



Alison Stuart
Head of Legal and
Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 5 APRIL 2017
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)
Councillors M Allen, D Andrews, R Brunton, M Casey, S Cousins,
B Deering, M Freeman (Vice-Chairman), J Goodeve, J Jones, R Standley
and K Warnell

Substitutes

Conservative Group: Councillors S Bull, J Kaye, D Oldridge, S Reed
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
01279 502174
peter.mannings@eastherts.gov.uk

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 committee.services@eastherts.gov.uk or calling the Council on 01279 655261 and asking to speak to Democratic Services.

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

4. Minutes – 8 March 2017 (Pages 7 – 18)

To confirm the Minutes of the meeting of the Committee held on Wednesday 8 March 2017.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 19 – 22)

(A) 3/16/2311/OUT – Outline planning for the erection of 15 dwellings with all matters reserved except access at Land at Stortford Road/Town Farm Crescent, Standon, SG11 1NA for Mr Dan Livings (Pages 23 – 48)

Recommended for Approval.

(B) 3/16/2817/FUL – Demolition of three classroom blocks and the creation of new block to house 17 classrooms with 6 temporary classrooms at The Leventhorpe School, Cambridge Road, Sawbridgeworth, Hertfordshire, CM21 9BX for The Leventhorpe School_(Pages 49 – 64)

Recommended for Approval.

- (C) 3/14/0395/FP – Change of use of land to east of Farnham Road from disused quarry/lime works to animal rescue centre and associated landscaping. Redevelopment of Old Lime Works building to caretaker accommodation. Erection of new kennel and cattery building and associated outbuildings, parking areas and access roads. Erection of field shelter and outdoor cattery area at The Old Lime Works, Farnham Road for The Animal Rescue Charity_(Pages 65 – 86)

Recommended for Approval.

- (D) 3/16/1348/FUL – Development of four specialist bungalows with a single storey office link and new car parking at St Elizabeths School and Home, South End, Perry Green, Much Hadham, Hertfordshire, SG10 6EW – 'To Follow'

6. Items for Reporting and Noting

- (A) Appeals against refusal of Planning Permission/ non-determination – 'To Follow'
- (B) Planning Appeals Lodged – 'To Follow'
- (C) Planning Appeals: Inquiry and Informal Hearing Dates.
- (D) Planning Statistics – 'To Follow'

7. Enforcement Update – Esbies Estate – 'To Follow'

8. 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 8 MARCH 2017, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, S Bull,
M Casey, B Deering, M Freeman,
J Goodeve, S Reed, P Ruffles, R Standley
and K Warnell.

ALSO PRESENT:

Councillors P Ballam, S Cousins and
S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Victoria Clothier	- Legal Services Manager
Paul Dean	- Principal Planning Enforcement Officer
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services
Alison Young	- Development Manager

596 APOLOGIES

Apologies for absence were submitted on behalf of Councillors R Brunton, J Jones and J Kaye. It was noted that Councillors S Bull, S Reed and P Ruffles were substituting for Councillors R Brunton, J Kaye and J Jones respectively.

597 DECLARATIONS OF INTEREST

Councillor D Andrews stated that he had no disclosable pecuniary interest in applications 3/14/2143/OP and 3/14/2145/OP, but for the avoidance of doubt he would leave the room as he was a Member of Hertfordshire County Council. He left the room whilst these matters were considered.

Councillor P Ruffles declared that he would remain in the room whilst applications 3/14/2143/OP and 3/14/2145/OP were considered but would take no part in the debate or vote. He explained that he was a Member of Hertfordshire County Council but had not been closely involved in these applications.

598 MINUTES – 8 FEBRUARY 2017

RESOLVED – that the Minutes of the meeting held on 8 February 2017 be confirmed as a correct record and signed by the Chairman.

599 A) 3/14/2143/OP – RESIDENTIAL DEVELOPMENT (247 DWELLINGS) ALTERATIONS TO PATMORE CLOSE, INTERNAL ACCESS AND PARKING, LANDSCAPING, OPEN SPACE AND RELATED WORKS (APPLICATION A) AND B) 3/14/2145/OP – RESIDENTIAL DEVELOPMENT (84 DWELLINGS) ALTERATIONS TO PATMORE CLOSE, INTERNAL ACCESS AND PARKING, LANDSCAPING, OPEN SPACE AND RELATED WORKS (APPLICATION C) AT LAND TO THE SOUTH OF HADHAM ROAD, BISHOP'S STORTFORD FOR HERTFORDSHIRE COUNTY COUNCIL

The Head of Planning and Building Control recommended that, in respect of applications 3/14/2143/OP and 3/14/2145/OP, had East Herts Council been in a position to determine these applications, it would have granted planning permission for the proposed development subject to an appropriate range of conditions and the completion of legal agreements under Section 106 of the Town and Country Planning Act 1990.

The Head referred to the appeal for non-determination and set out the planning history and the context of these applications on this site. He set out the policy background and advised that part of this site had been reallocated for open land in the pre-submission version of the emerging District Plan.

The Head referred to the policy position whereby the reserve school site on Hadham Road would be released for housing if an alternative school site became available. The Bishop's Stortford North development proposals did include a site for a secondary school and this therefore, enabled the Hadham Road site to be released for housing. A land swap agreement had now been signed between the County Council and the developers of Bishop's Stortford North and this was the reason why application B had been supported.

The Head detailed a number of other principal issues that the Committee should consider. Members were advised that they were now being asked to indicate what their decisions would have been had they determined these applications. The Head confirmed to Councillor M Casey that the land swapped in relation to application B was sufficient to deliver a secondary school of up to 8 forms of entry (8FE). He responded to Councillor Casey's query regarding education provision by setting out a number of potential options for school delivery.

The Head confirmed that Members must reach a view on these applications due to the forthcoming appeal process. He also pointed out that the land swap agreement and the publication of the pre-submission version of the emerging District Plan were significant reasons why further extension of time agreements had not been possible beyond October 2016.

The Head responded to a query from Councillor B Deering regarding the advanced stages of the emerging District Plan, the issue of unresolved objections and the

importance of compliance with the National Planning Policy Framework (NPPF). The Head confirmed to Councillor M Casey that the impact on Skellies Wood would be more positive than negative and this woodland would be protected and managed in line with conditions to ensure enhanced protection and management than was currently the case.

The Head concluded by referring to a number of relevant considerations including the sustainability of the proposed schemes, the provision of education infrastructure and the ongoing requirement of a 5 years supply of housing land.

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 applications 3/14/2143/OP and 3/14/2145/OP, had East Herts Council been in a position to determine these planning applications, it would have granted planning permission for both applications, subject to an appropriate range of conditions and the completion of legal agreements under Section 106 of the Town and Country Planning Act 1990 to ensure that appropriate infrastructure matters were addressed.

600 3/16/1392/REM – APPLICATION FOR APPROVAL OF RESERVED MATTERS FOR 3/13/0813/OP FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF 13 DWELLINGS AT LAND TO THE NORTH OF PARK FARM INDUSTRIAL ESTATE, ERMINE STREET, BUNTINGFORD, SG9 9AZ FOR WESTON HOMES

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/16/1392/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the reserved matters application

on a site where outline planning permission for the principle of 13 dwellings on site had been granted in April 2014. The application included detached and semi-detached dwellings on either side of the proposed central access road.

Officers would have preferred to see the provision of a visual stop to development to the western end of the site. Members were advised that this was inappropriate in order to maintain access to land to the west. The development included Sustainable Urban Drainage Solutions (SUDS) and landscaping and each dwelling had been provided with a reasonable amount of amenity space. Officers were satisfied with the relationships between the dwellings and the development to the North.

Members were advised that Hertfordshire Highways were satisfied with the proposed access and the scheme complied with the emerging District Plan and the adopted Local Plan in terms of car parking standards.

The Head stated that the emerging Neighbourhood Plan was not supportive of tandem parking and neither was Buntingford Town Council. Officers did not consider it to be reasonable however for planning permission to be refused on that basis due to the outline planning permission and the emerging nature of the Neighbourhood Plan.

The Head concluded that the provision of additional car parking would adversely affect residential amenity and the overall design quality of the proposed development. Officers felt that, on balance, the reserved matters application was acceptable subject to the conditions detailed in the report.

Councillor S Bull accepted the points made by Officers in respect of car parking. He expressed concerns regarding on-street parking and in respect of the proposed development being totally out of keeping with the character of the area.

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 reserved matters application 3/16/1392/REM, planning permission be granted subject to the conditions detailed in the report now submitted.

601 3/16/1742/FUL – DEVELOPMENT OF 12 NO DWELLINGS AND ASSOCIATED ACCESS AND LANDSCAPING, INCLUDING IMPROVEMENTS TO PUBLIC FOOTPATH AT NINE ASHES, ACORN STREET, HUNSDON FOR EWIN DEVELOPMENTS LTD

Mr Griffiths and Mr Miles addressed the Committee in objection to the application.

The Head of Planning and Building Control recommended that in respect of application 3/16/1742/FUL, planning permission be refused for the reasons detailed in the report now submitted.

The Head stated that Officers were aware that an appeal against non-determination had been lodged, although the Authority had not received confirmation from the Planning Inspectorate that the appeal had been validated or registered.

Officers were seeking this confirmation as soon as possible and it was proposed that the recommendation be altered to the effect that if the appeal was not confirmed as valid as at the date of this Committee meeting then the resolution of the Committee would constitute the formal decision of the Council and a decision notice would be issued.

If however, the appeal was confirmed as valid at the date of this Committee meeting, then the resolution of the Committee would be submitted to the Inspectorate as part

of any future appeal proceedings. The Head summarised the application and referred to the Council's obligation to demonstrate a 5 years supply of housing land. Members were advised that Officers considered the site to be a reasonably sustainable location.

The Head also advised that the application was acceptable in terms of the impact on listed buildings, highways safety, parking, ecology and the impact on neighbouring properties. Members were advised of local problems with flooding although the Lead Local Flood Authority had stated that the drainage system could be made acceptable.

Officers had concluded however, that the scheme could not be supported due to the significant adverse impact on the surrounding area. This adverse impact outweighed the benefits of the proposal in terms of contributing to the 5 years housing land supply.

Councillor M Freeman expressed concerns regarding access with particular reference to pedestrians using a single footpath in an area where tyre marks of vehicles on the verges were very evident. He also expressed concern that it should not take an unacceptable planning application to trigger the rectification of an existing flooding problem which the relevant authorities should be working to resolve. Councillor D Andrews emphasised that it was not the responsibility of the Lead Local Flood Authority to rectify flooding resulting from surface water run-off from what was a very extensive area.

The Legal Services Manager endorsed the point made by the Head of Planning and Building Control regarding the need to amend the recommendation following the appeal on non-determination and the uncertainty over the appeals validity.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion for a second reason for refusal regarding the impact of the proposed development on

heritage assets. After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendation of the Head of Planning and Building Control as now amended.

RESOLVED – that (A) in respect of application 3/16/1742/FUL, if the appeal against non-determination of the application was not valid as at 8 March 2017, planning permission be refused for the reasons detailed in the report now submitted and subject to the following additional reason:

2. The proposed development, by reason of its siting and scale, would result in a harmful impact on the setting of the listed heritage assets to the west and south west of the application site. It would thereby be detrimental to national planning policy guidance set out in section 12 of the National Planning Policy Framework.

(B) if the appeal against non-determination of the application was valid as at 8 March 2017, then the Council would have refused planning for the same reasons as in (A) above.

602 3/16/2310/FUL – CHANGE OF USE OF FORMER AGRICULTURAL BUILDING FOR COMMERCIAL B1(B) AND B1(C) AND OR B8 USE AT LAND ADJACENT TO HADHAM INDUSTRIAL ESTATE, CHURCH END, LITTLE HADHAM, SG11 2DY FOR MR M COLLINS

The Head of Planning and Building Control recommended that in respect of reserved matters application 3/16/2310/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised that the scheme was in keeping with the character of the area and access was considered to be acceptable by Officers and by Hertfordshire Highways. Officers also considered that any impact from a B1 or a

B8 use would not result in a significant increase in vehicle traffic, noise or disturbance.

Officers had suggested conditions regarding the future use of the site and to ensure the traffic movements and hours of use were acceptable to the amenity of the small number of houses located near to this site. The Head referred to a proposed amendment to condition 6 and a new condition 7 to ensure that the use of the site remained appropriate in the rural area and did not impact unduly on nearby residents.

The Head summarised the relevant site history following queries from Councillors K Warnell and M Allen. 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 3/16/2310/FUL, planning permission be granted subject to the following amended conditions:

6. No new external lighting shall be installed without the prior consent of the Local Planning Authority.

Reason: In the interests of the amenity of the site and surroundings in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent amended Order, the use of the building shall be limited solely to those defined in Use Classes B1(b), B1(c) or B8 and for no other purposes.

Reason: To ensure that the use of the building remains appropriate to the rural area in terms

of traffic generation and impact on the amenities of nearby residential properties in accordance with policies GBC9 and ENV1 of the East Herts Local Plan April 2007.

603 PUBLIC SPEAKING ARRANGEMENTS FOR THE SPECIAL DEVELOPMENT MANAGEMENT COMMITTEE MEETING DEALING WITH APPLICATIONS 3/16/0530/OUT AND 3/16/0707/FUL – LAND AT BISHOP'S STORTFORD RAILWAY STATION

The Head of Planning and Building Control submitted a report inviting Members to consider public speaking arrangements for the special meeting of the Committee dealing with applications 3/16/0530/OUT and 3/16/0707/FUL relating to land at Bishop's Stortford railway station.

The Head advised that, for this special meeting, a total period of 20 minutes would be permitted for those who wish to speak in objection to the proposals. The same total period would be offered to any supporting parties resulting in a total of 40 minutes public speaking.

Officers would establish appropriate deadlines for registration of requests to speak and all other normal arrangements for public speaking would apply. Where any matters were raised with regard to the arrangements which were not addressed by this report, it would be subject to a decision by the Committee Chairman.

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 the revised arrangements for public speaking, as now detailed, be applied to the special meeting of the Committee dealing with applications 3/16/0530/OUT and 3/16/0707/FUL – land at Bishop's Stortford Railway Station.

604 TOWN AND PARISH COUNCIL SPEAKING AT
DEVELOPMENT MANAGEMENT COMMITTEE

The Head of Planning and Building Control submitted a report inviting Members to consider the possibility of introducing a dedicated speaking opportunity for Town and Parish Councils at Development Management Committee and to consider an amendment to current arrangements in relation to planning applications which have an associated Listed Building consent application also under consideration.

Members debated at length the equitability and merits of the suggested scheme. Councillor D Andrews proposed and Councillor S Bull seconded, a motion that the recommendation be supported for a one year trial period, subject to the deletion of the following bullet point from page 181 of the report:

- Any other matters which become apparent after the consideration of this report and which are not addressed by Members during the meeting, would be resolved by the Chairman of the Committee.

After being put to the meeting and a vote taken, this motion was declared CARRIED.

The Committee accepted the recommendations of the Head of Planning and Building Control as now submitted.

RESOLVED – that the introduction of a dedicated opportunity for Town and Parish Councils to speak at Development Management Committee in relation to planning applications be supported for a one year trial period;

(B) current public speaking arrangements be amended so that only one period of 3 minutes is allowed each for speakers in objection and in favour of planning application proposals where there is also a related Listed Building consent application under consideration; and

(C) the proposed amendments to the speaking arrangements be introduced at the commencement of 2017/18 civic year.

605 ITEMS FOR REPORTING AND NOTING

At the invitation of the Chairman, the Head of Planning and Building Control highlighted a number of recent appeal decisions and referred in detail to a number of points of interest.

RESOLVED – that the following reports be noted:

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

The meeting closed at 8.38 pm

Chairman
Date

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 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 Officers: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

Alison Young – Development Manager, Extn: 1553.
alison.young@eastherts.gov.uk

Report Author: Kevin Steptoe, Head of Planning and Building Control, Extn: 1407.
kevin.steptoe@eastherts.gov.uk

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 – 5 APRIL 2017

Application Number	3/16/2311/OUT
Proposal	Outline planning for the erection of 15 dwellings with all matters reserved except access
Location	Land at Stortford Road/Town Farm Crescent, Standon, SG11 1NA
Applicant	Mr Dan Livings
Parish	Thundridge and Standon
Ward	Thundridge and Standon

Date of Registration of Application	17 October 2016
Target Determination Date	16 January 2017
Reason for Committee Report	Major Application
Case Officer	Martin Plummer

RECOMMENDATION

That planning permission be **GRANTED** subject to a Section 106 agreement and planning conditions as set out at end of this report.

1.0 Summary

- 1.1 The proposal represents an inappropriate form of development in the Rural Area beyond the Green Belt. The Council is not currently able to demonstrate a five year supply of housing and, in such situations, national planning policy requires that planning permission be granted for sustainable development unless there are any significant adverse impacts that would outweigh the benefits of the proposal or where specific policies of the NPPF indicate that development should be restricted.
- 1.2 This report describes that policy assessment and considers the positive weight that can be attached to the provision of housing, including affordable housing, against the negative weight that can be attached to any adverse impacts that would result from the development.
- 1.3 The site is considered to be well located for day-to day services and facilities located in Standon and Puckeridge which can be accessed by walking and cycling. The site is also well placed to access existing bus routes to the larger settlements in the District and further afield, including access to the national train network. The application site

performs less well in terms of access to employment and more significant weekly shopping trips, and access to secondary education.

- 1.4 The development is considered to be neutral in terms of the impact on landscape character, highway safety, parking, ecology and impact with neighbouring properties. Appropriate financial contributions can be secured which will adequately mitigate the impact on existing infrastructure.
- 1.5 The development is considered to represent sustainable development and there are no significant or adverse impacts which would outweigh the benefits of the development. Planning permission can therefore be supported.

2.0 Site Description

- 2.1 The application site is located to the east of the village of Standon. To the west of the site is the residential development of Town Farm Crescent, to the north and east are open agricultural fields and to the south is the boundary with the A120 (Stortford Road). The southern boundary with the road features a number of mature landscape features and a field access into the site. There is also a layby which has been expanded along the highway where vehicles owned by householders who live opposite the site park on an informal basis.

3.0 Background to Proposal

- 3.1 The application site currently forms part of an agricultural field and is used for arable farming.
- 3.2 The application proposes the provision of 15 dwellings - the application is in outline with all matters reserved except for access. An indicative plan is submitted with the application which shows one way in which the site could come forward in terms of layout of the development. The application proposes the provision of 9 open market dwellings and 6 affordable dwellings.
- 3.3 Members may recall that Puckeridge and Standon has been the subject of previous planning applications for residential development outside of the current boundary of the villages. Planning permission has been granted for the erection of 24 dwellings on land to the west of the application site under LPA references 3/14/1627/OUT (allowed at appeal) and 3/16/1918/REM.

- 3.4 Members resolved to approve the planning application under LPA reference 3/16/1218/FUL on a further parcel of land to the west of Cambridge Road on land occupied by the dwellings known as The Chestnuts and Glanton. A legal agreement is currently being prepared in relation to that application.
- 3.5 A planning application under LPA reference 3/15/2081/OUT has most recently been refused by the Development Management Committee for the erection of up to 160 dwellings on land to the north of Standon Hill. Members concerns and the reasons for refusal of that application related to the impact on highway safety and capacity; the landscape impact and the unsustainable location of the site for development.

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 pre-submission District Plan:

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan	Draft Standon Neighbourhood Plan
The principle of residential development within the Rural Area	Paragraph 14	SD2, GBC3	DPS2, GBR2	SP7, SP9, SP11
Whether the development represents a sustainable form of development	Paragraph 7		INT1	SP1, SP9, SP10, SP11
Impact on character and appearance of the area and neighbour amenity	Paragraph 14	ENV1	DES3	
Landscape impact		ENV2, ENV11	DES1, DES2, DES3.	SP3, SP5, SP13, SP21.
Flood risk impact and SuDS	Section 10	ENV18, ENV19, ENV21	WAT3, WAT5	SP15, SP24

Affordable housing and contributions to mitigate the impact of the development on existing infrastructure / services	Section 6	IMP1	HOU3	SP18, SP20, SP21, SP22
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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 recently been completed. 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 detail of the responses to the consultation is yet to be considered.
- 5.2 As indicated in the table above, progress has been made with regard to the preparation of the Standon Neighbourhood Plan. The consultation period on the draft plan has now closed.

6.0 **Summary of Consultee Responses**

- 6.1 HCC Highway Authority originally objected to the planning application on the basis of concerns relating to highway safety and access onto the A120; the inadequacy of pedestrian footways and, the loss of the layby used for parking of nearby residential dwellings.

The Highway Authority comments that the amended plan is now acceptable and includes the partial retention of the existing lay-by with the provision of eight parking spaces for general public use within the site. The amended plan also incorporates the provision of an appropriate footway which will enable pedestrian access to the site from the village.

A 2.4m x 90m visibility spacy should be provided and maintained permanently in each direction and the gradient of the access should be no more than 1 in 20 for the first 10 metres into the site – planning conditions are recommended in relation to these matters.

The provision of 15 new residential dwellings is considered to be acceptable – the site is located in Standon and is within walking distance of existing facilities, amenities and some public transport.

- 6.2 Lead Local Flood Authority comments that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Planning conditions relating to the drainage strategy are recommended.
- 6.3 Environment Agency has responded to confirm that it has no comments to make on the application.
- 6.4 EHDC Engineering Advisor comments that the site is located in flood zone 1 (an area of low fluvial flood risk) and away from designated surface water inundation zones apart from a narrow band to the south of the site along the A120.
- 6.5 The development will increase the amount of impermeable areas and reduce the amount of permeable areas. The application contains information regarding the provision of SuDS (Sustainable Drainage Systems) including a SuDS pond, rainwater harvesting and permeable hard surfaces. The SuDS pond will help reduce flood risk, increase biodiversity/amenity and help to improve the water quality.
- 6.6 Thames Water comments that it is the applicant's responsibility to make proper provision for surface water drainage. Surface water should be attenuated or regulated into the receiving public network through on or off site storage. No objections are raised in respect of sewerage infrastructure capacity and a directive is recommended in relation to groundwater protection.
- 6.7 EHDC Landscape Advisor recommends that planning permission be approved. In terms of landscape sensitivity and capacity, no objection is raised and there is considered to be no unacceptable adverse landscape impact. The Landscape Officer comments that there is no unacceptable impact on trees/hedges provided the sightlines for the development are accommodated by the existing layby. Concerns are raised with the indicative layout drawing – however, as the application is outline only no objection is raised on this basis.

- 6.8 HCC Development Services seek a financial contribution towards the Library Service to make improvements to the Children's Area at Bishop's Stortford Library (£2,742) and towards new furniture within the Information and Guidance suite at Bishop's Stortford Youth Centre (£782). It also recommends the provision of fire hydrants.
- 6.9 HCC Minerals and Waste refers the Council to the waste, recycling and sustainable construction and demolition policies in the County Council Waste Plan. The advisor also refers to the HCC Minerals Local Plan which seeks to avoid the sterilization of minerals and their opportunistic extraction prior to non-mineral development. It is noted that this site is located within the Hertfordshire sand and gravel belt.
- 6.10 EHDC Environmental Health Advisor advises that any planning permission granted includes a planning condition relating to construction hours of working.
- 6.11 EHDC Environmental Services comments that provision for 3 x 240 litre bins will need to be provided for each dwelling. Comments are made in respect of the practicalities of bin storage for some of the dwellings as shown in the indicative drawing.
- 6.12 Hertfordshire County Council Fire and Rescue Services comments that access for fire fighting vehicles and water supplies should be provided and appropriate provision of fire hydrants.

7.0 Standon Parish Council Representations

- 7.1 The Parish Council strongly objects to the planning application on the following grounds:
- Development represents inappropriate development in the Rural Area;
 - The site is not allocated in the Neighbourhood Plan for development which has been prepared in accordance with emerging policies in the District Plan;
 - The density of development is too low and in conflict with draft policies in the Neighbourhood Plan;
 - The development will result in the loss of agricultural land of high quality contrary to paragraph 112 of the NPPF;
 - The development will leave no clear boundary to the village;
 - Harmful impact on setting of Conservation Area – boundary of which is opposite the site;

- Harmful impact on highway safety associated with access onto main road;
- Drainage systems will impact on the stability of adjoining residential gardens.

8.0 Summary of Other Representations

8.1 18 representations have been received, including those from the CPRE (Campaign to Protect Rural England) - the concerns raised are summarised as follows:

- Inappropriate development in the Rural Area;
- Harmful impact on highway safety and access;
- Harmful increase of traffic;
- Conflict with agricultural vehicles accessing into the residential street;
- Inadequate provision for parking and replacement off-street parking for the layby;
- Unsustainable location for development;
- Harmful impact on landscape character;
- Inadequate services and facilities to accommodate the development;
- Existing school is at capacity;
- Inadequate health care provision;
- Harmful impact on living conditions of neighbouring properties;
- Flood risk associated with surface water flooding and drainage pond;
- Conflict with District Plan and pre-submission District Plan;

9.0 Planning History

9.1 There is no relevant planning history relating to this site.

10.0 Consideration of Relevant Issues

Principle of development

10.1 The site lies outside the defined village boundary of Standon and therefore within the Rural Area Beyond the Green Belt in both the current and emerging Local Plans. In the current Local Plan, policy GBC3 only allows for specific forms of development, not including new residential developments, in such locations. This policy approach is replicated in policy GBR2 of the emerging District Plan. The proposal therefore represents inappropriate development in the Rural Area

beyond the Green Belt. When considering the principle of development it is necessary to consider, of course, any other material considerations, including policies contained in the NPPF.

- 10.2 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or because specific policies in the Framework indicate development should be restricted.’
- 10.3 The Council has acknowledged its lack of a 5 year housing supply and the need for housing in the District. It is also acknowledged that, in respect of the wording of the NPPF, the Council’s settlement boundaries and housing allocations based on the 2007 Local Plan are considered to be out of date. The pre-submission District Plan has been published and sets out an up to date policy position in relation to the supply of land for housing. It is considered therefore that weight can now be assigned to this emerging policy position, but there remains a need to qualify that weight somewhat, given that consultation response to the draft Plan is being considered and an examination is yet to take place. In these circumstances, the Council currently remains unable to demonstrate a five year housing land supply.
- 10.4 In the adopted Local Plan, Standon is identified as a category 2 village, where development is permitted within the boundary of the village. In the pre-submission District Plan policy VILL1 sets out that Group 1 villages (which includes Standon) should make provision for a 10% increase in housing stock based on the 2011 census. The emerging policy encourages Parish Councils to prepare Neighbourhood Plans to allocate land for such development. Prior to the preparation of a Neighbourhood Plan, the policy sets out that development should be constrained to within the identified development boundary.
- 10.5 Work has commenced on a Neighbourhood Plan (NP) for Standon Parish - the draft NP does not identify the application site as a potential allocation for development. The NP has been subject to consultation, the consultation period concluding on 13 December 2016. The Parish Council has provided a summary of the feedback received during the recent consultation on the NP. This confirms that objections have been submitted with regard to some of the allocations in the NP.

- 10.6 In considering the weight that can be assigned to the various elements of the policy background, the Councils District Plan has reached a more advanced stage than the NP and is capable of attracting some weight. Relevant policies remain subject to objection however. The NP is at an earlier stage of production; it is seeking to positively address the housing supply issue but is also subject to objection. Taking the stage of preparation into account and the current position in relation to housing land supply, your Officers view is that the District Plan and NP policies are not sufficiently up to date that the requirements of the NPPF in relation to the presumption in favour of sustainable development are not triggered in relation to housing land supply. It remains necessary therefore to consider the proposals against the test set out in the NPPF and to determine whether the adverse impacts of the development will significantly and demonstrably outweigh the benefits of the proposal and therefore whether it is sustainable or not.

Sustainable development

Economic dimension

- 10.7 With regard to the economic dimension of sustainable development, the provision of a residential development on the site will mainly involve short term employment opportunities and other associated benefits with the building process. There may also be other economic benefits in respect of future occupiers of the development making use of local amenities and services. This is therefore a matter which weighs in favour of the application.
- 10.8 Paragraph 112 of the NPPF requires a consideration of the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The Parish Council comments that the land is classified as grade 3 (good to moderate quality) and it has and continues to be used for agricultural purposes.
- 10.9 The applicant comments that the erection of 15 dwellings cannot reasonably be considered as significant development for the purposes of paragraph 112 of the NPPF. The applicant further comments that the land is not high quality for crop growing being mainly sandy and gravelly and does not produce a high yield of crop.
- 10.10 Whilst Officers acknowledge that the site is currently used for agriculture, given the quantum of development and quality of the land

as set out by the applicant, Officers do not consider that there is a conflict with the above mentioned requirement of the NPPF.

Social dimension

- 10.11 Turning to the social dimension of sustainable development, this matter generally relates to the positive way in which the development will provide and address housing need. Whilst in outline form only, the provision of 15 dwellings including 6 affordable dwellings (which represents 40% affordable housing provision) is a matter which must attract significant weight.
- 10.12 The site is within walking and cycle distance of the village of Standon which is to the west of the application site and the plans include the provision of a pedestrian footway which can be used for pedestrian access to the village. There are some local amenities and facilities within the village for day-to-day essentials including a village shop, two public houses and the Parish Church. In Puckeridge, to the north of the site (and still within reasonable walking and cycle distance) is a primary and middle school, a local health care centre and other shops and amenities. Weekly shopping trips and access to secondary education would require travel further afield, to the larger settlements of Bishop's Stortford, Ware or Hertford for example – a position not dissimilar to the existing residents of Puckeridge and Standon.
- 10.13 There are some modest employment opportunities within the village but the majority of employment will likely be in the surrounding settlements which will require travel.
- 10.14 There are bus stops with access to nearby settlements which operate on a reasonably regular basis during the week and weekend. That service does provide some access for shopping trips, education and employment. However, it must be acknowledged that the service is not likely to be regular enough for many trips and access to other settlements, including access to rail lines for weekly shopping trips, secondary education and employment will likely rely on private vehicles. This is a matter which does not weigh in favour of the application.

Housing mix

- 10.15 The current Development Plan (East Herts Local Plan Second Review April 2007) contains no specific policy criteria relating to mixture of housing sizes/types. The pre-submission District Plan, however, sets out a new policy approach, and emerging policy HOU1 identifies that an

appropriate mix of housing tenures, types and sizes will be expected, taking account of the most up to date evidence and emerging policy.

- 10.16 This is a new policy position within the emerging District Plan and therefore the weight that can be attached to it must be qualified (as set out in section 5.0 above). However, given that the policy is based on very recent and up to date evidence contained in the Strategic Housing Market Assessment (SHMA) and in the absence of any contrary evidence, Officers consider that it can be afforded some reasonable weight.
- 10.17 The Strategic Housing Market Assessment identifies a clear need for affordable housing in the district, with the majority of the need being for two and three bed dwellings. The SHMA indicates that 40% of affordable homes should be provided as 2 bed units, houses and flats, and 34% as 3 bed units. In these proposals, 2 x 2 bed units and 4 x 3 bed units are proposed which generally accords with that assessment.
- 10.18 For open market housing, the emerging policy requirements seek a provision of 46% of homes to be 3 bed, 23% to be 4 bed and 6% to be 5+ bed dwellings. The proposals in this case comprise 3 x 3-bed units (33% of the total development) and 6 x 4-bed (66%). There is a higher than average provision of larger 4 bedroom dwellings and a higher than average provision of smaller 3 bed dwellings. The overall mix of development does not, in this respect, reflect the requirements of the SHMA and this is a matter which weighs against the proposal. However, it must be noted that the application is in outline form only and may be the subject of change in terms of the mix of housing.

Environmental dimension

Character, appearance and landscape impact

- 10.19 The core principles of the NPPF set out that planning should take account of the different roles and character of different areas, by recognising the intrinsic character and beauty of the countryside (para 17). Section 7 of the NPPF requires good design and sets out that developments should respond to local character, history and reflect the identity of local surroundings.
- 10.20 Local Plan policy GBC14 sets out that a Landscape Character Assessment will be used to assess development proposals and will seek to improve and conserve local landscape character by conserving, enhancing or creating desirable landscape features; contribute to the strategy for managing change with reference to the Landscape

Character Assessment, and enhance or conserve key characteristics and distinctive features.

- 10.21 Policies ENV1, 2 and 3 of the Local Plan set out a need for development to demonstrate compatibility with the structure and layout of the surrounding area, consider the impact of any loss of open land on the character and appearance of the locality, retain and enhance existing landscaping. Policy SD1 requires development to be physically well integrated and respond to local character.
- 10.22 In the emerging District Plan policy VILL1 sets out the criteria for development in Group 1 villages. Emerging policies DES1 and DES2 deal with landscaping with the additional requirement (over the current Local Plan) for a Landscape and Visual Impact Assessment and/or Landscape Sensitivity and Capacity policy. Policies DES3 and DES4 set out a range of detailed design and layout requirements, including the need to consider crime prevention.
- 10.23 The representation from the Parish Council and third parties indicate a concern with the impact of the development on the rural countryside setting and boundary of the village.
- 10.24 The application site forms part of a large agricultural field which is currently used for arable farming. The field is bounded to the south by mature landscaping including trees and hedges which obscure most views into the site from the main road.
- 10.25 The proposal incorporates a relatively low density with generous pockets of amenity space and spacing to the boundary with the road. There will undoubtedly be an impact on the rural character of the site and the change from agricultural field to residential development. However, having regard to the comments from the Landscape Advisor, there will be no unacceptable adverse landscape impact.
- 10.26 The Parish Council raises concern with the density of the proposed development and conflict with the Neighbourhood Plan, which requires a higher density of development. Officers consider however that a lower density as current proposed is appropriate on this edge of settlement location which will enable appropriate landscaping to be implemented to soften the boundaries of the site and its relationship with retained agricultural fields.
- 10.27 The Parish Council also raises concern with the impact on the Standon Conservation Area, the boundary of which forms the Stortford Road. The site is not located within the designated Conservation Area but

Officers have nevertheless considered whether the proposals would adversely impact on the surroundings such that the character and appearance of the Conservation Area would be adversely affected. However, given the relatively low density of the scheme proposed; and the mature landscaping on the boundaries of the site, Officers are satisfied that a detailed scheme can be designed such that there would be no adverse impact on the surrounding Conservation Area.

Highway safety and parking

- 10.28 Third party representations raise concern with regard to the access for the development onto the A120 and the increased risk of accidents associated with a residential development.
- 10.29 The comments from third parties are noted, but no similar concerns are raised by the Highway Authority. It is considered that traffic generation associated with 15 dwellings will not be significant and an appropriate provision for visibility can be provided at the site entrance with the A120. It is considered then that the proposed development is acceptable in terms of highway safety and the capacity of the road network. There would not therefore be a 'severe' highways impact such that would warrant the refusal of planning permission.
- 10.30 The existing layby to the front of the site adjoining the A120 is used for parking by those residents of Stortford Road who do not have off-street parking or driveways. Representations from third parties indicate that it is not uncommon for up to seven cars to be parking in the lay by. The application seeks to respond to this issue by providing a dedicated replacement parking area for 8 vehicles within the application site. A planning condition is recommended which will ensure provision and retention of this parking area for residents of Stortford Road. The provision of additional and dedicated parking away from the layby and A120 is a benefit to the development and would weigh in favour of the application.
- 10.31 The plans submitted show the provision of a new pedestrian footway to the south and outside of the application site. The provision and widened pavement is within the public highway and, as noted above, will provide pedestrian access from the development site to other pedestrian footways which lead into the villages of Puckeridge and Standon. Such works to create pedestrian access are important in this respect and can be secured through a planning condition.

Neighbour amenity

- 10.32 The main consideration relates to the impact on living conditions of those neighbouring properties within Stortford Road and Town Farm Crescent.
- 10.33 Those neighbouring dwellings within Stortford Road are considered to be an appropriate distance with the A120 between those neighbouring properties and the development site which will ensure that there is no significant harm on their living conditions.
- 10.34 Dwellings in Town Farm Crescent back onto the western boundary of the application site – the indicative drawing demonstrates a development which will provide an appropriate relationship between the proposed dwellings and existing development. Officers are of the opinion that there is sufficient space within the site to ensure an appropriate relationship between the proposed dwellings and those neighbouring properties, and details of these relationships can be appropriately secured within any reserved matters application.

Drainage matters

- 10.35 The NPPF sets out that local planning authorities should take full account of flood risk, water supply and demand considerations. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change.
- 10.36 In the current Local Plan, policy ENV18 requires that development should be required to preserve and enhance the water environment. Policy ENV19 addresses issues related in areas at risk of flooding and policy ENV21 deals with surface water drainage matters.
- 10.37 In the emerging District Plan, policy WAT3 sets out that development proposals should preserve and enhance the water environment ensuring improvements in surface water quality and the ecological value of watercourses and their margins. Opportunities should be taken for the removal of culverts and river restoration and naturalisation. Policy WAT5 of the emerging District Plan relates to the implementation of sustainable drainage solutions.
- 10.38 The site lies within flood zone 1 which is an area designated at low risk of fluvial flooding and there is a small area to the south of the site which the Environment agency surface water flooding maps indicate that the application site is at a risk of surface water flooding.

10.39 The LLFA have commented that the drainage proposals show that the development site can be adequately drained and potential existing surface water risk can be mitigated. The indicative plans and information submitted with the application indicate the provision of sustainable drainage systems which accord with the requirements of existing and emerging plans. On the basis of the advice received, Officers are of the opinion that the development is acceptable in terms of provision of drainage matters.

Section 106 matters

10.40 As the proposal is for more than 10 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements.

10.41 The County Council have set out a requirement for financial contributions towards libraries and youth in accordance with the HCC Planning Obligations Toolkit. Having regard to the comments from the County Council, the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

10.42 With regards to other District Council contributions the Council's Planning Obligations SPD sets out a requirement for contributions towards open space provision, community centres and recycling. In this respect, contributions towards parks and public gardens, outdoor sports facilities and children and young people have been discussed with the applicant. The obligations are considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

10.43 The applicant has agreed to the financial contributions as set out at the end of this report and the proposed development is therefore not considered to result in a significant impact on infrastructure.

Other matters

10.44 HCC advisors have made comments in regard to mineral potential in that the site sits entirely within the sand and gravel belt as identified in

the Hertfordshire Minerals Local Plan. Minerals Policy 5 encourages the opportunistic extraction of minerals for use on site prior to development that would sterilise any potential. Given the currently unknown status of the site with regard to minerals potential it cannot be clear what impact the identification of deposits may have, if any were found. It is considered that further investigation should take place and this is a matter which can be controlled through the imposition of a planning condition and has a neutral impact in the planning balance.

11.0 Conclusion

- 11.1 The proposal represents an inappropriate form of development which is contrary to the Council's Rural Area policies. Emerging policy in the pre-submission District Plan is at a stage where some weight can be attached to it, but this must be qualified by the stage reached in the preparation processes. The Neighbourhood Plan is at an early stage in development and no significant weight can be attached to this.
- 11.2 The NPPF sets out that, where Local Plans are out of date in terms of housing supply, there is a presumption in favour of sustainable development and significant weight should be given to the benefit of the delivery of new homes. In these circumstances, proposals should be approved unless the impact of doing so would significantly and demonstrably outweigh the benefits of development.
- 11.3 To make that judgement, all relevant material considerations have been assessed. In respect of the economic and social dimension of sustainability, the development will result in job creation in terms of the initial construction phase and the way in which future residents will help to support existing local services and amenities. More significantly, the development will create 15 new dwellings including affordable housing and these matters must attract significant weight in support of the application.
- 11.4 The application site is considered to be reasonably well located to the existing amenities in the village including, primary and other village amenities including a village shop, albeit road and pedestrian footway conditions are unlikely to encourage the provision of walking or cycling to the village. The village is limited in terms of secondary education, employment and the retail offer for anything other than very basic items is also limited. There is therefore likely to be reliance on private vehicles to access these services and this must weigh against the proposals.
- 11.5 The development is considered to be acceptable in terms of highway considerations; the landscape and visual impact of the development;

the relationship with neighbouring properties, and flood risk matters. The applicant has agreed to make financial contributions which will mitigate the impact of the development on existing infrastructure. These are all matters which are considered to be neutral in the balance of considerations.

- 11.6 In accordance with paragraph 14 of the NPPF a balancing exercise has to be undertaken to determine whether the adverse impacts associated with the development significantly and demonstrably outweigh the benefits. The conclusion to this balancing exercise in this case is that there are no significant and adverse impacts and the development proposal is considered to be sustainable. Accordingly, Officers consider that the development proposal can be supported and recommend that planning permission is approved subject to the legal agreement and planning conditions as set out below:-

Legal Agreement

- A financial contribution toward Youth services provided by HCC towards new furniture within the Information and Guidance Suite at Bishop's Stortford Youth Centre in accordance with the Hertfordshire County Council Planning Obligations Toolkit 2008;
- A financial contribution toward enhancement of the Children's area at Bishop's Stortford library in accordance with the Hertfordshire County Council Planning Obligations Toolkit 2008;
- The provision of affordable housing (to comprise 40% of the overall number of units and to constitute 75% affordable rented and 25% shared ownership);
- A financial contribution towards the improvement of parks and public garden facilities within the parish based upon table 8 in the EHDC Planning Obligations SPD;
- A financial contribution towards the provision of outdoor sport in the parish based upon table 8 in the Planning Obligations SPD;
- A financial contribution towards children and young people based upon table 8 in the Planning Obligations SPD;
- A financial contribution towards an extension to the Puckeridge Community Centre based up table 11 in the Planning Obligations SPD;

- A financial contribution towards recycling facilities based upon table 10 in the Planning Obligations SPD;
- The provision of fire hydrants.

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure timely housing delivery.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure timely housing delivery.

3. The development hereby permitted shall begin not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provision of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

4. Approved plans (2E103)
5. In accordance with condition 1 above, space for replacement parking as indicated on drawing reference 214261 DWG 100 Rev B shall be provided on site and retained for existing residents of Stortford Road only.

Reason: To ensure appropriate provision of parking for current residents who use the current layby which will be altered as a result of this development in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

6. Visibility splays of 2.4 metres x 90 metres shall be provided and permanently retained in each direction within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway.

Reason: To provide adequate visibility for drivers entering or leaving the site in the interests of highway safety.

7. The gradient of access shall not be steeper than 1:20 for the first 10 metres from the edge of the carriageway.

Reason: To ensure that vehicles may enter and leave the site with the minimum of interference to the free flow of the highway.

8. In accordance with condition 1 and as part of a Reserved Matters application, details of the provision and widening of the pedestrian footway to the southern boundary of the site, as indicated on drawing number 214261 DWG 100 Rev B shall be submitted to and approved in writing by the Local Planning Authority. The Pedestrian footway shall be implemented and made ready for use prior to first occupation of any part of the development

Reason: To ensure the provision of appropriate pedestrian access between the development site and the villages of Puckeridge and Standon.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Surface Water Strategy produced by RAB Consultants dated 14 December 2016 and the following mitigation measures detailed within the FRA:

- Implement appropriate drainage strategy based on an infiltration pond, that will be sized to safely manage the 1 in 100 year + climate change event.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and reduce the risk of flooding to the proposed development and future occupants in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

10. No development shall take place until a detailed drainage strategy based on the principles agreed at the Outline Planning permission

stage has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate how it complies with the outline drainage strategy. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- Final drainage strategy supported by full detailed drawings and drainage calculations for all rainfall return periods up to and including the 1 in 100 year + climate change allowance event.
- Full detailed engineering drawings of the design of all the proposed SuDS measures, in line with the latest edition of the SuDS Manual by CIRIA
- Management and maintenance plan for the development which shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the site can effectively be drained during the lifetime of the development, also preventing the increase risk of flooding both on and off site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

11. Prior to the commencement of development a Construction Management Plan which shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Management Plan shall be adhered to throughout the construction period and shall provide for:
 - a) The parking of vehicles of site operatives and visitors;
 - b) The number and routing of delivery vehicles and site access;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Protocol for the handling of soil;
 - g) Wheel washing facilities;
 - h) Measures to control the emission of dust and dirt during construction;
 - i) Measures to prevent the pollution of any watercourse;

- j) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- k) Hours of construction

Reason: To minimise the impact of construction process on the local environment and local highway network.

12. Prior to the submission of the first of the reserved matters referred to in condition 1 above, appropriate survey and ground investigation work shall be undertaken to explore the potential of the site to yield useable minerals and, where it has the potential to do so, the actions which will be taken to ensure the use of those minerals and the timescales within which these will be undertaken. A report of the investigative work undertaken, the outcome of it, and usage actions, if appropriate, shall be submitted to the local planning authority at the same time as the submission of the first of the reserved matters submissions referred to in condition 1 above. Once agreed by the local planning authority, the actions set out in the report, for the usage of any minerals, shall be implemented and undertaken as such.

Reason: To ensure that the potential of the site to realise useable mineral deposits is fully investigated prior to any development which may result in the sterilisation of such deposits in accordance with policy 5 of the Hertfordshire Minerals Local Plan (March 2007).

Informative

- 1. Highway works (05FC2)
- 2. Street Naming and Numbering (19SN5)

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 and the way in which the development will address housing land supply issues is that permission should be granted.

KEY DATA**Residential Development**

Residential density	15.6 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	2
	3	7
	4+	6
Total		15

Affordable Housing

Number of units	Percentage
6	40%

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
3	2.25	15.75
4+	3.00	18
Total required		36.75
Proposed provision		52

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

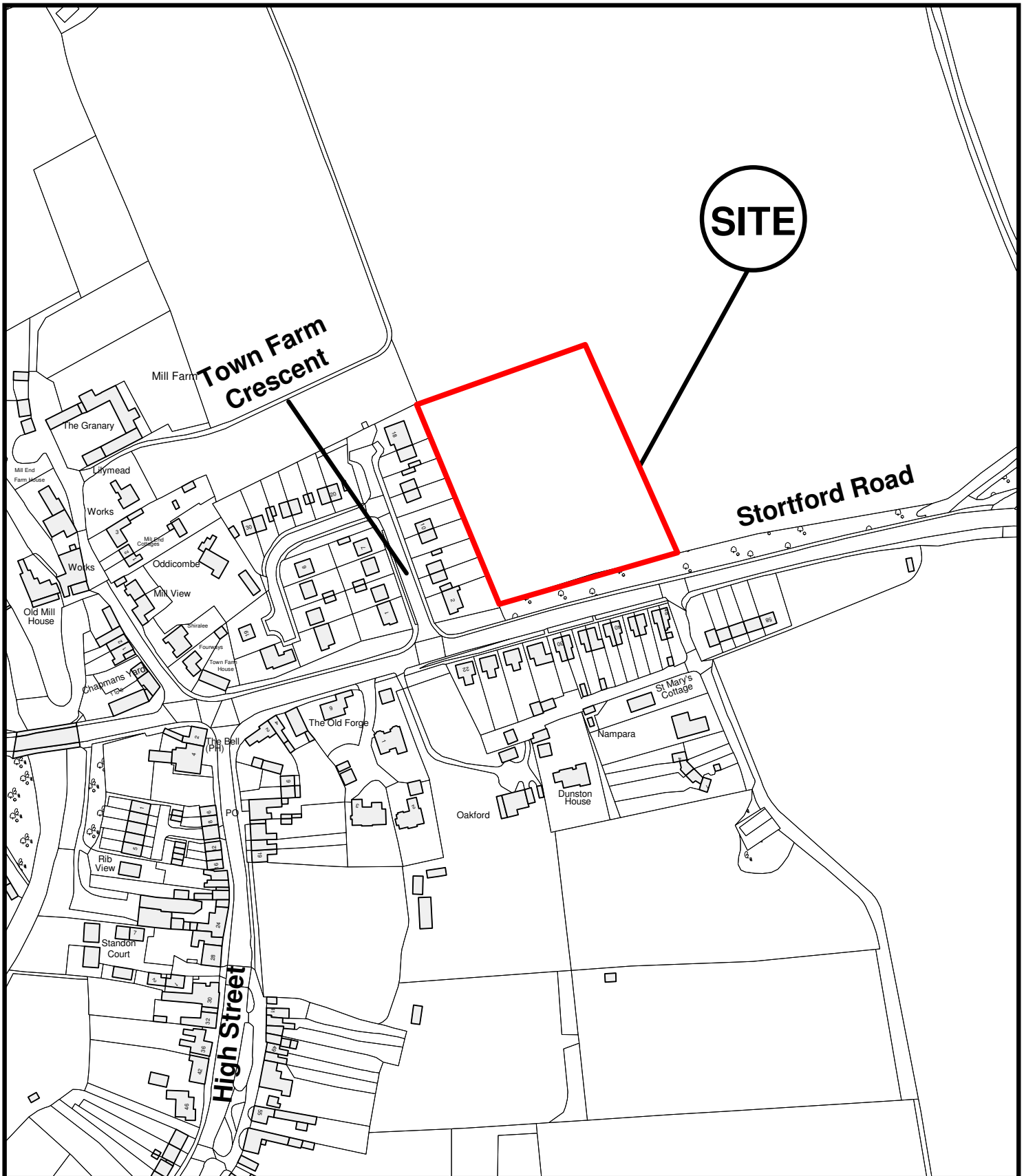
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	4
3	2.50	17.5
4+	3.00	18
Total required		39.5
Accessibility reduction	25%	9.9
Resulting requirement		29.6
Proposed provision		52

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%	
Parks and Public Gardens	Unknown as outline application	The contribution based on table 8 in the Planning Obligation SPD	n/a
Outdoor Sports facilities	Unknown as outline application	The contribution based on table 8 in the Planning Obligation SPD	n/a

Amenity Green Space	Unknown as outline application	£0	Some space is allocated within the development site for amenity green space which is commensurate with the area of space required in the SPD.
Provision for children and young people	Unknown as outline application	The contribution based on table 8 in the Planning Obligation SPD	n/a
Maintenance contribution - Parks and public gardens	£0		No maintenance requirement as no on-site provision
Maintenance contribution - Outdoor Sports facilities	£0		No maintenance requirement as no on-site provision
Maintenance contribution - Amenity Green Space	£0		No contribution sought as amenity space would be privately maintained
Maintenance contribution - Provision for children and young people	£0		No maintenance requirement as no on-site provision
Community Centres and Village Halls	Unknown as outline application		
Recycling facilities (11 dwelling net increase)	Unknown as outline application		



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East Herts Council
 Wallfields
 Pegs Lane
 Hertford
 SG13 8EQ
 Tel: 01279 655261

Address: Land At Stortford Road / Town Farm Crescent, Standon, Herts

Reference: 3/16/2311/OUT

Scale: 1:2500

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DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 2017

Application Number	3/16/2817/FUL
Proposal	Demolition of three classroom blocks and the creation of new block to house 17 classrooms with 6 temporary classrooms
Location	The Leventhorpe School, Cambridge Road, Sawbridgeworth, Hertfordshire, CM21 9BX
Applicant	The Leventhorpe School
Parish	Sawbridgeworth
Ward	Sawbridgeworth

Date of Registration of Application	16 January 2017
Target Determination Date	17 April 2017
Reason for Committee Report	Major Development
Case Officer	Nicola Mckay

RECOMMENDATION

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

1.0 Summary

- 1.1 The site is located within the Metropolitan Green Belt and forms part of the Leventhorpe School which is identified within the adopted Local Plan as a Major Developed Site (MDS). A small part of the site also falls within land designated, in accordance with Policy LRC1 of the Local Plan, for sport and recreation.
- 1.2 As part of the proposal extends beyond the MDS boundary, the new buildings represent inappropriate development in the Green Belt and, in addition to the harm by inappropriateness, some other harm is associated with a loss of openness; reduction in parking provision on the site and lack of detailed surface water drainage proposals. However, the harm caused in respect of these matters is considered to be limited and has to be weighed against the educational benefits of the proposal, something which is supported by national planning policy set out within the NPPF.
- 1.3 On balance, it is considered that the positive aspects of the proposal are sufficient to clearly outweigh any harm to the Green Belt such that very special circumstances can be said to exist to justify the proposed development in the Green Belt.

2.0 Site Description

- 2.1 The application site is shown on the attached OS Map. It is located within the Metropolitan Green Belt to the north of Sawbridgeworth. The site is occupied by Leventhorpe School, a 6 forms of entry (6FE) secondary school academy, which comprises a number of school buildings of varying size and height, and a leisure centre.
- 2.2 The site is bounded to the south and east by predominantly residential areas and to the north and west by open land within the Green Belt.

3.0 Background to Proposal

- 3.1 The application seeks planning permission for the demolition of three classroom blocks at the school and the construction in their place of a new block to house 17 classrooms. Six temporary classrooms are also proposed within the site to accommodate pupils during the construction works.
- 3.2 The buildings to be demolished comprise of a single storey pavilion building and adjacent teaching block and an existing two storey English teaching block. These existing buildings are located on the western edge of the school buildings and adjacent to an existing parking area and sports pitches.
- 3.3 The Design and Access Statement that has been submitted with the application outlines that the existing teaching facilities at the school are overcrowded. It is stated that a feasibility study carried out on behalf of the school identified that the school is deficient by 7 teaching spaces for its current pupil numbers and that the existing class spaces are undersized and fall short of recommended standards. The existing buildings proposed for demolition were identified as inefficient with some risk of asbestos in the exposed curtain linings, ceilings, floors, walls and building fabric. The existing classroom block and pavilion buildings are described as being in an advanced stage of disrepair.
- 3.4 It is proposed to replace these three buildings with a new two storey teaching block on roughly the same footprint as the existing buildings but extending slightly further to the west of the site in place of some parking spaces (resulting in the loss of approximately 12 spaces). The new building would provide the necessary additional teaching spaces required by the school and, together with some internal remodelling of other buildings, would also enable the school to expand to 8FE in the future.

- 3.5 The new teaching block would form an 'L-shaped' building of two storeys in height. It would have a series of pitched roofs, reaching a maximum height of approximately 10 metres, and is proposed to be clad externally in predominately brickwork, but with sections of render and timber cladding. The proposed replacement building would provide improved facilities and a more energy efficient building than those to be replaced.
- 3.6 In addition to the teaching block, a two storey mobile classroom building is also proposed to be located within the northern part of the site, between the swimming pool and an existing school building. A single storey mobile classroom building is also proposed in the location of an existing netball court within the southern part of the site and these are temporary structures for use during the construction works.

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
Green Belt – Whether the proposals form appropriate development within the Green Belt	Section 9	GBC1 and GBC4	GBR1
Impact upon openness	Section 9		
Sport and recreation facilities – Whether the proposals have a detrimental impact on the provision of sport and recreation facilities	Section 9	LRC1	CFLR1
Parking – Whether suitable parking provision would remain within the site	Section 4	TR7	TRA3
Character and appearance – The impact of the proposals on the character and appearance of the existing site and the surrounding area	Section 7	ENV1	DES3
Neighbour impact – Whether the proposal would have a	Section 7	ENV1	DES3

detrimental impact on the amenities of neighbouring residential properties			
Planning Balance	Section 9	GBC1	GBR1

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 recently been completed and the detail of the responses is now being considered by Officers. 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 detail of the responses to the consultation is yet to be considered.
- 5.2 In relation to development proposals within the Green Belt, policy GBR1 of the pre-submission Plan states that planning applications will be considered in accordance with national Green Belt policy as set out within the NPPF. That policy, at para 89, indicates that limited infilling or the redevelopment of previously developed sites are not inappropriate development in the Green Belt where the proposed new buildings would not have a greater impact on the openness of the Green Belt or the purposes of including land within it. Whilst the emerging District Plan does not designate Major Developed sites, as the adopted Local Plan does, this national policy position nevertheless supports the development of previously developed land in a similar way.
- 5.3 It is also material to note that the pre-submission Plan proposes to remove the parts of the site where the development is currently proposed from the Green Belt and from the land designated for sport and recreation. It is understood that no objections have been raised through the District Plan consultation process to the removal of this part of the site from the Green Belt and greater weight can therefore be given to the emerging Plan in this respect.
- 5.4 In relation to the other 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.

6.0 Summary of Consultee Responses

- 6.1 HCC Highway Authority does not wish to restrict the grant of permission given that there are no changes to the access to the school and construction may be accommodated well within the school curtilage. It comments that the development seeks to improve the existing accommodation and ease pressure within the existing school and as such will not immediately lead to an increase in staff and pupil numbers. However, the preparation of a Traffic Management Plan in order to ensure that construction vehicles are properly managed is recommended.
- 6.2 EHDC Environmental Health Advisor has recommended a condition restricting the construction hours of work and informatives relating to unsuspected contamination and asbestos.
- 6.3 The EHDC Landscape Advisor recommends that permission is granted and comments that there would be no adverse impact on significant trees and concludes that the proposal is non contentious in landscape terms.
- 6.4 The Lead Local Flood Authority initially objected to the proposal in the absence of a surface water drainage strategy. However, following the submission of further information from the applicant, they have subsequently withdrawn their objection and recommended a condition to require the submission of a surface water drainage strategy prior to the commencement of the development.
- 6.5 The EHDC Engineering Advisor comments that the site is situated within Flood Zone 1 and that the only historic flood incident recorded for the area is in Walnut Tree Avenue in 1995 which related to flooding from a watercourse. They comment that the proposals would probably not increase the area of impermeable land at the site. No drainage details or flood risk assessment has been submitted and the layout does not appear to show any green infrastructure although there is potential for green roof provision instead of the use of conventional pitched roofs.
- 6.6 Sport England does not wish to raise an objection, subject to a condition requiring the removal of the temporary classrooms and the reinstatement of the hard play area at the end of the construction period. It has commented that, while the disused sports pavilion would

be demolished, this is not a concern as new changing facilities were provided as part of the sports centre that was opened in 2011. During the construction works, temporary classrooms would be sited on part of the schools hard play area which would appear to affect one netball court. However, as this is for a temporary period and the school has six further netball courts it is unlikely that this would have a major impact upon the delivery of the PE curriculum. The proposal therefore results in a minor encroachment onto the games court area, but it is considered that the development would not reduce the sporting capability of the site.

7.0 Town Council Representations

7.1 Sawbridgeworth Town Council has no objections to the proposal.

8.0 Summary of Other Representations

8.1 One objection has been received from a neighbouring resident in School Lane. They comment that there are existing known problems with traffic in School Lane at the start and finish of the school day. If the proposal goes ahead and the school increases the number of classes, the problem will get worse. They request that a traffic order is made to legalise the yellow lines within School Lane.

9.0 Planning History

9.1 Various planning applications have been submitted for extensions to and replacement of existing school buildings, none of which are of any direct relevance to the current proposal.

10.0 Consideration of Relevant Issues

Principle of development

10.1 The site is located within the Metropolitan Green Belt wherein policy GBC1 and the NPPF allow for specific types of development which are not considered inappropriate.

10.2 Policy GBC1 allows for the limited infilling or redevelopment of Major Developed Sites. However, whilst the majority of the proposed development falls within the Major Developed Site the proposed new teaching block in this case extends beyond the boundary of the MDS and the proposal cannot therefore be considered as appropriate development in accordance with the adopted Local Plan.

- 10.3 The NPPF states that the replacement of a building within the Green Belt with one that is not materially larger is not inappropriate development. However, as the proposal in this case would result in an additional floorspace of over 1,000sqm compared to that of the existing buildings, and that the two storey building would replace some single storey buildings on the site, then the development does not meet this criteria.
- 10.4 The NPPF also allows for limited infilling or partial redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt than the existing. Whilst Officers consider that the school would constitute a previously developed site, the increased size and height of the new building would inevitably have a greater impact upon the openness of the Green Belt than the existing and therefore the proposal cannot be considered as appropriate development in accordance with the NPPF.
- 10.5 The proposed development must therefore currently be considered as an inappropriate form of development in the Metropolitan Green Belt and, as Members will be aware, the NPPF indicates that inappropriate development should not be approved unless there are other material considerations which would clearly outweigh the harm caused by inappropriateness, and any other harm, such as to provide the very special circumstances necessary to justify the development.
- 10.6 It is therefore necessary to consider whether any other harm would result from the development and whether that harm is clearly outweighed by the positive impacts of the proposal.

Impact on openness

- 10.7 As outlined above, due to the proposed increase in size and height of the building compared to those it would replace, the proposal would inevitably have some impact on the openness of the Green Belt and this weighs against the proposal in the planning balance. However, the proposed teaching block would largely replace the footprint of the existing buildings with a small incursion beyond these onto an existing area of hardstanding. It would also be contained within the existing school site, infilling a space between existing buildings and an area of car parking and sports pitches enclosed by high fencing. Having regard to these matters, Officers consider that the visual intrusion into the openness of the Green Belt would not be significant and this limits the weight that is attached to this matter in the planning balance.

- 10.8 The temporary classrooms within the northern part of the site would also infill a space between existing buildings, and those within the southern part of the site would be constructed on an existing netball court. Again, some harm to openness would result from these buildings. However, as this would be for a temporary period only, during the construction works, limited weight is attached to the harm in the overall balance of considerations.

Sport and recreation facilities

- 10.9 A small amount of the proposed teaching block would intrude into land to the west of the existing buildings that is designated for sport and recreation. However, this area is currently in use for car parking and therefore the proposal would not result in a loss of existing sports and recreation facilities.
- 10.10 The proposed single storey temporary classroom building to the south of the site would result in the temporary loss of a netball court. However, having regard to the comments received from Sport England that this temporary loss would not have a major impact upon the school, Officers do not have any significant concerns in respect of this element of the proposal.
- 10.11 As the proposal would not result in the permanent loss of sport or recreation facilities at the site, Officers consider that there would be no conflict with Policy LRC1 of the Local Plan and as such no other harm would be caused by the proposal in this respect.

Parking

- 10.12 The Parking Statement submitted with the application states that the proposal would result in the loss of 7 parking spaces and a temporary loss of a further 10 during the construction works due to the siting of the temporary classrooms. However, having visited the site Officers would estimate that up to 12 parking spaces would be lost from the proposed permanent teaching block.
- 10.13 As outlined in the table at the end of this report, the applicant has stated that 144 parking spaces would be provided within the site and that an additional 43 spaces could be provided within an existing hard play/overflow parking area. The maximum adopted parking standards outline a provision of up to 145 spaces and the proposed District Plan parking standards do not alter this.

- 10.14 The proposed parking provision therefore meets the adopted and emerging parking standards for the current pupil numbers. Furthermore, if the school subsequently achieves its aim to expand to 8FE, then the parking provision, together with the 43 additional overflow spaces, will meet the standards required for that additional capacity. Having regard to this, and the comments received from the Highway Authority, Officers consider that the parking provision is acceptable. The Parking Statement submitted with the application also outlines that the school operates a robust Green Travel Plan policy to ensure that they are able to accommodate the proposed permanent and temporary reductions in on-site parking provision.
- 10.15 The concerns raised by a local resident in respect of existing parking problems in the adjacent residential road are noted. Members will know that this is a common problem in residential areas that are close to schools and, of course, it is not possible to provide sufficient on-site parking space for all the traffic associated with the dropping off and collection of children. In this case, it is apparent that there is some congestion at these times. However, that is an existing situation and the development the subject of this application will not, of itself, result in increased pupil numbers, although the aim of the school to increase to 8FE through further remodelling of other teaching spaces is noted. If the school does ultimately increase to 8FE capacity then there is the ability to use existing hard surfaced areas within the school grounds to provide an additional 43 spaces and thus meet the Council's parking standards.
- 10.16 It would not be reasonable therefore to refuse planning permission for the proposed development on parking grounds or indeed to require measures to be taken to control existing parking problems in surrounding streets as a result of this proposal. Consideration can of course be given to such measures by the Authority under separate legislation/control, but this should be considered separately from this particular planning proposal.
- 10.17 Notwithstanding the above, and given that the new teaching block would partially enable the school to achieve 8FE in the future, Officers consider it reasonable to require a review of the school's Green Travel Plan and a condition is therefore recommended to require the submission of an updated Plan to allow the Planning Authority some control over the parking provision available and the measures in place to promote sustainable transport.

Character and Appearance

- 10.18 The proposed new teaching block is considered to be of a high standard of design that would reflect the modern buildings within the site and appear as an appropriate addition within the site.
- 10.19 Subject to a condition requiring details of materials to be agreed, Officers consider that no other harm would be caused by the proposal in respect of the character and appearance of the site and the surrounding area.

Neighbour Impact

- 10.20 The proposed new teaching block would be sited approximately 30 metres from the boundaries with the rear gardens of the closest neighbouring dwelling houses, within School Lane, to the south of the site. Having regard to this distance and the two storey height of this proposed building, Officers consider that the proposal would not result in any significant harm in terms of overlooking, loss of light or outlook, and would not result in an overbearing impact on the neighbouring occupiers.
- 10.21 In respect of the proposed temporary mobile classroom within the southern part of the site, this would be located within close proximity of the neighbouring dwelling houses in School Lane. Having regard to its temporary nature and single storey height, Officers do not anticipate that any significant harm would be caused to the amenities of neighbours. However, a condition is recommended to require details of the temporary classrooms to ensure that this would not be the case.

Other Matters

- 10.22 The Lead Local Flood Authority (LLFA) has requested that a detailed surface water drainage strategy is submitted as a condition of any permission to be granted. As part of this detailed work, the LLFA would seek a hydrological and hydro geological assessment of the site; the submission of surface water volume and run-off rate calculations; detailed engineered drawings of the proposed SuDS measures; and the provision of a sustainable drainage system prioritising above ground methods such as ponds, and swales. However, the applicant has provided confirmation that, whilst the replacement building is larger than the existing, the extent of hard surfacing and roofed areas remains the same, the existing classroom blocks are all located on an impermeable area and there is no additional surface water run-off proposed over and above that currently drained into the existing drainage system.

- 10.23 Officers are mindful of the likely costs involved in such a detailed assessment of surface water drainage at the site and, given that the site lies within an area at 'very low risk' of surface water flooding (based on the Environment Agency's mapping), and that no additional hard surfacing is proposed, Officers do not consider that it is reasonable in this case to impose the condition suggested. However, it would be reasonable to require some further detail on the proposed drainage strategy for the building to ensure that it would remain acceptable and, where possible, enhanced by the use of sustainable drainage measures such as rainwater harvesting; water butts; permeable surfacing etc. An alternative condition is suggested therefore to seek this information as part of the permission.
- 10.24 Sport England has recommended a condition to require the removal of the temporary teaching blocks at the end of the construction period. This is considered reasonable and would meet the tests in the CIL Regulations. A condition is therefore recommended to require the removal of the temporary structures and the reinstatement of the land within 3 months of the occupation of the new teaching block to ensure that a reasonable time period is available to allow a full transition to take place between the buildings.

Planning balance

- 10.25 In summary, the proposal is considered to be inappropriate development in the Green Belt and some additional harm is identified in respect of a limited loss of openness; a reduction in car parking spaces and the lack of detail in respect of enhanced sustainable drainage measures.
- 10.26 Against that harm, there is a need to balance the positive impacts of the development.
- 10.27 The NPPF outlines that Local Planning Authorities should take a proactive, positive and collaborative approach to meeting school place requirements, and should give great weight to the need to create, expand or alter schools (paragraph 72 of NPPF). Having regard to this, Officers consider that significant weight should be attached to the benefits that the proposal would bring to the educational facilities within the site. Some enhancement of the surface water drainage of the site can be achieved through planning condition and car parking provision would, despite the loss of some spaces, remain in accordance with the adopted and emerging parking standards.

10.28 Officers also consider that some weight, albeit limited, should be attached to the proposal within the emerging District Plan to remove the proposal site from the Green Belt.

11.0 Conclusion

11.1 The proposal constitutes inappropriate development within the Green Belt and some, albeit limited, harm would be caused by loss of openness and a reduction in the number of parking spaces within the site. Some additional limited weight is also given to the lack of details in respect of an enhanced sustainable drainage system at the site.

11.2 However, having regard to the other considerations outlined above; the sympathetic siting and design of the proposed permanent building; the temporary nature of the proposed mobile classrooms; and the benefits that the proposal would bring to the educational facilities provided within the site, Officers consider that the harm caused by reason of inappropriateness and the other harm that has been identified is clearly outweighed by the benefits of the proposal. Very special circumstances exist therefore to justify the grant of permission in this case.

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Materials of construction (2E11)
4. Within 3 months of the first occupation of the new teaching block hereby approved, the temporary classroom structures hereby permitted shall be removed and the site reinstated to its previous condition and use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, the openness of the Metropolitan Green Belt and to ensure that adequate sports provision is available within the site.

5. Green Travel Plan (3V27)
6. Prior to the commencement of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan'

shall identify details of: methods for accessing the site including construction vehicle numbers and routing, location and details of wheel washing facilities and associated construction parking areas and storage of materials clear of the public highway.

Reason: In the interests of highway safety.

7. Construction hours of working (6N07)
8. Prior to the commencement of the development further details of the temporary classroom units, to include plans showing the size and height of the buildings and the position of external windows shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties.

9. Prior to the commencement of the development hereby permitted, details of surface water drainage works for the proposed new teaching block shall be submitted to and approved in writing by the local planning authority. These details shall include an assessment of the potential for disposing of surface water by means of sustainable drainage measures and provide a management and maintenance plan for the lifetime of the development

Reason: In the interests of the management of surface water flows and in accordance with Policy ENV21 of the East Herts Local Plan Second Review, April 2007 and national planning policy guidance set out in section 10 of National Planning Policy Framework.

Informatives

1. Unsuspected contamination (33UC)
2. Asbestos (34AS)

Summary of Reasons for Decision

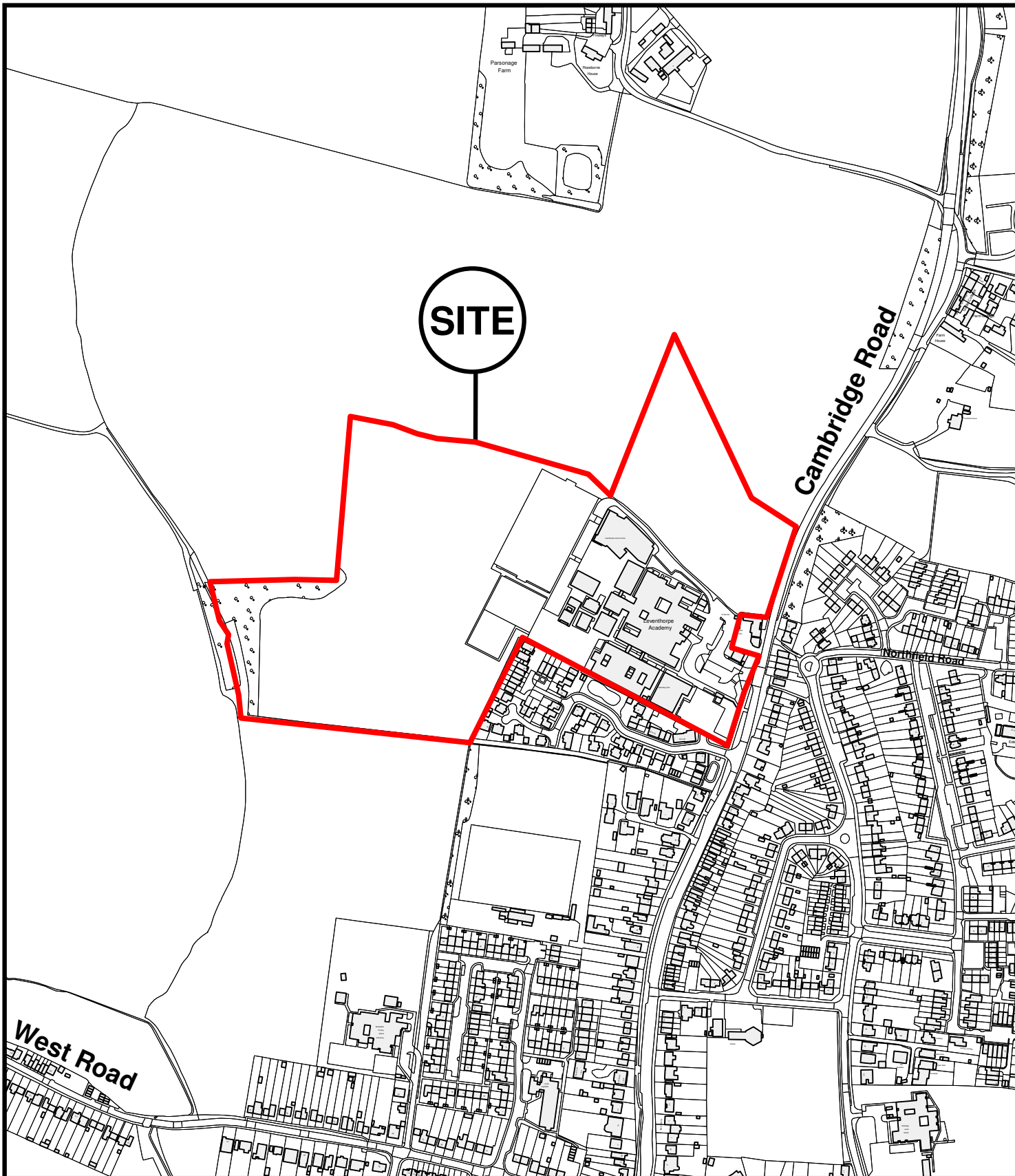
East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).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

KEY DATA**Non-Residential Development**

Use Type	Floorspace (sqm)
Education	1,000.1 (net increase)

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required based on current capacity	Spaces required based on proposed expansion to 8FE
Education	1 space per full time member of staff plus 1 space per 100 pupils, plus 1 space per 8 pupils over 17 years old plus 1 space per 20 pupils under 17 years old	42 staff spaces 13 spaces for 1260 pupils 45 spaces for 360 pupils over 17 45 spaces for 900 pupils under 17 years old	56 staff spaces 16 spaces for 1579 pupils 47 spaces for 379 pupils over 17 60 spaces for 1200 pupils under 17 years old
Total required		145	179
Accessibility reduction	N/A outside of Zones 1-4		
Resulting requirement		145	179
Proposed provision		144 (187 with overflow parking)	144 (187 with overflow parking)



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East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

**Address: The Leventhorpe School, Cambridge Road, Sawbridgeworth
Hertfordshire, CM21 9BX**

Reference: 3/16/2817/FUL

Scale: 1:5000

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DEVELOPMENT MANAGEMENT COMMITTEE – 5 APRIL 2017

Application Number	3/14/0395/FP
Proposal	Change of use of land to east of Farnham Road from disused quarry/lime works to animal rescue centre and associated landscaping. Redevelopment of Old Lime Works building to caretaker accommodation. Erection of new kennel and cattery building and associated outbuildings, parking areas and access roads. Erection of field shelter and outdoor cattery area.
Location	The Old Lime Works, Farnham Road
Applicant	The Animal Rescue Charity
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	06 March 2014
Target Determination Date	05 June 2014 (but subject to ETA)
Reason for Committee Report	Major Planning application
Case Officer	Martin Plummer

RECOMMENDATION

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

1.0 Summary

- 1.1 The site is located within the Metropolitan Green Belt and the proposal represents inappropriate development. In addition to the harm by inappropriateness, some other harm is associated with a limited loss of openness; and a change to the character and appearance of the site. However, the harm caused in respect of these matters has to be weighed against the positive impacts of the proposal which in this case relate to the provision of alternative accommodation and facilities for a nearby local animal charity and the associated employment generation.
- 1.2 On balance, it is considered that the benefits of the proposal are sufficient to clearly outweigh any harm to the Green Belt such that very special circumstances can be said to exist to justify the proposed development.

2.0 Site Description

- 2.1. The site is shown on the attached OS extract and is located to the north of Bishop's Stortford on Farnham Road, just north of the A120. The site

was formerly occupied by an old Lime Works and the western part of the site contains a cluster of disused buildings associated with that historical use. The eastern part of the site is generally open and comprises an area of scrub with trees and various landscape features which have grown in an unmanaged way through the passage of time.

3.0 Background to Proposal

- 3.1 As noted above, the site was formerly occupied by the Old Lime Works associated with the extraction of raw material from the land (chalk) and converting it into a usable commercial material (lime). The use of the land for such purposes ceased in the 1960s.
- 3.2 Various planning applications have been submitted (as summarised in section 9 below) for alternative uses of the site including the change of use of the lime work buildings for use associated with a nearby animal rescue centre. The more recent planning applications have granted permission for the use of the buildings to the west of the site as an animal rescue charity and temporary permission for the provision of a mobile home to provide security for the site. This permission has been implemented and the western part of the site is in use by the applicant, the Animal Rescue Centre (ARC), for that use.
- 3.3 The ARC currently also occupies the site known as Foxdells Farm, to the south of the application site and accessed from Rye Street via Foxdells Lane. ARC take in strays and unwanted animals and lease the buildings at Foxdells Farm from the current owner, Bovis Homes and Taylor Wimpey.
- 3.4 Foxdells Farm forms part of Bishop's Stortford North which has been granted planning permission under LPA reference 3/13/0075/FP for significant housing development (some 2,200 dwellings) and associated infrastructure which includes the reuse of Foxdells Farm for community purposes or for a commercial use such as a restaurant with additional community space.
- 3.5 The Section 106 agreement which forms part of the planning permission for Bishop's Stortford North, includes a financial contribution from the developers towards assisting ARC in the relocation of their operation to an alternative site (the site the subject of this current planning application). The financial contribution was considered necessary to secure the retention of the public service provided by the ARC in rescuing animals in the town and surrounding areas.

- 3.6 This planning application seeks permission for the use of the entire Old Lime Works site as an animal rescue centre incorporating, towards the eastern side of the site, the erection of a new building for kennels and a cattery with associated dog runs and ancillary outbuildings for storage, together with visitor parking. The central part of the site would comprise enclosed paddocks and timber sheds; a woodland garden of remembrance; a woodland walk, and a cattery for long term resident cats. The plans also show the provision of a future visitors centre within the old buildings to the western side of the site with associated parking but this does not form part of these current proposals.
- 3.7 The plans include the retention of the vehicle access to the south of the site, which would then link to the east of the site, to the kennel and cattery building and visitor parking. A single access track is proposed around the north of the application site to a vehicle access to the north onto Farnham Road.
- 3.8 The north eastern corner of the site lies within the administrative boundary of Uttlesford Council and a similar planning application to this current planning application has been submitted to that Authority for determination
- 3.9 Members will note that the application has been with the Council for a significant period of time. During the initial stages of the consultation period, objections were received from the Environment Agency in respect of the risks associated with the development on ground water protection. As noted in the consultation response below from that consultee, the site is particularly sensitive to ground water contamination. Officers have therefore sought to work proactively with the applicant to address this matter and other related matters and these have now been resolved.

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the East Herts Local Plan Second Review April 2007 and the Bishop's Stortford Town Council Neighbourhood Plan Silverleys and Meads.

Key Issue	NPPF	Local Plan policy	NP
The appropriateness of the development in the Green Belt	87, 88 and 89	GBC1	

Impact on openness of the Green Belt and other harm	Section 9	GBC1	
Impact on the character and appearance of the site, the NP 'green lung' and surrounding area	76, 77, 78	ENV1	GIP1
Contaminated land issues			
Impact on Ecology	118	ENV16	GIP4
Impact on trees within and adjacent to the site	58	ENV2 and ENV11	
Car parking provision and access	39, 75	TR7, LRC9	TIP8, GIP5
The case in support of the application	69, 70, 73, 81,		SP1, SP2
Impact on neighbour amenity		ENV1	
Surface water drainage matters	103	ENV21	

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 recently been completed. 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 detail of the responses to the consultation is yet to be considered.

6.0 Summary of Consultee Responses

6.1 Hertfordshire County Highways comment that they make no objection to the development proposals. The development uses an existing vehicle access where appropriate visibility splays can be provided. The northern access is not suitable for access to the site and a planning condition is recommended to ensure that it is used for exits only. A suitable level of parking and space for vehicle turning is provided within the site and the proposal and traffic generation is unlikely to be significantly over the existing use.

6.2 The Environment Agency originally objected to the application on the basis of the significant risk to groundwater resources from which potable water is obtained; inadequate provision for foul drainage, and risk to groundwater and flood risk.

Through the submission of additional information during the process of the application, it comments that the Flood Risk Assessment is now sufficient to address flood risk concerns subject to a detailed drainage scheme condition.

It comments that the previous use of the site as a former landfill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters which are particularly sensitive in this area. The information submitted to date with the application provides sufficient information to ensure that the risk can be adequately managed. Various planning conditions requiring the submission of additional information are recommended.

- 6.3 Herts Ecology comment that the site is identified as a County Ecology Site and the site is described as having an exposed quarry face and areas of calcareous grassland and scrub that have some ecological value.

Having regard to the development as a whole, to prevent possible harm to protected species an ecological appraisal of the whole site should be undertaken which, given that no European protected species are known to be evident on the site, can be dealt with through the provision of a planning condition.

- 6.4 Environmental Health Advisor recommends that a planning condition relating to a contaminated land survey be included with any planning permission granted.
- 6.5 Herts Police Crime Prevention Advisor comments that the application does not show what security measures are being put in place, in conflict with the NPPF, and states that the development should achieve Secured by Design Part 2 as a minimum.
- 6.6 Natural England comment that the proposal is unlikely to affect any statutory protected sites or landscapes and reference is made to statutory advice in respect of protected species. It comments that the development has potential to improve green infrastructure, biodiversity and landscape enhancements.
- 7.0 Town Council Representations**
- 7.1 Bishop's Stortford Town Council object to the application and comment that the development is contrary to the Neighbourhood Plan Policy GIP1c).

8.0 Summary of Other Representations

8.1 One representation has been received from the house builder, Countryside Properties, who are implementing residential development at Bishop's Stortford North – ASR5. Countryside Properties acknowledge the positive work that is undertaken by the Council but comment that without proper controls of the future occupation and onsite management, the proposals could result in impact on future residents of ASR5, particularly in respect of noise from animals and associated smells.

9.0 Planning History

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

Ref	Proposal	Decision	Date
E/836-49	Surface mineral working	Approved with conditions	13.09.1949
E/1050-64	Construction of rifle range	Approved with conditions	13.06.1964
E/3827-71	Land for mineral workings	Approved with conditions	
3/4661-73	Ready mix concrete distribution centre	Refused	25.02.1974
3/06/0935/FP	Change of use to animal sanctuary	Withdrawn	28.11.2006
3/07/0866/FP	Change of use of former limeworks building to use associated with nearby animal rescue sanctuary	Refused	21.06.2007
3/09/1189/FP	Change of use of former limeworks building to use associated with nearby animal rescue sanctuary and formation of staff and visitor parking area off existing site access	Approved	21.12.2009
3/12/0372/FP	Two year temporary change of use from car park to residential use for mobile motor home	Refused / allowed at appeal	21.07.2016

3/15/0466/FUL	Temporary change of use from car park to residential use for mobile motor home. Continuing two year temporary change of use, application reference 3/12/0372/FP	Approved with conditions	15.05.2015
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10.0 **Consideration of Relevant Issues**

10.1 The main issues are as follows:

- a) Whether the proposal would be inappropriate development in the Green Belt having regard to the Development Plan (which includes the East Herts Local Plan Second Review April 2007); the Neighbourhood Plan and the NPPF;
- b) Other harm – including the effect of the proposed development on openness, the character and appearance of the area; and on the NP designated ‘green lung’
- c) Contamination issues;
- d) Highway and parking matters;
- e) Drainage and ecological issues;
- f) The impact on neighbour amenity;
- g) The positive benefits of the development proposals

Development in the Green Belt

- 10.2 The NPPF states that the essential characteristic of the Green Belt is its openness and permanence. Inappropriate development in the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. The NPPF requires that Local Planning Authorities attach substantial weight to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.3 The NPPF sets out a range of development which is not inappropriate development in the Green Belt. Policy GBC1 of the Local Plan is broadly consistent with the NPPF and therefore full weight can be attached to that policy.
- 10.4 The provision of development comprising of a change of use of the majority of the site, including the erection of buildings and other associated enclosures relating to an animal rescue centre, represents

inappropriate development in the Green Belt and is in conflict with policy GBC1 of the Local Plan and the NPPF. Emerging policy GBR1 expressly refers to the NPPF and is therefore consistent with the NPPF and can be afforded significant weight. As

- 10.5 The proposed development must therefore be considered as an inappropriate form of development in the Metropolitan Green Belt and, should not be approved unless there are other material considerations which would clearly outweigh the harm caused by inappropriateness, and any other harm, such as to provide the very special circumstances necessary to justify the development.
- 10.6 It is therefore necessary to consider whether any other harm would result from the development and whether that harm is clearly outweighed by the positive impacts of the proposal.

Other harm

Impact on openness

- 10.7 The proposed development forms three parts – the change of use and erection of buildings to the east of the site to form kennels and cattery, ancillary outbuildings and a visitor parking area; the change of use of the central part of the site to form paddocks and an open woodland walk and garden of remembrance and; the change of use and operational development to the west of the site relating to the provision of an overflow car park and future visitor centre adjoining Farnham Road.
- 10.8 The plans submitted with the application indicate that the area proposed for the new kennel and cattery will be located in a shallow depression which is approximately 3.5 metres below the surrounding ground level of adjoining agricultural fields. The height of the proposed building would be a maximum of 3.4 metres and will therefore sit within the existing land levels around this part of the site without being unduly visible from any public vantage point. Officers are therefore of the view that this element of the application will have only limited impact on the openness of the Green Belt.
- 10.9 The provision of open paddocks within the centre of the site and use of the land for a garden of remembrance and woodland walk would not incorporate any significant operational development and will therefore maintain openness. The plans indicate new field shelters and means of enclosure for the paddocks and this element has the potential to result in some, albeit limited, harm to the openness of the Green Belt. There

is less information regarding the proposals for a long term cattery which is within the central part of the site – the plans indicate that this will comprise of a series of small buildings. There is potential for impact on openness associated with this element of the application and this does therefore weight against the proposals. However, this impact can be mitigated and controlled by planning condition.

- 10.10 To the west of the site the plans indicate the potential reuse of the existing Lime Work buildings as a visitor centre. These buildings have planning permission for use by the ARC but any further change in the use of the buildings would need to be subject of a further application and an informative is suggested to ensure that the applicants are made aware of this.
- 10.11 The proposed overflow car park is located in the position of an existing open space which is used for parking and where a mobile home is currently located. The area proposed is not large and, given the existing development on this part of the site, impact on openness in this location is considered to be neutral in the balance of considerations.

Character, appearance and impact on NP 'green lung'

- 10.12 The site was previously used for mineral extraction and there would historically have been a more intensive use of the land associated with that use. However, over the passage of time, the previous use has blended into the landscape, and the site character now comprises various overgrown shrubs, trees and other landscape features.
- 10.13 The proposals will inevitably result in a change to the character of the site and this weighs, to some extent, against the proposals. The Town Council has objected on the grounds that the proposal is contrary to policy GIP1(c) of the Neighbourhood Plan. That policy states that any development within identified 'green lungs' in the NP Area will principally be used for recreation and open space and that the layout of any new development will be expected to incorporate these open spaces into their design.
- 10.14 The frontage of the site lies within a narrow strip of land that forms part of one of the designated 'green lungs'. However, the majority of the application site falls outside the area.
- 10.15 New building on the site is proposed to be to the east of the site and away from the designated 'green lung' area as defined in NP policy GIP1. Furthermore, the layout of the proposed development is such that the majority of the site will remain open and, subject to a robust

landscaping scheme, it is considered that it would not result in any significant harm to the identified 'green lung'. That designated area is appropriately incorporated into the proposed layout of this development and conditions can secure that a robust landscaping scheme is provided.

- 10.16 On balance, therefore, whilst there will be a change in the character and appearance of the site it is considered that this can be satisfactorily mitigated. The development incorporates the erection of several buildings of various sizes, the subdivision of the site for different uses and enclosures for animals, roads, tracks and parking areas. The more significant element of the application however (the kennel and cattery) and associated visitor parking and ancillary outbuildings is located in a depression within the site which, as acknowledged above, will mean that there are limited, if any, public views of this element of the application. The more visible areas are to the west of the site and the central part – those elements are, however, more low key and respond positively to the landscape character through allocating uses (woodland walk and garden of remembrance) which will retain or reinforce existing landscaping.

Contamination

- 10.17 As noted above, the Environment Agency originally objected to the application which, when originally submitted included a pet cemetery. The Environment Agency were concerned with the impact of that use together with foul drainage impact on groundwater protection. The site is located within a source protection zone on a vulnerable chalk aquifer used for potable water. Any contaminants entering the groundwater would reach a public drinking water abstraction point. The site is also in a European Union Water Framework Directive drinking water protection area.
- 10.18 Various and ongoing discussions have taken place between the applicant and the Environment Agency who now advise that it is possible to suitably manage the risk to groundwater and various conditions are recommended in this respect. Having regard to that advice the development is considered to be acceptable in terms of the risk of contamination to the environment and human health and the planning conditions recommended by the Environment Agency are, in this respect, considered to be necessary and reasonable. This matter has a neutral weight in the balance of considerations.

Ecology

- 10.19 The site does not form part of a statutorily designated site and, as confirmed by Herts Ecology, there are not known to be any European Protected species. Accordingly there is no statutory requirement for survey information to be submitted or considered as part of the decision making process of the application, but there is some potential for impact on reptiles, birds and other important plants and it is necessary and reasonable for a planning condition to be attached with any grant of planning permission requiring an ecological appraisal and provision of any related mitigation measures.
- 10.20 Having regard to the advice received, Officers do not consider that the development will result in significant or material harm to any protected species such that would warrant the refusal of the application. However, there is an opportunity for enhancement of ecology which can be secured by planning condition. This matter is assigned neutral weight in the balance of considerations.

Neighbour amenity

- 10.21 There are no currently no nearby residential dwellings to the site that will be impacted by the development. However, as development proceeds on ASR5, the site will become closer to new residential development and the comments of the developer of ASR5 are noted in this respect. However, the siting, orientation and distance to that development site is such that there would be no significant or material harm to the living conditions of future residents or indeed to existing dwellings further to the south along Farnham Road. The main building associated with the development for kennels and cattery is, as noted above, sited within a shallow depression within the Old Lime Works which will reduce the impact further. This matter is assigned neutral weight in the balance of considerations.

Flood risk – drainage

- 10.22 The site is located within flood zone 1 – a low risk of fluvial flooding. The Environment Agency surface water flood risk maps show that there is a small area of low flood risk in the area proposed for the new building for kennels and cattery and an area of low/medium to the west of the site located around the existing buildings.
- 10.23 The application is supported by a flood risk assessment which concludes that the site is at a low risk of flooding and the proposed

development is considered to be suitable assuming appropriate drainage can be maintained for the lifetime of the development.

- 10.24 The plans submitted show the provision of a balancing pond and the supporting documentation indicates that rainwater will be recycled throughout the building including wash down for kennels and hard surfaced areas will use permeable materials.
- 10.25 The information provided indicates the provision of appropriate sustainable methods of dealing with surface water which will have some benefit in terms of improving the quality of the water and some additional biodiversity enhancements associated with the balancing pond. Given the low levels of risk associated with surface water across the site as a whole, the level of information provided is acceptable and demonstrates the provision of appropriate quality SuDS. A planning condition requiring further information in respect of the provision of SuDS and connection of drainage matters is recommended, which is consistent with the consultation response from the Environment Agency. This matter is also assigned neutral weight in the balance of considerations.

Parking and highways

- 10.26 The development includes retention of the existing southern access for ingress and egress to the site which the Highway Authority advise is acceptable. A northern access is proposed for egress only which is also considered to be acceptable by the Highway Authority. Having regard to the advice received, Officers consider that appropriate access to the site can be achieved.
- 10.27 The application form proposes the provision of 18 parking spaces, although this is not clearly shown on the proposed plans. The plans submitted show two reasonable areas for parking where such a level of parking could reasonably be provided. The provision of such a level of parking is considered to be appropriate for the use and scale of development proposed and this matter is assigned neutral weight in the planning balance.

Planning balance

- 10.28 In summary, the proposal is considered to be inappropriate development in the Green Belt and some additional harm is identified in respect of a limited loss of openness and a change in the character and appearance of the site.

- 10.29 Against that harm, there is a need to balance the positive impacts of the development.
- 10.30 It is a material consideration that the Council have granted planning permission for the redevelopment of the applicants existing premises as part of ASR5 and that, within the considerations relating to that application, financial contributions were secured in order to ensure that a suitable alternative site could be found for the charity. The current application site was expressly referred to in that application. The proposed development would enable a local and very valued charity to continue to undertake their work in the District, in the housing and care of animals. This Local Authority and other Authorities make use of the ARC work and it performs a valuable public service. The provision of a dedicated facility which will allow the ARC to continue with their charitable work is a material consideration which weighs substantially in favour of the application.
- 10.31 The application form indicates that the development will provide full time employment for two people and part time employment for 12 people. It would also have some benefit in terms of the short term building works associated with implementation of the development. The NPPF supports the provision of sustainable economic development as a core principle and the provision of a development which will achieve this through job creation weighs in favour of the application.

11.0 Conclusion

- 11.1. The proposal constitutes inappropriate development within the Green Belt and some, albeit limited, harm would be caused by loss of openness and a change in the character of the site.
- 11.2. However, having regard to the other considerations outlined above and the benefits that the proposal would bring in providing replacement, high quality accommodation for a valued local charity, Officers consider that the harm caused by reason of inappropriateness and the other harm that has been identified is clearly outweighed by the benefits of the proposal. Very special circumstances exist therefore to justify the grant of permission in this case.
- 11.3. It is recommended that planning permission can be granted in this case, subject to conditions.

Conditions

1. Three year time limit (1T121)

2. Approved plans (2E103)
3. Hard surfacing (3V211)
4. Wheel washing (3V251)
5. Materials of construction (2E11)
6. Prior to the first use of the land as hereby permitted, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

7. The development shall not be occupied until the northern vehicle access has been signed as 'no entry' with durational signage to the entry access and traffic flow plates installed on the private access.

Reason: In the interests of highway safety.

8. Provision and retention of parking spaces (3V23)
9. The use of the land and the buildings hereby permitted shall be as an animal rescue centre only and for no other purposes whatsoever without the prior permission of the local planning authority.

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the character and appearance of the Green Belt ;highways safety or the amenities of occupants of adjoining premises in accordance with policies GBC1, ENV1 and TR7 of the East Herts Local Plan Second Review April 2007.

10. The caretaker accommodation hereby permitted shall be occupied solely in connection with the animal rescue centre and not as a separate unit of residential accommodation.

Reason: To ensure that the development, approved on the basis of the existence of very special circumstances, continues to provide the benefits which have been found to outweigh harm to Green Belt in accordance with policy GBC1 of the East Herts Local Plan Second Review April 2007 and the NPPF.

11. No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

12. No occupation or use of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification

plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

13. No development should take place until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

15. No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

17. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation or use of any part of the permitted development.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

18. The development hereby permitted shall not be commenced until such time as a scheme for the following has been submitted to, and approved in writing by, the local planning authority:

- 1) A full plan for the disposal of foul and surface water with costed justification for not connecting to the foul sewer system
- 2) roof drainage – sealed at ground level
Non mains drainage will need to include the following specific mitigation measures:
 - i. Infiltration systems to be constructed to BS6297:2007 and A1:2008 (amendment May 2008 and corrigendum August 2008).
 - ii. No connection to watercourse or land drainage system and no part of the infiltration system is within 10 metres of any ditch or watercourse.

- iii. No siting of the septic tank or package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework.

19. Prior to the commencement of any above ground building work, landscape design proposals shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a) finished levels or contours; b) planting plans; c) Written specifications; d) schedules of plants noting species, planting sizes and proposed numbers and densities and; e) implementation timetables. Any such trees or plants that, within a period of five years after planting are removed, die or, in the opinion of the Local Planning Authority, are seriously damaged or defective, shall be replaced as soon as is reasonably practicable with other species, size and number as originally approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design in accordance with policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007 and section 7 of the National Planning Policy Framework.

20. Landscape works implementation (4P13)

Informatives

1. Unsuspected contamination (33UC)
2. For the avoidance of doubt, this permission does not relate to any future use of the site as a visitors centre as shown on submitted drawing 1158/P/03 B. It is likely that a separate planning permission will be required for that use and the applicant is encouraged to submit details of any proposed use to the Council through its published pre-application advice service before any works commence in this respect.

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

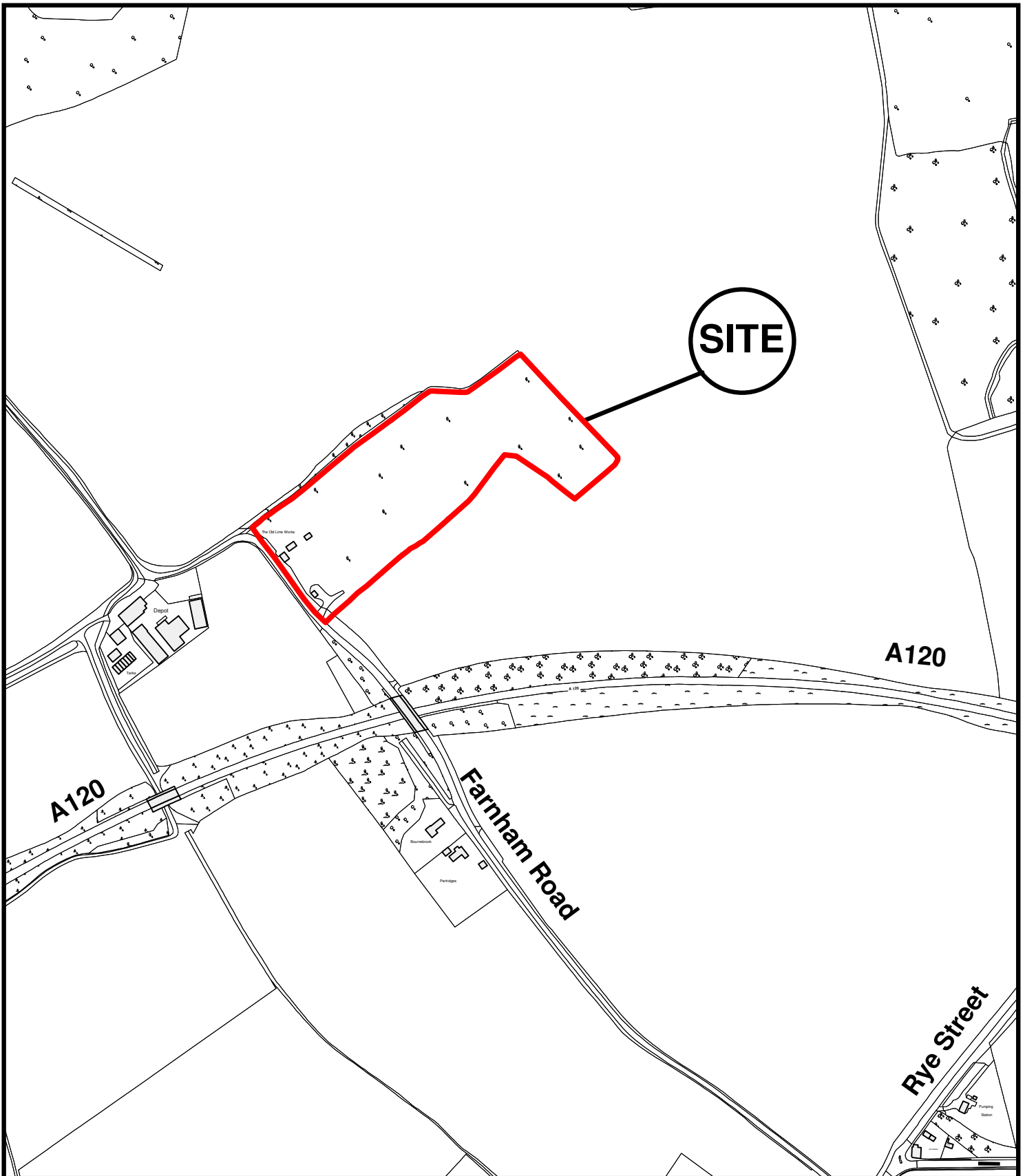
Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies and the very special circumstances that exist in this case is that permission should be granted.

KEY DATA**Non-Residential Development**

Use Type	Floorspace (sqm)
Animal Rescue Centre (sui generis)	1,141 sqm

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
Sui generis	None – dependant on nature of use 2 Full time employees and 12 part time (4 Full Time Equivalent)	N/A
Total required		N/A
Proposed provision	18 spaces	



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East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

**Address: The Old Lime Works, Farnham Road, Bishop's Stortford,
Herts, CM23 1JB**

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