemented as such and shall be made available for use before the first of the units hereby approved is brought into use.

Reason

To promoted means of transport to the site other than by private vehicle.

7. Prior to the commencement of the development a Construction Management Traffic Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved Plan. The Plan shall provide details of:

- The phasing of the development, including highway works;
- Methods of accessing the site, including construction vehicle numbers and routing;
- The location and details of wheel washing facilities;
- Associated parking and storage areas clear of the public highway.

Reason

To ensure that the impact of construction on the local highway network is minimised.

8. The existing Right of Way (Buntingford 27) shall remain undisturbed and unobstructed at all times unless legally stopped up or diverted prior to the commencement of the development. The alignment of the public right of way shall be protected by temporary fencing/signing in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of public rights and safety.

9. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Innervision Design, Rev B dated September 2017 and the following mitigation measures detailed:

- Providing attenuation to ensure no increase in surface water run-off for all rainfall events up to and including the 1 in 100 year + climate change event;
- Implementing an appropriate drainage strategy based on attenuation and infiltration including SuDS features as described

in the FRA and indicated on drawing No. S3203/11B dated September 2017.

10. No development shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Detailed drawings of the proposed SuDS features including their size, volume, depth and any inlet/outlet features, including any pipe runs;
 - Final detailed management plan to include arrangements to secure the operation of the scheme throughout its lifetime.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the phasing arrangements embodied within the scheme.

Reason

To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.

11. Prior to first occupation of the development a scheme to enhance the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme of enhancement shall include: bat and bird boxes in the remaining trees and integrated bat and bat roosts and nest boxes in the buildings. The scheme shall thereafter be implemented.

Reason

In the interests of securing biodiversity enhancement in accordance with Policy ENV17 of the East Herts Local Plan Second Review April 2007.

12. Levels (2E05)
13. Lighting details (2E27)
14. Samples of materials (2E12)
15. Contaminated land survey and remediation (2E33)
16. Construction hours of working – plant and machinery (6N07)
17. Details of earthworks/mounding (4P10)
18. Tree protection (4P07)

19. Landscape design proposals (4P12)
20. Landscape works implementation (4P13)
21. Hard surfacing (3V21)
22. Restricted use buildings (Use Class B1)

Summary of reasons for decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

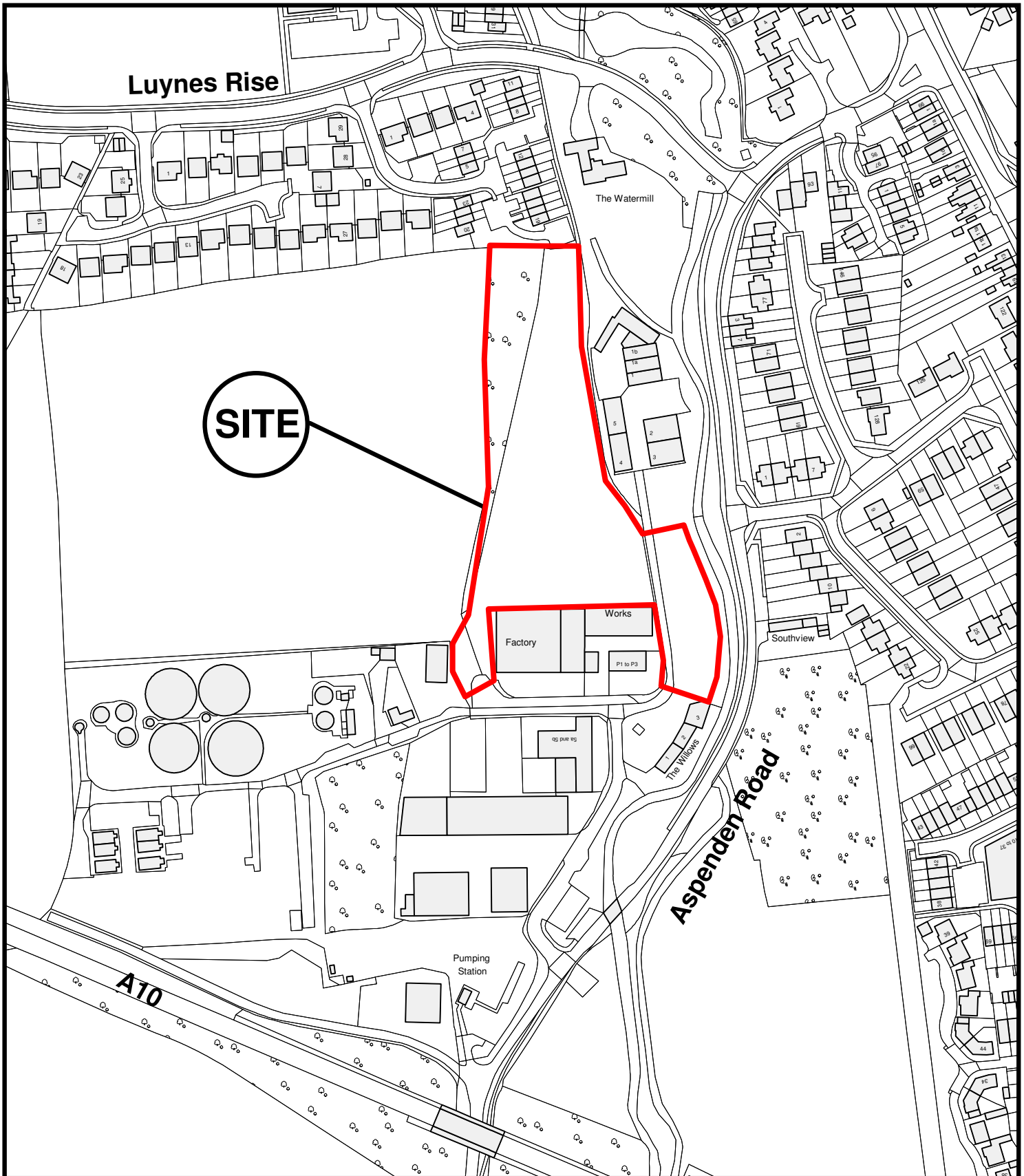
KEY DATA

Non-Residential Development

Use Type	Floorspace (sqm)
Class B1 Business	2,380 (net) 2,500 (gross)

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
B1	1 space per 35m ² gfa	72
Total required		72
Accessibility reduction	Zone 4 up to 25%	18
Resulting requirement	None considered appropriate	0
Proposed provision		68



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Page 83

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 8 Nov 2017

Application Number	3/17/1791/FUL
Proposal	Construction of sports hall (985m ²) with associated changing facilities and car park, with access from Stortford Hall Park.
Location	Hockerill Anglo European College, Dunmow Road, Bishops Stortford, CM23 5HX
Applicant	Hockerill Anglo-European College
Parish	Bishop's Stortford
Ward	Bishop's Stortford – All Saints

Date of Registration of Application	31 July 2017
Target Determination Date	25 September 2017
Reason for Committee Report	Member referral
Case Officer	Hazel Izod

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

- 1.1 This application proposes a new sports hall on existing playing pitches within the main campus of the college. The site lies within the built-up area of Bishop's Stortford and adjacent to the Conservation Area. The proposal will provide a modern sports facility that will enhance the college facilities, and be available to the local community through a proposed Community Use Agreement.
- 1.2 The main issues relate to the visual impact of the development as a result of its scale and design, impact on residential amenity, and any impact on the setting of heritage assets, including the Conservation Area and nearby listed/curtilage listed buildings.
- 1.3 A new vehicular access is proposed from Stortford Hall Park to a new parking area, which has raised significant concern with local residents. This has the potential to be beneficial with regard to local parking issues, but rigorous and ongoing management will be required to achieve that.

- 1.4 The main issues for Members to consider therefore are the benefits of the proposal – enhanced sporting facilities for the college and the community, weighed up against any localised harm which may occur as a result.

2.0 Site Description

- 2.1 The site forms part of an established residential college site which comprises a range of buildings and associated parking and open space. The main Hockerill College building is Grade II listed, and the site lies just outside the Bishop's Stortford Conservation Area with the main part of the college site, to the south, included.
- 2.2 The application site is located on the north part of the college site and is bounded by Stortford Hall Park to the north, a raised all weather football pitch to the south, playing fields to the east, and residential properties of Foxley Drive to the west beyond Footpath 35. There are mature trees and bushes along both the north and west boundaries of the site.

3.0 Background to Proposal

- 3.1 The application proposes a new sports hall with a total floorspace of approximately 985 sqm. The building comprises a 4 court sports hall with associated equipment stores, changing facilities, and office space.
- 3.2 A parking area for 16 cars, plus a disabled and a mini-bus space, is proposed to the north of the building with a new vehicular access created from Stortford Hall Park.
- 3.3 Amended plans have been received during the course of the application to provide 2 additional car parking spaces (giving the total 16 spaces referred to above), along with an amended certificate of ownership as the applicant has not been able to identify the landowner for the ditch to the north of the site adjacent to Stortford Hall Park (over which the access is proposed). An additional consultation has been carried out with relevant consultees and residents, and is still running at the time of writing this report. Any further comments received will be updated to Members at Committee.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007, the pre-submission East Herts District Plan 2016 and the Bishop's Stortford Central, All Saints, South and part of Thorley neighbourhood Plan (NP):

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan	NP
Provision of enhanced facilities for the school and community use	Para 11 – 16, Section 8	SD2, LRC2, IMP1	INT1, BISH12, CFLR7, CFLR9, CFLR10, CC1, CC2, DEL1	EP7
Loss of playing field, and sporting need	Section 8	LRC1, LRC2	CFLR1	SLCP1, SLCP2, SLCP3
Scale, design, and layout	Section 7	ENV1, ENV3, ENV4	DES1, DES2, DES3, DES4, NE4, CC1, CC2, WAT4, CFLR1, CFLR9	HDP2, HDP3, EP6
Impact on residential amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3	HDP1
Heritage assets	Section 12	BH6	HA1, HA4, HA7	HDP2
Access and parking	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3	TP3, TP7
Trees and landscaping	Section 7,	ENV2, ENV11	DES2	GIP4
Surface water drainage	Section 10	ENV18, ENV21	WAT5, WAT3	HDP3

Other relevant issues are referred to in the ‘Consideration of Relevant Issues’ section below.

5.0 Emerging District Plan

5.1 The District Plan has been submitted to the Secretary of State for examination. The view of the Council is that the Plan has been positively prepared, seeking to ensure significantly increased housing development during the plan period. The weight that can be assigned to the policies in the emerging plan can now be increased, given it has reached a further stage in preparation.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions. It comments that, subject to appropriate permissions being obtained to cross the watercourse, the Highway Authority is content in principle with the proposed access. Depending on how the community use of the sports hall is managed there may be some potential for overspill parking as the provision is less than East Herts standards. However, given that the principal function of the sports hall is to serve the school, the Highway Authority is broadly content with the parking provision, although some out of hours provision using the wider parking areas within the school may be beneficial.
- 6.2 Environment Agency has no objection.
- 6.3 EHDC Conservation and Heritage Advisor recommends permission and comments that the chosen location is considered to be acceptable, as is the proposed design. It is not considered that the proposals would harm the setting of the Bishop's Stortford Conservation Area.
- 6.4 EHDC Landscape Advisor recommends consent and comments that a number of trees will be removed for the new access to the car park, but there should be potential for replacement planting elsewhere within the vicinity of the car park. An Arboricultural Method Statement will be required. No detailed landscape proposals have been submitted, but the footprints and location of the building and car park are broadly acceptable in landscape terms. Materials specification and hard landscape details will be required, including details of any kerbs, knee rails or hedge planting around its perimeter. The 'contractors compound' area should provide the opportunity for new/replacement tree planting and/or other landscape proposals to improve the setting for the new sports hall when approached from the car park.
- 6.5 Herts Ecology raises no objection and has no reason to request any ecological surveys in this case. A directive is recommended in respect of site clearance during the bird nesting season.
- 6.6 EHDC Environmental Health Advisor has no objection subject to conditions. In respect of lighting the advisor comments that the introduction of car parking, especially with community use as proposed, is likely to give rise to a need for external lighting which should be suitably designed and orientated to ensure it has no adverse impact on neighbours. In respect of construction it requests a Construction Management Plan, and in respect of noise it recommends attenuation of plant and machinery.

6.7 Sport England does not wish to raise an objection subject to a Community Use Agreement condition. It comments that the current gym is considered inadequate for a school of this size, whilst the new sports hall would accord with Sport England's design guidance in many respects. The proposed dimensions would allow a wide range of indoor sports to be played at competition level by the community; the proposal would therefore help address both current and future sports hall needs in the area. An informative is recommended that the detailed elements (flooring, lighting etc.) are designed in accordance with Sport England's design guidance notes.

6.8 Highways England raises no objection.

7.0 Bishop's Stortford Town Council Representations

7.1 Initially raised no objection, but later objected on the grounds of limited parking provision particularly for events and visiting teams, and effect on neighbouring roads.

8.0 Summary of Other Representations

8.1 52 no. letters of **objection** have been received (predominantly from addresses in Stortford Hall Park), raising the following points:

- Increased traffic, congestion and disturbance on Stortford Hall Park – the road becomes single carriageway due to on-street parking;
- The new junction will be a hazard with inadequate visibility – dangerous junction with existing roads, and Footpath 53;
- Parking is a problem on Stortford Hall Park due to students, commuters, holiday makers, and weekend sports supporters, and Police have been called several times due to obstructions;
- Double yellow lines have been installed in places, but this just displaces parking elsewhere in the street;
- Concern that parents will use the car park for drop-off/pick-up;
- Parking provision is below standard and concern that overspill parking will result;
- Pupil parking is already an issue for residents as they are not permitted to park within the school grounds;
- The school already has 7 vehicular access points – surely 8 is excessive;
- Stortford Hall Park is unsuitable for construction vehicles – construction access should be through the college;
- Concern over safety for users of Footpath 53 who have to cross Stortford Hall Park – a safe crossing should be provided;

- Lack of detail on the sustainable drainage proposals and concern over flooding – the submitted report fails to consider the wider area, and the impacts of climate change;
- Light pollution from floodlighting and noise pollution from the sports use – exacerbated by tree removal along Stortford Hall Park;
- Design of the building is drab and uninspiring;
- Community involvement was limited – many residents were not informed;
- No need for a sports hall – there are plenty of gyms in the area;
- Concern over residents' mental and physical health as a result of the impact;
- Query over land ownership of the access point;
- Surprise at lack of mention of security given previous attempts to divert Footpath 53;
- Increased pollution;
- Impacts on wildlife;
- Supporters live outside Bishop's Stortford and have children attending the school;
- Amendments (2 additional parking spaces) do not address highway and parking concerns.

8.2 90 no. letters of **support** have been received (predominantly from addresses further afield) raising the following points:

- Desperate need for a new sports facility – existing facilities are well below standard;
- Longer term advantages to the school outweigh the short term impact on local residents (from a local resident);
- Funds are finally available and should not be wasted;
- Local impacts would be minimal.

8.3 Councillor Woodward is broadly in support subject to community use being assured, but raises concerns over access onto Stortford Hall Park so near the old rail bridge and next to a well-used right of way, Footpath 53.

9.0 **Planning History**

9.1 There is an extensive planning history across the college site, but the following application is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/12/2161/FP	Relocation of an existing all weather pitch to allow construction of a new 5 court sports facility with climbing wall, 4 changing rooms, fitness room, social space and various storage and meeting rooms.	Approved	24.05.2013

- 9.2 The above permission was granted subject to a number of conditions, including a Community Use Agreement, but did not include a vehicular access to Stortford Hall Park, nor any additional parking provision. The approved building was located further south in the site, with an extensive raised artificial pitch, and was of a more contemporary design. The permission was not implemented and has now expired.

10.0 Consideration of Relevant Issues

Provision of Enhanced Facilities for the School and Community Use

- 10.1 The building will provide a much needed sports facility for the current and future needs of the college. The college currently only has a gym of 260 square metres that was built in the 1960s. Sport England considers this to be inadequate for a school of this size. Members will see from the history above that a previous application for a sports hall was approved in May 2013, but was never implemented, and the permission has now expired.
- 10.2 The submitted Design and Access Statement sets out that an Education Funding Agency grant was secured by the college in March 2017 for the building of a sports hall. The proposed sports hall, along with the new science block (considered by Members at October Committee - 3/17/1601/FUL) are the two main priorities for the college.
- 10.3 The college currently has more than 800 students with a mix of day pupils and boarders. Education Building Bulletin 103 (BB103 – the recognised Government guidance for school building projects) specifies that schools with over 800 students should have a 4 court sized sports hall with internal dimensions of at least 18m by 33m, which also allows for informal community recreational use. BB103 states that a larger Community Sports Hall, to Sport England standards, can be provided if funding allows (20m by 34.5m as proposed). At this stage, the additional funding is not available; however the college wish to apply for the larger hall to establish whether it is acceptable in planning terms.

- 10.4 The proposal would also provide a significant benefit in terms of community use, and help address an identified shortfall of sports facilities within the town. East Herts Council has recently carried out an assessment of community sports hall needs in Bishop's Stortford and identified that there is no spare capacity at peak times at existing publicly accessible halls, and that some existing facilities are operating at levels that are well above what Sport England would consider to be comfortable. Projected housing growth would also generate an additional need for sports hall provision in the town.
- 10.5 A draft Statement of Community Use has been submitted, but a full agreement will need to be secured by condition, as per the 2013 permission. It is proposed that the building be available for community use when the building is not in use by college students. The following hours have been proposed for community use at this stage:
Monday to Friday: 18.00-20.00
Saturdays: 12.00-16.00
Sundays: 09.00-12.00
Full details should be secured by condition, including pricing arrangements, timings access, and management details. The above timings, as proposed at this time, give 17 hours community use per week.
- 10.6 The proposed community use complies with Local Plan policy LRC2 which promotes the dual use of educational and leisure facilities, and emerging policy CFLR1 which states that proposals should aim to provide for dual use and secure Community Use Agreements. The proposal also complies with Section 8 of the NPPF in creating healthy and inclusive communities. Paragraph 70 encourages shared use of sports venues to enhance the sustainability of communities and residential environments. The educational and community benefits of the scheme can be given substantial positive weight.

Loss of Playing Field, and Sporting Need

- 10.7 The proposal will result in the loss of part of the existing college playing fields, defined as designated open space in the adopted Local Plan. Local Plan policy LRC1 states that proposals resulting in the loss of school playing fields will be refused unless either suitable alternative facilities are provided, or it can be demonstrated that the facility is no longer needed and there is no viable demand for an alternative facility. In this case it is considered that the alternative facility (i.e. the new building) is at least equivalent in terms of quantity, quality, and accessibility to the playing field that will be lost.

- 10.8 A similar approach is proposed in emerging policy CFLR1 which only allows for the loss of playing fields in particular cases, including where “the development is for an alternative open space, sport and recreation facility, the need for which clearly outweigh the loss.” It is considered that in this case, given the need for the sports hall demonstrated by the college, and the benefits to the local community in respect of dual use facilities, the loss of part of the playing field would not be harmful.
- 10.9 Sport England also has a similar policy approach, and would oppose the granting of planning permission for any development that would lead to the loss of any part of a playing field, unless one or more of its five exceptions apply. One of those exceptions is that the new facility would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, and, as per existing and proposed planning policies, it is agreed that this exception applies in this case. The loss of the playing fields can therefore be afforded neutral weight, as an appropriate replacement facility is provided in accordance with adopted and emerging planning policy.

Scale, Design and Layout

- 10.10 The building is proposed as a flat roofed brick structure of two storey scale to provide sufficient height for the sports use. There is a single storey element to the west elevation that comprises equipment stores, plant room, and changing facilities. A glazed entrance is proposed in the southwest corner of the building with a suspended canopy, and external doors are proposed for the plant room and sports hall along the south elevation. High level windows on the north elevation will be formed of fixed glazing concealed behind open lattice brickwork. On the south elevation the open lattice brickwork will conceal high level opening louvres to provide ventilation.
- 10.11 The building is considered to be rather uninspiring in design terms, with extensive brick facades and minimal detailing in the form of open lattice brickwork at upper level, and full height brick columns along the north and south elevations. This weighs somewhat against the proposal. However, it will be functional, and will not be highly visible from outside the site. No objection has been raised by the Council’s Conservation and Urban Design Advisor to the design of the building. It will be particularly important to ensure the use of good quality materials given the rather uninspiring design.

- 10.12 The existing sports pitch layout will be unaffected – an existing all weather pitch to the south of the building will remain intact, and there will be no impact on winter and summer pitch layouts.
- 10.13 Footpaths are proposed to connect the building to the new parking area, and to the existing college. A new stepped path is proposed from the all-weather pitch, with a ramped accessible path to the west of the existing field changing rooms. Limited information has been submitted in respect of hard and soft landscaping, and it is recommended that this detailed information be secured by condition.

Impact on Residential Amenity

- 10.14 The nearest residential properties are 20 Foxley Drive and St. Filans to the west, at a distance of approximately 45m, and properties in Stortford Hall Park at a distance of at least 55m to the north. Given the location of the building, the existing boundary screening, and its scale and visual impact, it is not considered that these dwellings would be harmed by way of loss of light, outlook or overbearing impacts.
- 10.15 Concerns have been raised by local residents that the proposed new access will result in some tree removal, which in turn will exacerbate impacts from noise and light pollution from both the existing site and proposed development. Environmental Health has raised no objection in this respect, and has advised that the loss of the trees would have minimal impact on the spread of noise or light pollution. Further, it is not considered that the development would result in any increased noise impact given that the sports facilities are internal. There are some openable louvres proposed along the south elevation, but given their location to the south, and the distance retained to neighbouring properties, it is not considered that any harmful noise impacts would arise. There will be some equipment and ventilation equipment provided in connection with the building, and Environmental Health has recommended a condition to restrict noise emissions from this equipment. This is considered reasonable and necessary to secure by condition to prevent undue harm.
- 10.16 The proposal will result in some increased disturbance through additional traffic movements at the new access point; however the level of movement is not considered to be so significant such that it will have an unacceptably harmful impact on amenity. Highway matters are discussed in more detail below.

- 10.17 In terms of proposed lighting, the submitted details refer to potential bollard lighting from the car park to the new building, and externally mounted lights on the face of the building itself. Full details of these lights would be required by condition to ensure no harm to neighbour amenity. No additional lighting is proposed for the existing pitches.
- 10.18 Overall, in amenity terms, it is considered that the proposals do not result in a harmful impact on neighbouring residents., and the impact of lighting is therefore deemed to be neutral.

Heritage Assets

- 10.19 The site lies just outside the Bishop's Stortford Conservation Area but within the curtilage of listed buildings, including the main Hockerill College building (Grade II listed). Having regard to the scale, design and siting of the new building, it is not considered that the proposal will result in harm to the setting of those heritage assets. No objection has been raised by the Conservation and Urban Design Advisor.

Access and Parking

- 10.20 A 16 space car park is proposed to the north of the building with a new access from Stortford Hall Park. A disabled parking space and mini-bus parking space are also proposed in addition. The access will require the removal of some vegetation, and the crossing of a ditch. A number of concerns have been raised over the impact of this new access and parking area.
- 10.21 Stortford Hall Park is a residential street located to the north of the site which currently experiences on-street parking pressures as a result of the college, residential uses, local commercial uses, and commuters. In response to neighbour concerns, double yellow lines have recently been applied in the vicinity of the proposed access. Whilst this prevents parking near the new access, it has reduced the availability of on-street parking, and has displaced parking elsewhere in the street.
- 10.22 Neighbour objections make reference to obstructions that have resulted in the Police being called, and obstructions to emergency service and waste service vehicles. At most times of the day, the road becomes single track due to parked cars along the north side. Neighbour concerns over the impact of the new access and car park are therefore understood, particularly if the new car park were to be used as a drop-off/pick-up area for the college, or used by students for parking.

- 10.23 The new sports hall will not increase pupil numbers. There is no requirement for additional parking as a result of the educational use of the building therefore. No additional parking was proposed to be provided as part of the previous planning permission for a larger sports building. It is therefore not considered reasonable or necessary to require implementation of the parking area by condition.
- 10.24 The Highway Authority has advised that it would not raise an objection if no parking were provided at all. Nonetheless, given the existing pressures on parking in the local area, it is considered acceptable in principle that an additional car park be provided, particularly as a benefit in connection with the community use of the building. Having regard to the adopted parking standards for a 4 court sports hall, 16 no. spaces are required (in both current and emerging standards), and therefore the parking provision is policy compliant (following the submission of amended plans to increase from 14 to 16).
- 10.25 Given that the car park is only required in connection with the community use of the building, it is considered fair and reasonable to recommend a condition requiring a Car Park Management Plan to be submitted and approved to control its use. It is considered that this should prevent student parking (as is the existing college car parking policy), and drop-off/pick-up of students. The car park should be available for disabled parking at all times, and predominantly for community use out of school hours. Rigorous management of the parking would be required, to ensure that it did not become used as a potential student parking area, therefore drawing more traffic to this side of the site in the hope of finding a parking space.
- 10.26 The access and parking area may not even be constructed in the initial phase due to funding limitations. In the event that the parking area is not delivered, an emergency access vehicular route will be provided along the east side of the building then through the existing college site and connect to an existing access onto Manor Road. This would be formed of ground reinforcement grids and is considered to be acceptable.
- 10.27 It is noted that there is an existing public footpath to the west of the site (FP53), that runs through the college grounds and exits to the west of the new access. This will be retained. The new vehicular access is proposed in close proximity to the footpath, which exits directly onto Stortford Hall Park with no crossing facility. Residents have raised concerns over the safety of users of this footpath given the provision of a new vehicular access in close proximity to the existing junction. Whilst these concerns are noted, no objection has been raised by the Highway

Authority to this aspect of the proposal, and it is not considered that any significant harm would arise given the scale of development proposed and vehicle speeds in the vicinity.

- 10.28 Provision is made for cycle parking in close proximity to the building. Adopted cycle parking standards would require 39 spaces for the floorspace proposed in this building. Space is proposed for only 10; however this is considered to be reasonable given that the 4 courts would only be in use by a maximum of 16 people at any one time. .
- 10.29 Overall, the provision of car parking in connection with this new facility weighs in favour of the application, but the favourable weight is limited, given the potential for the parking to result in more difficulties for local residents if it is not rigorously managed.

Trees and Landscaping

- 10.30 The scheme proposes the removal of a number of trees along the northern boundary of the site to enable access to the site. The trees are not protected and are not considered to be of significant amenity value. No objection has been raised by the Landscape Officer to the loss of these trees, subject to a condition to secure detailed landscape proposals, and replacement planting.
- 10.31 Hard landscape and surfacing details will also be required, including details of the boundaries of the new car park (kerbs/knee rails/hedge planting). The Landscape Officer has suggested replacement tree planting within an area identified as 'contractors compound' on the submitted arboricultural plan. However, this is a temporary construction compound, and will otherwise be retained as playing fields which should not be planted with trees. It is considered, however, that there is sufficient space around the car park, and the building, for an appropriate planting scheme to be provided. This should be secured by condition, along with an Arboricultural Method Statement as recommended.
- 10.32 A new ramp linking back to the main college site would appear to have potential implications for trees on the west side of the site, being routed under their canopies. Care with regard to the construction of this can reduce the impact and this can be controlled through the requirements of the landscaping condition.

Surface Water Drainage

- 10.33 The site lies in Floodzone 1 and is therefore not at risk of fluvial flooding. Parts of the proposed car park and access (where there is an existing ditch) lie in areas of low to medium surface water flood risk. Surface water drainage proposals have been put forward but are not subject to detailed external scrutiny for 'minor' developments, and it is noted that a number of concerns have been raised by residents in respect of the content of the drainage report. However, the Environment Agency has been consulted on the application, and has not raised any objection.
- 10.34 The scheme makes provision for permeable paving in the car park and a cellular crate to attenuate flows. This is not a high quality SuDS option, with softer solutions being preferable. Storage arrangements such as this have the potential for longer term maintenance problems, but they are not considered to be unacceptable. A condition is recommended to require the submission of details of the drainage scheme, having regard to sustainable drainage principles. If a softer solution cannot be achieved, then this must be assigned some harmful weight. Further feedback has been sought from the Councils Engineering Advisor and Members will be updated with regard to this at the meeting.

11.0 Conclusion

- 11.1 There is no objection in principle to development in this location, and following consultation with Sport England, it is considered that the loss of part of the playing field is outweighed by the benefits arising from the scheme. The proposal will represent a significant benefit to the college, which is currently lacking in both quality and quantity of sports facilities. The scheme will also benefit the local community through a Community Use Agreement, and meets the aspirations of the NPPF in providing for healthy and sustainable communities. These benefits weigh considerably in favour of the scheme.
- 11.2 It is considered that the scale and design of the building is appropriate, although uninspiring, and will respect the setting of the Bishop's Stortford Conservation Area and heritage assets on the college site. It is also considered that no harm will arise to neighbour amenity, subject to conditions on noise and lighting, or to trees/landscape impacts.
- 11.3 The proposed new vehicular access and parking area that has raised concern amongst local residents. However, given that the Highway Authority has raised no objection, and subject to a Car Park

Management Plan to be secured by condition, it is considered that this aspect of the development has the potential to be beneficial.

- 11.4 The drainage solution proposed is not a positive approach to the matter and some negative weight is assigned as a result.
- 11.5 On balance however, it is therefore considered that the proposal represents a sustainable form of development, and the benefits are not outweighed by any significant harm. The application is therefore recommended for approval subject to conditions.

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Prior to any above ground works being commenced, the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

4. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works, and no external lighting shall be provided without such written consent. The development shall be carried out in accordance with the approved details.

Reason

In the interests of the visual amenities of the area, and in accordance with policy ENV23 of the East Herts Local Plan Second Review April 2007.

5. Prior to first use of the building hereby approved, a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority, in discussion with Sport England. The Agreement shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and any other matters that the Local Planning Authority consider necessary in order to secure effective community

use of the facilities. The development shall not be used at any time other than in strict compliance with the approved Agreement.

Reason

To secure well managed community access to the sports facility, to ensure sufficient benefit to the development of sport in accordance with policy LRC2 of the East Herts Local Plan Second Review April 2007, and Section 8 of the National Planning Policy Framework.

6. Prior to the commencement of any above ground works, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

7. Landscape works implementation (4P13)
8. Prior to the commencement of works in connection with the new access and car park hereby approved, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of works to trees on site. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason

To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

9. Sustainable Drainage - Surface water Management (2E43)
10. Before the access is first brought into use, visibility splays of 2.4m x 4.3m shall be provided in both directions from the crossover, within which there shall be no obstruction to visibility between a height of 0.6m and 2m above the carriageway. The visibility splays shall be permanently maintained as such.
Reason
To ensure the provision of a safe access and adequate parking to minimise the impact on the local highway network.
11. Prior to first use of the car park hereby approved, all on site vehicular areas shall be completed in accordance with the approved in principle drawing BA/P17-222-102 A, and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.
Reason
To minimise the impact of the development on the local highway network.
12. Prior to first use of the car park hereby approved, a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the use of the car park shall thereafter be in accordance with the approved details.
Reason
To minimise the impact of the development on the local highway network and amenity of local residents.
13. Noise resulting from the use of plant, machinery or equipment in connection with the building hereby approved, shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality), when measured according to BS4142:2014 at a point 1 metre external to the nearest noise sensitive building.
Reason
To minimise the impact of the development on the amenity of local residents in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.
14. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be

carried out in accordance with the approved details. The Plan shall identify details of:

- a. Phasing for the development of the site, including all highway works;
- b. Methods for accessing the site including construction vehicle numbers and routing, and hours of operation and delivery;
- c. Pedestrian routes within the site during the construction period;
- d. Location and detail of wheel washing facilities;
- e. Associated parking/loading areas and storage of materials clear of the public highway;
- f. Details of consultation and complaint management with local businesses and neighbours;
- g. Waste management proposals;
- h. Mechanisms to deal with environmental impacts such as dust, noise, air quality, light, and odour.

Reason

To minimise the impact of the development on the local highway network.

Informatives

1. Other Legislation (01OL)
2. Highway Works (05FC)
3. Public Rights of Way (18FD)
4. Clearance of Vegetation (35CV)
5. The applicant is advised that the design and layout of the sports hall should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to the 'Sports Hall Design and Layout' design guidance note available online at www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/sports-halls.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Non-Residential Development**

Use Type	Floorspace (sqm)
D2 Assembly and Leisure	1,196

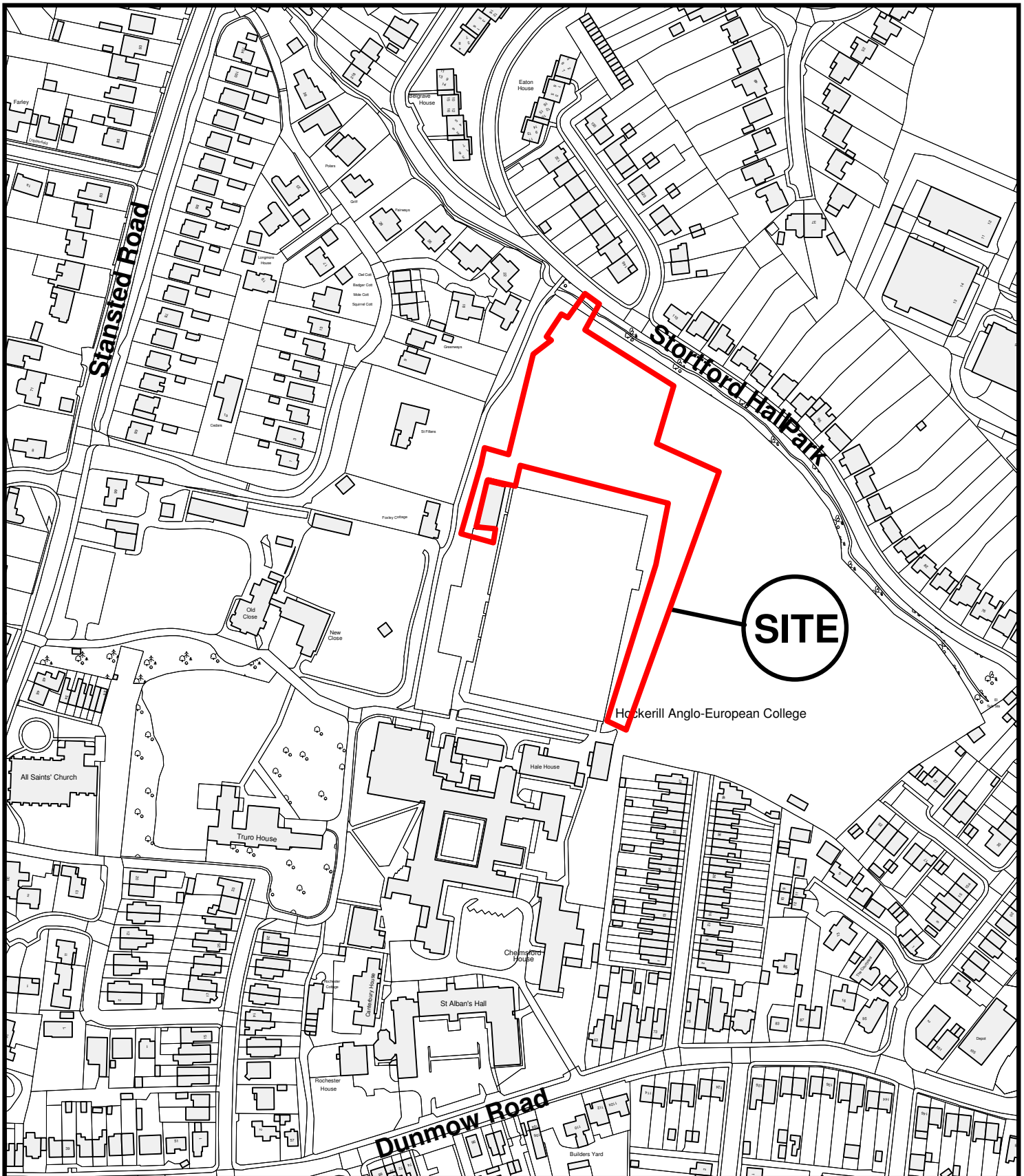
Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
D2 Assembly and Leisure	4 spaces per court	16
Total required	16	16
Accessibility reduction	75-100%	
Resulting requirement	12-16	
Proposed provision	16	16

Legal Agreement – financial obligations

No financial contributions are required in connection with this application.

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 8 Nov 2017

Application Number	3/17/2118/HH
Proposal	Two storey side and single storey rear extension
Location	1 Beechfield, Sawbridgeworth, CM21 9NG
Applicant	Mrs L Page
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	12 September 2017
Target Determination Date	7 November 2017
Reason for Committee Report	Applicant is an employee of the Council
Case Officer	Nicholas Reed

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary

1.1 The application proposes a two storey side extension and single storey rear extension to a dwelling which is located within a built up area where, in principle there is no objection to development. It is necessary to consider the impact of the proposals on the character of the street and area, the impact on neighbouring amenity and the provision of parking.

2.0 Site Description

2.1 The application site contains an existing detached three bedroom dwelling which is set on a corner plot with a good sized garden to the rear and generous spacing to the side of the dwelling with the street, Fairway. The dwelling is slightly elevated above that road. Existing external materials comprise yellow/brown bricks, brown hanging tiles and boarding to the front elevation and white fenestration. The dwelling is of a similar architectural style to other dwellings in the area which comprise a mixture of detached, semi-detached and terraced properties. There are various extensions and alterations to the front and sides of dwellings in the immediate and wider locality and different materials and landscaping to front driveways and garden amenity spaces.

3.0 **Background to Proposal**

- 3.1 A planning application for a two storey side extension, the same size as it is now proposed (LPA ref. 3/17/1562/HH) was granted permission on 16 September 2016. This application is for the same side extension but now with the additional of a full width ground floor rear extension.
- 3.2 This will be located on garden amenity space to the rear. The side element is located between the existing flank elevation and the boundary with the road, Fairway.
- 3.3 The two storey side extension is proposed to be 3.4m in width. The rear extension would project 2.5m to the rear of the existing dwelling. The elevations of the development include a slight set back from the front building line with a hipped roof. The fenestration design is similar to the existing and the plans indicate the provision of a mixture of boarding and brickwork.

4.0 **Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the emerging District Plan (Nov 2016):

Key Issue	NPPF	Local Plan policy	Emerging District Plan
Sustainable development	Para 11 - 16	SD2	INT1, CC1, CC2, WAT4
Impact on the character and appearance of dwelling and street scene	Section 7	ENV1, ENV2, ENV5, ENV6	HOU11, DES2
Impact on the amenity of neighbours	Section 7	ENV1	DES3
Parking provision	Section 4	TR7	TRA3

Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above. The emerging district plan is currently the subject of an examination in public. Given its stage in preparation, and the compatibility of the relevant policies of the emerging Plan and the NPPF, it is considered that considerable weight can currently be accorded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 No representations have been received.

7.0 Sawbridgeworth Town Council Representations

7.1 No representations have been received.

8.0 Summary of Other Representations

8.1 There has been 1 response : No objections
There are currently 3 neighbours being consulted that have not yet responded.

9.0 Planning History

9.1 The following planning history is of relevance to this proposal:-

Ref	Proposal	Decision	Date
3/16/1562/HH	Two storey side extension	Approved with Conditions	16 September 2016

10.0 Consideration of Relevant Issues

10.1 The property is located within the built up area of Sawbridgeworth where, in principle there is no objection to the extension of existing residential development.

Impact on Character and Appearance

- 10.2 The proposed side extension is set back slightly from the front building line with a hipped roof and ridge line slightly lower than the existing. The width (3.4 metres) of the proposed two storey side extension is such that it will appear appropriately subservient to the main dwelling. The proposed single storey rear extension would extend across the full width of the existing dwelling and proposed side extension (10.2 metres) at a depth of 2.5 metres, with a mono-pitched roof. The rear extension is subservient to the main dwelling. The plans indicate materials of construction which are in keeping with the existing building and other buildings in the locality. As such the proposed development is not considered to be harmful to the appearance or character of the subject property or the surrounding street scene.
- 10.3 The site is on a corner plot at a higher level than the street. As a result, any extension to the side or rear of the dwelling will potentially therefore be prominent in the street. However, an appropriate spacing (2.2m) between the flank of the existing dwelling and the boundary with the pedestrian footway will be retained. Whilst the enlarged dwelling will therefore be closer to the street, it is not considered that it will appear dominant or conspicuous within the street scene. In this regard the proposal is considered to comply with relevant policy requirements.

Neighbour amenity

- 10.4 Due to the separation distance and the location of the main element of the works to the side of the existing dwelling there will be no significant or harmful impact on the living conditions of the neighbouring properties at No.2 and No.4 Beechfield. No.1 Elmwood is located to the south of the site, on the other side of fairway. Again, as a result of this separation, no harmful impact is caused.
- 10.5 To the north, the neighbouring property No.3 Beechfield is located 1 metre to the north of the application site. The single storey rear extension would project 2.5 metres beyond the rear of the existing dwelling. It is set back from the common boundary with No.3 Beechfield by 1 metre and extends beyond the rear of No.3 by 4.5 metres. However given the separation between the two respective properties and the single storey only nature of the proposal here it is not considered that the proposal would have any significant or harmful impact to the amenity of No.3.

- 10.6 Lastly, to the rear, no 11 Fairway is located such that the separation between it and the application property ensures that any undue harmful impact is avoided.

Parking provision

- 10.7 The development increases the number of bedrooms to create a four bedroom dwelling. The plans submitted indicate that two parking spaces will be retained (which includes the existing garage). The site is in a zone 4 location, with regard to parking provision. The current parking standards require provision of a maximum of 3 spaces in this location. The emerging parking standards also require 3 spaces and then allow a reduction in provision by up to 25%.
- 10.8 The site is located conveniently for public transport provision in the town and a short distance from the town centre, such that an element of reduced provision is considered appropriate. It is likely that standards cannot be met in full here but that the harm caused as a result is minimal.

11.0 Conclusion

- 11.1 The site is located within the built up area of Sawbridgeworth where in principle there is no objection to development. The proposed extension is considered to be of an appropriate size, scale, form and design such that there will be no significant harm to the character or appearance of the dwelling or street scene. The siting of the proposed extension is such that there will be no significant harm to the living conditions of any neighbouring properties. It may not be possible to meet parking requirements in full but any harm is minimal and certainly not to the extent that the development is considered unsustainable.
- 11.2 In accordance with the above considerations it is considered that the proposal complies with relevant policies and as such it is recommended that permission be granted subject to conditions.

Conditions

1. Three year time limit (1T121)
2. Approved plans (2E103)
3. Materials as on plans (2E421)

Informatives

1. **Other Legislation**

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Residential Vehicle Parking Provision**

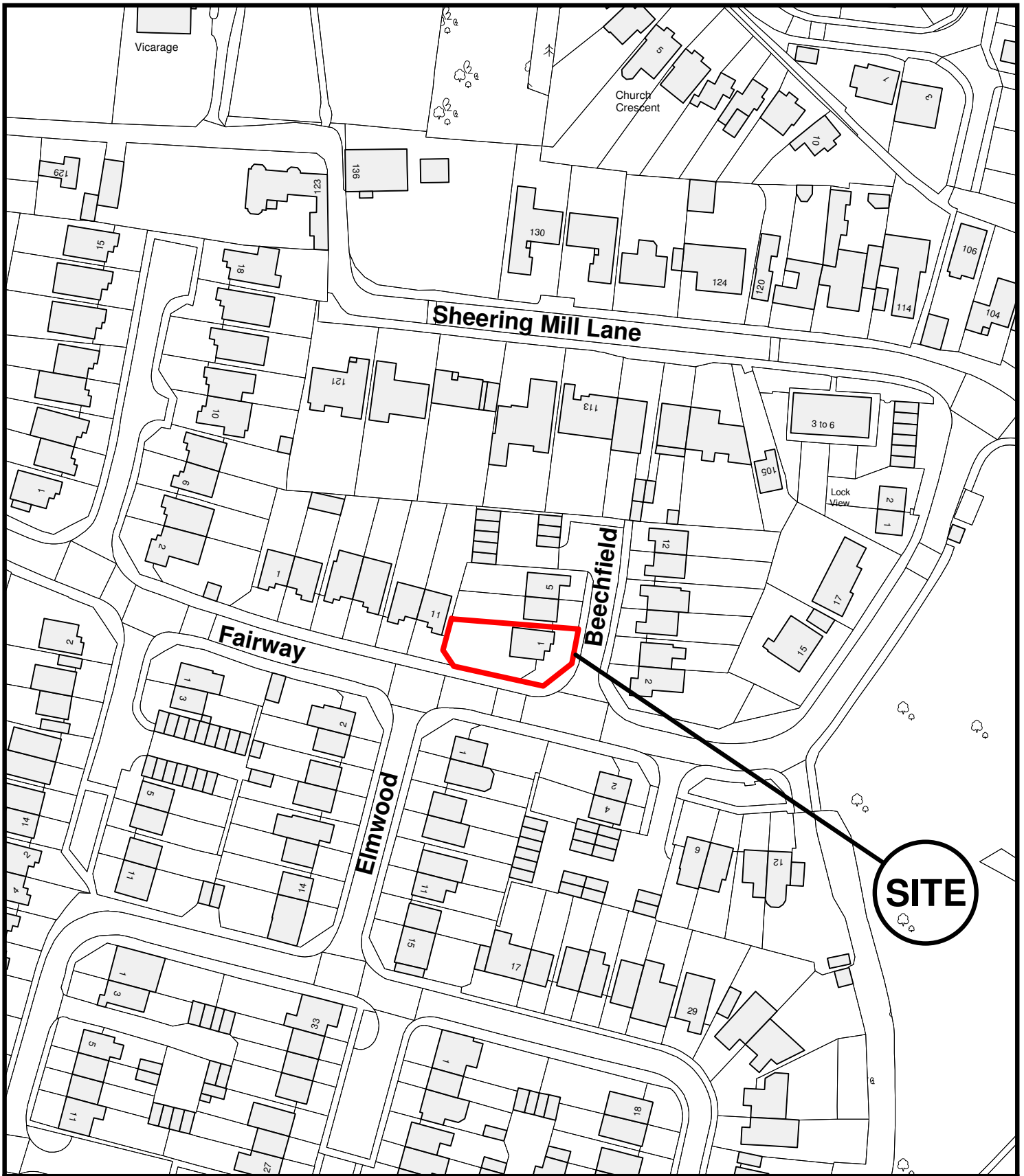
Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.50	
3	2.25	
4+	3.00	3
Total required		3
Proposed provision		2

Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	3
Total required		3
Accessibility reduction	Up to 25%	0.75
Resulting requirement		2.25-3
Proposed provision		2

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