



Alison Stuart
Head of Legal and
Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 31 JANUARY 2018
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)

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

Substitutes

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

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

CONTACT OFFICER: PETER MANNINGS

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DISCLOSABLE PECUNIARY INTERESTS

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

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

Public Attendance

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

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

4. Minutes - 6 December 2017 (Pages 9 - 20)

To confirm the Minutes of the meeting of the Committee held on Wednesday 6 December 2017.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 21 - 26)

- (A) 3/17/1558/REM - Reserved Matters for 3/14/2200/OP for the approval of Appearance, Landscaping, Layout and Scale in respect of the erection of 85No dwellings Land South of Froghall Lane, Walkern, Hertfordshire for Mears New Homes LTD and Aldwick Housing Group Ltd (Pages 27 - 84)

Recommended for Approval

- (B) 3/17/1749/REM - Reserved Matters for 3/14/2200/OP for the approval of Appearance, Landscaping, Layout and Scale in respect of the erection of 85No dwellings Land South of Froghall Lane for Mears New Homes LTD and Aldwick Housing Group Ltd (Pages 85 - 130)

Recommended for Approval

- (C) 3/17/2216/OUT - Outline application for 27 no. dwellings at Land west of High Road, High Cross for Caddick or c/o agent
(Pages 131 - 152)

Recommended for Approval

- (D) 3/17/2052/FUL - Demolition of existing buildings and erection of a part four, part five storey building comprising seven commercial units (one double) in a mix of A1(retail), A3 (restaurants/café) and (A5) hot food takeaway uses and 32 residential units, together with associated access parking and landscaping at 4-18 Amwell End, Ware for Omega Land Holdings_(Pages 153 - 174)

Recommended for Approval.

- (E) 3/17/2655/FUL - Demolition of existing property and erection of a 3 storey building comprising 14 no. residential units (14 x 2 bed) (Use Class C3) above retail use at ground floor (Use Class A1) measuring 396m² (GIA), along with associated landscaping and provision of 31 no. car and 18 cycle spaces at The Bridge House, North Road, Hertford for Mr Ross Smith_(Pages 175 - 208)

Recommended for Refusal

- (F) 3/17/2030/REM - Approval of Reserved Matters following outline approval 3/14/2023/OP in respect of access, appearance, landscaping, layout and scale for the erection of 13 dwellings - Land South of Tanners Way for Thomas Sinden Developments Ltd.
(Pages 209 - 234)

Recommended for Approval

- (G) 3/17/0975/OUT - Outline planning for the erection of up to 18 dwellings, all matters reserved apart from access at Land on the Eastern side of Albury Road, Little Hadham for John Ruane (Pages 235 - 252)

Recommended for Refusal

- (H) 3/17/2502/FUL - Change of use from golf course to golf course with 26 leisure lodges (part retrospective) at Great Hadham Golf and Country Club Great Hadham Road Much Hadham SG10 6JE for Arcadia Estates Limited_(Pages 253 - 268)

Recommended for Refusal.

- (I) 3/17/1787/VAR - Variation of condition 2 (approved drawings) of 3/14/1583/FP for a residential development of 22 houses to allow an adjustment to the western boundary and changes to the front elevation at Plot 12, Hoggates End, Dane O'Coys Road, Bishop's Stortford, CM23 2JH for Grange Builders_(Pages 269 - 276)

Recommended for Approval

- (J) 3/17/2197/VAR - Variation of condition no. 2 (approved plans) of planning permission 3/16/0115/FUL - Erection of 57 units of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly and 24 units of Retirement Living' Sheltered Accommodation including communal facilities and car parking. (Maintaining the design, scale and massing of the approved building) at Sovereign House, Hale Road, Hertford for Yourlife Management Services Ltd_(Pages 277 - 294)

Recommended for Approval

6. Confirmation of Tree Preservation Order No.2 2017 P/TPO 608 At 47 Queens Road, Hertford, Herts, SG13 8BB (Pages 295 - 304)

Confirmation of Tree Preservation Order

7. Public Speaking Arrangements for the Development Management Committee Meeting dealing with Application 3/17/2588/Out - Land at Bishop's Stortford Railway Station (Pages 305 - 310)
8. Items for Reporting and Noting - November and December 2017 (Pages 311 - 368)

(A) Appeals against refusal of Planning Permission/
non-determination.

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) Planning Statistics.

9. 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 6 DECEMBER 2017, AT 7.00
PM

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

ALSO PRESENT:

Councillors I Devonshire, P Phillips and
S Rutland-Barsby.

OFFICERS IN ATTENDANCE:

Elaine Bell	- Solicitor
Thomas Howe	- Planning Student
Hazel Izod	- Senior Planning Officer
Peter Mannings	- Democratic Services Officer
Femi Nwanze	- Development Management Team Manager
David Snell	- Senior Planning Officer
Stephen Tapper	- Senior Planning Officer

277 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors R Brunton and J Jones. It was noted that
Councillors D Oldridge and P Ruffles were substituting for
Councillors R Brunton and J Jones respectively.

278 CHAIRMAN'S ANNOUNCEMENTS

The Chairman commented on this being the last meeting of the Committee before Christmas. He wished Members and Officers a very happy Christmas.

The Chairman thanked Elaine Bell for her support in covering for the Legal Services Manager. He also invited Members to thank Hazel Izod and wish her well as she was leaving the Authority after 11 years in Development Management.

279 DECLARATIONS OF INTEREST

Councillor P Ruffles mentioned that, in respect of application 3/17/2349/FUL, he would take no part in the debate or vote as he was an old boy of Richard Hale School and retained social links with the school.

Councillor J Goodeve commented that her son was a pupil at Richard Hale School.

280 MINUTES – 8 NOVEMBER 2017

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

281 3/17/1811/OUT – LAND OFF LUYNES RISE, BUNTINGFORD – OUTLINE APPLICATION WITH ALL MATTERS RESERVED, EXCEPT FOR ACCESS, COMPRISING: I. UP TO 400 DWELLINGS (C3). II. 2.0 HECTARES OF LAND FOR USE CLASS B1 EMPLOYMENT (UP TO 9,000 SQ METRES). III. FORMAL AND INFORMAL OPEN SPACES INCLUDING CHILDREN'S PLAYSPACES. IV. STRUCTURAL LANDSCAPING AND INTERNAL ROADS. V. FORMATION OF A NEW JUNCTION ON THE A10. VI. SURFACE AND FOUL WATER DRAINAGE INFRASTRUCTURE FOR BOVIS HOMES LTD AND WATTSDOWN DEV LTD C/O AGENT

The Head of Planning and Building Control recommended

that in respect of application 3/17/1811/OUT, planning permission be refused for the reasons detailed in the report now submitted.

Officers summarised the outline application and detailed the relevant planning history. Members were advised that the application would lead to a significant housing contribution and would also provide employment land. Officers concluded that the potential adverse impacts outweighed the benefits of the proposed development.

Mrs Tomlinson addressed the Committee in objection to the application. Mr Ryley spoke for the application. Councillor M Casey commented that he had been struck by paragraph 10.11 of the report regarding the percentage increase in the population of Buntingford. He felt that a doubling of the population in such a short time was too much too quickly. He believed that more time should be allowed for the housing to bed down before more dwellings were imposed on the town.

Councillor K Warnell commented on the fundamental issue of education provision. He referred to the importance of avoiding the need to bus pupils to schools if they could not be accommodated in a particular area. Councillor M Allen referred to the negative weight Officers had assigned to the sustainability of the proposals in general terms.

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

RESOLVED – that in respect of application 3/17/1811/OUT, planning permission be refused for the reasons detailed in the report submitted.

- 282 3/17/2112/OUT – ERECTION OF 35NO. DWELLINGS
(OUTLINE APPLICATION – ALL MATTERS RESERVED) AT
DOLANS FIELD, LAND OFF BROMLEY LANE, MUCH
HADHAM FOR CHALDEAN PROPERTIES LTD OF THE OLD
GRAIN STORE, BROMLEY LANE, MUCH HADHAM
-

The Head of Planning and Building Control recommended that in respect of application 3/17/2112/OUT, planning permission be refused for the reasons detailed in the report now submitted.

Officers summarised the outline application which had been submitted for 35 homes with all matters reserved. Members were reminded of the National Planning Policy Framework (NPPF) and the view of Officers that the harm of the proposed development would significantly and demonstrably outweigh the benefits.

Members were also advised that the Lead Local Flood Authority had maintained an objection to the application. Mr Sutton addressed the Committee in objection to the application. Mr Davis spoke for the application.

Councillor Ian Hunt addressed the Committee on behalf of Much Hadham Parish Council. Councillor I Devonshire addressed the Committee as the local ward Member. Officers confirmed to Councillor D Oldridge that no weight could be applied to the emerging Neighbourhood Plan as this had not been fully drafted.

Councillor M Allen commented on the poor access to Much Hadham 2 km away. He also referred to the marginal footpaths that were available to pedestrians and referred to footpath improvements beyond the boundary of the site.

Officers commented on whether the land containing the footpaths was controlled by the applicant or by Hertfordshire Highways. Members were advised that there might be limited scope for improvement of the footpaths. After being put to the meeting and a vote

taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/2112/OUT, planning permission be refused for the reasons detailed in the report submitted.

283 3/17/2349/FUL – ERECTION OF A SPORTS HALL (1,049 SQUARE METRES) TO THE NORTH WEST OF THE SCHOOL SITE WITH ANCILLARY SPACES AND ASSOCIATED EXTERNAL WORKS BY RICHARD HALE SCHOOL, HALE ROAD, HERTFORD, SG13 8EN

The Head of Planning and Building Control recommended that in respect of application 3/17/2349/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

Officers summarised the application and explained that the proposed sports hall was in place of existing tennis courts and the loss of this play space was mitigated by the new facilities for the school. Sport England was supportive of the application and the scheme might result in a community use agreement.

Mr Neate addressed the Committee in support of the application. Councillor S Rutland-Barsby addressed the Committee as a local ward Member. Councillor D Oldridge expressed support for the application and referred in particular to the mix of old and new in the proposed development. He also commented on the importance of considering the impact of the hours of use on the road directly outside of the school.

A number of Members commented on the community use agreement, the advantages of the proposed development for the school and the size of the proposed courts within the sports hall and the position of Sport England in this respect.

Officers stated that Hertfordshire Highways had considered the application and a condition had been applied requiring the submission of a car park management plan. A condition stipulating a requirement for a construction management plan had also been applied.

Members were also advised that the details of the community use could be controlled by conditions. 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, with authority being delegated to Officers, in consultation with the Chairman, to attach conditions in respect of the appropriate size of courts within the proposed sports hall.

RESOLVED – that in respect of application 3/17/2349/FUL, planning permission be granted subject to the conditions detailed in the report submitted and the additional conditions in respect of the appropriate size of courts within the proposed sports hall, being delegated to the Head of Planning and Building Control, in consultation with the Chairman.

284 3/17/1670/REM – APPLICATION FOR THE DISCHARGE OF RESERVED MATTERS REGARDING DETAILS OF THE LAYOUT AND LANDSCAPING OF HAZEL RISE PARK (3/13/0886/OP CONDITIONS 1 AND 12) FOR COUNTRYSIDE PROPERTIES LTD

The Head of Planning and Building Control recommended that in respect of application 3/17/1670/REM, reserved matters planning permission be granted subject to the conditions detailed in the report now submitted.

Officers summarised the application and stated that Hazel Rise Park was one of 3 parks at St Michael's Hurst as this area was now known. Members were advised that Officers were satisfied with all of the elements of this reserved matters scheme and were recommending the

application for approval.

Councillor K Warnell commented that the applicant had done a very good job for the future residents in respect of this application. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1670/REM, reserved matters planning permission be granted subject to the conditions detailed in the report submitted.

- 285 3/17/1716/REM – LAND BETWEEN HAZELEND ROAD AND FARNHAM ROAD BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 1JJ – RESERVED MATTERS RELATING TO PHASE B HOUSING DEVELOPMENT FOR 128 DWELLINGS, INCLUDING DETAILS OF ACCESS, LANDSCAPING, PARKING PROVISION AND 33 AFFORDABLE UNITS PURSUANT TO CONDITIONS 1, 2, 4 (A), (B), (C), (D), (E), (F), (G), (H), 5, 8, 10, 11, 12 AND 24 OF OUTLINE PLANNING PERMISSION 3/13/0886/OP, AS AMENDED BY LETTER RECEIVED ON 09 NOVEMBER 2017 FOR COUNTRYSIDE PROPERTIES LTD
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1716/REM, reserved matters planning permission be granted subject to the conditions detailed in the report now submitted.

Officers reminded Members that phase A was under construction and the split phase B had been approved in terms of the access. The development was following the pattern of the outline application and the affordable housing and highways matters were in accordance with the plans. Officers were confident that this would be a satisfactory development.

Councillor K Warnell commented on whether condition 7 be amended regarding the completion of a noise survey

for the area to ameliorate significantly higher than expected noise levels. Officers stated that noise had been thoroughly assessed by the Applicant and this issue had also been thoroughly looked at by the Authority.

Members were advised that so long as the properties were well attenuated and inspections carried out to ensure that full sound attenuation was implemented, then the application was acceptable and could be supported by the Committee. After being put to the meeting and a vote taken, the Committee accepted the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/1716/REM, reserved matters planning permission be granted subject to the conditions detailed in the report submitted.

286 3/17/0411/HH – BUTLERS HALL, BUTLERS HALL LANE, THORLEY, BISHOP'S STORTFORD, CM23 4BL – PROPOSED FIRST FLOOR REAR EXTENSION. DEMOLITION OF ANCILLARY BARN AND PROPOSED SINGLE STOREY SIDE / REAR EXTENSION ON SAME FOOTPRINT OF FORMER BARN FOR MR M SHARMAN

The Head of Planning and Building Control recommended that in respect of application 3/17/0411/HH, planning permission be refused for the reasons detailed in the report now submitted.

Officers summarised the application and explained that the eastern and southern boundaries of the site had been the subject of previous extensions. The proposed development would increase the floor space of the dwelling by 17.5%. Members were reminded that the main characteristic of the green belt was openness with an absence of built development.

Officers considered that there was no justification for permitting this development and the proposal would be

visually disproportionate to the character of the property and was therefore inappropriate development.

Jackie Pepper addressed the Committee in support of the application. Councillor I Devonshire addressed the Committee as the local ward Member in respect of the application. Councillor J Goodeve commented on the slope of the land and how this contributed to the acceptability of the application.

Officers confirmed to Councillor M Allen that pre-application advice did not bind the Council to any decisions and this advice did not prejudice Members in determining applications.

Following a comment from Councillor M Casey, Officers confirmed the dimensions of the original house as well as the proposed increase to these figures. Members were advised that the impact was more than just numbers and should be considered in terms of visual effect.

Following a number of other comments from Members regarding what volume of extension would be considered 'proportionate' Officers stated that an extension of up to 50% of the size of the original dwelling would normally be acceptable. However reliance should not be placed on % increases alone and it was also necessary to consider the visual impact of the proposal. Whilst this scheme equated to an increase of 17.5%; it was the visual impact of this large extension at first floor level that was the concern. Members were reminded that Green Belt policy was clear in that visual openness should be maintained. The Legal Advisor reminded Members that any departure from policy would require clear reasons to be articulated as to why the Committee was going against policy.

Councillor D Andrews proposed and Councillor D Oldridge seconded, a motion that application 3/17/0411/HH be granted on the grounds that the loss of openness of the Green Belt was not significant and the increased massing of the building was not inappropriate

in this location.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee rejected the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/17/0411/HH, planning permission be granted subject to the following conditions:

1. 3 year time limit (1T12)
2. Approved plans (2E10)
3. Matching materials (2E13)

Informatives:

1. Other legislation
2. The attention of the applicant is drawn to condition 2 of this permission which includes the demolition of the barn as detailed in the description of the application and on the approved drawings.

Summary of Reasons for Decision

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

287 ITEMS FOR REPORTING AND NOTING

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 8.27 pm

Chairman

Date

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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

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.

<u>RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE</u>	
That:	
(A)	A recommendation is detailed separately for each application and unauthorised development matter.

1.0 Background

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

2.0 Report

2.1 Display of Plans

- 2.2 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on

plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

2.3 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at: <http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

2.4 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

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

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

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

IMPLICATIONS/CONSULTATIONS

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

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 31 January 2018

Application Number	3/17/1558/REM
Proposal	Reserved Matters for 3/14/2200/OP for the approval of Appearance, Landscaping, Layout and Scale in respect of the erection of 85No dwellings.
Location	Land South of Froghall Lane, Walkern, Hertfordshire
Applicant	Mears New Homes LTD and Aldwick Housing Group Ltd
Parish	Walkern
Ward	Walkern

Date of Registration of Application	3 rd July 2017
Target Determination Date	2 nd October 2017
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary

- 1.1 Outline Planning Permission was granted on Appeal on 22nd February 2016 for up to 85 dwellings with access provided between 17 and 25 Aubries. This application is for reserved matters addressing appearance, landscaping, layout and scale as the principle of residential development on the site has been established.
- 1.2 The proposal has a mix of flats and dwellings being two storeys with two dwellings having a second floor within the roof space. The development provides affordable and market housing with finishes consistent with other properties in Walkern. The proposal includes open space distributed throughout the site but concentrated on the western edge adjacent to rural land and green belt. The open space is accessible by pathways through the development from Aubries and Froghall Lane.
- 1.3 The street pattern of the development includes public roads, private roads and shared streets. The street layout and siting of gardens

provides views across the site from Froghall Lane to the southern boundary.

- 1.4 Amended plans were submitted on 9th January and consulted on for 7 days. The changes were considered to be minor as they mainly relate to altering the layout of the western half of the site, with roads altered and dwelling design and orientation changed. The plans have also been amended to provide a central focus point within the middle of the site.

2.0 Site Description

- 2.1 The site has an area of 4.17 hectares, which is agricultural land located adjacent to the village boundary of Walkern. The site is identified in the Local Plan as being Land Beyond the Green Belt.
- 2.2 The site has an existing access off Aubries, where a gate is located. To the north of the site is Froghall Lane where there are 9 dwellings on the northern side facing the site. These dwellings are detached and are generally surrounded by generous open space.
- 2.3 To the east of the site are 6 dwellings and two residential flat buildings. The southern part of the site adjoins 28 residential dwellings fronting Moors Ley and one dwelling fronting Aubries. The south-western portion of the site is the lowest point from all sides and therefore is often waterlogged due to the site having minimal drainage.
- 2.4 The western boundary adjoins an agricultural field with green belt beyond.
- 2.5 Due to the site being surrounded by residential dwellings on three sides, it is used by many residents in the village for dog walking around the perimeter. There are also existing views across the site towards Stevenage across the Beane Valley. An important view identified in the Draft Walkern Neighbourhood Plan is from a point north-west of the site on Froghall Lane towards Stevenage.

3.0 **Planning History**

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

Application Number	Proposal	Decision	Date
3/14/2200/OP (AP/15/0047/NONDET)	Outline planning application for up to 85 houses including site access, public open space and landscaping.	Allowed at Appeal	22.02.16
3/17/1749/REM	Reserved Matters application for 85 dwellings for the approval of Appearance, Landscaping, Layout and Scale	Under consideration	

- 3.1 The applicant submitted a Unilateral Undertaking with respect to the outline planning application appeal. This Unilateral Undertaking included a number of requirements, including a design workshop for the reserved matters application. A copy of the appeal decision is attached.
- 3.2 A design review workshop took place on 18th December 2017. A copy of the outcome of this workshop is attached to this report.
- 3.3 In response to the design review workshop, amended plans were submitted.

4.0 **Main 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 (DP), the adopted East Herts Local Plan 2007 (LP). The draft Walkern Neighbourhood Plan is currently under examination (NP).
- 4.2 The draft Walkern Neighbourhood Plan has undergone a 6 week consultation which closed on 17 November. The draft Neighbourhood plan is now at examination stage and the examiner is currently reviewing the draft plan. After the examination the Neighbourhood Plan will be the subject of a referendum and will be adopted if it receives a positive result. The draft Neighbourhood Plan does not yet carry full

weight, but it is at examination stage and therefore carries some weight. For this reason the draft Neighbourhood Plan has been given consideration in the assessment of the application and the relevant policies have been referred to below.

- 4.3 The Tibbalds Framework referred to in this report is included in the draft Walkern Neighbourhood Plan and is an updated version of the concept and Framework that was first presented at the Planning Appeal in 2015. The work was commissioned by the Council to undertake a preliminary feasibility in preparation of an appropriate framework for residential development on the site. The Walkern Parish Council in preparing the draft Neighbourhood Plan commissioned Tibbalds to expand on the principles of the original plans. The Tibbalds Framework forms the basis of Policy 8 in the draft Walkern Neighbourhood Plan.

Main Issue	NPPF	LP policy	DP policy	NP policy
Principle of Development	Para 14	GBC2 GBC3 OSV1	GBR2 VILL1	8
Design, layout and scale	Section 7	ENV1 ENV3 LRC3	DES3 DES4 CC1 CC2 WAT4 CFLR1 CFLR9	1, 8, 12
Landscaping and open space	Section 7, 10	ENV2 ENV10	DES1 DES2	2, 6, 8, 19
Housing mix and density	Section 6	HSG1	HOU1, HOU2 HOU6 HOU7	8
Affordable housing	Section 6	HSG3 HSG4	HOU3	11, 8
Parking provision	Section 4	TR1 TR4 TR7	TRA3	17
Access through the site	Section 8	LRC9	CFLR3	8
Surface water drainage	Section 10	ENV21	WAT5 WAT3	8

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

5.0 Summary of Consultee Responses

- 5.1 The comments below include comments on the original plans and any further comments received in response to the second round of consultation.

HCC Highway Authority requests conditions in regard to improved pedestrian access, management and maintenance of the proposed streets and parking, measures to reduce impacts during construction, a construction traffic management plan, hard surfacing details and drainage. The Authority has also requested informatives.

Lead Local Flood Authority has reviewed the drainage strategy submitted. Conditions 7 and 8 of the Outline planning permission need to be discharged before development commences on site.

Environment Agency advises that there are no constraints on the site that requires comments.

EHDC Engineering Advisor states that the site is entirely within Flood Zone 1, with some of the south-west area of the site being affected by surface water flooding. The SuDS methods to mitigate surface water flooding is supported and it is recommended that the works be properly implemented to reduce flood risk.

Thames Water requests a condition requiring a drainage strategy to be submitted and approved.

EHDC Conservation and Urban Design Advisor raises concern about sprawl across the site and that the proposal does not allow for sufficient open space to the west and north-west as shown on the Tibbalds concept framework. Further comments have been provided after the Design Review Workshop. The officer advises that any amendments to overcome their objections would need to address the perceived sprawl across the site, the lack of soft open edge to the countryside, the lack of open space to the north and west and a private road running parallel to Froghill Lane. The conservation and urban design advisor advised that that the scheme included in the Draft Walkern Neighbourhood Plan is more sympathetic to the open countryside and would seek a scheme closer in character. In response to the amended plans the following comments were received: It is not considered that the very minor

amendments made to the plans have done anything to overcome the concerns with the layout that we have previously raised with this application. It is not considered that the opportunities available to improve the character and quality of the area and the way it functions have been taken, and the resulting development would be dominated by built form and hard surfacing due to a lack of openness to the east of the site, and with no regard to the existing lane to the north of the site. We recommend this application is refused due to the poor urban design as identified above and in our previous observations, and in the comments of the Hertfordshire Design Review Service. We remain of the view that this site is capable of a superior scheme, as demonstrated by 3/17/1749/REM.

HCC Historic Environment Unit confirms that the outline planning permission has a condition in regard to archaeology so there is no comment to make on the reserved matters application.

HCC Development Services confirms that no further comments in regard to contributions as the S106 agreement dated 15th December 2015 is in place. Amended plans acknowledged and S106 for outline permission remains in place.

EHDC Environmental Health Advisor does not wish to restrict the granting of permission.

Herts Police Crime Prevention Advisor welcomes the proposal with a minimum security standard that is Secured by Design accredited. There is some concern over the development being essentially a cul de sac for 85 dwellings as any obstruction of the Aubries could impede emergency service vehicles reaching the site. The amended plans do not alter this view.

UK Power Networks comments that the proposal is in close proximity to a substation and where there are living or bedroom windows overlooking a distribution substation, the dwellings should be at least ten metres from an outdoor transformer or seven metres where the transformer has a GRP surround or one metre if the transformer is enclosed in brick. This is to ensure the low level hum does not cause a nuisance to residential occupants.

HCC Fire and Rescue requests fire hydrants. Comments on amended plans include further comments from HCC Fire and Rescue stating that access will be required to meet Building Regulations, the access routes should achieve a minimum carrying capacity of 19 tonnes and appropriate turning facilities no more than 20m in length.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Walkern Parish Council Representations

- 6.1 The Parish Council objects to the application on the following grounds:
- Contrary to Policy 8 of NP as the green buffer and public open space is inadequate and a generous western buffer is not provided in accordance with the Tibbalds Framework.
 - Car parking is not provided in accordance with Policy 8 as two spaces are not provided for each dwelling.
 - Landscape views not preserved and character of Froghall Lane not protected. Landscaped areas should not be meadows but landscaped areas that could be used for play. Lack of clarity on how the open space and roadways will be managed and maintained.
 - Proposal is contrary to Policy HOU2 and CFLR2 due to the public open space due to density of the built up area.
 - No right of way provided from Moors Ley to Froghall Lane.
 - Request that a bridleway be provided from Froghall Lane to Stevenage Road.
 - Concerns over blocking off path from Aubries to Froghall Lane.
 - Southern boundary path is not provided with adequate surveillance.
 - Housing mix is insufficient with larger dwellings being located on the western side of the site and the affordable housing being located to the east.
 - Proposal does not specify housing for older people.
 - No provision for single storey accommodation.
 - On-site play space should be provided.
 - Concern of drainage scheme and the impact on Moors Ley properties.
 - Lack of details on ownership of French drain and how the attenuation ponds will be made safe.
 - No details on street lighting.
 - S106 contributions should provide benefits to the community.
- 6.2 Comments on amended plans:
- Not many changes made from original scheme.
 - Developer has not made changes to meet the recommendations made by the design review panel.
 - The road junction is not communal space or the 'heart'.
 - Plans bear little resemblance to draft Walkern Neighbourhood Plan.

- Disappointed that the Design Review Workshop did not cover full discussions on 3/17/1749/REM.

7.0 Summary of Other Representations

7.1 34 responses have been received objecting to the proposals on the following grounds:

Parking and access

- Not enough car parking on site as flats need two car parking spaces each. Not enough visitor parking.
- Traffic impacts creating congestion and increased pollution.
- Pathway behind 27 to 39 – 43 Aubries is blocked.
- No public access/bridleway across the site.
- 85 dwellings is too many and will endanger existing residents due to the number of vehicles travelling to and from the site.
- Houses E and J, which are 4 and 5 bedrooms only have two parking spaces.

Housing and character

- Outline permission granted for up to 85 dwellings, which needs to be tested to determine if it is acceptable.
- Number of dwellings is not suited to a village setting.
- Lack of housing provision for older people.
- Site outside village boundary.
- Houses are too close together.
- The affordable housing should be mixed with the market housing.
- Proposal does not complement the character with the rest of the village.
- Dwellings providing three storeys will have a significant impact on residents adjoining the site.
- Overlooking of Moors Ley properties.
- Social Housing should be spread out rather than in one place.
- The 10 three storey houses will tower over the development as they are at a higher point on the site and are more suited to an urban site.
- Building materials should incorporate wood, shiplap design and mews style housing.
- The historic nature of the village has not been given much consideration.
- Out of character with conservation area of village.

Landscaping and views

- Limited amount of green measures and proposal lacks innovation.

- Hedgerows adjacent to existing dwellings need to be high to ensure privacy is protected.
- Dense planting should be provided on all boundaries to preserve the rural nature of the area.
- Open space is not enough with the green buffers being too narrow.
- Reduction in countryside between Walkern and Stevenage.
- Play space should be provided for all ages.
- The site is in the Beane Valley, which is noted as an Area of Natural Beauty not an urban area.
- Impact on public views from Froghall Lane.
- Design and massing of development does not provide adequate views through the site.
- Play equipment should be provided on site.

Drainage, flooding and infrastructure

- Flood risk and drainage inadequate to protect Moors Ley residents.
- Flooding occurs after heavy rain at the junction of High Street and Stevenage Road with foul drainage and surface water drainage running to this junction.
- Existing easement strip behind 46 – 76 Moors Ley is the responsibility of the new owner.
- Has water supply been considered?
- S106 should be amended for the contribution for new play equipment in the central playground to be paid prior to commencement rather than after 50% occupancy.
- Impact on existing facilities such as roadways and school places .
- Existing infrastructure cannot cope and drainage is at maximum capacity.
- Attenuation ponds are potentially dangerous. How will they be made safe?
- Contrary to Walkern Neighbourhood Plan.

7.2 In response to amended plans, 12 responses had been received at the time of writing the report. Objections to the proposal were on the following grounds:

- too many houses for the village drainage system.
- drainage problems have not been adequately addressed.
- drainage risk mitigation not acceptable.
- drainage does not guarantee adjacent homes will not suffer from flooding.
- 6m easement strip for french drain ignored.
- permeable paving slabs won't correct drainage problem.
- water capture installations remains a high risk.
- increase in traffic.
- not enough parking.

- not enough visitor parking spaces.
- access is already congested.
- inadequate roads for additional traffic.
- parking allocation for residents of Moors Ley on south west corner of the site would provide some compensation.
- future opportunities to connect to Moors Ley will encourage future expansion.
- no significant changes made.
- reduction in countryside.
- no central play area.
- landscaping is not enough for amount of buildings.
- loss of view from Aubries and Froghall Lane.
- tree planting near Moors Ley will obstruct sunlight to existing greenhouse at No. 82.
- no clear details of funding for maintenance and drainage.
- out of character with village.
- overdevelopment of site with properties crammed together. This is not an urban location with excellent transport links.
- Walkern's quota of housing up to 2031 will be exceeded with 85 dwellings as only 65 are needed.
- up to 85 dwellings approved at outline is not guaranteed.
- conservation and design officer objects.
- further development of the site is likely once dwellings are built.
- Neighbourhood Plan ignored.

7.3 4 responses without addresses were received and raised the same matters listed above.

7.4 1 letter of support received.

8.0 Consideration of Issues

Principle of Development

8.1 Outline planning permission has been granted on 22nd February 2016 for up to 85 dwellings on the site with all matters reserved apart from access. The Planning Inspector was satisfied that the scheme would constitute sustainable development as it would provide significant economic, social and environmental benefits.

8.2 One of the conditions of the outline planning permission required the reserved matters application to be made not later than 18 months from the date of the outline permission. The application was submitted on 3

July 2017, which met this condition. The reserved matters to be considered are appearance, landscaping, layout and scale.

- 8.3 The principle has been established by the outline planning permission and therefore is given considerable weight.

Design, Layout and Scale

- 8.4 The layout of the proposal has been restricted by the one access into the site from Aubries. This access was approved at outline stage.
- 8.5 The amended plans submitted after the design review workshop have slightly altered the layout of the roadways by widening two of the proposed roadways by 0.2m and altering the location of a shared street and narrowing its width by 2.0m. Private drives have also been altered by removing the private drive adjacent to Froghall Lane (opposite No. 40 and 44) and providing a new private drive rather than a shared street in the north-western part of the site.
- 8.6 The amended layout has aimed to address the constraints and opportunities of the site following the design review workshop and provides a central square by introducing different pavement materials and landscaping. This is considered to meet some of the matters discussed in the workshop without making significant changes to the dwelling and street layouts in the centre of the site.
- 8.7 The proposed development has a consistent design approach for all dwellings, although the types of dwellings range in style and finishes. There are 9 house types that are to be finished in either render, red or cream brick. The dwellings are generally two storeys with two types having rooms within the roofspace. The design and materials has had consideration to the local character.
- 8.8 The amended layout results in two dwellings, a private drive and the turning heads of two shared streets being closer to Froghall Lane than the originally submitted plan. This is considered contrary to the design review workshop design strategy discussions. In addition, the change in the location of the new shared street has resulted in two corner dwellings not directly addressing the principal street.
- 8.9 However, the amended plans do address the comments from the design review workshop in strengthening the landscaping along the perimeter of the site and removing the private drive adjacent to Froghall Lane.

- 8.10 It is considered that the separation distances within the development and to adjoining properties is sufficient enough to ensure there is no significant impact on adjoining neighbours in terms of loss of privacy.
- 8.11 The density of the proposal is at approximately 20 dwellings per hectare, which is considered to be lower than other modern developments in Walkern.
- 8.12 The plans submitted with the amendments include a Refuse Strategy Plan, which indicates that the majority of dwellings will have collection at the front of the property. At the time of writing this report no comments had been received from EHDC Operational Services.
- 8.13 The proposed scale of the development is considered to be consistent with the surrounding residential development to the east and south, where dwellings are either terraced or semi-detached and are two and three storeys. The proposed 3 storey dwellings are not considered to look out of place as this is part of the existing character of Walkern. Whilst the proposed dwellings near Froghall Lane are not provided with similar space between dwellings, the landscaped area and the reinstatement of the hedgerow will assist in reducing impact on the amenity of the residents of these dwellings. Developing an open field will change the outlook of all adjoining dwellings but there is not considered to be any sense of enclosure to existing residents.
- 8.14 It is considered that the overall design could potentially have resulted in a greater separation between Froghall Lane and some of the dwellings and internal roads. The impacts of the design, scale and layout is considered to cause a degree of harm in urban design terms contrary to some requirements of policies ENV1 of the Local Plan, DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework. With respect to policy 8 of the draft Neighbourhood Plan and the design, layout and scale, it is considered that the proposal generally meets the development parameters apart from not providing single storey buildings.
- 8.15 It is acknowledged that the proposed layout is not consistent with the Froghall Lane Framework Plan prepared by Tibbalds and included in the draft Walkern Neighbourhood Plan. This framework plan is a similar scheme that was presented to the Planning Inspector in the appeal. The framework plan concentrates the development in the south-eastern half of the site in order to maximise the open space.

Landscaping and Open Space

- 8.16 The proposal is not consistent with the Framework Plan provided in the draft Walkern Neighbourhood Plan. There are approximately 11 dwellings on the western side of the development that encroach the open space shown on the Framework Plan in the draft Walkern Neighbourhood Plan. To the north there are approximately 8 dwellings that encroach onto the open space. Whilst the draft Walkern Neighbourhood Plan has limited weight at present, the National Planning Policy Framework and the local planning policies require good design. The Framework Plan demonstrates that the proposed scheme would potentially have been designed to increase the open space to the north and west of the site. This would have maximised views of the open countryside to more residents in Walkern.
- 8.17 It is noted however, the Planning Inspector had the opportunity of including a condition to impose a building setback to the north and west of the site to provide a significant amount of landscaped area but did not do this. The scheme does provide a setback to the north and west and has a lower density of houses adjoining these areas. The Planning Inspector included conditions in regard to landscaping and protection of existing trees and hedgerows and these conditions remain in place and will need to be addressed if planning permission is granted.
- 8.18 Some objectors and the Walkern Parish Council have indicated that the site should provide play space and that the amount of open space is not sufficient. The Unilateral Undertaking (S106 obligations) signed at the Planning Appeal includes off-site contributions towards the existing play area and its maintenance. Whilst it is possible that play space could be provided on the site, it is considered it is more efficient to improve the existing play space of the village, which is on High Street and accessible to all residents of the Walkern.
- 8.19 Some objectors have raised concern about how the landscaping and roads will be managed. The Unilateral Undertaking included the requirement for an open space management company. In accordance with the Unilateral Undertaking, a management company is required to be formed and to submit a management plan and have it approved prior to works commencing on site.

Housing Mix and Density

- 8.20 A mix of 2, 3, 4 and 5 bedroom dwellings and 1 and 2 bedroom flats are provided in the scheme. The affordable housing provides accessible units on the ground floor, which could house older and vulnerable

people in accordance with policy HSG6 of the East Herts Local Plan, HOU1 of the draft East Herts District Plan and 8 of the draft Walkern Neighbourhood Plan. The majority of the market housing is 3 and 4 bedroom dwellings. The percentages are provided in the table below to determine how it meets the Market and Affordable Housing Mix of Table 14.1 of the draft District Plan.

Market Housing Proposed	Housing Need of District	Number	Percentage
1 bedroom flat	6%	2	4%
2 bedroom flat	7%	2	4%
2 bedroom house	12%	3	6%
3 bedroom house	46%	16	31%
4 bedroom house	23%	21	41%
5+ bedroom house	6%	7	14%
Total		51	

- 8.21 The mix in the table above and considered to be generally compliant in meeting the needs of the district.

Affordable Housing

- 8.22 The outline planning permission has a condition requiring 40% affordable housing with 75% being affordable rent and 25% being shared ownership. The proposed affordable housing meets these percentages and the affordable houses are not all in the same location on the site as some objectors have stated. A good mix of dwellings and flats are provided, with the majority of the new dwellings being houses and the smaller dwellings that could be for older and vulnerable people being flats towards the main entrance of the site.
- 8.23 The affordable housing units are not clustered in one building or one particular area of the site. The distribution and mix of affordable housing is considered acceptable.

Tenure/No of bedrooms	1 bedrooms	2 bedrooms	3 bedrooms
Affordable Rent	5 flats	2 flats (6%) 8 dwellings	11 dwellings
Shared Ownership		5 dwellings	3 dwellings
Percentage	15%	6% flats 38% houses	41%

- 8.24 The provision of affordable housing that generally complies with the District housing need and meets the total number required is a positive element of the proposal and carries significant weight.

Parking provision

- 8.25 The maximum parking standard set out in the Local Plan has been exceeded by 5 car parking spaces. There is a shortfall of 14 spaces under the emerging car parking policy. A total of 10 visitor parking spaces are provided on site. It is considered that the provision of onsite car parking has met an appropriate balance between the existing maximum and the emerging standards. A Travel Plan is required as part of the Unilateral Undertaking for the outline planning permission. Should planning permission be granted, it is recommended that a condition be imposed requiring further details of the car parking to ensure that the open space provided on the site is not able to be used as overflow car parking.

Access through the site

- 8.26 The road layout and the perimeter walking paths will ensure that the site is permeable from north to south and east to west for pedestrians. This is consistent with the draft Walkern Neighbourhood Plan and while the Froghall Lane Framework Plan has not been strictly complied with, the general principles of pedestrian access through the site is considered to be met.
- 8.27 With regard to the access to the rear of Aubries adjacent to the eastern boundary, the proposed development is setback from this rear access. However, it is unlikely that the access will be retained due to the width being less than a metre in width. Any right of way over this land is a civil matter.

Surface Water Drainage

- 8.28 The proposed on-site attenuation ponds and the drainage of the site will provide a positive outcome for the residents to the south on Moors Ley as the site will have a comprehensive drainage strategy. At present there is no control of ground water on the site apart from the drain located along the southern boundary. This is consistent with Policy 8 of the draft Walkern Neighbourhood Plan.

Other Matters

- 8.29 Some of the objectors raised concern about matters that had been agreed at outline planning application stage such as traffic impacts and the principle of developing the site for up to 85 dwellings. The application is to determine if the reserved matters of appearance, landscaping, layout and scale are acceptable to grant permission.
- 8.30 Details of street lighting have not been provided with the application so a condition is proposed for details to be submitted.

9.0 Planning Obligations

- 9.1 A Unilateral Undertaking under Section 106 was signed on 15th December 2015 and included the following contributions:
- £50,000 for Bus Service Contribution 50% to be paid prior to commencement, with balance paid prior to first occupation of any dwelling.
 - Education contribution charged per dwelling size to be paid prior to commencement or in instalments at 25% at commencement, 25% prior to first occupation of any dwelling, 25% for first occupation of 21st dwelling and balance at first occupation of 42nd dwelling.
 - £52,785 for the extension/relocation of Walkern GP Surgery.
 - £40,000 for parking improvements in High Street.
 - £100,000 for cycleway link from Walkern to Stevenage.
 - £10,000 for improvements to public rights of way.
 - Formation of an Open Space Management Company.
 - Off-site Play Area Contribution of £80,000.
 - Off-site Play Area Maintenance Contribution of £30,000.
 - Provision for Fire Hydrants.
 - Travel Plan Support Contribution.
- 9.2 The Unilateral Undertaking provides details on when payments, works and plans are required to be submitted. Some requirements requested by consultee under the reserved matters application have already been included in the Unilateral Undertaking and therefore conditions have not been imposed.

10.0 Planning Balance and Conclusion

- 10.1 The application was submitted to the Council in July 2017. Discussion has taken place since then including a design review workshop. Amendments have been made to the application and it is right that the Council determine this application now.

- 10.2 The proposal has provided details on the reserved matters required by the outline planning permission. The application has been with the Council for some time with some design elements being discussed and the input of a design review workshop. It is acknowledged that the layout has been amended to take into account the matters discussed at the design review workshop. However this involved minor changes and there remains concern over the proximity of the buildings and roads to Froghall Lane. In addition, the amended layout has resulted in more corner dwellings facing one of the main streets and the side of two dwellings, roads and parking spaces being closer to Froghall Lane than the original layout.
- 10.3 It is evident that the layout has evolved since the pre-application discussions in March and April 2017. Whilst the amended design has not responded to all of the Design Review's comments and is not fully compliant with all of the good design principles set out in policies ENV1 of the East Herts Local Plan, DES3 of the draft, East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 7 of the National Planning Policy Framework, the harm is finely balanced but is considered to be outweighed by the positive elements of the proposal.
- 10.4 The landscaping is considered to be generally consistent with policies ENV2 of the East Herts Local Plan, DES2 of the draft, East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 7 of the National Planning Policy Framework. Further information is required in regard to the treatment of parking and roadway boundaries on the perimeter of the site in order to prevent additional parking areas, which is often a common feature of new developments. This detail shall be required through conditions. Soft landscaping has been provided for the majority of the site at the front of residential properties rather than parking. Although it is noted that there are significant hardstanding areas for parking in the north-eastern part of the site.
- 10.5 The provision of 40% affordable housing of various sizes is considered to hold significant weight as it is consistent with policies HSG3, HSG4 and SD1 of the East Herts Local Plan 2007, HOU3 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 6 of the National Planning Policy Framework. The compliance with the outline planning permission and with these policies holds significant weight as well as the affordable housing provider being one of the applicants for the application.
- 10.6 The proposed sustainable urban drainage scheme proposed will provide significantly improved drainage of the site as well as providing a good landscape feature in the south-western area of the site. This is

considered to hold significant weight as it is consistent with policies ENV21 and SD1 of the East Herts Local Plan 2007, WAT 5 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 10 of the National Planning Policy Framework.

- 10.7 The proposal will provide economic, social and environmental benefits and any harm caused by the development is not considered to significantly and demonstrably outweigh these benefits. Therefore the reserved matters application is recommended for approval subject to conditions in addition to the conditions set out in the appeal decision.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below.

Conditions

1. Approved plans (2E10)
2. Notwithstanding the approved plans, no permission is granted for a private drive to the north of Dwelling 75 as indicated on Drawing Nos. 16125 (D) 081 Rev C, 16125 (D) 082 Rev C and 16125 (D) 081 Rev D.

Reason

For the avoidance of doubt as some of the amended plans did not remove reference to a superseded private drive.

3. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

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

4. Prior to the first occupation of any dwelling hereby approved, details of the boundary treatments of the parking areas and the soft landscaping areas shall be submitted and approved in writing. The details shall include how the soft landscaping areas will be prevented from being used for overflow parking. The development shall be carried out in accordance with the details approved and shall be in place prior to first occupation of the development.

Reason

To ensure the development is appropriately managed and not create any significant impacts on adjoining or nearby neighbours.

5. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

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

6. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets with the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

Reason

To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

7. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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:
- Phasing for the development of the site, including all highway works;
 - Methods for accessing the site, including construction vehicle numbers and routing;
 - Location and details of wheel washing facilities; and
 - Associated parking areas and storage of materials clear of the public highway.

Reason

To ensure the impact of construction vehicles on the local road network is minimised.

8. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development. This shall include cleaning the wheels of all construction vehicles leaving the site.

Reason

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interest of highway safety and visual amenity.

9. Prior to commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.

Reason

To ensure that the internal roads and other layouts are built to required/adoptable standards.

10. Before first occupation or use of the development the access road and parking areas as shown on the approved plans shall be provided and maintained thereafter.

Reason

To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

11. The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with the details first submitted to and approved in writing by the local planning authority and shall be maintained thereafter to the Authority's satisfaction.

Reason

To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage of the site.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement of any dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall

not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Plan numbers 16125(D)099, 16125(D)098, 0934/P/01 Rev C, 16125 (D) 1012 Rev K, 16125 (D) 272 Rev B, 16125 (D) 200 Rev C, 16125 (D) 201 Rev B, 16125 (D) 202 Rev C, 16125 (D) 203 Rev C, 16125 (D) 204 Rev C, 16125 (D) 205 Rev C, 16125 (D) 206 Rev C, 16125 (D) 210 Rev B, 16125 (D) 211 Rev B, 16125 (D) 212 Rev B, 16125 (D) 213 Rev B, 16125 (D) 230 Rev C, 16125 (D) 231 Rev C, 16125 (D) 232 Rev C, 16125 (D) 233 Rev C, 16125 (D) 240 Rev C, 16125 (D) 241 Rev B, 16125 (D) 242 Rev B, 16125 (D) 250 Rev B, 16125 (D) 253 Rev C, 16125 (D) 254 Rev B, 16125 (D) 255 Rev B, 16125 (D) 256 Rev C, 16125 (D) 257 Rev B, 16125 (D) 260, 16125 (D) 261, 16125 (D) 270 Rev C, 16125 (D) 271 Rev B, 16125 (D) 300 Rev C, 16125 301 Rev B, 16125 (D) 310 Rev C, 16125 (D) 311 Rev C, 16125 (D) 312 Rev C, 16125 (D) 315 Rev C, 16125 (D) 316 Rev C, 16125 (D) 317 Rev A, 16125 (D) 318 Rev A, 16125 (D) 319 Rev A, 16125 (D) 320 Rev B, 16125 (D) 321 Rev B, 16125 (D) 322 Rev B, 16125 (D) 323 Rev B, 16125 (D) 324 Rev A, 16125 (D) 330 Rev C, 16125 (D) 331 Rev C, 16125 (D) 332 Rev C, 16125 (D) 340, 16125 (D) 341, 16125 (D) 350, 16125 (D) 351, 16125 (D) 352, 16125 (D) 084 Rev D (incorrectly referred to in email as Rev C), 16125 (D) 080 Rev C, 16125 (D) 081 Rev C, 16125 (D) 082 Rev C, 16125 (D) 083 Rev C, LSDP 11527.01 Rev C

Informatives

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN5)
3. Outline planning permission (U04072)
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-managment/highways-development-management.aspx>
5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website above.
6. AN3) Road Deposits: it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website above.
7. AN4) The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website above.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	20 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	None	
Number of new flat units	1	7
	2	4
	3	0
Number of new house units	1	0
	2	16
	3	30
	4+	28
Total		85

Affordable Housing

Number of units	Percentage
34	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	8.75
2	1.50	30
3	2.25	67.5
4+	3.00	84
Total required		190
Proposed provision		195

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	10.5

2	2.00	40
3	2.50	75
4+	3.00	84
Total required		209
Accessibility reduction		
Resulting requirement		
Proposed provision		195



Address: Land South Of Froghall Lane, Walkern, Hertfordshire
Reference: 3/17/1558/REM
Scale: 1:2500
O.S Sheet: TL2826
Date of Print: 08 January 2018

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Appeal Decision

Hearing held on 17 November and 15 December 2015

Site visit made on 15 December 2015

by Peter Rose BA MRTPI DMS MCM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd February 2016

Appeal Ref: APP/J1915/W/15/3127807 **Land south of Froghall Lane, Walkern**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd/Simon John Cordell, Philip Cordell, Jane Louise Cordell, and Alison Joanne Sendall against East Hertfordshire District Council.
 - The application Ref 3/14/2200/CP, is dated 5 December 2014.
 - The development, as originally proposed, was a residential development for up to 98 houses including site access, public open space and landscaping.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a residential development for up to 85 houses including site access, public open space and landscaping at Land south of Froghall Lane, Walkern, in accordance with the terms of the application Ref: Ref 3/14/2200/CP dated 5 December 2014, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs has been made by the appellants against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is for outline planning permission, with all matters except access reserved for subsequent approval.
4. Whilst the originally submitted proposal referred to an upper limit of 98 houses, a revised scheme was submitted reducing the upper limit to 85. Although the Council failed to determine that scheme, it was subject to formal publicity on that basis and the appeal was publicised in similar terms. Both the main parties confirmed the appeal proposal is based upon the revised limit and both agree that, should the appeal be allowed, a condition be imposed to limit development to 85 dwellings.
5. The appellants are concerned, however, that a revised description referring to 85 dwellings would not reflect the terms of the original application. I find that the alternative of a description referring to 98 dwellings but then reduced by a

condition to 85 would be unnecessarily confusing, and that no interests would be prejudiced by such a change. In the interests of consistency and clarity, I have therefore amended the description accordingly.

6. Although matters of appearance, layout, landscaping and scale are not formally submitted for determination as part of the appeal application, the submission is accompanied by illustrative details to which I have regard. These include a design and access statement and Development Framework plans.
7. At the hearing, a Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990 was submitted and has been signed and executed as a deed dated 15 December 2015.
8. The Council formally considered the application on 19 August 2015. Whilst no longer able to formally determine the submission, it resolved that planning permission would have been refused for the reasons set out in its letter dated 20 August 2015.
9. I consider the appeal on the above basis.

Main Issues

10. The main issues in this appeal are:

- (a) the scale of the proposed development relative to the status and capacity of Walkern;
- (b) the effect of the proposed development upon the character and appearance of the local countryside, and including its relationship to proposed open space, and;
- (c) whether the proposed development would satisfactorily promote sustainable modes of transport.

Reasons

Development status

11. The appeal site comprises some 4.17 hectares of agricultural land located to the south west of Walkern. It lies outside the village boundary as defined by the East Herts Local Plan Second Review April 2007 (the Local Plan).
12. The site is served by an existing vehicular access via Aubries and that is identified in the application as the proposed access point for the development.
13. The site is also accessed from Froghall Lane which is a relatively narrow road also serving houses to the north which look across the appeal site. No formal vehicular access into the site exists from Froghall Lane. To the east, the appeal site is enclosed by a residential development at Aubries. The site slopes down from Froghall Lane towards a further residential development at Moors Ley which encloses the southern boundary of the site. The western boundary is unenclosed and comprises open land offering views towards Stevenage.
14. Walkern is defined as a Category 1 Village by Policy OSV1 of the Local Plan. Policy OSV1 allows limited small-scale and infill housing development within the confines of the village, and subject to various detailed criteria.

15. The more recent East Herts Draft District Plan Preferred Options Consultation January 2014 (the District Plan) identifies Group 1 Villages for an increase in housing stock of at least 10% over the period 2016-2031. The District Plan identifies a 10% growth in Walkern as 47 households.
16. Policy GBC3 of the Local Plan applies to the appeal site as a rural area beyond the Green Belt. This states that permission will not be given for new buildings other than for defined exceptions which mainly involve small-scale development linked to the rural character.
17. Whilst the appeal proposal would not come within the terms of permissible development identified by Policy GBC3, the Council has previously accepted the principle of a residential development of the appeal site. Rather, the Council's concern relates to the scale of the proposed development and has commissioned a consultancy, Tibbalds, to undertake preliminary feasibility work towards preparation of an appropriate framework for residential development of the site.
18. Nevertheless, and notwithstanding the Council's acceptance of the principle of the development and the on-going work by Tibbalds, I find that the proposed scheme would lie outside the village and be contrary to the provisions of Policy GBC3.

Capacity of Walkern and scale of development

19. I have had careful regard to representations on behalf of local residents who consider that development on the scale proposed to be unsustainable in Walkern. The status of Walkern as a sustainable settlement and as a location for future growth is also questioned. It is maintained that road infrastructure through the village and available public transport are already inadequate and insufficient employment opportunities and lack of school provision will increase the existing dependence upon the use of private cars.
20. Notwithstanding any future status of Walkern, the village is formally defined by the development plan as a settlement for growth and that could involve more than 47 households. The threshold for growth has not been defined with regard to any specific capacity assessment, but through a strategic allocation of the District's needs, and the appeal scheme seeks to respond to likely impacts with specific mitigation.
21. There would be commensurate increases in demands for local services and the Undertaking includes commitments to further facilities at Walkern Primary School and to funding of additional health facilities in accordance with the Council's requirements. Additional play facilities would also be provided within the existing High Street play area. No case has been made by the local planning authority for contributions to pre-school or to secondary education.
22. Even though the site lies within Flood Zone 1, I note the previous history of flooding in Walkern, and that particular issues relate to the south-west corner of the site.
23. An outline scheme has been prepared by the appellants to demonstrate possible technical solutions to matters of drainage and flooding. Responsibility as Lead Local Flood Authority (LLFA) transferred to the County in 2015 after submission of the application, but neither the local Council nor the Environment Agency had previously raised any objection to the principle of the development.

Whilst some preliminary discussions have taken place, the County is yet to be satisfied of the full details of a scheme. It was agreed in principle by the appellants, the local Council and the LLFA that this could be progressed by way of a suitably worded planning condition should the development be otherwise found to be acceptable. There was disagreement regarding the detailed form of wording, but not regarding the approach, and I concur with the principle of that way forward.

24. The scheme would also be intended to include some wider betterment through the proposed works, improving both the existing very limited on-site drainage but also providing facilities for storage of water from elsewhere.
25. I deal with issues of highway and public transport capacity separately as part of sustainable transport issues below. Those matters apart, I find that implications of the development would be satisfactorily mitigated by the measures proposed and would thereby be broadly consistent with the capacity of Walkern to absorb further development of this scale, and with its status as a Group 1 Village in the development plan accommodating at least 10% growth.

Character and appearance of the countryside

26. The overall character and appearance of the appeal site is as a large expanse of gently rising open land containing relatively few natural features. Whilst it enjoys a relatively open aspect to the west, it is effectively enclosed by housing on three sides. Although overlooked from the frontages of properties in Froghall Lane to the north, the eastern and southern boundaries comprise housing of various styles, but with little overall distinctiveness of character or appearance.
27. Little specific evidence has been provided by the Council to substantiate a harmful impact, but a full Landscape and Visual Impact Appraisal has been submitted by the appellants. The Appraisal concludes no more than a minor adverse landscape effect overall, mitigated by a scheme of green infrastructure which would include unoccupied areas of open space.
28. Policy ENV1 of the Local Plan states that all development proposals will be expected to be of a high standard of design and layout to reflect local distinctiveness, and that development proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area, as well as effective connection with existing routes and spaces.
29. Policy LRC3 of the Local Plan commits the Council to seeking provision of adequate and appropriately located open space and recreation facilities in conjunction with new residential development.
30. Whilst comprising greenfield land and of a rural character, the appeal site otherwise has no formal designation in relation to landscape quality, and few specific landscape features.
31. A core principle of the National Planning Policy Framework (the Framework) is to recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. I am also mindful of the Minister of State for Housing and Planning's affirmation by letter dated 27 March 2015 of the importance of the impact of development upon landscapes outside designated

areas. In this regard, I have noted the public opposition from the local community, and I accept that 'valued' does not necessarily just equate to designated landscapes, and that most open land adjacent to residential areas may have a value to local residents. Nevertheless, I am not persuaded on the evidence that it has features or quality that would place it in the category of being a valued local landscape in the sense intended by the Framework.

32. Although of substantial size, the site is largely enclosed by existing development to the north, east and south and is thereby screened from surrounding sensitive landscapes.
33. The western side of the site is adjacent to open countryside, however, and affords more distant views beyond the appeal site. The appellants identify the potential for lower housing density and planting to the west which would combine to create a filtered edge to the development linking to the adjacent open countryside.
34. Public views beyond the site towards the west may be impeded, but that would remain to be fully considered as part of future layout, design and landscaping proposals. Views from properties in Froghall Lane will change markedly as they will cease to face open land. Nevertheless, Froghall Lane is set at a higher level to the remainder of the site and significant potential is indicated within the Development Framework for green infrastructure integral to the scheme and for retention of existing trees and hedges.
35. Taking the above factors together, I therefore find that the proposed development would not be harmful to the character and appearance of the local countryside, and including its relationship to proposed open space. Accordingly, the development would not be contrary to Policies ENV1 and LRC3 of the Local Plan or to the expectations of the Framework.

Sustainable transport

36. Policy TR1 of the Local Plan requires developments generating additional traffic to incorporate measures commensurate with the scale of additional generation and to ensure that alternative transport options to the private car are available to users of the site. Such measures may include pedestrian links, cycle paths and improvements to the passenger transport network.
37. Policy TR12 of the Local Plan requires, where possible, that new developments include appropriate routes and facilities for cyclists and pedestrians.
38. A core principle of the Framework is to promote sustainable transport. The Framework advises that patterns of growth should be managed to make fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
39. Whilst concerns are raised by both the local planning authority and highway authority with regard to the shortcomings of the scheme in relation to sustainable transport, little direct technical evidence has been submitted to substantiate the alleged harm.

40. The appellants have made various technical submissions, including a transport assessment and proposals for a travel plan.
41. In terms of highway capacity, the submitted evidence indicates that the scheme would have no material impact upon the occurrence of accidents but confirms there would be an increase in traffic in the AM and PM peak hours at key local junctions. I also heard evidence from local residents at the hearing regarding existing problems of traffic congestion within the High Street itself. The appellants' evidence shows a traffic increase at nearby junctions but indicates the junctions would be capable of operating in an acceptable manner during the critical peak periods.
42. Nevertheless, it is clear to me that the High Street does suffer significant problems of traffic congestion and the likelihood is that development of the scale proposed would add further highway pressures. Further, I accept there is already a high car dependency within the village, and particularly in relation to links to Stevenage. I find it significant, however, that the High Street benefits from little existing on-street parking control and the scheme is accompanied by a contribution of £40,000 through the Unilateral Undertaking for future measures to improve parking provision in the High Street.
43. In terms of public transport, the site is served by a limited bus service with stops in both Stevenage Road and the High Street. Buses link to Stevenage, and the village is also served by a number of school buses.
44. I consider the site provides a reasonable context for journeys by foot and cycle, but note the dangers arising from local traffic conditions, and the limitations of existing links.
45. Whilst noting the Council's case for an appropriate link to Moors Ley to the south, I find the overall material benefits of such a link for sustainable transport to be relatively limited. There would be some closer proximity to bus stops for some residents, but pedestrian and cycle access to the south would still be available via Aubries.
46. The proposal includes a commitment to a travel plan with accompanying funding, and also £50,000 funding for additional bus services, all of which is supported by the highway authority.
47. The Undertaking also invites me to consider a sustainable transport contribution of either the sum of £100,000 as a contribution towards the cost of a cycleway link between Walkern and Stevenage and/or improvements to public rights of way, or the sum of £10,000 as a contribution towards improvements to public rights of way in the vicinity of the site, or a sum of £30,000 towards public rights of way improvements which may include a pedestrian link to the north-east corner of the site. Walkern is highly dependent upon Stevenage for many services and Stevenage also benefits from a cycleway network to a wider area. Given the potential increase in car use arising from the development, and the accompanying need to promote and support alternative sustainable modes of transport, I find that a £100,000 contribution towards a cycleway link would be a reasonable and necessary provision.
48. Of the three options presented, I find that more significant and more appropriate mitigation as a necessary contribution to sustainable transport

would be yielded by development of a cycleway link between Walkern and Stevenage and I consider the proposal on that basis. Although the cycleway link is part of an option which includes possible extensions to other public rights of way, I see the cycleway as the priority provision. I also note the cycleway link was indicated at the hearing to be the Council's preferred option and that it considers the identified sum would be likely to cover the cost of provision.

49. I acknowledge the development would undoubtedly lead to greater vehicular generation, but that would be significantly offset over time by the mitigation proposed. Whilst I find there would still be some net impact upon the local road network, and particularly in the short term prior to the full effect of the mitigation, I do not consider that the net impact, given the detailed modelling evidence submitted by the appellants and the absence of substantive evidence to the contrary, would in itself be sufficient reason to withhold planning permission in this instance. In particular, the Framework advises that development should only be resisted where the residual cumulative impacts of development would be severe, and I am unable to conclude that would be the case in this instance.
50. I therefore conclude that the proposed development would lead to some additional traffic generation upon local roads but the scheme is accompanied by satisfactory proposals to promote sustainable transport and by other such measures to mitigate the harm arising. Accordingly, on balance, I find the development would not be contrary to Policy TR1 or TR12 of the Local Plan, or to the expectations of the Framework.

Five-year housing land supply

51. The Framework requires the local planning authority to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing relative to its full objectively assessed needs for market and affordable housing.
52. The Council accepts it is unable to demonstrate a five-year supply of housing land. The East Herts Council Authority Monitoring Report 2013-14 of December 2014 identifies a supply of 3.8 years with a 5% buffer and 3.4 years with a 20% buffer based upon a housing target of 750 dwellings per annum.
53. In the absence of a five-year supply of deliverable housing land, it follows, by virtue of paragraphs 47 and 49 of the Framework, that relevant policies in the development plan for the supply of housing are to be considered out-of-date. Further, by virtue of being out-of-date, relevant provisions of the presumption in favour of sustainable development under paragraph 14 of the Framework are also engaged, should the scheme be found to constitute sustainable development.
54. The implications for Policy GBC3, and its possible status as a policy for the supply of housing, are set out in my overall planning balance to follow. The absence of a five-year housing land supply also places a premium upon the housing benefits of the proposed scheme.

Unilateral Undertaking

55. The Unilateral Undertaking makes commitments to various matters to mitigate the impact of the development, including contributions in relation to parking,

sustainable transport, education, health, open space, a play area, a design workshop, a travel plan and in relation to fire and rescue services. The local planning authority and the County have provided evidence of compliance with the relevant provisions set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and this is not disputed. I have also had regard to the Framework, and to the relevant advice of both the government's Planning Practice Guidance (the Guidance), and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published July 2015.

56. The Undertaking also presents a number of options for consideration as part of my decision, and these include the sustainable transport contribution already discussed, and the timings of the education and sustainable transport contributions.
57. I am satisfied with the terms of the commitments in relation to the proposed contributions towards parking, bus services, a travel plan, Walkern Primary School, open space, off-site play and health services.
58. In relation to a sustainable transport contribution, I find option (i) involving a cycle link to the important local centre of Stevenage and/or improvements to public rights of way in the vicinity to be both necessary and reasonable as already discussed. It would serve to promote wider use of sustainable modes of transport by future occupiers and thereby most effectively mitigate the likely impact of additional car-based travel arising from the development.
59. In relation to the timing of the education and sustainable transport contributions, I consider these should be made prior to the commencement of the development so as to afford maximum lead-in time for their provision.
60. I have considered the case for a design workshop contribution of £10,000, but I am unable to conclude this to be either necessary or reasonable. I find it relates to matters which are properly the statutory function of the local planning authority. Whilst I acknowledge the importance of the eventual design of the development, I find no particular justification why such a payment should be required in this instance.
61. The Undertaking includes a commitment to fire hydrants, although the need is disputed by the appellants. I have had regard to Schedule 1 Part B to the Building Regulations 2010, and am not satisfied from the evidence presented that publicly adopted fire hydrants would be otherwise covered in the particular context of the appeal scheme. There would be a need for the availability of a water supply to fight fires associated with the development. This would only arise directly from the development itself, and would not otherwise be available, and I therefore find the Undertaking's contributions to be both necessary and reasonable in that regard.
62. Concerns were raised by the County that the terms of the Undertaking for the purposes of its calculations as they relate to matters arising from proposed housing provision do not adequately address considerations of proposed tenure. Nevertheless, the calculations do reflect the full composition of the development as proposed.

63. The Council confirmed at the hearing that it is satisfied with the form and drafting of the agreement as a deed, which I also find to be generally fit-for-purpose.

64. Accordingly, I take into account the commitments and accompanying terms as outlined above as considerations of my decision.

Affordable housing

65. The development proposes a 40% provision of affordable housing. This is fully compliant with Policy HSG3 of the Local Plan which would otherwise seek up to 40% provision. The Council is also satisfied with the proposed tenure split, and the scheme would make a significant contribution of up to 34 affordable dwellings in the context of the Council's SHMA which identifies an affordable need of some 9,100 dwellings in the period 2011-2033.

66. I am concerned, however, that the appellants do not propose to provide a planning obligation in relation to affordable housing, given the scale of proposed provision and the implications of its delivery, including possible involvement of a Registered Provider. In such circumstances as these, I do not consider a planning condition to provide the most robust or effective means of delivery.

67. The Guidance states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. It states that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. This encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.

68. The Guidance further advises that, in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. No such case has been made in this instance.

69. Whilst the Council acknowledges its use of conditions for such purposes in smaller scale developments, it would prefer a planning obligation to be available given the significance of the scheme and the need to address such matters as transfer arrangements. The Council's Affordable Housing and Lifetime Homes Supplementary Planning Document, January 2008 also makes clear that section 106 agreements should be used in most cases to secure affordable housing in preference to a condition. It identifies an agreement to be a more effective means of delivery, explaining that the matters involved are usually too complex for a condition.

70. Nevertheless, it is possible, in principle, for affordable housing to be secured by way of a planning condition, and evidence has been provided of such arrangement at a similar appeal. I consider this matter further as part of my overall planning balance to follow.

Other Matters

71. I have carefully considered all other matters raised, both at the hearing and in written submissions.
72. There is a concern from local residents that, if growth is to be accommodated, it should not be focussed upon a single site, but there is no spatial policy in place to distribute development across the village in such a way.
73. I have noted details of pre-application discussions between the main parties, and public consultations undertaken by the appellants prior to submission.
74. I note that the development has been assessed by the authority as not to involve Environmental Impact Assessment development.
75. The appellants' Ecological Appraisal includes a number of surveys and does not identify the site to be of particular overall significance, and little evidence is otherwise available to that effect. The scheme proposes retention of mature trees and hedges where possible and the detailed design of the scheme, through planting and provision of green open spaces, would seek to provide ecological benefits in accordance with the expectations of the Framework.
76. Given its proposed location, the development does not have any heritage implications for either listed buildings or for Walkern Conservation Area. The appeal site adjoins post-war edges of Walkern and this is an outline application with all matters of appearance and landscaping reserved for subsequent approval should the appeal be allowed.
77. I have also had regard to all other sites and planning decisions as referred to in the submitted evidence, and to related matters raised. This includes reference to a 1973 appeal decision at the site, and to a recent appeal decision for a housing development at Braughing. Notwithstanding any similarities and the importance of consistency in decision-making, the planning circumstances of any individual site and of any proposed scheme will be different to others, and each proposal and site must be considered with reference to its own particular merits.
78. A letter was also sent to the local planning authority from a third party post-event and which has been forwarded to me. Whilst I have noted the content, particularly related to matters of land ownership and to the District Plan, this does not affect the evidence I heard at the event and has not been a determining factor of my decision.
79. I have had regard to all other concerns raised, both at the hearing and in written evidence, and including references to neighbourhood planning. These have not been raised as objections by the Council and I have little reason to conclude that such matters represent grounds to preclude development.

Sustainable development

80. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
81. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in

favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.

82. The scheme would undoubtedly provide significant housing benefits, in terms of both affordable and market provision, and such benefits would be consistent with the social dimension of sustainable development. The investment represented by the development would also be consistent with the economic dimension. The undisputed economic benefits would include investment in construction and related employment for its duration. Benefits would also include an increase in local household spending and demand for services, and the financial contributions to the Council through New Homes Bonus payments.
83. In environmental terms, the scheme would incur loss of an open field and some public views across the site. Nevertheless, as already described, the intrinsic environmental qualities of the field are limited and it should be possible as part of the eventual layout for some public views to be safeguarded, particularly towards the open land towards the west. Further, the illustrative Development Framework indicates significant potential for green infrastructure, including open space and landscape buffers. Detailed arrangements, once agreed, would also be in place to mitigate flood risk. On balance, I find the environmental implications of the development would be reasonably sustainable.
84. Further, Walkern is identified by the development plan as a settlement for growth and, in principle, the location is recognised as a sustainable one.
85. I therefore conclude, having regard to the expectations of the Framework as a whole, that the proposed scheme would be sustainable development. Accordingly, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged, and this has two possible implications. Firstly, unless material considerations indicate otherwise, paragraph 14 makes a presumption in favour of approving proposals that accord with the development plan without delay. Secondly, it states that, where the development plan is absent, silent or relevant policies are out-of-date, planning 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.

Overall Planning Balance

86. Policy GBC3 seeks to impose a general restriction on development, including housing, outside defined limits. It thereby acts as a constraint to future housing supply by presuming against housing development outside development boundaries. As the Council is unable to demonstrate a five-year supply of housing land, it follows that, for the purposes of paragraph 49 of the Framework, Policy GBC3 is to be considered out-of-date.
87. The scheme would occupy existing countryside, would incur some loss of views and would add to vehicle generation in the vicinity of the site. Nevertheless, the development would be accompanied by commitments to mitigate, including sustainable transport measures, which I consider to be both effective and reasonable.
88. Weighed against the sum of the harm, I am satisfied the scheme would constitute sustainable development with significant economic, social and environmental benefits as described.

89. Of particular weight would be up to 85 new homes in a District which is unable to demonstrate a five-year housing land supply. The associated affordable housing benefits would also be significant and would amount to 40% of the dwellings.
90. I consider the scheme would give rise to environmental benefits through an emphasis upon green infrastructure, and particularly along its boundaries in key relationships to adjacent sites, and would include improvements to drainage infrastructure.
91. I share the Council's concerns, however, that the affordable housing benefits would not be delivered through the robustness of a planning obligation, and note the advice of the Guidance in this regard. Whilst not preferable, a planning condition could still, in principle, deliver. Given the Council's absence of a five-year housing land supply, its acknowledged need for affordable housing, the early delivery proposed, and the full 40% allocation proposed, I find that the particular circumstances of the scheme, in terms of the affordable housing benefits, to be sufficiently exceptional to justify use of a condition in this instance. I also do not find my concerns in that regard out-weigh the significant benefits of the development otherwise arising.
92. I therefore find, on balance, that the adverse impacts of the scheme would not significantly and demonstrably out-weigh the benefits, when assessed against the policies in the Framework taken as a whole, and with regard to the development plan as a whole.

Conditions

93. I have considered the conditions put forward by both main parties to the hearing. In assessing such matters, I have regard to the advice set out in both the Guidance and in the Framework in terms of both the need for individual conditions and of appropriate wording, and to the relevant representations of third parties.
94. For the avoidance of doubt and in the interests of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings.
95. Given the Council's pressing need for further housing, the period for submission of reserved matters is an agreed 18 months, with commencement on site within 12 months of the final approval.
96. Whilst all matters other than access remain reserved for further approval, it is necessary for the outline permission to define the maximum capacity of development. In accordance with the appellants' revised submission, the capacity is set at a maximum of 85 dwellings.
97. Although the submitted drawings to be approved set out general principles of the access, full details of its design remain to be submitted and are required for approval by the local planning authority.
98. It is necessary to protect the living conditions of future occupiers of both the development and existing and future occupiers of adjacent properties in connection with drainage and flooding by ensuring that appropriate measures are agreed and put in place as part of the development. A related condition

- also precludes development within the south-west portion of the site affected by extreme flooding. A condition also requires a scheme of sewage disposal.
99. In order to make an appropriate contribution to addressing local housing need, a condition makes arrangements for delivery of affordable housing.
100. To contribute to a sustainable development, a green travel plan is required. A detailed plan of measures based upon the proposed ecological enhancements identified in the appellants' Ecological Appraisal is also necessary. A condition also safeguards any archaeological value of the site by way of a programme of investigative works.
101. It is necessary to protect the living conditions of future occupiers of the development by ensuring that appropriate arrangements are made for identification and treatment of any on-site contamination.
102. It is also necessary to safeguard the future environment of the site by ensuring measures are in place both to retain and to protect existing trees and hedges.
103. To protect the living conditions of neighbouring occupiers during construction, it is necessary to limit the hours of construction works, and to have in place a Construction Method Statement for the duration of the works. This also includes arrangements for waste management.
104. The Council has suggested inclusion of indicative drawings prepared by Tibbalds as part of the approved details. These matters do not form part of the application and have not been subject to necessary publicity as part of that process. They relate to future matters which would remain to be approved, and I see no reason why a permission should need to make such reference at this time. I also note the objections raised to their content by interested third parties at the hearing, and the hitherto absence of formal consultation.
105. Similarly, the appellants have suggested inclusion of a condition referring to their illustrative Development Framework plan as setting parameters for future submissions. This application relates to the principle of the development and to access, and other reserved matters, including layout and landscaping, remain to be formally considered. Objections have also been raised by the Council and other parties to the content of this plan. I find it would therefore be equally inappropriate to introduce such matters in this way, and could prejudice the interest of other parties.
106. The appellants also suggest reference could be variously made to future landscaping, provision of open space and to detailed matters of internal roads and associated layout. These are not matters which formally comprise part of the application and such conditions could fetter their future consideration.
107. The appellants also request reference to a scheme of works to Froghall Lane agreed with Hertfordshire County Council as highway authority and set out in submitted drawing 1370/10. The local planning authority, however, has concerns towards the scheme and suggests a broader condition to enable the details to be further considered, particularly in light of third party objections. A condition to this effect is included. The Council suggests this be extended to include works within the main High Street but such matters would lie well beyond the confines of the application site and any relevant matters relating to the High Street are instead addressed through the Unilateral Undertaking.

108. A condition has also been proposed for works to upgrade local bus stops. Such works would again lie well beyond the application site and would relate to matters not within the control of the appellants. Accordingly, I find such a condition to be unreasonable.
109. The Council has also suggested a condition requiring full details of connecting footway and cycleway routes, including landscaping implications, from Moors Ley via the garage court adjacent to No 70 Moors Ley, and via the land to the north east of the site which links to Froghall Lane. For the reasons already discussed, I do not consider it would be either necessary or reasonable for such links to be a requirement of a permission, particularly in light of third party constraints relating to land ownership beyond the control of the appellants.

Conclusion

110. At the heart of the Framework is a presumption in favour of sustainable development. I find the proposed scheme would accord with that expectation having regard to the development plan and to the Framework as a whole.
111. For the above reasons, and with regard to all other matters raised, I conclude the appeal should be allowed.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location Plan: 5578-L-03 Rev; and Proposed Site Access Arrangements Ref: 1370/05A.
5. No more than 85 dwellings shall be developed within the site.
6. Prior to the commencement of any development, full design details of the proposed access into the site based upon the drawings hereby approved, and including all associated works and proposed materials, shall be submitted to and be approved in writing by the local planning authority. The development shall be undertaken in accordance with the details as approved and the access shall be completed prior to the first occupation of any dwelling.
7. No development shall take place until full details of a scheme of sustainable surface water drainage has been submitted to and been approved in writing by the local planning authority, and the scheme shall be implemented in full accordance with such details and in full accordance with an accompanying programme as approved. Before any scheme details are submitted for approval to the local planning authority, a full and detailed assessment shall be carried out of the potential for disposing of surface and other water, having regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version) and all other relevant guidance, and including with regard to run-off rates and all relevant flow routes, to critical storm events, and with regard to all other necessary factors relevant to flood risk. The full results of this assessment shall be made available to the local planning authority. Details of the sustainable drainage scheme and associated measures to address these matters shall include information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, arrangements for on-site flood water storage, the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters, and allowances for climate change. Details shall also include a timetable for implementation, and shall provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme as may be necessary throughout its lifetime.

8. The layout shall not include any built development within the south-west portion of the site affected by a 1 in 100 year surface water flood as shown on Enzygo plan reference SHF.1132.045.HY.D.004.2 dated November 2015.
9. No development shall take place until full details of a scheme for sewage and foul water drainage have been submitted to and been approved in writing by the local planning authority, and the works shall be implemented in accordance with the approved details and an agreed programme.
10. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and been approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units
 - b. a tenure split of 75% affordable rent and 25% shared equity
 - c. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - d. the arrangements for the transfer of the affordable housing to an affordable housing provider or such other arrangements for the management of the affordable housing if no Registered Social Landlord is involved
 - e. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing
 - f. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

11. No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and been approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and in accordance with an agreed programme. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and be approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures in accordance with details and a programme of works to be approved in writing by the local planning authority.

12. Prior to the commencement of any development, a programme of archaeological work shall be submitted to and be approved in writing by the local planning authority. The development shall be carried out in accordance with the details of the scheme as agreed and in accordance with an agreed timetable.
13. Prior to the occupation of any dwelling, a green travel plan shall be submitted to and be approved in writing by the local planning authority and the development shall be undertaken in accordance with the details as approved.
14. Prior to the commencement of any development, a detailed plan of implementation based upon the proposed ecological enhancements identified in the appellants' Ecological Appraisal shall be submitted to and be approved in writing by the local planning authority and the development shall be undertaken in accordance with the details and a programme of works as approved.
15. No site works, including the operation of all plant or machinery in connection with all demolition, preparation and all other works, shall be undertaken outside the hours of 07:30 and 18:30 Mondays to Fridays and 07:30 to 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and been approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the programme and phasing of works
 - b. the parking of vehicles of site operatives and visitors
 - 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 hoardings, including decorative displays and facilities for public viewing where appropriate
 - f. wheel washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. construction vehicle routing and access
 - j. measures for safeguarding pedestrian safety in the vicinity of the site
 - k. a scheme to control noise during the construction phase.
17. All existing trees and hedges shall be retained unless otherwise approved in writing by the local planning authority.
18. Prior to the commencement of any development, a scheme for the protection of all existing trees and hedges for the duration of the works shall be submitted to and be approved in writing by the local planning authority

and the development shall be undertaken in accordance with the details as approved.

19. No dwellings shall be occupied unless and until full details of a scheme for enhanced pedestrian access along Froghall Lane have been submitted to and been approved in writing by the local planning authority, and the works shall be undertaken in accordance with the details as approved and in accordance with an agreed programme.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tim Hagyard	Development Team Manager and case officer
Isabelle Haddow	Senior Planning Officer, Policy

FOR THE APPELLANT:

Chris Still	Gladman Developments Ltd
Tim Jackson	Fpcr
Simon Helme	Ashley Helme Associates
Duncan Hartley	Rural Solutions
Jonathan Easton	Counsel
Dr Paul Hardwick	Water Sciences, Enzygo Ltd

FOR HERTFORDSHIRE COUNTY COUNCIL:

Alexandra Stevens	Hertfordshire County Council (Planning Obligations Officer)
Oliver Sowerby	Hertfordshire County Council (Highways)
John Rumble	Hertfordshire County Council (Environmental Resource Planning)

OTHER INTERESTED PERSONS:

Steve Jenner	Chair, Walkern Parish Council
Chris O'Brien	Walkern Neighbourhood Planning Group and Walkern Action
Michele Rist	Walkern Neighbourhood Planning Group
Jaqueline Veater	Planning consultant to third parties

DOCUMENTS SUBMITTED TO THE HEARING:

By the Council:

1. Note referring to section 106 Obligations and CIL Compliance
2. Hearing notification letters dated 7 August and 22 October 2015
3. Planning application notification letter dated 24 April 2015
4. East Herts Council Response to Costs Application
5. Letter from the Planning Inspectorate dated 21 February 2007 relating to East Hertfordshire Local Plan Inspector's Report
6. Policy OSV1 of East Herts Local Plan Second Review April 2007
7. East Herts Draft District Plan (Preferred Options) January 2014 North West Quadrant
8. East Hertfordshire Local Plan Second Review April 2007 North West Quadrant Sheet A
9. East Herts Council Authority Monitoring Report 2013-14 December 2014
10. East Herts Draft District Plan Preferred Options Consultation January 2014
11. Email from Tom Goldsmith to Tim Hagyard dated 20 November 2015
12. Section 3. Housing of East Herts Local Plan Second Review April 2007
13. Section 18. Housing of East Herts Local Plan Second Review April 2007
14. Suggestions for amended Council conditions submitted on 15 December 2015
15. Tibbalds Development Concept plans dated September 2015
16. Affordable Housing and Lifetime Homes Supplementary Planning Document dated January 2008
17. Planning Obligations Supplementary Planning Document dated October 2008
18. Comments in relation to possible planning condition for affordable housing dated 30 December 2015

By the appellant:

19. Flood Risk and Drainage Statement
20. Reply on behalf of the appellants (costs) dated 17 November 2015
21. Email from Tim Hagyard dated 12 August 2015
22. Proposed modifications to pages 6 and 7 of draft Unilateral Undertaking
23. Schedule 1 Part B of the Building Regulations 2010
24. Suggested list of conditions 1 – 22
25. Plan of adopted public highways

- 26. Response to amended Council conditions submitted on 15 December 2015
- 27. Comments in relation to possible planning condition for affordable housing dated 23 December 2015
- 28. Unilateral Undertaking dated 15 December 2015

Jointly by the Council and the appellant:

- 29. Statement of Common Ground dated November 2015

By Hertfordshire County Council:

- 30. Statement in support of planning obligations sought towards Hertfordshire County Council Services (Property Services)
- 31. Email from Alexandra Stevens, Planning Obligations Officer, Hertfordshire County Council dated 14 December 2015
- 32. Secretary of State decisions dated 11 August 2015 relating to appeals at Sewell Park, St. Albans (Refs: APP/B1930/A/12/2180486 and APP/B1930/A/13/2201728)
- 33. Letter from Chief Legal Officer dated 15 July 2011
- 34. Planning obligations guidance - toolkit for Hertfordshire, January 2008, Hertfordshire County Council

By other third parties:

- 35. Joint statement of Walkern Parish Council, Walkern Parish Neighbourhood Plan Group and Walkern Action

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Hertfordshire Design Review Panel

Design Review

Land South of Froghall Lane, Walkern

21st December 2017

Hertfordshire Design Review Panel

Design Review Workshop for Land south of Froghall Lane, Walkern
Monday 18th December 2017

Attendees

Hertfordshire Design Review Panel

Chair: Jon Rowland, Jon Rowland Urban Design
Mehron Kirk – Building Design Partnership

Local Planning Authority (East Herts Council)

Fiona Dunning – East Herts Council, Principal Planning Officer
Ciaran MacCullagh – East Herts Council, Conservation and Urban Design Officer

Project and design team representatives

Julian Buttel, David Coles Architects
Peter Salsbury, Aldwyck Housing Group
Mike Lake, DLA Town Planning

Walkern Parish Council representative

Chris O'Brien

Chair of the Walkern Neighbourhood Planning Group

Michele Rist

Hertfordshire Design Review Service

Rachael Donovan, Natural, Historic & Built Environment Team Leader
John Rumble, Head of Environmental Resource Planning

Conflicts of Interest: None

Confidentiality: Unless expressly requested by the design team on the grounds of bona fide commercial confidentiality, the information within this report is not regarded as confidential.

This design workshop was commissioned by East Herts Council.

Panel Guidance

Introduction

The Hertfordshire Design Review Panel met on 18th December 2017 to review reserved matters planning application 3/17/1558/REM for an extension to Walkern on land south of Froghall Lane. This followed a unilateral undertaking to ensure reserved matters for this site are taken through a design workshop process prior to determination.

The session was run as an enabling workshop, to assist the developers and their team, East Herts Council, the Parish Council, community representatives to achieve a design for the site that addresses the differing aspirations of these key stakeholders.

The workshop took the form of brief presentations outlining key issues and concerns, a site visit and walkabout, and a discussion as to how the proposed plan performed.

The Panel offers its observations and comments on this site to assist in a good design solution and trusts that these comments will be taken as constructive, and as part of an advisory process supporting shared ambitions for achieving good design.

Background

The site is located to the south west of Walkern and has outline planning permission for up to 85 dwellings, including site access. The layout, scale, appearance and landscape are all reserved matters.

The site is currently in agricultural use and is surrounded by residential development on its northern, eastern and southern edge. The topography of the site slopes down from the north; the highest point is at the north-west corner. The south-western part of the site has a history of flooding.

Summary

Comments were made and advice offered by the design enablers and stakeholders. A broad consensus was reached between the design enablers and the developer that there were opportunities the site presented that could be strengthened. It was agreed that the developer and his team would revisit and refine the scheme, to take account of the issues raised.

These aspects are set out below under a series of broad headings. Not all issues were discussed in detail but the fundamentals of the scheme were considered to be the most important at this stage. Many of the comments and observations relate more to strategic aspects, being concerned with 'place-making' and promoting both market and social values. Detailed elements appropriate for a Reserved Matters Application also need addressing.

The design enablers are of the view that a series of key analytical aspects in the development of the masterplan need clarification and explanation to ensure an adequate narrative for the overall scheme.

The following tasks are to be considered by the developer and his team to validate the final scheme.

- A clear diagram is required setting out the constraints and opportunities of the site.
- A Landscape Strategy that sets out the issues of drainage, topography, access, broad functions, green fingers, ecology and other such aspects is required.
- A vegetation and tree planning strategy is required.
- An urban design strategy that sets out edge conditions, opportunities for a 'heart', key views and vistas into and out from the site is required.
- A Movement Strategy that indicates deliverable access, street hierarchy, and opportunities for footpath and cycle routes is required.
- A conceptual block masterplan that brings together the landscape, urban design and movement strategies into an overall framework for development is needed.
- A public realm strategy that sets out the 'place-making' elements would be helpful.

The Panel would be happy to provide further advice and input into the next iteration of the scheme via a desktop review.

Constraints and opportunities

The constraints of the site have been identified; however, further work is needed to turn these constraints into a positive design response. The treatment of sensitive rural edges needs particular attention and how they can penetrate successfully into the scheme. An understanding of the constraints and opportunities will also help define the developable envelope and define where careful consideration of edge conditions is required.

It was felt that the value of the site and setting needs to be maximised through the Masterplan design. The opportunities the site affords, particularly the views out into the countryside have not been fully exploited. The relationship with the open countryside and how the scheme can draw views in requires further careful consideration.

The design enablers felt that in moving this scheme forward *a clear diagram is required setting out the constraints and opportunities of the site.*

Landscape Strategy

The level of landscape detail is inadequate for a reserved matters application. Incorporating this detail now will help the various stakeholders gain confidence in the scheme and an understanding of how it will look and feel against a considered typology of built form.

A Landscape Strategy that sets out issues of drainage, topography, access, broad functions, green fingers, ecology and other such aspects is therefore required. Both functional and

aspirational aspects need to be considered (i.e SUDS, play etc.). More narrative is needed regarding the perimeter landscape space, i.e. how these spaces will be used, made more accessible and how they can bring value to both residents and villagers and create a sense of place. Further it would be useful to know how the swales actually work, linked to a SUDS strategy, maximising the benefit for the site and complementary amenity space.

A vegetation and tree planting strategy is also needed, the scheme appears to have taken a scattering approach to greenery, with the street scene appearing barren with little/no amenity/green space.

The design enablers felt that in moving this scheme forward:

- A Landscape Strategy that sets out the issues of drainage, topography, access, broad functions, green fingers, ecology and other such aspects is required.
- A vegetation and tree planning strategy is required.

Urban Design Strategy

An Urban Design Strategy that sets out edge conditions/treatments, opportunities for a 'heart', key views and vistas into and out from the site is required. This will result in a robust building envelope that integrates built form with landscape that will form the basis of a design philosophy for the site (please see sketches overleaf).

The design enablers felt that the heart of the development should not be defined by the intersection of routes but by incorporating a central space that has some meaning. A central route would be preferable with perimeter views.

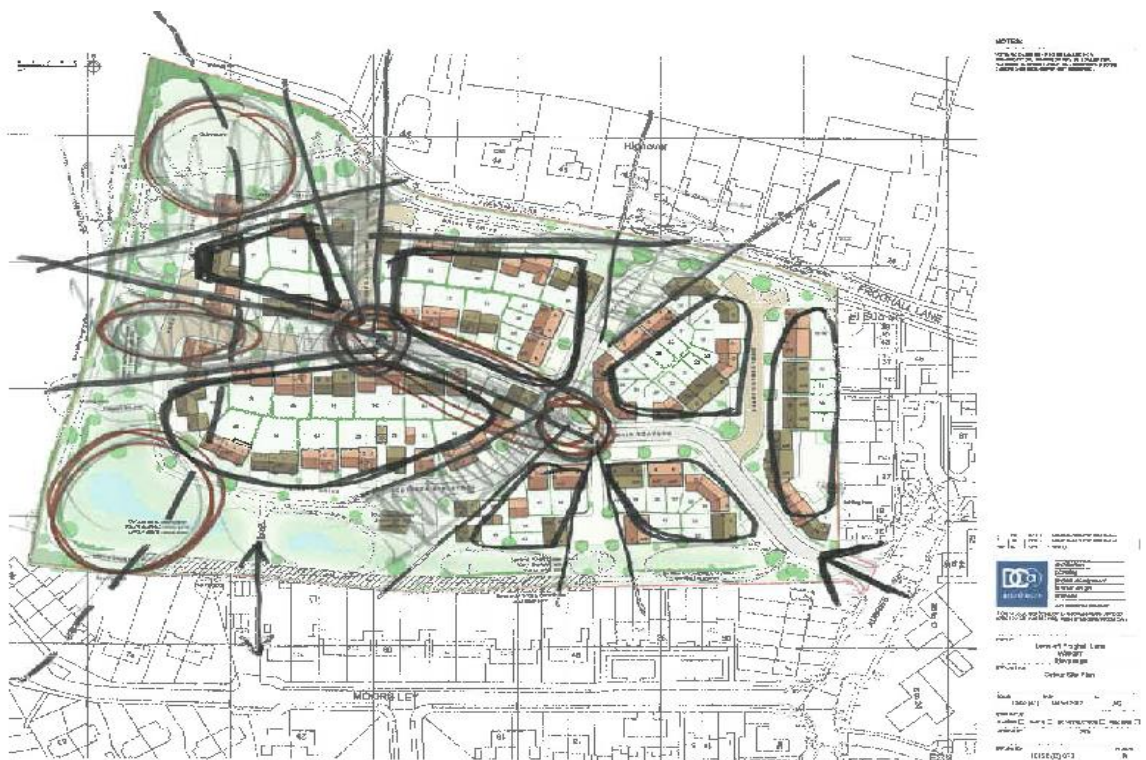
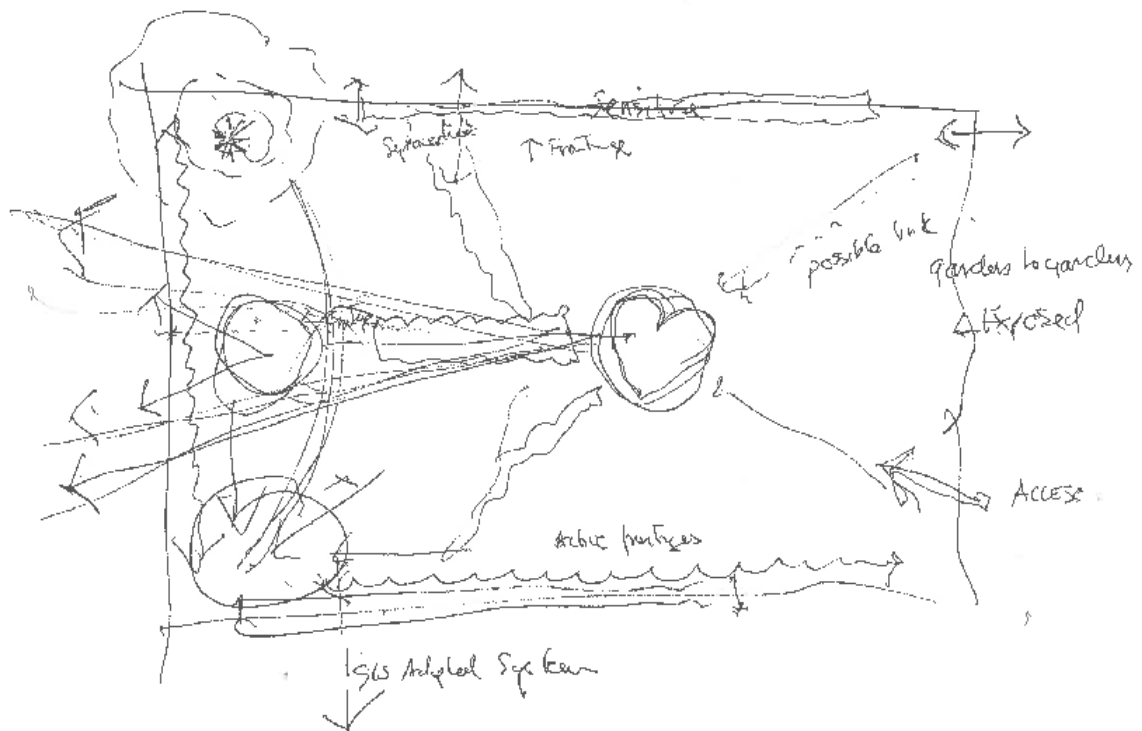
It was felt that the scheme needs some reorganisation/ spatial rearrangement so that more could be made of this value generating development; the scheme is not currently framed and views need to be drawn in.

Development parcels (with blocks side-on) could radiate from this central space to help create a feeling of space and maximise the opportunities to draw the view of the open countryside in. This would also offer opportunities to soften the western edge.

Further, attention needs to be given to the treatment of the northern edge which needs more breathing space. Throughout the scheme there is too much hard surfacing, raising the issue of who will look after this space. The streets need to be designed with consideration to both public and private gardens to ensure the desired character is achieved.

The design enablers felt that in moving this scheme forward:

- An Urban Design Strategy that sets out edge conditions/treatments, opportunities for a 'heart', key views and vistas into and out from the site is required.



Movement strategy

A Movement Strategy that indicates deliverable access, street hierarchy, street lighting and opportunities for footpath and cycle routes is required.

The design of the streets needs further thought. A series of street X-sections and plans are required to show how streets can be used so that adequate visitor parking, tree planting and verges are integrated as appropriate. Shared surfaces and other traffic management and safety features should be identified, including safe routes to school. Adequate widths are required and the nature of the roads and their functions set out. It may be possible that the hierarchy can be reduced.

The design enablers felt that in moving this scheme forward:

- A Movement Strategy that indicates deliverable access, street hierarchy, street lighting and opportunities for footpath and cycle routes is required.

Concept Plan

A conceptual block masterplan that brings together the landscape, urban design and movement strategies into an overall framework for development is needed. This should take note of aspects such as sense of arrival, 'place', access to countryside and other perceptual and processional elements.

A public realm strategy that sets out the 'place-making' elements would be helpful. This would cover the nature and form of the 'heart' of the development and its role, (i.e shared surfaces, places to sit, meet etc), the landscape interface features such as the high points, low points, view-points, central points, wedges / fingers and their functions; as well as the interface with the built edge (crescent, terraces, detached dwellings etc). Vignettes would also be help.

This concept plan should also show how the ecological environment can be enriched. It should also include aspects such as density/development intensity, and form the basis for a series of parameter plans, the purpose of which would be to avoid 'sprawl' across the site, create character and identity so that this development is seen as a destination site rather than a default estate.

The design enablers felt that in moving this scheme forward:

- A conceptual block masterplan that brings together the landscape, urban design and movement strategies into an overall framework for development is needed.
- A public realm strategy that sets out the 'place-making' elements would be helpful.

The Reserved Matters Application Masterplan

The figure of 85 dwellings has been identified as the upper limit, as per the outline planning permission. The detailed masterplan should show how this upper limit can be accommodated incorporating the various requirements for garden sizes, parking, 'healthy' and secure development, etc. More consistent groupings of house types should also be considered to avoid gap-toothed development.

A Management Strategy will be required, as will an indication of early deliveries (i.e. site infrastructure, landscaping/planting and play etc.)

Dwelling typologies may need reconsideration in some parts of the site to ensure consistency and to enhance place-making, and to realise the aspirations for a greater spread of types of housing such as for the elderly (lifetime homes), large families and starter homes, further affordable housing should be equitably located throughout the site.

Sustainability

There was no time to discuss sustainable development; however the design enablers feel that greater clarification is needed regarding sustainability and energy resource efficiency.

The opportunity of 'giving back' to the local community the benefits of building on this land (Rural Area beyond the Green Belt) by such means as zero carbon construction, PassivHaus or other acceptable sustainable standards should be explored.

The Panel would welcome further discussion and review should this be considered helpful.

DEVELOPMENT MANAGEMENT COMMITTEE REPORT –

Application Number	3/17/1749/REM
Proposal	Reserved Matters for 3/14/2200/OP for the approval of Appearance, Landscaping, Layout and Scale in respect of the erection of 85No dwellings.
Location	Land South of Froghall Lane, Walkern, Hertfordshire
Applicant	Mears New Homes LTD and Aldwick Housing Group Ltd
Parish	Walkern
Ward	Walkern

Date of Registration of Application	24th July 2017
Target Determination Date	24th October 2017
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary

- 1.1 Outline Planning Permission was granted on Appeal on 22nd February 2016 for up to 85 dwellings with access provided between 17 and 25 Aubries. This application is for reserved matters addressing appearance, landscaping, layout and scale as the principle of residential development on the site has been established.
- 1.2 The proposal has a mix of flats and dwellings. The flats are in 2 and 3 storey buildings while most of the dwellings are two storeys, with two types of dwellings being three storeys as they have rooms within the loft space.
- 1.3 The development provides affordable and market housing with finishes generally consistent with other properties in Walkern. The proposal includes a swale along the southern boundary with a surface water attenuation pond in the south-western corner of the site. To the north of this pond is another swale adjoining the western edge of the proposed built form. To the west and north of the swale is open space, which accounts for about a quarter of the site.

- 1.4 Pathways are provided adjacent to the roads and along the perimeter of the site within the open space area.
- 1.5 The street pattern of the development includes public roads and private drives. The street layout and significant setback of dwellings to the north-western part of the site will retain the existing long views across the site for some residents on Froghall Lane. Two private drives from within the site will provide easy access to the north-western corner of the site. There are also views through the site from the north-eastern corner to the south-western corner of the site.

2.0 Site Description

- 2.1 The site has an area of 4.17 hectares, which is agricultural land located adjacent to the village boundary of Walkern. The site is identified in the Local Plan as being Land Beyond the Green Belt.
- 2.2 The site has an existing access off Aubries, where a gate is located. To the north of the site is Froghall Lane where there are 9 dwellings on the northern side facing the site. To the east of the site are 6 dwellings and two residential flat buildings. The southern part of the site adjoins 28 residential dwellings fronting Moors Ley and one dwelling fronting Aubries.
- 2.3 The western boundary adjoins an agricultural field with green belt beyond.
- 2.4 Due to the site being surrounded by residential dwellings on three sides, it does appear to be out of character and appears to be mainly used by dog walkers.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/14/2200/OP (AP/15/0047/NONDET)	Outline planning application for up to 85 houses including site access, public open space and landscaping.	Allowed at Appeal	22.02.16

3/17/1558/REM	Reserved Matters application for 85 dwellings for the approval of Appearance, Landscaping, Layout and Scale	Under consideration	
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- 3.1 The applicant submitted a Unilateral Undertaking with respect to the outline planning application appeal. This Unilateral Undertaking included a number of requirements, including a design workshop for the reserved matters application. A copy of the appeal decision is attached.
- 3.2 A design review workshop took place on 18th December 2017 to discuss 3/17/1558/REM. Whilst the plans submitted for this application were not discussed in detail, the design principles of that workshop are relevant to this application and therefore are attached to this report.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The Walkern Neighbourhood Plan is currently under consultation but has been taken into consideration (NP).
- 4.2 The draft Walkern Neighbourhood Plan has undergone a 6 week consultation which closed on 17 November. The draft Neighbourhood plan is now at examination stage and the examiner is currently reviewing the draft plan. After the examination the Neighbourhood Plan will be the subject of a referendum and will be adopted if it receives a positive result. The draft Neighbourhood Plan does not yet carry full weight, but it is at examination stage and therefore carries some weight. For this reason the draft Neighbourhood Plan has been given consideration in the assessment of the application and the relevant policies have been referred to below.
- 4.3 The Tibbalds Framework referred to in this report is included in the draft Walkern Neighbourhood Plan and is an updated version of the concept and Framework that was first presented at the Planning Appeal in 2015. The work was commissioned by the Council to undertake a preliminary feasibility in preparation of an appropriate framework for residential development on the site. The Walkern Parish Council in preparing the draft Neighbourhood Plan commissioned Tibbalds to expand on the

principles of the original plans. The Tibbalds Framework forms the basis of Policy 8 in the draft Walkern Neighbourhood Plan.

Main Issue	NPPF	LP policy	DP policy	NP policy
Principle of Development	Para 14	GBC2 GBC3 OSV1	GBR2 VILL1	8
Design, layout and scale	Section 7	ENV1 ENV3 LRC3	DES3 DES4 CC1 CC2 WAT4 CFLR1 CFLR9	1, 8, 12
Landscaping and open space	Section 7, 10	ENV2 ENV10	DES1 DES2	2, 6, 8, 19
Housing mix and density	Section 6	HSG1	HOU1, HOU2 HOU6 HOU7	8
Affordable housing	Section 6	HSG3 HSG4	HOU3	11, 8
Parking provision	Section 4	TR1 TR4 TR7	TRA3	17
Access through the site	Section 8	LRC9	CFLR3	8
Surface water drainage	Section 10	ENV21	WAT5 WAT3	8

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

5.0 Summary of Consultee Responses

- 5.1 The comments below include comments on the original plans and any further comments received in response to the second round of consultation.

HCC Highway Authority requests conditions in regard to improved pedestrian access, management and maintenance of the proposed streets and parking, measures to reduce impacts during construction, a

construction traffic management plan, hard surfacing details and drainage. The Authority has also requested informatives.

Lead Local Flood Authority has reviewed the drainage strategy submitted. Conditions 7 and 8 of the Outline planning permission need to be discharged before development commences on site.

Thames Water requests a condition requiring a drainage strategy to be submitted and approved.

EHDC Conservation and Urban Design Advisor confirms that a suitable level of open space is shown in the Tibbalds concept framework for the site provided in the draft Walkern Neighbourhood plan. Whilst this is not adopted, it should still be referenced as a relevant document. The proposal is much closer to the Tibbalds concept framework and can be supported. A condition or S106 is requested to provide a new footpath through to Moors Ley.

HCC Historic Environment Unit confirms that the outline planning permission has a condition in regard to archaeology so there is no comment to make on the reserved matters application.

HCC Development Services advises that provision should be made for fire hydrants. No further comments as the S106 agreement dated 15th December 2015 is in place.

EHDC Environmental Health Advisor does not wish to restrict the granting of permission but notes that the outline planning permission has conditions on contamination.

UK Power Networks comments that the proposal is in close proximity to dwellings and where there are living rooms or bedroom windows overlooking a distribution substation, the dwellings should be at least ten metres from an outdoor transformer or seven metres where the transformer has a GRP surround or one metre if the transformer is enclosed in brick. This is to ensure the low level hum does not cause a nuisance to residential occupants.

EHDC Housing Advisor welcomes the provision of 40% affordable housing but notes that the majority are flats and would like to see more houses.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Walkern Parish Council Representations

6.1 The Parish Council objects to the application on the following grounds:

Public open space

- The scheme does allow for generous western buffer in line with the Tibbalds Framework.
- Contrary to policy 8 of Walkern draft Neighbourhood Plan as a generous green corridor to the north of the sit isn't provided.
- Landscape areas are proposed to be managed meadows cut twice a year, therefore there is a lack of landscaped area.
- Who will retain and manage open space?

Housing density

- Proposal is contrary to Policy HOU2. The density should be less than 30dph.
- Three storey buildings are not in keeping with a rural location.
- Three storey flat buildings are overlooking properties along Moors Ley.

Landscape views

- Policy 8 requires design and massing to respect longer views across the site from Froghall Lane. The dwellings close to Froghall Lane are two storeys but much closer contrary to Tibbalds Framework.

Footpath/right of way

- No right of way provided from Moors Ley to the south-western area and to Froghall Lane.
- Request that a bridleway be provided from Froghall Lane to Stevenage Road.
- Request that garages on Moors Lay be demolished.
- Concerns over blocking off path from Aubries to Froghall Lane.

Housing type/mix

- Housing mix is insufficient in integrating different house types, with larger dwellings being located on the western side of the site and the affordable housing being located to the east.
- Proposal does not specify housing for older people.
- No provision for single storey accommodation.
- Green roofs should be provided on this greenfield site.

Parking, roads and emergency access

- Car parking is not provided in accordance with Policy 8 as two spaces are not provided for each dwelling. Flats only have one car parking space.
- Emergency access is only provided through Aubries. Concern regarding drainage scheme and the impact on Moors Ley properties.
- Who is responsible for roads within the site?

Play area

- On-site play space should be provided in addition to the contribution towards the central playground.

Flood risk/drainage

- Local characteristics of the site have been overlooked as the site is within Flood Zone 1.
- Flooding has occurred to properties in Moors Ley.
- More information is required to address potential flooding.
- Sewage pumping station to be located at lowest point of site who will protect residents from contamination occurring?
- Ownership of French drain.

Other matters

- No details on street lighting.
- Safety of drainage ponds.
- Construction management plan.
- S106 contributions should provide benefits to the community.
- Site cannot accommodate 85 dwellings.
- Support path along southern boundary.
- Southern boundary path is wider than discussed at pre-application phase, which is welcomed.

7.0 Summary of Other Representations

7.1 16 responses have been received objecting to the proposal on the following grounds:

- 85 dwellings too many for the site.
- Small flats.
- Roads aren't wide enough and there is an existing congested junction off Aubries.
- Not enough car parking on site as flats need two car parking spaces each.
- Traffic impacts creating congestion and increased pollution.

- Existing easement strip behind 46 – 76 Moors Ley is the responsibility of the new owner.
- Flood risk and drainage inadequate to protect Moors Ley residents.
- Attenuation ponds are potentially dangerous. How will they be made safe?
- Noise pollution from substation.
- No public access/bridleway across the site.
- 85 dwellings is too many and will endanger existing residents due to the number of vehicles travelling to and from the site.
- Limited amount of green measures and proposal lacks innovation.
- Open space is not enough with the green buffers being too narrow.
- Lack of housing provision for older people.
- The affordable housing should be mixed with the market housing.
- Play space should be provided on site.
- Three storey flats will have a significant impact on residents adjoining the site due to topography of sit and appears urban.
- Three storey flats overlooking of Moors Ley properties.
- Impact on public views from Froghall Lane.
- Setback from boundaries should be greater.
- Northern part still too narrow.
- Proposal does not complement the character with the rest of the village.
- Number of dwellings is not suited to a village setting.

8.0 Consideration of Issues

Principle

- 8.1 Outline planning permission has been granted on 22nd February 2016 for up to 85 dwellings on the site with all matters reserved apart from access. The Planning Inspector was satisfied that the scheme would constitute sustainable development as it would provide significant economic, social and environmental benefits.
- 8.2 One of the conditions of the outline planning permission required the reserved matters application to be made not later than 18 months from the date of the outline permission. The application was submitted on 3 July, which met this condition. The reserved matters to be considered are appearance, landscaping, layout and scale.
- 8.3 The principle has been established by the outline planning permission and therefore is given considerable weight.

Design, Layout and Scale

- 8.4 The layout of the proposal has been restricted by the one access into the site from Aubries. This access was approved at outline stage.
- 8.5 The proposal is considered to have good separation distances within the development and to adjoining properties. There are four 3 storey buildings providing residential flats along the southern boundary and the setback to this boundary is between 18m and 23m. The separation distance to the dwellings on Moors Ley is between 31m and 38m. It is acknowledged that the residents in Moors Ley and Aubries will feel overlooked and have a sense of loss of privacy due to the residents having an open field adjacent. However the proposed 2 and 3 storey buildings are not considered to create any significant impacts due to the orientation of the buildings and the separation distances. There are other 3 storey flats in this area and the proposed 3 storey flats will have a similar layout to these.
- 8.6 The layout of the proposed flats provides all flats with dual aspect, which is consistent with good design principles. In addition, the flats are well-spaced out on the site to protect the amenity of adjoining neighbours and for future occupiers.
- 8.7 As a result of the significant amount of open space on the site the density of the proposal is at approximately 20 dwellings per hectare, which is considered to be lower than other modern developments in Walkern.
- 8.8 The proposed scale of the development is considered to be consistent with the surrounding residential development to the east and south, where dwellings are either terraced or semi-detached and are two and three storeys. With respect to the some of the dwellings that are three storeys, it not considered that they will look out of place as this is part of the existing character of Walkern. The two dwellings closest to Froghall Lane are 2 storeys. Whist the private drives near Froghall Lane are very close, they are not parallel to Froghall Lane. It is proposed to condition the details of the materials of these drives as well as the requirement to restrict overflow parking in this area.
- 8.9 Whilst the plans for this application were not discussed in detail at the design review workshop, the general layout enables generous landscaping along the boundary with Froghall Lane and the proposed layout will not create any significant impacts on neighbours. However it is noted that all of the adjoining residents will have change to their outlook. Some residents have objected on the grounds of loss of views but this is not a material planning consideration and the principle of

developing the site for up to 85 dwellings has been established by the outline planning permission. The impacts of the design, scale and layout are considered to cause a degree of harm in urban design terms contrary to some requirements of policies ENV1 of the Local Plan, DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework.

- 8.10 With respect to policy 8 of the draft Neighbourhood Plan and the Tibbalds Development Framework, the proposal is consistent with the built form apart from moving the development slightly northwards off the southern boundary to accommodate the proposed sustainable urban drainage scheme, which is a condition of the outline planning permission. It is noted that the development has three storey flats and no single storey dwellings, which is not fully consistent with policy 8 but these flats provide ground floor accommodation for older and vulnerable people. In considering the reserved matters application, it is noted that the Planning Inspector did not condition the Tibbalds Development Framework, however the developer has demonstrated that the framework plan can be achieved with more 3 storey buildings for residential flats.

Landscaping and Open Space

- 8.11 As stated above, the built form is generally consistent with the Tibbalds Framework Plan provided in the draft Walkern Neighbourhood Plan and therefore the amount of landscaping and open space is consistent.
- 8.12 The proposed landscape plan shows street trees and additional planting along the boundaries to help soften the impact of the built form and provide a good level of amenity for existing and future residents. The Planning Inspector included conditions in regard to landscaping and protection of existing trees and hedgerows and these conditions remain in place and will need to be addressed if planning permission is granted.
- 8.13 Some objectors and Walkern Parish Council have indicated that the site should provide play space and that the amount of open space is not sufficient. The Unilateral Undertaking includes off-site contributions towards the existing play area and its maintenance. Formal play space could be provided on the site, however it is considered it is more efficient to improve the existing play space of the village. There are areas within the site that could be used for play space, such as the pocket of open space in the north-east part of the site adjacent to Froghall Lane, which would be similar to the pocket park which is adjacent to the three storey flat buildings off Aubries.

- 8.14 Some objectors have raised concern about how the landscaping and roads will be managed. The Unilateral Undertaking included the requirement for an open space management company. In accordance with the Unilateral Undertaking, a management company is required to be formed and to submit a management plan and have it approved prior to works commencing on site.

Housing Mix and Density

- 8.15 A mix of 2, 3, 4 and 5 bedroom dwellings and 2 bedroom flats are provided in the scheme. The affordable housing provides accessible units on the ground floor, which could house older and vulnerable persons in accordance with policy HSG6 of the East Herts Local Plan, HOU1 of the draft East Herts District Plan and 8 of the draft Walkern Neighbourhood Plan. The majority of the market housing is 2 and 4 bedroom dwellings. The percentages are provided in the table below to determine how it addresses the Market and Affordable Housing Mix of Table 14.1 of the draft District Plan.

Market Housing Proposed	Housing Need of District	Number	Percentage
1 bedroom flat	6%	0	0
2 bedroom flat	7%	17	33%
2 bedroom house	12%	12	24%
3 bedroom house	46%	3	6%
4 bedroom house	23%	13	25%
5+ bedroom house	6%	6	12%
Total		51	

- 8.16 It is considered that more 3 bedroom houses would be preferable. Minimal weight is given to the impact of this element of the scheme however, as the proposal provides more 2 bedroom units with good amenity and will be surrounded by a significant amount of open space within the site. The mix of dwellings is considered to be acceptable given the constraints of the site.

Affordable Housing

- 8.17 The outline planning permission has a condition requiring 40% affordable housing with 75% being affordable rent and 25% being shared ownership. The proposed affordable housing meets these percentages and the affordable houses are not all in the same location on the site as some objectors have stated. The majority of the

affordable dwellings are flats. Smaller dwellings could be for older and vulnerable people.

Tenure/No of bedrooms	1 bedrooms	2 bedrooms	3 bedrooms
Affordable Rent	5 flats 1 maisonette	14 flats 1 maisonettes	5 dwellings
Shared Ownership		6 flats 2 maisonettes	0
Percentage	15% flat 3% maisonette	58% flats 9% maisonette	15%

- 8.18 The provision of affordable housing that generally complies with the District housing need and meets the total number required. However, the housing officer stated that they would prefer more houses. The provision of 40% affordable housing on site that meets the condition of the outline planning permission and the policy requirement is a positive element of the proposal and carries significant weight.

Parking provision

- 8.19 The maximum parking standard set out in the Local Plan has been exceeded by 11 car parking spaces. There is a shortfall of 11 spaces under the emerging car parking policy. A total of 41 visitor parking spaces are provided on site. It is considered that the provision of onsite car parking has met an appropriate balance between the existing maximum and the emerging standards. A Travel Plan is required as part of the Unilateral Undertaking for the outline planning permission. Should planning permission be granted, it is recommended that a condition requiring further details of the car parking to ensure that the open space provided on the site is not able to be used as overflow car parking.
- 8.20 Some of the objections have raised concern about the number of spaces not being enough and this will create an impact on adjoining streets. As stated above, the proposed car parking exceeds the current maximum number of spaces but is short on the draft requirements. The number of spaces is considered to be satisfactory and needs to be balanced with the provision of open space on the site.

Access Through Site

- 8.21 The road layout and the perimeter walking paths will ensure that the site is permeable from north to south and east to west for pedestrians. This is consistent with the draft Walkern Neighbourhood Plan and the

Froghall Lane Framework Plan. The main vehicular access routes fully comply with the framework plan. In relation to the pedestrian access, a footpath is proposed along the street leading from the pathway adjacent to Froghall Lane to the pathway near the garages on Moors Ley. This is also consistent with the framework plan. The western pathway has been provided on the western boundary the entire length of this boundary. Whilst this is in a different location to the Tibbalds framework plan, it achieves the same result and therefore is considered consistent with the general principles.

- 8.22 With regard to the access to the rear of Aubries adjacent to the eastern boundary, the proposed development is setback from this rear access. However, it is unlikely that the access will be retained due to the width being less than a metre in width. Any right of way over this land is a civil matter.
- 8.23 It is not considered reasonable to require a bridle path to be provided through the site.
- 8.24 The request for a S106 to demolish the garages and provide a formal pathway to and from Moors Ley is not reasonable as the land is in separate ownership and there is no guarantee that the owner would be willing to have this building demolished.

Surface Water Drainage

- 8.25 The proposed on-site attenuation ponds and the drainage of the site will provide a positive outcome for the residents to the south on Moors Ley as the site will have a comprehensive drainage strategy. At present there is no control of ground water on the site apart from the drain located along the southern boundary. This is consistent with Policy 8 of the draft Walkern Neighbourhood Plan.
- 8.26 Conditions 7 and 8 of the outline planning permission require details of surface water drainage to be submitted and approved before any development can commence on the site.

Other Matters

- 8.27 Some of the objectors raised concern about matters that had been agreed at outline planning application stage such as traffic impacts and the principle of developing the site for up to 85 dwellings. The application is to determine if the reserved matters of appearance, landscaping, layout and scale are acceptable to grant permission.

- 8.28 Details of street lighting have not been provided in with the application so a condition is proposed for details to be submitted.

9.0 Planning Obligations

- 9.1 A Section 106 was signed on 15th December 2015 and included the following contributions:
- £50,000 for Bus Service Contribution 50% to be paid prior to commencement, with balance paid prior to first occupation of any dwelling.
 - Education contribution charged per dwelling size to be paid prior to commencement or in instalments at 25% at commencement, 25% prior to first occupation of any dwelling, 25% for first occupation of 21st dwelling and balance at first occupation of 42nd dwelling.
 - £52,785 for the extension/relocation of Walkern GP Surgery.
 - £40,000 for parking improvements in High Street.
 - £100,000 for cycleway link from Walkern to Stevenage.
 - £10,000 for improvements to public rights of way.
 - Formation of an Open Space Management Company.
 - Off-site Play Area Contribution of £80,000.
 - Off-site Play Area Maintenance Contribution of £30,000.
 - Provision for Fire Hydrants.
 - Travel Plan Support Contribution.

10.0 Planning Balance and Conclusion

- 10.1 The proposal has provided details on the reserved matters required by the outline planning permission. The layout is considered to be consistent with the Tibbalds Development Framework. It is noted that the height of the development with 3 storey flat buildings is not consistent with the policy 8 of the draft Walkern Neighbourhood Plan. However there are 3 storey flat buildings within the local area and therefore these are not considered to be out of character that would justify refusing the application.
- 10.2 The landscaping is considered to be consistent with policies ENV2 of the East Herts Local Plan, DES2 of the draft, East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 7 of the National Planning Policy Framework. Further information is required in regard to the treatment of the pavement of private drives near Froghall Lane, parking and roadway boundaries in order to prevent additional parking areas, which is often a common feature of new developments. Soft

landscaping including street trees have been provided. There are significant hardstanding areas for parking in the north-eastern part of the site adjacent to the street but this is softened by some street trees. Overall it is considered that the landscaping and open space is worthy of approval.

- 10.3 The provision of 40% affordable housing of various sizes is considered to hold significant weight as it is consistent with policies HSG3, HSG4 and SD1 of the East Herts Local Plan 2007, HOU3 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 6 of the National Planning Policy Framework. It would be preferred to have more houses rather than flats but this element needs to be balanced with the provision of significant open space on the site for the whole community. The compliance with the outline planning permission and with these policies holds significant weight as well as the affordable housing provider being one of the applicants for the application.
- 10.4 The proposed sustainable urban drainage scheme proposed will provide significantly improved drainage of the site as well as providing a good landscape feature in the south-western area of the site. This is considered to hold significant weight as it is consistent with policies ENV21 and SD1 of the East Herts Local Plan 2007, WAT 5 of the draft East Herts District Plan, 8 of the draft Walkern Neighbourhood Plan and Section 10 of the National Planning Policy Framework. The outline planning permission requires details of the drainage scheme so this will be finalised when these conditions are discharged.
- 10.5 The proposal will provide economic, social and environmental benefits and any harm caused by the development is not considered to significantly and demonstrably outweigh these benefits. Therefore the reserved matters application is recommended for approval subject to conditions in addition to the conditions set out in the appeal decision.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below.

1. Approved plans (2E10)
2. Prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be

submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason

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

3. Prior to the first occupation of any dwelling hereby approved, details of the materials of the private drives closest to Froghall Lane and boundary treatments of the parking areas, roadways and the soft landscaping areas shall be submitted and approved in writing. The details shall include how the soft landscaping areas will be prevented from being used for overflow parking. The development shall be carried out in accordance with the details approved and shall be in place prior to first occupation of the development.

Reason

To ensure the development is appropriately managed and not create any significant impacts on adjoining or nearby neighbours.

4. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

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

5. No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets with the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The street shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways

Act 1980 or a Private Management and Maintenance Company has been established.

Reason

To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard.

6. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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:
- Phasing for the development of the site, including all highway works;
 - Methods for accessing the site, including construction vehicle numbers and routing;
 - Location and details of wheel washing facilities; and
 - Associated parking areas and storage of materials clear of the public highway.

Reason

To ensure the impact of construction vehicles on the local road network is minimised.

7. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development. This shall include cleaning the wheels of all construction vehicles leaving the site.

Reason

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interest of highway safety and visual amenity.

8. Prior to commencement of the development hereby permitted, details of all materials to be used for hard surfaced areas within the site, including roads, driveways and car parking area, shall be submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.

Reason

To ensure that the internal roads and other layouts are built to required/adoptable standards.

9. Before first occupation or use of the development the access road and parking areas as shown on the approved plans shall be provided and maintained thereafter.

Reason

To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

10. The use of the land for vehicular parking shall not be commenced until the area has been laid out, surfaced and drained in accordance with the details first submitted to and approved in writing by the local planning authority and shall be maintained thereafter to the Authority's satisfaction.

Reason

To ensure that adequate and satisfactory provision is made for parking of vehicles within the curtilage of the site.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement, improvement or other alteration of any dwellinghouse as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, the enlargement of any dwellinghouse consisting of an addition or alteration to its roof as described in Schedule 2, Part 1, Class B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.

Reason

To ensure the Local Planning Authority retains control over any future development as specified in the condition in the interests of amenity and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN5)
3. Outline planning permission (U04072)
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not

possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-managment/highways-development-management.aspx>

5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website above.
6. AN3) Road Deposits: it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website above.
7. AN4) The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website above.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	20 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	6
	2	40
	3	0
Number of new house units	1	0
	2	12
	3	8
	4+	19
Total		85

Affordable Housing

Number of units	Percentage
	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	7.5
2	1.50	85.5
3	2.25	18
4+	3.00	57
Total required		168
Proposed provision		179

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

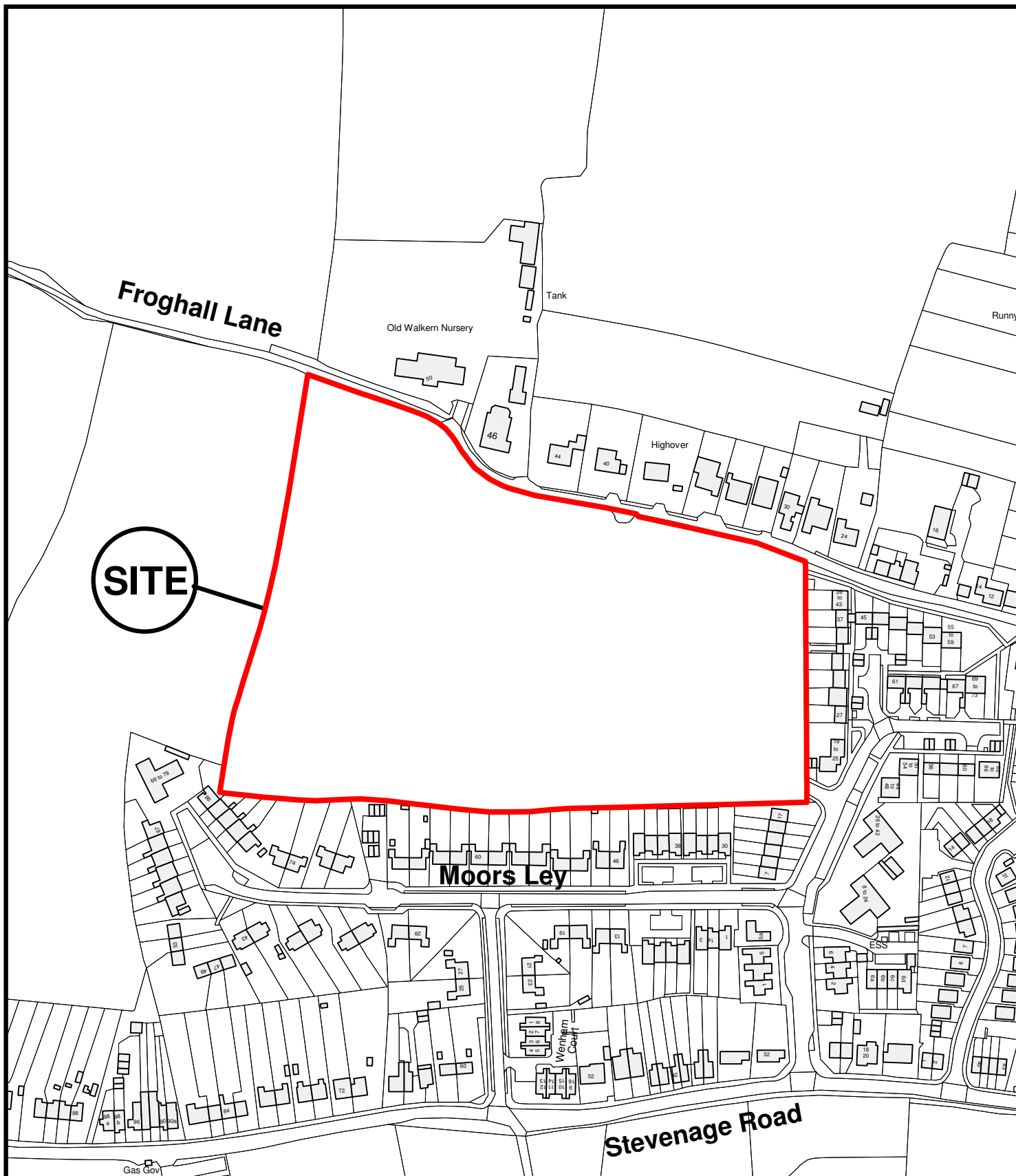
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	9

2	2.00	104
3	2.50	20
4+	3.00	57
Total required		190
Accessibility reduction		
Resulting requirement		
Proposed provision		179

Legal Agreement – financial obligations

The Outline Planning Permission has a S106 for the provision of the following:

- £50,000 for Bus Service Contribution 50% to be paid prior to commencement, with balance paid prior to first occupation of any dwelling
- Education contribution charged per dwelling size to be paid prior to commencement or in instalments at 25% at commencement, 25% prior to first occupation of any dwelling, 25% for first occupation of 21st dwelling and balance at first occupation of 42nd dwelling
- £52,785 for the extension/relocation of Walkern GP Surgery
- £40,000 for parking improvements in High Street
- £100,000 for cycleway link from Walkern to Stevenage
- £10,000 for improvements to public rights of way
- Formation of an Open Space Management Company
- Off-site Play Area Contribution of £80,000
- Off-site Play Area Maintenance Contribution of £30,000
- Provision for Fire Hydrants
- Travel Plan Support Contribution



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Address: Land South Of Frogghall Lane, Walkern, Hertfordshire

Reference: 3/17/1749/REM

Scale: 1:2500

O.S Sheet: TL2826

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Appeal Decision

Hearing held on 17 November and 15 December 2015

Site visit made on 15 December 2015

by Peter Rose BA MRTPI DMS MCM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd February 2016

Appeal Ref: APP/J1915/W/15/3127807 **Land south of Froghall Lane, Walkern**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd/Simon John Cordell, Philip Cordell, Jane Louise Cordell, and Alison Joanne Sendall against East Hertfordshire District Council.
 - The application Ref 3/14/2200/CP, is dated 5 December 2014.
 - The development, as originally proposed, was a residential development for up to 98 houses including site access, public open space and landscaping.
-

Decision

1. The appeal is allowed and outline planning permission is granted for a residential development for up to 85 houses including site access, public open space and landscaping at Land south of Froghall Lane, Walkern, in accordance with the terms of the application Ref: Ref 3/14/2200/CP dated 5 December 2014, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs has been made by the appellants against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application is for outline planning permission, with all matters except access reserved for subsequent approval.
4. Whilst the originally submitted proposal referred to an upper limit of 98 houses, a revised scheme was submitted reducing the upper limit to 85. Although the Council failed to determine that scheme, it was subject to formal publicity on that basis and the appeal was publicised in similar terms. Both the main parties confirmed the appeal proposal is based upon the revised limit and both agree that, should the appeal be allowed, a condition be imposed to limit development to 85 dwellings.
5. The appellants are concerned, however, that a revised description referring to 85 dwellings would not reflect the terms of the original application. I find that the alternative of a description referring to 98 dwellings but then reduced by a

condition to 85 would be unnecessarily confusing, and that no interests would be prejudiced by such a change. In the interests of consistency and clarity, I have therefore amended the description accordingly.

6. Although matters of appearance, layout, landscaping and scale are not formally submitted for determination as part of the appeal application, the submission is accompanied by illustrative details to which I have regard. These include a design and access statement and Development Framework plans.
7. At the hearing, a Unilateral Undertaking made under section 106 of the Town and Country Planning Act 1990 was submitted and has been signed and executed as a deed dated 15 December 2015.
8. The Council formally considered the application on 19 August 2015. Whilst no longer able to formally determine the submission, it resolved that planning permission would have been refused for the reasons set out in its letter dated 20 August 2015.
9. I consider the appeal on the above basis.

Main Issues

10. The main issues in this appeal are:

- (a) the scale of the proposed development relative to the status and capacity of Walkern;
- (b) the effect of the proposed development upon the character and appearance of the local countryside, and including its relationship to proposed open space, and;
- (c) whether the proposed development would satisfactorily promote sustainable modes of transport.

Reasons

Development status

11. The appeal site comprises some 4.17 hectares of agricultural land located to the south west of Walkern. It lies outside the village boundary as defined by the East Herts Local Plan Second Review April 2007 (the Local Plan).
12. The site is served by an existing vehicular access via Aubries and that is identified in the application as the proposed access point for the development.
13. The site is also accessed from Froghall Lane which is a relatively narrow road also serving houses to the north which look across the appeal site. No formal vehicular access into the site exists from Froghall Lane. To the east, the appeal site is enclosed by a residential development at Aubries. The site slopes down from Froghall Lane towards a further residential development at Moors Ley which encloses the southern boundary of the site. The western boundary is unenclosed and comprises open land offering views towards Stevenage.
14. Walkern is defined as a Category 1 Village by Policy OSV1 of the Local Plan. Policy OSV1 allows limited small-scale and infill housing development within the confines of the village, and subject to various detailed criteria.

15. The more recent East Herts Draft District Plan Preferred Options Consultation January 2014 (the District Plan) identifies Group 1 Villages for an increase in housing stock of at least 10% over the period 2016-2031. The District Plan identifies a 10% growth in Walkern as 47 households.
16. Policy GBC3 of the Local Plan applies to the appeal site as a rural area beyond the Green Belt. This states that permission will not be given for new buildings other than for defined exceptions which mainly involve small-scale development linked to the rural character.
17. Whilst the appeal proposal would not come within the terms of permissible development identified by Policy GBC3, the Council has previously accepted the principle of a residential development of the appeal site. Rather, the Council's concern relates to the scale of the proposed development and has commissioned a consultancy, Tibbalds, to undertake preliminary feasibility work towards preparation of an appropriate framework for residential development of the site.
18. Nevertheless, and notwithstanding the Council's acceptance of the principle of the development and the on-going work by Tibbalds, I find that the proposed scheme would lie outside the village and be contrary to the provisions of Policy GBC3.

Capacity of Walkern and scale of development

19. I have had careful regard to representations on behalf of local residents who consider that development on the scale proposed to be unsustainable in Walkern. The status of Walkern as a sustainable settlement and as a location for future growth is also questioned. It is maintained that road infrastructure through the village and available public transport are already inadequate and insufficient employment opportunities and lack of school provision will increase the existing dependence upon the use of private cars.
20. Notwithstanding any future status of Walkern, the village is formally defined by the development plan as a settlement for growth and that could involve more than 47 households. The threshold for growth has not been defined with regard to any specific capacity assessment, but through a strategic allocation of the District's needs, and the appeal scheme seeks to respond to likely impacts with specific mitigation.
21. There would be commensurate increases in demands for local services and the Undertaking includes commitments to further facilities at Walkern Primary School and to funding of additional health facilities in accordance with the Council's requirements. Additional play facilities would also be provided within the existing High Street play area. No case has been made by the local planning authority for contributions to pre-school or to secondary education.
22. Even though the site lies within Flood Zone 1, I note the previous history of flooding in Walkern, and that particular issues relate to the south-west corner of the site.
23. An outline scheme has been prepared by the appellants to demonstrate possible technical solutions to matters of drainage and flooding. Responsibility as Lead Local Flood Authority (LLFA) transferred to the County in 2015 after submission of the application, but neither the local Council nor the Environment Agency had previously raised any objection to the principle of the development.

Whilst some preliminary discussions have taken place, the County is yet to be satisfied of the full details of a scheme. It was agreed in principle by the appellants, the local Council and the LLFA that this could be progressed by way of a suitably worded planning condition should the development be otherwise found to be acceptable. There was disagreement regarding the detailed form of wording, but not regarding the approach, and I concur with the principle of that way forward.

24. The scheme would also be intended to include some wider betterment through the proposed works, improving both the existing very limited on-site drainage but also providing facilities for storage of water from elsewhere.
25. I deal with issues of highway and public transport capacity separately as part of sustainable transport issues below. Those matters apart, I find that implications of the development would be satisfactorily mitigated by the measures proposed and would thereby be broadly consistent with the capacity of Walkern to absorb further development of this scale, and with its status as a Group 1 Village in the development plan accommodating at least 10% growth.

Character and appearance of the countryside

26. The overall character and appearance of the appeal site is as a large expanse of gently rising open land containing relatively few natural features. Whilst it enjoys a relatively open aspect to the west, it is effectively enclosed by housing on three sides. Although overlooked from the frontages of properties in Froghall Lane to the north, the eastern and southern boundaries comprise housing of various styles, but with little overall distinctiveness of character or appearance.
27. Little specific evidence has been provided by the Council to substantiate a harmful impact, but a full Landscape and Visual Impact Appraisal has been submitted by the appellants. The Appraisal concludes no more than a minor adverse landscape effect overall, mitigated by a scheme of green infrastructure which would include unoccupied areas of open space.
28. Policy ENV1 of the Local Plan states that all development proposals will be expected to be of a high standard of design and layout to reflect local distinctiveness, and that development proposals will be expected to demonstrate compatibility with the structure and layout of the surrounding area, as well as effective connection with existing routes and spaces.
29. Policy LRC3 of the Local Plan commits the Council to seeking provision of adequate and appropriately located open space and recreation facilities in conjunction with new residential development.
30. Whilst comprising greenfield land and of a rural character, the appeal site otherwise has no formal designation in relation to landscape quality, and few specific landscape features.
31. A core principle of the National Planning Policy Framework (the Framework) is to recognise the intrinsic character and beauty of the countryside. Paragraph 109 of the Framework further states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. I am also mindful of the Minister of State for Housing and Planning's affirmation by letter dated 27 March 2015 of the importance of the impact of development upon landscapes outside designated

areas. In this regard, I have noted the public opposition from the local community, and I accept that 'valued' does not necessarily just equate to designated landscapes, and that most open land adjacent to residential areas may have a value to local residents. Nevertheless, I am not persuaded on the evidence that it has features or quality that would place it in the category of being a valued local landscape in the sense intended by the Framework.

32. Although of substantial size, the site is largely enclosed by existing development to the north, east and south and is thereby screened from surrounding sensitive landscapes.
33. The western side of the site is adjacent to open countryside, however, and affords more distant views beyond the appeal site. The appellants identify the potential for lower housing density and planting to the west which would combine to create a filtered edge to the development linking to the adjacent open countryside.
34. Public views beyond the site towards the west may be impeded, but that would remain to be fully considered as part of future layout, design and landscaping proposals. Views from properties in Froghall Lane will change markedly as they will cease to face open land. Nevertheless, Froghall Lane is set at a higher level to the remainder of the site and significant potential is indicated within the Development Framework for green infrastructure integral to the scheme and for retention of existing trees and hedges.
35. Taking the above factors together, I therefore find that the proposed development would not be harmful to the character and appearance of the local countryside, and including its relationship to proposed open space. Accordingly, the development would not be contrary to Policies ENV1 and LRC3 of the Local Plan or to the expectations of the Framework.

Sustainable transport

36. Policy TR1 of the Local Plan requires developments generating additional traffic to incorporate measures commensurate with the scale of additional generation and to ensure that alternative transport options to the private car are available to users of the site. Such measures may include pedestrian links, cycle paths and improvements to the passenger transport network.
37. Policy TR12 of the Local Plan requires, where possible, that new developments include appropriate routes and facilities for cyclists and pedestrians.
38. A core principle of the Framework is to promote sustainable transport. The Framework advises that patterns of growth should be managed to make fullest possible use of public transport, walking and cycling, and focus development in locations which are or can be made sustainable. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
39. Whilst concerns are raised by both the local planning authority and highway authority with regard to the shortcomings of the scheme in relation to sustainable transport, little direct technical evidence has been submitted to substantiate the alleged harm.

40. The appellants have made various technical submissions, including a transport assessment and proposals for a travel plan.
41. In terms of highway capacity, the submitted evidence indicates that the scheme would have no material impact upon the occurrence of accidents but confirms there would be an increase in traffic in the AM and PM peak hours at key local junctions. I also heard evidence from local residents at the hearing regarding existing problems of traffic congestion within the High Street itself. The appellants' evidence shows a traffic increase at nearby junctions but indicates the junctions would be capable of operating in an acceptable manner during the critical peak periods.
42. Nevertheless, it is clear to me that the High Street does suffer significant problems of traffic congestion and the likelihood is that development of the scale proposed would add further highway pressures. Further, I accept there is already a high car dependency within the village, and particularly in relation to links to Stevenage. I find it significant, however, that the High Street benefits from little existing on-street parking control and the scheme is accompanied by a contribution of £40,000 through the Unilateral Undertaking for future measures to improve parking provision in the High Street.
43. In terms of public transport, the site is served by a limited bus service with stops in both Stevenage Road and the High Street. Buses link to Stevenage, and the village is also served by a number of school buses.
44. I consider the site provides a reasonable context for journeys by foot and cycle, but note the dangers arising from local traffic conditions, and the limitations of existing links.
45. Whilst noting the Council's case for an appropriate link to Moors Ley to the south, I find the overall material benefits of such a link for sustainable transport to be relatively limited. There would be some closer proximity to bus stops for some residents, but pedestrian and cycle access to the south would still be available via Aubries.
46. The proposal includes a commitment to a travel plan with accompanying funding, and also £50,000 funding for additional bus services, all of which is supported by the highway authority.
47. The Undertaking also invites me to consider a sustainable transport contribution of either the sum of £100,000 as a contribution towards the cost of a cycleway link between Walkern and Stevenage and/or improvements to public rights of way, or the sum of £10,000 as a contribution towards improvements to public rights of way in the vicinity of the site, or a sum of £30,000 towards public rights of way improvements which may include a pedestrian link to the north-east corner of the site. Walkern is highly dependent upon Stevenage for many services and Stevenage also benefits from a cycleway network to a wider area. Given the potential increase in car use arising from the development, and the accompanying need to promote and support alternative sustainable modes of transport, I find that a £100,000 contribution towards a cycleway link would be a reasonable and necessary provision.
48. Of the three options presented, I find that more significant and more appropriate mitigation as a necessary contribution to sustainable transport

would be yielded by development of a cycleway link between Walkern and Stevenage and I consider the proposal on that basis. Although the cycleway link is part of an option which includes possible extensions to other public rights of way, I see the cycleway as the priority provision. I also note the cycleway link was indicated at the hearing to be the Council's preferred option and that it considers the identified sum would be likely to cover the cost of provision.

49. I acknowledge the development would undoubtedly lead to greater vehicular generation, but that would be significantly offset over time by the mitigation proposed. Whilst I find there would still be some net impact upon the local road network, and particularly in the short term prior to the full effect of the mitigation, I do not consider that the net impact, given the detailed modelling evidence submitted by the appellants and the absence of substantive evidence to the contrary, would in itself be sufficient reason to withhold planning permission in this instance. In particular, the Framework advises that development should only be resisted where the residual cumulative impacts of development would be severe, and I am unable to conclude that would be the case in this instance.
50. I therefore conclude that the proposed development would lead to some additional traffic generation upon local roads but the scheme is accompanied by satisfactory proposals to promote sustainable transport and by other such measures to mitigate the harm arising. Accordingly, on balance, I find the development would not be contrary to Policy TR1 or TR12 of the Local Plan, or to the expectations of the Framework.

Five-year housing land supply

51. The Framework requires the local planning authority to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing relative to its full objectively assessed needs for market and affordable housing.
52. The Council accepts it is unable to demonstrate a five-year supply of housing land. The East Herts Council Authority Monitoring Report 2013-14 of December 2014 identifies a supply of 3.8 years with a 5% buffer and 3.4 years with a 20% buffer based upon a housing target of 750 dwellings per annum.
53. In the absence of a five-year supply of deliverable housing land, it follows, by virtue of paragraphs 47 and 49 of the Framework, that relevant policies in the development plan for the supply of housing are to be considered out-of-date. Further, by virtue of being out-of-date, relevant provisions of the presumption in favour of sustainable development under paragraph 14 of the Framework are also engaged, should the scheme be found to constitute sustainable development.
54. The implications for Policy GBC3, and its possible status as a policy for the supply of housing, are set out in my overall planning balance to follow. The absence of a five-year housing land supply also places a premium upon the housing benefits of the proposed scheme.

Unilateral Undertaking

55. The Unilateral Undertaking makes commitments to various matters to mitigate the impact of the development, including contributions in relation to parking,

sustainable transport, education, health, open space, a play area, a design workshop, a travel plan and in relation to fire and rescue services. The local planning authority and the County have provided evidence of compliance with the relevant provisions set out in Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and this is not disputed. I have also had regard to the Framework, and to the relevant advice of both the government's Planning Practice Guidance (the Guidance), and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published July 2015.

56. The Undertaking also presents a number of options for consideration as part of my decision, and these include the sustainable transport contribution already discussed, and the timings of the education and sustainable transport contributions.
57. I am satisfied with the terms of the commitments in relation to the proposed contributions towards parking, bus services, a travel plan, Walkern Primary School, open space, off-site play and health services.
58. In relation to a sustainable transport contribution, I find option (i) involving a cycle link to the important local centre of Stevenage and/or improvements to public rights of way in the vicinity to be both necessary and reasonable as already discussed. It would serve to promote wider use of sustainable modes of transport by future occupiers and thereby most effectively mitigate the likely impact of additional car-based travel arising from the development.
59. In relation to the timing of the education and sustainable transport contributions, I consider these should be made prior to the commencement of the development so as to afford maximum lead-in time for their provision.
60. I have considered the case for a design workshop contribution of £10,000, but I am unable to conclude this to be either necessary or reasonable. I find it relates to matters which are properly the statutory function of the local planning authority. Whilst I acknowledge the importance of the eventual design of the development, I find no particular justification why such a payment should be required in this instance.
61. The Undertaking includes a commitment to fire hydrants, although the need is disputed by the appellants. I have had regard to Schedule 1 Part B to the Building Regulations 2010, and am not satisfied from the evidence presented that publicly adopted fire hydrants would be otherwise covered in the particular context of the appeal scheme. There would be a need for the availability of a water supply to fight fires associated with the development. This would only arise directly from the development itself, and would not otherwise be available, and I therefore find the Undertaking's contributions to be both necessary and reasonable in that regard.
62. Concerns were raised by the County that the terms of the Undertaking for the purposes of its calculations as they relate to matters arising from proposed housing provision do not adequately address considerations of proposed tenure. Nevertheless, the calculations do reflect the full composition of the development as proposed.

63. The Council confirmed at the hearing that it is satisfied with the form and drafting of the agreement as a deed, which I also find to be generally fit-for-purpose.

64. Accordingly, I take into account the commitments and accompanying terms as outlined above as considerations of my decision.

Affordable housing

65. The development proposes a 40% provision of affordable housing. This is fully compliant with Policy HSG3 of the Local Plan which would otherwise seek up to 40% provision. The Council is also satisfied with the proposed tenure split, and the scheme would make a significant contribution of up to 34 affordable dwellings in the context of the Council's SHMA which identifies an affordable need of some 9,100 dwellings in the period 2011-2033.

66. I am concerned, however, that the appellants do not propose to provide a planning obligation in relation to affordable housing, given the scale of proposed provision and the implications of its delivery, including possible involvement of a Registered Provider. In such circumstances as these, I do not consider a planning condition to provide the most robust or effective means of delivery.

67. The Guidance states that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. It states that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed. This encourages the parties to finalise the planning obligation or other agreement in a timely manner and is important in the interests of maintaining transparency.

68. The Guidance further advises that, in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. No such case has been made in this instance.

69. Whilst the Council acknowledges its use of conditions for such purposes in smaller scale developments, it would prefer a planning obligation to be available given the significance of the scheme and the need to address such matters as transfer arrangements. The Council's Affordable Housing and Lifetime Homes Supplementary Planning Document, January 2008 also makes clear that section 106 agreements should be used in most cases to secure affordable housing in preference to a condition. It identifies an agreement to be a more effective means of delivery, explaining that the matters involved are usually too complex for a condition.

70. Nevertheless, it is possible, in principle, for affordable housing to be secured by way of a planning condition, and evidence has been provided of such arrangement at a similar appeal. I consider this matter further as part of my overall planning balance to follow.

Other Matters

71. I have carefully considered all other matters raised, both at the hearing and in written submissions.
72. There is a concern from local residents that, if growth is to be accommodated, it should not be focussed upon a single site, but there is no spatial policy in place to distribute development across the village in such a way.
73. I have noted details of pre-application discussions between the main parties, and public consultations undertaken by the appellants prior to submission.
74. I note that the development has been assessed by the authority as not to involve Environmental Impact Assessment development.
75. The appellants' Ecological Appraisal includes a number of surveys and does not identify the site to be of particular overall significance, and little evidence is otherwise available to that effect. The scheme proposes retention of mature trees and hedges where possible and the detailed design of the scheme, through planting and provision of green open spaces, would seek to provide ecological benefits in accordance with the expectations of the Framework.
76. Given its proposed location, the development does not have any heritage implications for either listed buildings or for Walkern Conservation Area. The appeal site adjoins post-war edges of Walkern and this is an outline application with all matters of appearance and landscaping reserved for subsequent approval should the appeal be allowed.
77. I have also had regard to all other sites and planning decisions as referred to in the submitted evidence, and to related matters raised. This includes reference to a 1973 appeal decision at the site, and to a recent appeal decision for a housing development at Braughing. Notwithstanding any similarities and the importance of consistency in decision-making, the planning circumstances of any individual site and of any proposed scheme will be different to others, and each proposal and site must be considered with reference to its own particular merits.
78. A letter was also sent to the local planning authority from a third party post-event and which has been forwarded to me. Whilst I have noted the content, particularly related to matters of land ownership and to the District Plan, this does not affect the evidence I heard at the event and has not been a determining factor of my decision.
79. I have had regard to all other concerns raised, both at the hearing and in written evidence, and including references to neighbourhood planning. These have not been raised as objections by the Council and I have little reason to conclude that such matters represent grounds to preclude development.

Sustainable development

80. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
81. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole. At the heart of the Framework in paragraph 14 is a presumption in

favour of sustainable development. The Framework further identifies economic, social and environmental dimensions to sustainable development.

82. The scheme would undoubtedly provide significant housing benefits, in terms of both affordable and market provision, and such benefits would be consistent with the social dimension of sustainable development. The investment represented by the development would also be consistent with the economic dimension. The undisputed economic benefits would include investment in construction and related employment for its duration. Benefits would also include an increase in local household spending and demand for services, and the financial contributions to the Council through New Homes Bonus payments.
83. In environmental terms, the scheme would incur loss of an open field and some public views across the site. Nevertheless, as already described, the intrinsic environmental qualities of the field are limited and it should be possible as part of the eventual layout for some public views to be safeguarded, particularly towards the open land towards the west. Further, the illustrative Development Framework indicates significant potential for green infrastructure, including open space and landscape buffers. Detailed arrangements, once agreed, would also be in place to mitigate flood risk. On balance, I find the environmental implications of the development would be reasonably sustainable.
84. Further, Walkern is identified by the development plan as a settlement for growth and, in principle, the location is recognised as a sustainable one.
85. I therefore conclude, having regard to the expectations of the Framework as a whole, that the proposed scheme would be sustainable development. Accordingly, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is engaged, and this has two possible implications. Firstly, unless material considerations indicate otherwise, paragraph 14 makes a presumption in favour of approving proposals that accord with the development plan without delay. Secondly, it states that, where the development plan is absent, silent or relevant policies are out-of-date, planning 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.

Overall Planning Balance

86. Policy GBC3 seeks to impose a general restriction on development, including housing, outside defined limits. It thereby acts as a constraint to future housing supply by presuming against housing development outside development boundaries. As the Council is unable to demonstrate a five-year supply of housing land, it follows that, for the purposes of paragraph 49 of the Framework, Policy GBC3 is to be considered out-of-date.
87. The scheme would occupy existing countryside, would incur some loss of views and would add to vehicle generation in the vicinity of the site. Nevertheless, the development would be accompanied by commitments to mitigate, including sustainable transport measures, which I consider to be both effective and reasonable.
88. Weighed against the sum of the harm, I am satisfied the scheme would constitute sustainable development with significant economic, social and environmental benefits as described.

89. Of particular weight would be up to 85 new homes in a District which is unable to demonstrate a five-year housing land supply. The associated affordable housing benefits would also be significant and would amount to 40% of the dwellings.
90. I consider the scheme would give rise to environmental benefits through an emphasis upon green infrastructure, and particularly along its boundaries in key relationships to adjacent sites, and would include improvements to drainage infrastructure.
91. I share the Council's concerns, however, that the affordable housing benefits would not be delivered through the robustness of a planning obligation, and note the advice of the Guidance in this regard. Whilst not preferable, a planning condition could still, in principle, deliver. Given the Council's absence of a five-year housing land supply, its acknowledged need for affordable housing, the early delivery proposed, and the full 40% allocation proposed, I find that the particular circumstances of the scheme, in terms of the affordable housing benefits, to be sufficiently exceptional to justify use of a condition in this instance. I also do not find my concerns in that regard out-weigh the significant benefits of the development otherwise arising.
92. I therefore find, on balance, that the adverse impacts of the scheme would not significantly and demonstrably out-weigh the benefits, when assessed against the policies in the Framework taken as a whole, and with regard to the development plan as a whole.

Conditions

93. I have considered the conditions put forward by both main parties to the hearing. In assessing such matters, I have regard to the advice set out in both the Guidance and in the Framework in terms of both the need for individual conditions and of appropriate wording, and to the relevant representations of third parties.
94. For the avoidance of doubt and in the interests of proper planning, a condition is imposed to ensure the development is undertaken in accordance with the relevant drawings.
95. Given the Council's pressing need for further housing, the period for submission of reserved matters is an agreed 18 months, with commencement on site within 12 months of the final approval.
96. Whilst all matters other than access remain reserved for further approval, it is necessary for the outline permission to define the maximum capacity of development. In accordance with the appellants' revised submission, the capacity is set at a maximum of 85 dwellings.
97. Although the submitted drawings to be approved set out general principles of the access, full details of its design remain to be submitted and are required for approval by the local planning authority.
98. It is necessary to protect the living conditions of future occupiers of both the development and existing and future occupiers of adjacent properties in connection with drainage and flooding by ensuring that appropriate measures are agreed and put in place as part of the development. A related condition

- also precludes development within the south-west portion of the site affected by extreme flooding. A condition also requires a scheme of sewage disposal.
99. In order to make an appropriate contribution to addressing local housing need, a condition makes arrangements for delivery of affordable housing.
100. To contribute to a sustainable development, a green travel plan is required. A detailed plan of measures based upon the proposed ecological enhancements identified in the appellants' Ecological Appraisal is also necessary. A condition also safeguards any archaeological value of the site by way of a programme of investigative works.
101. It is necessary to protect the living conditions of future occupiers of the development by ensuring that appropriate arrangements are made for identification and treatment of any on-site contamination.
102. It is also necessary to safeguard the future environment of the site by ensuring measures are in place both to retain and to protect existing trees and hedges.
103. To protect the living conditions of neighbouring occupiers during construction, it is necessary to limit the hours of construction works, and to have in place a Construction Method Statement for the duration of the works. This also includes arrangements for waste management.
104. The Council has suggested inclusion of indicative drawings prepared by Tibbalds as part of the approved details. These matters do not form part of the application and have not been subject to necessary publicity as part of that process. They relate to future matters which would remain to be approved, and I see no reason why a permission should need to make such reference at this time. I also note the objections raised to their content by interested third parties at the hearing, and the hitherto absence of formal consultation.
105. Similarly, the appellants have suggested inclusion of a condition referring to their illustrative Development Framework plan as setting parameters for future submissions. This application relates to the principle of the development and to access, and other reserved matters, including layout and landscaping, remain to be formally considered. Objections have also been raised by the Council and other parties to the content of this plan. I find it would therefore be equally inappropriate to introduce such matters in this way, and could prejudice the interest of other parties.
106. The appellants also suggest reference could be variously made to future landscaping, provision of open space and to detailed matters of internal roads and associated layout. These are not matters which formally comprise part of the application and such conditions could fetter their future consideration.
107. The appellants also request reference to a scheme of works to Froghall Lane agreed with Hertfordshire County Council as highway authority and set out in submitted drawing 1370/10. The local planning authority, however, has concerns towards the scheme and suggests a broader condition to enable the details to be further considered, particularly in light of third party objections. A condition to this effect is included. The Council suggests this be extended to include works within the main High Street but such matters would lie well beyond the confines of the application site and any relevant matters relating to the High Street are instead addressed through the Unilateral Undertaking.

108. A condition has also been proposed for works to upgrade local bus stops. Such works would again lie well beyond the application site and would relate to matters not within the control of the appellants. Accordingly, I find such a condition to be unreasonable.
109. The Council has also suggested a condition requiring full details of connecting footway and cycleway routes, including landscaping implications, from Moors Ley via the garage court adjacent to No 70 Moors Ley, and via the land to the north east of the site which links to Froghall Lane. For the reasons already discussed, I do not consider it would be either necessary or reasonable for such links to be a requirement of a permission, particularly in light of third party constraints relating to land ownership beyond the control of the appellants.

Conclusion

110. At the heart of the Framework is a presumption in favour of sustainable development. I find the proposed scheme would accord with that expectation having regard to the development plan and to the Framework as a whole.
111. For the above reasons, and with regard to all other matters raised, I conclude the appeal should be allowed.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and be approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission.
3. The development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings: Site Location Plan: 5578-L-03 Rev; and Proposed Site Access Arrangements Ref: 1370/05A.
5. No more than 85 dwellings shall be developed within the site.
6. Prior to the commencement of any development, full design details of the proposed access into the site based upon the drawings hereby approved, and including all associated works and proposed materials, shall be submitted to and be approved in writing by the local planning authority. The development shall be undertaken in accordance with the details as approved and the access shall be completed prior to the first occupation of any dwelling.
7. No development shall take place until full details of a scheme of sustainable surface water drainage has been submitted to and been approved in writing by the local planning authority, and the scheme shall be implemented in full accordance with such details and in full accordance with an accompanying programme as approved. Before any scheme details are submitted for approval to the local planning authority, a full and detailed assessment shall be carried out of the potential for disposing of surface and other water, having regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version) and all other relevant guidance, and including with regard to run-off rates and all relevant flow routes, to critical storm events, and with regard to all other necessary factors relevant to flood risk. The full results of this assessment shall be made available to the local planning authority. Details of the sustainable drainage scheme and associated measures to address these matters shall include information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, arrangements for on-site flood water storage, the measures to be taken to prevent pollution of the receiving groundwater and/or surface waters, and allowances for climate change. Details shall also include a timetable for implementation, and shall provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme as may be necessary throughout its lifetime.

8. The layout shall not include any built development within the south-west portion of the site affected by a 1 in 100 year surface water flood as shown on Enzygo plan reference SHF.1132.045.HY.D.004.2 dated November 2015.
9. No development shall take place until full details of a scheme for sewage and foul water drainage have been submitted to and been approved in writing by the local planning authority, and the works shall be implemented in accordance with the approved details and an agreed programme.
10. No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and been approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
 - a. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units
 - b. a tenure split of 75% affordable rent and 25% shared equity
 - c. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
 - d. the arrangements for the transfer of the affordable housing to an affordable housing provider or such other arrangements for the management of the affordable housing if no Registered Social Landlord is involved
 - e. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing
 - f. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

11. No development shall take place until a site investigation of the nature and extent of any contamination has been carried out in accordance with a methodology which has previously been submitted to and been approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and be approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and in accordance with an agreed programme. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and be approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures in accordance with details and a programme of works to be approved in writing by the local planning authority.

12. Prior to the commencement of any development, a programme of archaeological work shall be submitted to and be approved in writing by the local planning authority. The development shall be carried out in accordance with the details of the scheme as agreed and in accordance with an agreed timetable.
13. Prior to the occupation of any dwelling, a green travel plan shall be submitted to and be approved in writing by the local planning authority and the development shall be undertaken in accordance with the details as approved.
14. Prior to the commencement of any development, a detailed plan of implementation based upon the proposed ecological enhancements identified in the appellants' Ecological Appraisal shall be submitted to and be approved in writing by the local planning authority and the development shall be undertaken in accordance with the details and a programme of works as approved.
15. No site works, including the operation of all plant or machinery in connection with all demolition, preparation and all other works, shall be undertaken outside the hours of 07:30 and 18:30 Mondays to Fridays and 07:30 to 13:00 on Saturdays, and not at all on Sundays or Bank Holidays.
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and been approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a. the programme and phasing of works
 - b. the parking of vehicles of site operatives and visitors
 - 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 hoardings, including decorative displays and facilities for public viewing where appropriate
 - f. wheel washing facilities
 - g. measures to control the emission of dust and dirt during construction
 - h. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. construction vehicle routing and access
 - j. measures for safeguarding pedestrian safety in the vicinity of the site
 - k. a scheme to control noise during the construction phase.
17. All existing trees and hedges shall be retained unless otherwise approved in writing by the local planning authority.
18. Prior to the commencement of any development, a scheme for the protection of all existing trees and hedges for the duration of the works shall be submitted to and be approved in writing by the local planning authority

and the development shall be undertaken in accordance with the details as approved.

19. No dwellings shall be occupied unless and until full details of a scheme for enhanced pedestrian access along Froghall Lane have been submitted to and been approved in writing by the local planning authority, and the works shall be undertaken in accordance with the details as approved and in accordance with an agreed programme.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Tim Hagyard	Development Team Manager and case officer
Isabelle Haddow	Senior Planning Officer, Policy

FOR THE APPELLANT:

Chris Still	Gladman Developments Ltd
Tim Jackson	Fpcr
Simon Helme	Ashley Helme Associates
Duncan Hartley	Rural Solutions
Jonathan Easton	Counsel
Dr Paul Hardwick	Water Sciences, Enzygo Ltd

FOR HERTFORDSHIRE COUNTY COUNCIL:

Alexandra Stevens	Hertfordshire County Council (Planning Obligations Officer)
Oliver Sowerby	Hertfordshire County Council (Highways)
John Rumble	Hertfordshire County Council (Environmental Resource Planning)

OTHER INTERESTED PERSONS:

Steve Jenner	Chair, Walkern Parish Council
Chris O'Brien	Walkern Neighbourhood Planning Group and Walkern Action
Michele Rist	Walkern Neighbourhood Planning Group
Jaqueline Veater	Planning consultant to third parties

DOCUMENTS SUBMITTED TO THE HEARING:

By the Council:

1. Note referring to section 106 Obligations and CIL Compliance
2. Hearing notification letters dated 7 August and 22 October 2015
3. Planning application notification letter dated 24 April 2015
4. East Herts Council Response to Costs Application
5. Letter from the Planning Inspectorate dated 21 February 2007 relating to East Hertfordshire Local Plan Inspector's Report
6. Policy OSV1 of East Herts Local Plan Second Review April 2007
7. East Herts Draft District Plan (Preferred Options) January 2014 North West Quadrant
8. East Hertfordshire Local Plan Second Review April 2007 North West Quadrant Sheet A
9. East Herts Council Authority Monitoring Report 2013-14 December 2014
10. East Herts Draft District Plan Preferred Options Consultation January 2014
11. Email from Tom Goldsmith to Tim Hagyard dated 20 November 2015
12. Section 3. Housing of East Herts Local Plan Second Review April 2007
13. Section 18. Housing of East Herts Local Plan Second Review April 2007
14. Suggestions for amended Council conditions submitted on 15 December 2015
15. Tibbalds Development Concept plans dated September 2015
16. Affordable Housing and Lifetime Homes Supplementary Planning Document dated January 2008
17. Planning Obligations Supplementary Planning Document dated October 2008
18. Comments in relation to possible planning condition for affordable housing dated 30 December 2015

By the appellant:

19. Flood Risk and Drainage Statement
20. Reply on behalf of the appellants (costs) dated 17 November 2015
21. Email from Tim Hagyard dated 12 August 2015
22. Proposed modifications to pages 6 and 7 of draft Unilateral Undertaking
23. Schedule 1 Part B of the Building Regulations 2010
24. Suggested list of conditions 1 – 22
25. Plan of adopted public highways

- 26. Response to amended Council conditions submitted on 15 December 2015
- 27. Comments in relation to possible planning condition for affordable housing dated 23 December 2015
- 28. Unilateral Undertaking dated 15 December 2015

Jointly by the Council and the appellant:

- 29. Statement of Common Ground dated November 2015

By Hertfordshire County Council:

- 30. Statement in support of planning obligations sought towards Hertfordshire County Council Services (Property Services)
- 31. Email from Alexandra Stevens, Planning Obligations Officer, Hertfordshire County Council dated 14 December 2015
- 32. Secretary of State decisions dated 11 August 2015 relating to appeals at Sewell Park, St. Albans (Refs: APP/B1930/A/12/2180486 and APP/B1930/A/13/2201728)
- 33. Letter from Chief Legal Officer dated 15 July 2011
- 34. Planning obligations guidance - toolkit for Hertfordshire, January 2008, Hertfordshire County Council

By other third parties:

- 35. Joint statement of Walkern Parish Council, Walkern Parish Neighbourhood Plan Group and Walkern Action

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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/2216/OUT
Proposal	Outline application for 27 no. dwellings
Location	Land west of High Road, High Cross
Applicant	Caddick or c/o agent
Parish	Thundridge CP
Ward	Thundridge and Standon

Date of Registration of Application	27 September 2017
Target Determination Date	02 February 2018
Reason for Committee Report	Major application
Case Officer	David Snell

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The application proposes a development of 27 dwellings on land to the west of High Road.
- 1.2 The site lies outside the designated village boundary of High Cross within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relate to the balance between the beneficial aspects of the provision of housing and affordable housing weighed against any negative aspects arising from the development.
- 1.4 In environmental terms the proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited.

- 1.5 The site is well related to the village core and although future residents would be reliant on private transport High Cross is relatively close to the main settlements of Ware and Hertford and the primary highway network.
- 1.6 Overall, it is therefore considered that the location of the development is sustainable.

2.0 Site Description

- 2.1 The site lies to the immediate west of High Road and comprises flat uncultivated agricultural land laid to grass.

3.0 Planning History

There is no planning history relating to the application site. However, the following local planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/17/0251/FUL	Erection of 20 dwellings with associated parking, landscaping and access – Land at North Drive, High Cross	Refused Appeal lodged	June 2017 Decision pending
3/13/2223/FP	High Road and rear of North Drive, High Cross. Demolition of The Bungalow, The Stables and Hazelwood Farm and the erection of 57 residential units together with access	Granted	November 2014

4.0 **Main 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 (DP) and the adopted East Herts Local Plan 2007 (LP). The Thundridge Neighbourhood Plan has reached the stage area designation agreed in September 2017.

Main Issue	NPPF	LP policy	DP policy
The principle of the development including housing land supply and sustainability	Section 2 Para 14	SD1 SD2 GBC2 GBC3 OSV1	INT1 GBR2 VILL2
Layout and design	Sections 6 and 7	ENV1 ENV2	HOU2 DES2 DES3
Landscape impact	Section 11	GBC14	DES1
Housing and affordable housing	Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3
Flood risk	Section 10	ENV21	WAT5
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority do not wish to restrict the grant of planning permission, subject to conditions. They consider that the footpath on the west side of the High Road should be widened to 2.0m and that a pedestrian crossing point should be provided.
- 5.2 Lead Local Flood Authority comments that the drainage strategy is acceptable and that the proposed development is acceptable subject to conditions.
- 5.3 EHDC Conservation and Urban Design Advisor considers that a single point of access does not provide a permeable site layout and that multiple access points should be provided with buildings orientated towards the street. The application is submitted in outline and does not evidence that the site can support 27 dwellings in an acceptable layout.
- 5.4 EHDC Landscape Advisor considers that the proposed development gives rise to minor adverse landscape effects. The site is a logical extension of the existing settlement edge and mirrors the existing development along the opposite side of the highway. The site is well contained. The development results in the removal of some existing roadside hedgerow, however, its loss is compensated for with new hedgerow and tree planting that will benefit biodiversity. Overall the area from which there are actual public views of the proposed development is relatively well contained due to the screening effect of the existing settlement, and the screening effect of the intervening vegetation and sloping landform to the north and west. Views are fundamentally changed due to the introduction of a new housing development within a previously open field. However, providing that the proposed development is of a high quality design and materials, with robust integrated landscape measures, on balance this fundamental change is not deemed unacceptable in principle.
- 5.5 Herts Archaeology comments that the development is likely to impact on heritage assets with archaeological interest and

recommend a condition requiring a programme of archaeological work.

- 5.6 Natural England do not wish to comment.
- 5.7 HCC Development Services request a financial planning obligation towards improvements to Ware Library.
- 5.8 EHDC Environmental Health Advisor comments that the site is close to a working farm and the application does not assess the impact of noise from the farm or land contamination.
- 5.9 EHDC Operational Services advise as to the refuse and recycling requirements for the proposed development.
- 5.10 Herts Police Crime Prevention Advisor does not wish to comment at this stage.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town/Parish Council Representations

- 6.1 Thundridge Parish Council objects to the proposal for the following reasons:
 - Inappropriate development in the Rural Area Beyond The Green Belt – outside of the Parish Boundary.
 - Highway safety concerns, including the proximity of the proposed junction to the High Road chicanes and proximity of the proposed junction to the school.
 - The development is unsustainable in High Cross. High Cross is currently classified as a Category 1 (relatively sustainable village) under Policy OSV1 (2007 Local Plan). The subsequent re-evaluation of the sustainability of the village, which has resulted in it being downgraded to a Group 2 village under

Policy VILL2 (District Plan 2011-2033) implies that it is only suitable for limited infill development.

- Cumulative impact on a (pending) Group 2 village must be taken into account from a sustainability perspective. The village has already undergone a recent expansion of 62 houses (including Canterbury Park) with other applications under review for 20 further houses along with this further 27. Whether considered against current or emerging policy, that amounts to more than 100 additional proposed / built dwellings.
- The proposed development would result in ribbon development along High Road, with significant damage to the openness of the countryside and impact on the character of the village and the setting of St. John's Church.
- Not satisfied that sufficient work has been undertaken to ensure that the ditch improvements and additional hard standing will not result in potential flooding implication in the downstream (off site).
- The development as planned will produce an 'Estate Style' development which is inappropriate and not in keeping with the preferred development style arising from the emerging neighbourhood plan.

7.0 Summary of Other Representations

7.1 8 responses have been received, including responses from The Campaign to Protect Rural England (CPRE) and the Herts & Middlesex Wildlife Trust (H&MWT) objecting to the proposals on the following grounds:

- Impact on traffic generation and highway safety
- Potential for flooding

- Noise and disturbance
- Layout and density is inappropriate and it would destroy an important gap in the village
- Unsustainable development - limited bus services and lack of amenities and service

7.2 The CPRE consider that the proposal is contrary to Local Plan Policy and that it represents inappropriate development in the Rural Area that would damage the countryside and views.

7.3 The H&MWT consider that the application needs to demonstrate no net loss to biodiversity and appropriate mitigation measures.

7.4 Three responses have been received supporting the proposals on the following grounds:

- If High Cross has to have more houses this the obvious place to put them
- The site has good access
- The proposal would not upset many residents
- A school governor supports the proposal for additional housing because there is a need for additional pupil numbers to support the continued viability of the school

7.5 One response was received stating that clearly new housing development needs to be approved and the proposal could be supported if the Glebe Field proposal is rejected.

8.0 Consideration of Issues

Principle

8.1 High Cross is designated as a Category 1 Village in the adopted Local Plan wherein limited small scale housing development would be permitted. The Plan indicates that whilst there is no absolute definition *limited small scale development* would typically comprise

up to 15 dwellings, occasionally more, but rarely more than 30. However, the site lies outside the settlement boundary of High Cross and within the Rural Area beyond the Green Belt wherein policy GBC3 of the current Local Plan states that permission will not normally be granted for residential development. Therefore in respect of the 2007 Local Plan, the proposals represent inappropriate development in principle.

- 8.2 Notwithstanding, the above policy position the current Local Plan is time expired and is not compliant with the NPPF with regard to policies relating to the supply of housing.
- 8.3 Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means that “where the development plan is absent, silent, or relevant policies are out of date”, planning 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 specific policies in the Framework that indicate development should be restricted.”
- 8.4 The Council acknowledges that it currently has less than the required 5 year housing land requirement set out in the NPPF. The provision of 27 dwellings will make a meaningful additional contribution to the Council’s housing supply that carries positive weight.

Layout and design

- 8.5 The application is submitted in outline with all matters apart from access reserved for later consideration.
- 8.6 The density of the proposed development is reflective of the village setting and a substantive level of open space is proposed at the southern end of the site.
- 8.7 The comments of the Conservation and Urban Design Advisor are noted. However, the layout plan is indicative at this stage and it indicates that a good proportion of the frontage of the site would

accommodate dwellings facing High Road. The remainder would accommodate open space in the form of a village green. The site is situated between the width restriction barriers on High Road aimed at controlling vehicle speed through the village and it is opposite the school entrance. It is considered that the provision of further access points along this part of the highway, as suggested by the Conservation and Urban Design Advisor may compromise highway safety. It is further considered that this would also result in the loss of additional existing hedgerow.

- 8.8 The indicative layout has been amended to provide improved pedestrian linkages with the High Road frontage.

Landscape impact

The proposed development gives rise to minor adverse landscape effects. It is considered that the site is a logical extension of the existing settlement edge and mirrors the existing development along the opposite side of the highway. The site is well contained. The development results in the removal of some existing roadside hedgerow, however, its loss can be compensated for with new hedgerow and tree planting that will benefit biodiversity.

- 8.9 Overall the area from which there are actual public views of the proposed development is relatively well contained due to the screening effect of the existing settlement, and the screening effect of the intervening vegetation and sloping landform to the north and west. Views are fundamentally changed due to the introduction of a new housing development within a previously open field. However, providing that the proposed development is of a high quality design and materials, with robust integrated landscape measures the harm to the rural landscape is not considered to be significant.
- 8.10 These matters can be addressed by conditions and the resulting harm to the rural landscape should therefore attract some limited negative weight.

Housing and affordable housing

- 8.11 The application proposes 27 dwellings of which 40% would be affordable homes. This amounts to a positive aspect of the proposal which carries significant weight.

Highways and parking

- 8.12 The Highway Authority advise that the proposed access arrangements are satisfactory. The application is submitted in outline and the layout, including parking arrangements are reserved for later consideration, however, officers are satisfied that the proposal can accommodate parking to the level required by policy.
- 8.13 The Authority seeks the widening of the substandard footway on the west side of High Road and the provision of a tactile crossing point as this will be the pedestrian route to the school and shop at the petrol station.

Flood Risk

- 8.14 The site is situated within Flood Zone 1. The Lead Local Flood Risk Authority are satisfied that the submitted drainage is satisfactory subject to a condition to address detailed design.

Archaeology

- 8.15 The southern part of the proposed development is located within an Area of Archaeological Significance. The site lies adjacent to the main Roman highway from London to York and in proximity to the core of the historic village. The site has significant archaeological potential and a condition is recommended to require a programme of archaeological work.

9.0 Planning Obligations

- 9.1 HCC have requested a financial planning obligation towards improvements to Ware Library.

- 9.2 In this case the application is submitted in outline. The indicative layout shows provision of on-site open space that would meet the required standard and the Planning Obligations SPD and as such an open space contribution would not be required. However, the layout is indicative and S.106 financial contributions in accordance with Table 8 of the SPD should be included in the Legal Agreement. This would be subject to variation dependent on open space provision forthcoming in the reserve matters application. Arrangements for ongoing maintenance of any open space will also need to be included in the agreement.
- 9.3 The widening of the footpath on the west side of High Road and provision of a crossing point requested by the Highway Authority is the subject of a condition and will also be secured by a S.278 Highways Act Agreement.

Planning Balance and Conclusion

- 9.4 In terms of economic sustainability the development would offer short term employment during the construction period and support for local services.
- 9.5 In social terms the provision of housing and affordable housing are beneficial aspects of the development that should be afforded significant positive weight.
- 9.6 In environmental terms the proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited. It is acknowledged that local services are limited and that residents would be reliant on private car to transport to access services, employment and main shopping. However, the site is relatively close to the settlements of Ware and Hertford and there is good access to the primary highway network.
- 9.7 The site is well related to the core of the village.

- 9.8 It is therefore considered that the proposal should be regarded as a sustainable form of development.
- 9.9 Overall, notwithstanding that the site lies outside the village boundary it is considered that the adverse impacts of the proposal do not outweigh the benefits.

RECOMMENDATION

That outline planning permission be **GRANTED**, subject to the conditions set out below and the satisfactory conclusion of a legal agreement to secure the following:

Legal Agreement

- The provision of 40% affordable in a mix of 75% social rent and 25% shared ownership;
- A financial contribution of £4,792.00 towards improvements to Ware Library.
- Financial contributions towards open space, outdoor sports, amenity green space, provision for children and young people in accordance with table 8 of the East Herts Planning Obligations SPG 2008 (subject to on site provision of open space);
- Arrangements for the ongoing management and maintenance of open space;
- A financial contribution to Community Centres/Village Halls in accordance with Table 11 of the East Herts Planning Obligations SPG 2008.

Conditions

1. Outline permission time limit (1T03)

2. Details of the appearance, landscaping and layout (hereinafter called the 'reserved matters') of the development 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 provision of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. Approved plans (2E103)
4. Contaminated land survey and remediation (2E33)
5. Programme of archaeological work (2E02)
6. Prior to the commencement of development, a detailed surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be based on the submitted Flood Risk Assessment carried out by Richard Jackson Engineering Consultants reference 47785 Issue A dated September 2017. The surface water drainage scheme shall include:-
 - Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed 5l/s and not increase risk of flooding off-site;
 - Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event providing a minimum of 315m² (or such storage volume agreed with the LLFA) of total storage volume;
 - Implementing the appropriate drainage strategy based on attenuation and discharge to watercourse, using appropriate SuDS measures such as permeable paving and detention basin as indicated on drainage drawing 47785/P/001A Rev A.
 - Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and

- outlet features including any connecting pipe runs and all corresponding calculations;
- Details for the management of overland flow route up to 1 in 100 year + climate change critical storm on adjacent fields; including detailed hydraulic modelling of flow and works to existing ditch;
- Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to the occupation of the residential units hereby permitted, and subsequently maintained 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 of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users.

7. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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:
 - Phasing for the development of the site, including all highway works;
 - Methods for accessing the site, including construction vehicle numbers and routing;
 - Location and details of wheel washing facilities;
 - Associated parking areas and storage of materials clear of the public highway.

Reason: To ensure the impact of construction vehicles on the local road network is minimised.

8. Prior to commencement of the development the new access serving the development shall be completed and constructed to the specification of the Highway Authority. The access works shall include the provision of visibility splays of 2.4 metres x 90 metres in both directions. The splays shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2 metres above carriageway level.

Reason: In the interests of highway safety.

9. Prior to first occupation of the development a triangular vision splay onto the footway shall be provided on each side of the access and shall measure 2.0m along the fence, wall, hedge or other definition of the front boundary of the site, and 2.0m measured into the site at right angles to the same line along the side of the access. The vision splays shall be maintained free of obstruction to visibility exceeding a height of 600mm above footway level.

Reason: In the interests of highway and pedestrian safety.

10. Before the development hereby approved is first occupied all on-site vehicle service areas shall be accessible, marked out and surfaced. Arrangements shall be made for surface water from the site to be intercepted and disposed of so that it does not discharge onto the highway.

Reason: In the interests of highway safety.

11. Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall be carried out in accordance with the CMP. The CMP shall include details of:

- Phasing of the development;
- Method of accessing the site, including vehicle numbers and routing;
- Location and details of wheel washing facilities;

- Details of parking, storage and office areas

Reason: To minimise the impact of construction on the public highway.

12. Prior to the commencement of development details of the widening of the existing footpath on the west side of High Road from Eydon Nook in the south to the priority traffic restriction in the north to 2.0m in width, to include a pedestrian crossing point shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation of the development.

Reason: Interests of pedestrian safety.

13. Lighting details (2E27)
14. Landscape works implementation (4P13)

Informatives

1. Other legislation (01OL)
2. Street naming and numbering (19SN)
3. Highway works (06FC2)

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	20.1 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	Mix unknown
	3	outline application
Number of new house units	1	
	2	
	3	
	4+	
Total		27

Affordable Housing

Number of units	Percentage
11	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	2.25	
4+	3.00	
Total required		
Proposed provision	Unknown outline application	Unknown outline application

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	
Total required		
Accessibility reduction		
Resulting requirement		
Proposed provision	Unknown outline application	Unknown outline application

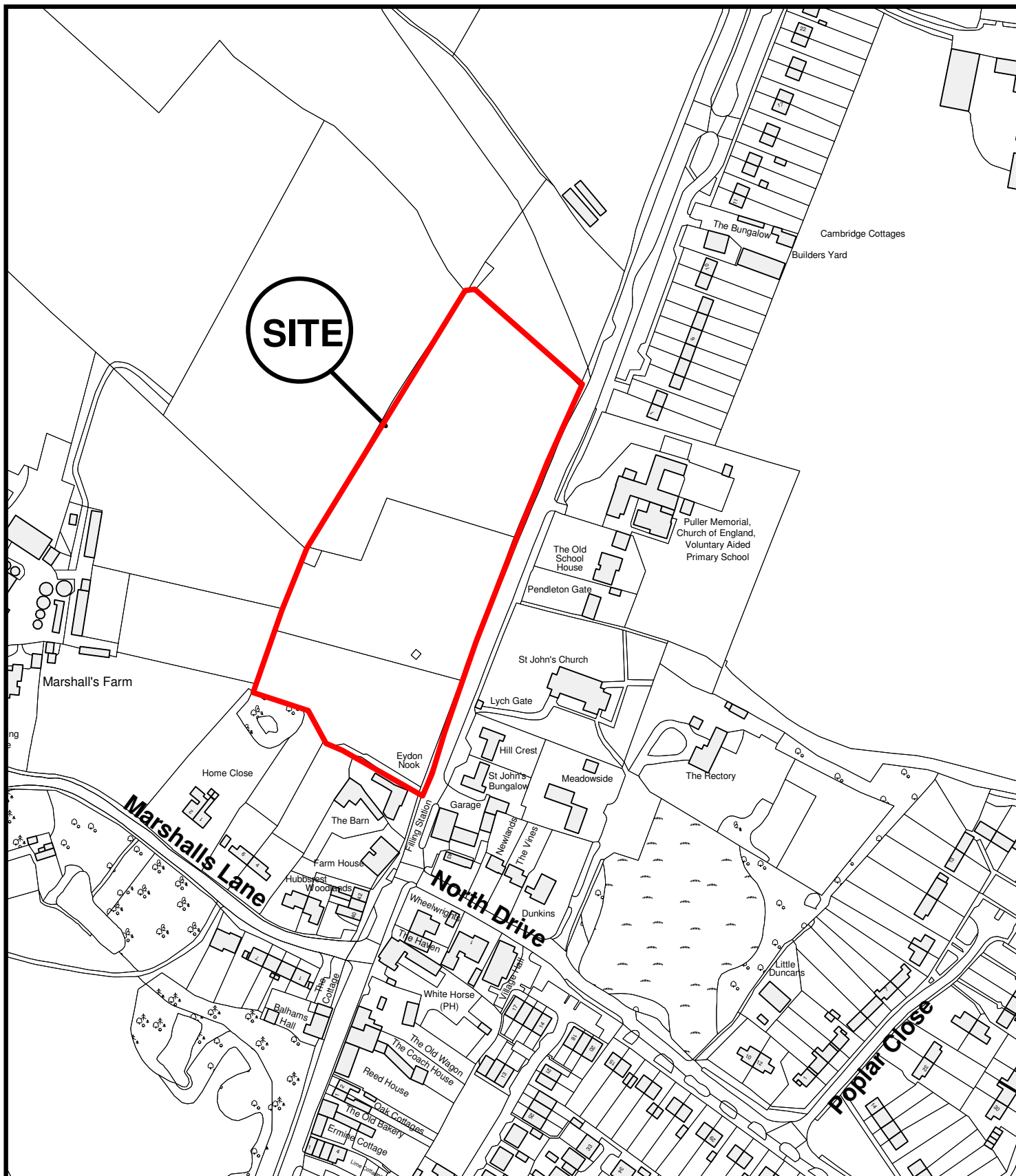
Legal Agreement – financial obligations

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

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	40%	
Parks and Public Gardens	In accordance with table 8 of SPD		
Outdoor Sports facilities	In accordance with table 8 of SPD		
Amenity Green Space	In accordance with table 8 of SPD		
Provision for	In accordance with		

children and young people	table 8 of SPD		
Maintenance contribution - Parks and public gardens			
Maintenance contribution - Outdoor Sports facilities			
Maintenance contribution - Amenity Green Space			
Maintenance contribution - Provision for children and young people			
Community Centres and Village Halls	In accordance with table 11 of SPD		

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DEVELOPMENT MANAGEMENT COMMITTEE - 31 JANUARY 2018

Application Number	3/17/2052/FUL
Proposal	Demolition of existing buildings and erection of a part four, part five storey building comprising seven commercial units (one double) in a mix of A1(retail), A3 (restaurants/café) and (A5) hot food takeaway uses and 32 residential units, together with associated access parking and landscaping.
Location	4-18 Amwell End, Ware
Applicant	Omega Land Holdings, Grace House, Petersfield Avenue, Slough, SL2 5EA
Parish	Ware
Ward	Ware - Chadwell

Date of Registration of Application	4 September 2017
Target Determination Date	2 February 2018
Reason for Committee Report	Major planning application
Case Officer	David Snell

RECOMMENDATION

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

1.0 Summary

1.1 The proposal is for the redevelopment of a site situated within Ware town centre by the erection of a building providing 32 residential units and 7 ground floor commercial units. The main issues for consideration are:

- The principle of the development
- Design, layout and heritage impact
- Housing and affordable housing provision
- Flood risk and surface water drainage

1.2 The application proposes the provision of housing and a mix of commercial uses appropriate to the town centre location of the site and primary retail frontage designation.

1.3 The proposed building is of good quality modern design that will serve to positively enhance this part of Ware Conservation Area and the town centre.

- 1.4 The housing mix of studios, one bed apartments and two bed apartments is appropriate to the town centre location of the site. No affordable housing provision is proposed. A Viability Appraisal has been submitted to justify the lack of provision. The appraisal has been reviewed and it has been found to be robust.
- 1.5 Car parking provision is limited to 20 spaces due to the restricted nature of the site. The site lies in a highly accessible town centre location and a short walking distance from train and bus services. The parking provision is in accordance with the emerging standards for the Accessibility Zone 2 and secure cycle storage is proposed.
- 1.6 The surface water drainage proposals are satisfactory and high level Sustainable Urban Drainage Systems (SuDS) are proposed in the form of a 50% sedum green roof.

2.0 Site Description

- 2.1 The application site comprises a three storey flat roofed building constructed in the 1960's accommodating 7 commercial units on the ground floor and on the first and second floors 7 residential units (3 x 3 bed and 4 x 1 bed) and a snooker hall.
- 2.2 To the rear of the building there is an existing car park.
- 2.3 The site lies within Ware Conservation Area and this part of Amwell End is Primary Retail Frontage.

3.0 Background to Proposal

- 3.1 The application proposes to demolish the existing building and replace it with a part 4, part 5 storey building.
- 3.2 The building would accommodate 7 commercial units (567m² gross floorspace) on the ground floor in a mix of 4 x A1 (retail), 2 x A5 (takeaway) including a double unit and 1 x A3 (restaurant/café). This compares to the existing mix of 3 x A1 (retail), 1 x A3 (café), 1 x A5 (takeaway) and 1 x sui generis (beauty salon) uses. The upper floors would accommodate 32 residential apartments in a mix of 3 x studio, 18 x 1 bed, 11 x 2 bed.

- 3.3 The access off Amwell End would remain as existing and a car park at the rear would be reorganised to accommodate 20 spaces and rear servicing for the commercial units.

4.0 **Key Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 and the emerging District Plan. There is no Neighbourhood Plan for Ware:

Key Issue	NPPF	Local Plan policy	District Plan policy
The principle of the development	Section 1 Para 6 – 16	SD1 SD2 STC1 STC2 LRC1	INT1 DPS1 DPS2 DPS3 CFLR1 RTC1 RTC2 RTC3
Layout and design	Section 7	ENV1 ENV2	HOU2 DES2 DES3 DES4
Heritage and conservation area impact	Section 12	BH1 BH2 BH3 BH6	HA1 HA3 HA4 HA5
Housing and affordable housing, including residential amenity	Section 6	HSG1 HSG7 HSG3 HSG4	WARE1 HOU1 HOU2 HOU3 HOU7
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3
Flood risk, water and climate change	Section 10	ENV19 ENV21	WAT1 WAT2 WAT3 WAT5 CC1 CC2
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4 DEL1 DEL2

			CFLR1 CFLR3 CFLR7 CFLR9
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Other relevant issues are referred to in the 'Consideration of Relevant Issues' section below.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority do not wish to restrict the grant of permission, subject to conditions.
- 5.2 Lead Local Flood Risk Authority (LLFA) comment that the Flood Risk Assessment is satisfactory and advise that permission may be granted, subject to conditions requiring the submission and approval of a detailed surface water drainage scheme based on the FRA and phasing details.
- 5.3 The Canals and Rivers Trust comment that there is potential impact on water quality of the Navigation and request the imposition of a condition restricting surface water discharge into The Cut during construction. They also request a planning obligation to contribute to improvements to the towpath.
- 5.4 Environment Agency comment that the development should be carried out in accordance with the Flood Risk Assessment. The Cut forms what may be a valuable backwater that would benefit greatly from natural banks and a buffer zone. The development does not provide this. Ideally the development should be moved back to provide a 3-5m buffer zone from the top of the bank alongside the Cut.
- 5.5 EHDC Engineering Advisor confirms that the revised layout showing a 50% sedum green roof would provide a high quality SuDS addition to the development creating enhanced amenity and biodiversity provision at this location as well as contributing to flood risk reduction and improvements to water quality discharges.
- 5.6 Thames Water. No response received.
- 5.7 EHDC Conservation and Urban Design Advisor considers that the proposals will not harm the setting of the nearby listed buildings and that the proposals will enhance the character and appearance of the Ware Conservation Area when compared with the existing.

- 5.8 Historic England does not wish to comment.
- 5.9 Herts Ecology comments that a bat survey was submitted in support of the proposal and bats are not a constraint to development. Four integrated bat boxes are proposed which will provide biodiversity enhancement in accordance with the NPPF.
- 5.10 Natural England does not wish to comment.
- 5.11 HCC Development Services requests a financial planning obligation towards floorspace, equipment and shelving improvements at Ware Library.
- 5.12 HCC Minerals and Waste advise that a Site Waste Management Plan (SWMP) should be a conditional requirement.
- 5.13 EHDC Environmental Health Advisor does not wish to restrict the grant of permission, subject to a contaminated land remediation condition.
- 5.14 Herts Police Crime Prevention Advisor is pleased that the applicant intends to use the police approved security standard *Secured by Design* as a guide in construction of the site and requests an informative in respect of certification.
- 5.15 NHS and NHS Clinical Commissioning Group. No response.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 Ware Town Council object to the proposal on the following grounds:
- There is no detail on affordable housing and policy should be followed;
 - Inadequate parking provision;
 - The modern design will detract from the setting of listed buildings. A traditional design approach in keeping with the Conservation Area would be preferred;
 - The height and massing of the proposed building is considered to be overdevelopment.

7.0 **Summary of Other Representations**

7.1 One response has been received objecting on the following ground:

- The proposal would upset, interrupt and undermine an existing business.

8.0 **Planning History**

Ref	Proposal	Decision	Date
3/15/1440/FUL	External alterations and provision of additional cycle bays, bin enclosure and vehicular parking. Construction of new third floor to provide 2 x no1 bed flats. (at Fox Talbot House to the rear of the application site)	Granted	September 2015
3/15/0561/FUL	Part demolition of existing night club building and redevelopment with commercial/retail use on the ground floor and 10 residential units on floors 1, 2 and 3 (at 20 Amwell End adjoining the application site)	Resolution to grant, subject to a S106 Agreement. S106 Agreement being progressed	April 2017
3/94/1192/FP	Change of use from office to pool club	Granted	October 1994
3/94/0448/FP	Change of use of office to function room	Refused	May 1994
3/60/1242/FP	Erection of shops, maisonettes, flats and garages.	Granted	September 1960

9.0 **Consideration of Relevant Issues**

The principle of the development

- 9.1 The site lies within Ware town centre wherein the principle of a mixed use residential and commercial scheme to replace the existing mixed use residential, commercial and snooker hall use is acceptable in principle, subject to detailed planning considerations.
- 9.2 The ground floor frontage of the development would provide 7 commercial units including one double unit as existing with a range of uses appropriate to the town centre location and primary shopping frontage. The proposed mix comprises 4 x A1 (retail), 2 x A5 (takeaway) and 1 x A3 (restaurant/café) uses. The proposal is satisfactory having regard to primary shopping frontage policy.
- 9.3 The loss of an existing recreation facility (snooker hall) is regrettable and some harm arises as a result.

Design, layout and heritage impact

- 9.4 The application proposes a part 4, part 5 storey building to replace the existing 1960's three storey flat roofed building. The proposed building is higher than the 4 storey building proposed at 20 Amwell End adjoining the site (approved, subject to a S.106 Agreement). However, the building rises to five storeys for approximately half its frontage width on its northern (town centre) end and the fifth floor is set well back from the main front elevation of the building.
- 9.5 The building is of similar overall height to the Farecla office building to the west of the site. The overall height and massing of the building is considered to be acceptable in this town centre location.
- 9.6 It is considered that the proposed building is of good quality modern design and that it will serve to enhance this part of the town centre and Ware Conservation Area.
- 9.7 The applicant has agreed to the use of internally installed high visibility chain link shuttering which is considered to be satisfactory. This matter is addressed by condition.
- 9.8 The opposite side of Amwell End contains numerous grade II listed buildings. The Conservation and Urban Design Advisor does not consider that the proposals will harm the setting of listed buildings when compared to the existing building.
- 9.9 It is also considered that the replacement building will improve views from the river frontage when compared to the existing position. The Environment Agency comment that The Cut off the main river running

along the rear boundary of the site would benefit from the provision of natural banks and a buffer zone. Ideally the development should be moved back to provide a 3-5m buffer zone from the top of the bank alongside the Cut. The provision of a buffer zone would result in the loss of a minimum of 6 proposed car parking spaces and the proposed secure cycle parking facility.

- 9.10 Given the sustainable location of the development, reduced parking provision at the site would be acceptable in policy terms, indeed, no parking provision was accepted in relation to the site to the south. Reduced provision and/or an amended ratio of residential to parking provision would enable the benefits referred to by the Environment Agency to be further explored.

Housing and affordable housing

- 9.11 The upper floors of the proposed building would accommodate 32 residential apartments in a mix of 3 x studio, 18 x 1 bed 11 x 2 bed apartments.
- 9.12 On sites of more than 5 dwellings emerging DP policy HOU1 would require an appropriate mix of housing tenures, types and sizes in order to create mixed and balanced communities appropriate to local character taking into account the Strategic Housing Market Assessment (SHMA). Affordable housing should also be provided.
- 9.13 In this case the proposed housing mix does not accord with the SHMA in that smaller unit types are proposed in the form of studio, 1 bed and 2 bed apartments. In terms of market housing the SHMA indicates a market need for 1 and 2 bed apartments across the district of 6% and 7% respectively.
- 9.14 No affordable housing provision is proposed. However, a Viability Assessment (VA) has been submitted to justify the lack of provision. The assessment has been reviewed and tested by the Council's VA consultant and found to be robust. It should be noted the scheme is a relatively high cost development and that it delivers a lower developers profit margin than that which is normally accepted for the purposes of assessing viability. The lack of affordable housing, whilst justified in viability terms, has to be given some negative weight in the overall balance of considerations.
- 9.15 In terms of housing mix, the proposal is for 1 bed (21) and 2 bed (11) units. The majority of the proposed dwellings slightly exceed the minimum floorspace guidance in the National Technical Housing

Standards apart from two studio apartments that fall slightly below that standard. The majority of units are single aspect but all bedrooms and living rooms have window openings and an outlook, albeit to the rear parking area or Amwell End roadway at the frontage. Each unit has a small enclosed amenity area and a communal roof garden is proposed. Single aspect accommodation is not ideal but overall it is considered that the proposed residential layout provides a satisfactory level of amenity for future residents but that some negative weight should be applied because of the limitations identified above.

Access and parking

- 9.16 The access to the rear car park and commercial unit servicing area off Amwell End would remain as existing. The Highway Authority has confirmed that the access arrangements are satisfactory.
- 9.17 The parking standards for the proposed development are:

Type	Adopted LP range (accessibility zone 2)	Emerging parking standards Zone 2 (accessibility zone 2) (25-100%)
Commercial	5-19	5-19
Residential	27	14-54
Total required	33-46	19-73

- 9.18 The rear car park to the existing building is not marked out but it is estimated that it could accommodate 11 cars with rear access to the existing commercial units unobstructed. The current application proposed 20 car parking spaces with an unobstructed servicing area to the proposed ground floor commercial units.
- 9.19 The site lies in a highly accessible location within Ware town centre close to shopping and services (Accessibility Zone 2) and a short walking distance to the train station and bus services. The on-site provision equates to one space more than that required by the emerging standards for a town centre Accessibility Zone 2 site, if the full 75% reduction in provision is applied.
- 9.20 In this context it should be noted that application reference 3/15/0561/FUL proposing ground floor commercial units and 10 flats on the upper floors at 20 Amwell End (resolution to grant, subject to a legal agreement in April 2017) provided no parking provision.

- 9.21 Given that the location of the site is highly accessible the provision is considered to be satisfactory.
- 9.22 10 existing public diagonal parking spaces are available off the Amwell End in front of the site.
- 9.23 The adopted and emerging parking standards would require 32 cycle parking spaces for the residential element of the proposal. The application proposes 33 spaces. The adopted and emerging standard for small shops is 1 space per 150m² of retail floorspace plus 1 space per 10 staff on-site. In terms of floorspace the standards would require 1 space (434m²) and staffing is unknown. No cycle parking is proposed for the commercial space.

Flood risk and surface water drainage

- 9.24 The majority of the site lies within Flood Zone 3. A Flood Risk Assessment (FRA) has been submitted in support of the proposal.
- 9.25 The Lead Local Flood Authority (LLFA) advise that the Flood Risk Assessment is satisfactory and advise that permission may be granted, subject to conditions requiring the submission and approval of a detailed surface water drainage scheme based on the FRA.
- 9.26 Further to the advice of the Council's Engineering Advisor the proposal has been amended to provide a 50% sedum green roof. This provides a high quality SuDS addition to the development creating enhanced amenity and biodiversity provision at this location as well as contributing to flood risk reduction and improvements to water quality discharges. Detailed design details of the SuDS, including the provision and design of the green roof, are required by a condition.
- 9.27 The site is situated within Flood Zone 3 and a sequential test is therefore required. NPPF policy aims to guide development away from areas of higher flood risk towards areas of lower flood risk. The aim of a sequential test in this case is to determine whether sites are available within Flood Zones 1 and 2 to accommodate the development. Given, the characteristics of the site and the proposed development it is considered that no other sites within the District within Zones 1 and 2 would be available to accommodate the development.

- 9.28 The site lies within an area of archaeological significance and a groundworks monitoring condition is therefore recommended in accordance with the advice of the Herts Archaeological Advisor.
- 9.29 Fume extraction and noise attenuation conditions are recommended to address the residential amenity of future residents and noise generation from the proposed commercial units.

Planning obligations

- 9.30 HCC have requested a financial planning obligation towards shelving, equipment floorspace rationalisation at Ware Library. The applicant has agreed to this obligation.
- 9.31 The proposal makes no on-site provision for open space and amenity provision for residents. It is therefore considered that financial contributions towards public amenity provision are justified. The applicant has agreed to financial planning obligations:
- Parks and public gardens
 - Outdoor sports
 - Amenity green space
 - Children and young people
 - Community centres
- 9.32 The Canals and Rivers Trust have requested an unspecified contribution to the improvement of the river towpath. However, having regard to the viability of the proposal further financial contributions are not achievable.

10.0 Conclusion and Planning Balance

- 10.1 The proposed building is considered to be of high quality design that will enhance this part of the Conservation Area in comparison to the existing 1960's building.
- 10.2 The height and massing of the building are considered to be acceptable in the context of the site and surroundings.
- 10.3 The proposal will provide 32 residential units (net gain 25) which will be of significant positive benefit. No affordable housing is proposed and, whilst this has been justified by a robust viability submission, negative weight is assigned to this, along with some negative weight

because of the size and layout of the units and the lack of provision of any amenity space of significance.

- 10.4 The provision of a commercial ground floor frontage will maintain the viability and vitality of the primary shopping frontage and complement surrounding uses in this part of the town centre. Some, but limited harm, is caused by the loss of the existing snooker hall recreational use.
- 10.5 Car parking provision is limited but appropriate to the location of the site within the town centre accessibility Zone 2 and within the scope of the emerging parking standard.
- 10.6 Overall, it is considered that the proposed building will positively contribute to the setting of the site and its surroundings and the benefits achieved by the development through additional housing delivery outweigh the identified harm and the application is therefore recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the conditions set out below and the satisfactory conclusion of a legal agreement to secure the following:

Legal Agreement

• Ware Library equipment/shelving	£2,046.00
• Parks/public gardens	£7,137.19
• Outdoor sports	£19,766.59
• Amenity green space	£3,040.36
• Children and young people	£2,186.71
• Community centres	£5,270.00
Total (contributions to be index linked)	£39,446.85

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of materials (2E12)

4. Contaminated land survey and remediation (2E33)
5. External details of extraction equipment (2E37)
6. Hard surfacing (3V21)
7. Landscape works implementation (4P13)
8. Hours of working – plant and machinery (6N05)
9. Programme of archaeological work (2E02)
10. Prior to first occupation of the development hereby approved the scheme of landscaping shall be implemented accordance with plan No. AWE/17/PL/L01A.

Reason: To ensure the satisfactory appearance of the site in accordance with Policies ENV1 and ENV2 of the East Herts Local Plan Second Review April 2007.

11. Prior to first occupation of the development hereby approved a car park management plan shall be submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter be operated in accordance with the approved arrangements.

Reason: To ensure satisfactory parking access, allocations and use arrangements in the interests of the safety and convenience of users of the site.

12. Prior to first occupation of the development hereby approved, all on-site vehicular surfaced areas, shall be accessible, surfaced, marked out and fully completed in accordance with approved plan No. AWE/17/PL/L01. Arrangements shall be made for surface water from the site to be intercepted and disposed of so that it does not discharge onto the public highway. The arrangements shall subsequently be retained and maintained.

Reason: In the interests of the safe operation of the site and highway safety.

13. Prior to the commencement of the development, including demolition, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall detail:

- The phasing of the development;
- Method of accessing the site including vehicle numbers and routing;
- Location and details of wheel washing facilities;
- Parking, storage and office areas.

The development shall be implemented in accordance with the approved CMP.

Reason: To ensure that impact on the highway network is minimised.

14. Prior to any above ground construction a scheme for protecting the proposed residential units from noise from traffic shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved detail.

Reason: To ensure an adequate standard of residential amenity in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

15. Prior to the commencement of any commercial use hereby approved a scheme to demonstrate that the rating level of sound emitted from any fixed plant and machinery shall not exceed a level of 5dB(A) above the existing background sound levels at any of the sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) and/or subsequent amendments.

Reason: To ensure an adequate standard of residential amenity in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

16. Prior to the commencement of any Use Class A3/A5 use hereby approved details of arrangements for internal air extraction, odour control and external discharge from cooking operations, including external ducting and flues, shall be submitted to and approved by the Local Planning Authority. The equipment shall thereafter be installed in accordance with the approved details and maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out.

Reason: To ensure adequate extraction arrangements in accordance with policy ENV27 of the East Herts Local Plan Second Review April 2007.

17. The Use Class of the commercial uses hereby approved shall be in accordance with approved drawing No. AWE/17/PL/L01 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the viability and vitality of the primary shopping frontage in accordance with policy STC2 of the East Herts Local Plan Second Review April 2007.

18. Any security shutters to be fitted to the ground floor shopfronts shall be internally installed Back Chainlink Roller Grill from HVP, or similar which have been previously approved in writing by the Local Planning Authority. Thereafter the installed shutters shall be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the building and Ware Conservation Area.

19. No surface water or groundwater shall be discharged into the adjacent water course (Navigation or The Cut) during demolition or construction works. Any stockpiles of soil/waste from the site should be located at a suitable distance away from the water course and suitable methods used to minimise dust emissions from the site during demolition/construction works. Any surface water drains connecting the site to the water course shall be immediately capped off at both ends during demolition/construction works and shall be retained as such until the development is fully completed.

Reason: To prevent adverse impact on the water course in accordance with Policy ENV18 and the National Planning Policy Framework.

20. The demolition/construction work shall proceed in accordance with the provisions of the Site Waste Management Plan (SWMP) to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition. The submitted SWMP shall include measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development; recycle waste materials for use on site and off; measures to minimise the amount of waste generated; measures to minimise the pollution potential of unavoidable waste; measures to treat and dispose of the remaining

waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Local Plan policies.

21. The development permitted by this planning permission shall be carried out in accordance with the Surface water drainage assessment prepared by JNP Group, ref C85405-R003 revision A dated 6th October 2017:

- Discharge from the site will be attenuated by the use of tanked permeable paving and limited at 5l/s by flow control device during all rainfall events up to and including the 1 in 100 year storm plus 40 % allowance for climate change to finally discharge into the Cut;
- Adequate management treatment train is to be provided by permeable paving as shown on Drainage strategy drawing C85405-D-001 rev A;

The mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained 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 of and disposal of surface water from the site.

22. No development shall take place until the following information is submitted to and approved in writing by the Local Planning Authority to secure the feasibility of the drainage scheme:

- Engineering drawings of all the proposed SuDS measures in line with the latest edition of the SuDS Manual by CIRIA, including the green roof to the fourth floor shown on drawing AWE/17/PL/L12A;
- Confirmation from Thames Water that they have no objection for the development to continue discharging via their network;

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

23. Within 4 months of the completion of the development a detailed drainage layout supported by engineering drawings of all drainage components as built, together with a management and maintenance strategy shall be submitted to the Lead Local Flood Risk Authority (LLFA) for their written approval. The management and maintenance strategy shall include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime and shall thereafter be retained in accordance with the approved strategy.

Reason: To ensure satisfactory maintenance of the drainage scheme to prevent flooding.

Informatives:

1. Other legislation (01OL)
2. Street naming and numbering (19SN)

Summary of Reasons for Decision

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

KEY DATA**Mixed Commercial and Residential Development**

Residential density	177dph	
	Bed spaces	Number of units
Number of existing units demolished	13	7
Total number of units	43	32
Total net gain		25

Affordable Housing

Number of units	Percentage
0	0

Non-Residential Development

Use Type	Floorspace (sqm)
A1, A3, A5	567

Commercial Vehicle Parking Provision

Proposal	Adopted LP Zone 2	Emerging DP Zone 2
Commercial (567m ²)	19	19
Accessibility reduction	14	14
Total required	5	5

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	2	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	0.75	16
2	1.00	11
Total required		27
Proposed provision		20

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

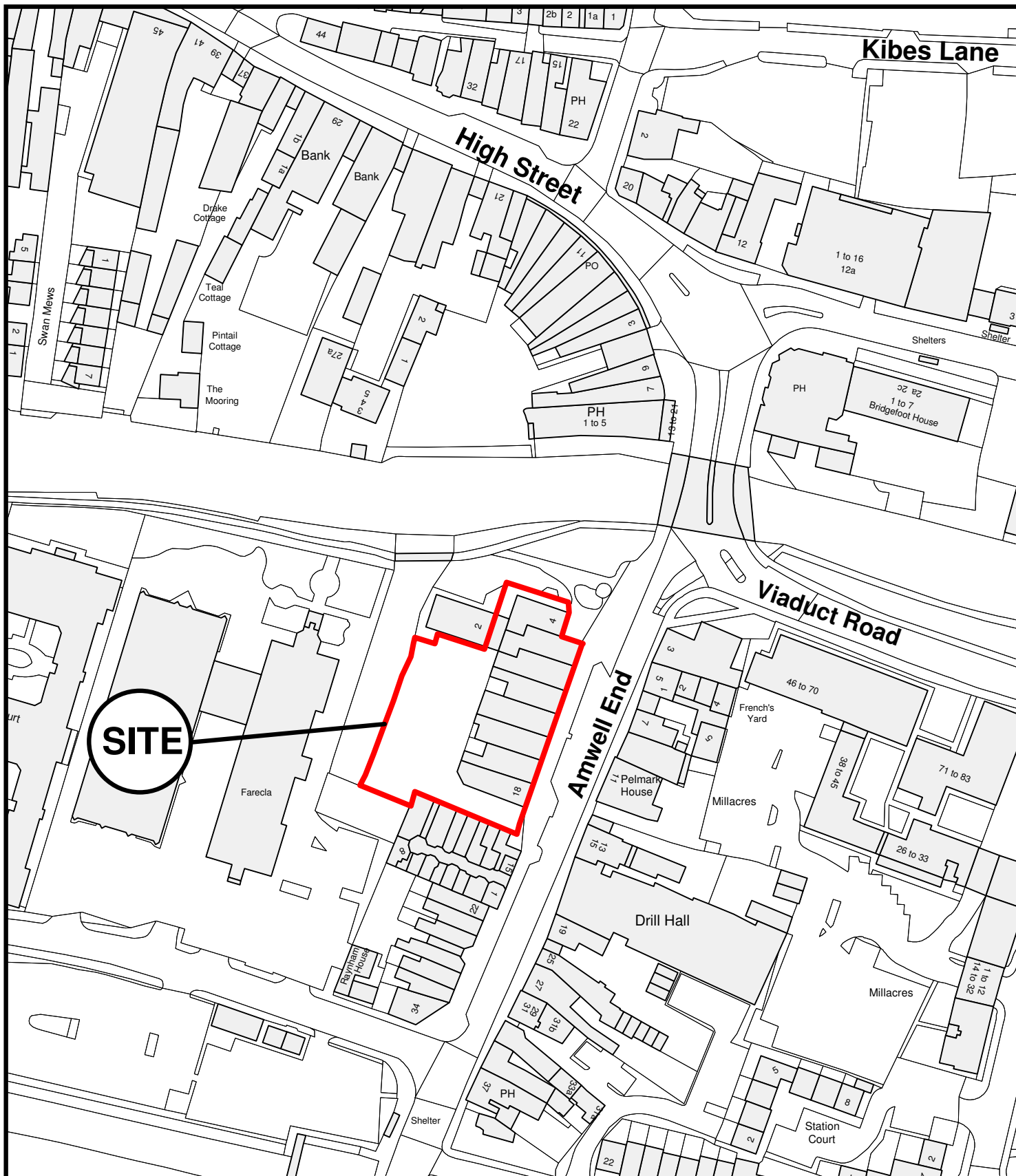
Parking Zone	2 (accessibility reduction 75%)	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	31.5
2	2.00	22.0
Total		54
Accessibility reduction		40
Total required		14
Proposed provision		20

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. These are the standard figures.

Obligation	Amount sought by EH Planning obligations SPD in this case	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	0	Viability assessment indicates that funding provision impacts on viability of scheme
Parks and Public Gardens	£7,137.19		
Outdoor Sports facilities	£19,766.59		
Amenity Green Space	£3,040.36		
Provision for children and young people	£2,186.71		
Maintenance contribution -	£15,753.08	0	Viability assessment

Parks and public gardens			indicates that funding provision impacts on viability of scheme
Maintenance contribution - Outdoor Sports facilities	£49,627.78	0	Viability assessment indicates that funding provision impacts on viability of scheme
Maintenance contribution - Amenity Green Space	£8,552.28	0	Viability assessment indicates that funding provision impacts on viability of scheme
Maintenance contribution - Provision for children and young people	5,602.32	0	Viability assessment indicates that funding provision impacts on viability of scheme
Community Centres and Village Halls	5,270.00	5,270,00	
Recycling facilities			Viability assessment indicates that funding provision impacts on viability of scheme



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Reference: 3/17/2052/FUL

Scale: 1:1250

O.S Sheet: TL3514

Date of Print: 04 January 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/2655/FUL
Proposal	Demolition of existing property and erection of a 3 storey building comprising 14 no. residential units (14 x 2 bed) (Use Class C3) above retail use at ground floor (Use Class A1) measuring 396m ² (GIA), along with associated landscaping and provision of 31 no. car and 18 cycle spaces.
Location	The Bridge House, North Road, Hertford
Applicant	Mr Ross Smith
Parish	Hertford
Ward	Hertford Bengoe

Date of Registration of Application	13 November 2017
Target Determination Date	12 February 2018
Reason for Committee Report	Major application
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary

- 1.1 The proposal is to demolish the existing 2 storey former public house building and erect a three storey mixed-use building comprising an A1 retail use and two residential units on the ground floor and 12 units on the first and second floors. The site fronts North Road where pedestrian and vehicular access is proposed. It is proposed to provide 21 residential car parking spaces at the rear of the site and 10 car parking spaces

for customers at the front of the site. Separate cycle parking areas are provided for the residential and retail uses.

- 1.2 The entrance for the residential units is to be located at the rear of the site. The proposed building is contemporary in design and is proposed to be finished in brick with some cladding to the east and south elevations. The landscaping proposed includes a communal garden to the northeast of the building at the rear and unbuilt upon spaces around the site.

2.0 Site Description

- 2.1 The site has an area of approximately 0.28ha and is located on the eastern side of North Road. It is currently occupied by a two storey former public house and hardstanding area. The site is generally vacant of trees apart from some located along north-eastern boundary. There is a stand of trees on land to the north-west of the site on a disused railway embankment, which is outside the ownership of the public house. This land has telecommunications equipment on it and is approximately 3 metres above the public house site ground level. The railway parking area is adjacent to this embankment.
- 2.2 Adjoining the site to the north and east are twelve two storey residential properties that have frontage to Cedar Close. The rear gardens of these properties have a range of depths between 7 and 17 metres.
- 2.3 On the western side of North Road is Hertford North Railway Station, a substation and a residential terrace of three two storey dwellings. To the east of these properties are other residential dwellings generally having two storeys, apart from 65 and 67 North Road, which are two three storey dwellings with car parking at semi-basement level. The public house and these properties sit outside the Hertford Conservation Area.

3.0 **Planning History**

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

3/17/0256/CLP – Certificate of Proposed Lawful Use permitted to A1 shop. 23.2.17

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The site falls within the Hertford-Bengeo Neighbourhood Area, which was designated on 27 June 2017.

Main Issue	NPPF	LP policy	DP policy
Retention of Community Facilities	Section 8	LRC11	CFLR8
Design, layout and scale	Section 7	ENV1 ENV2	DES1 DES2 DES3 DES4
Landscaping and open space	Section 7, 10	ENV2	DES1 DES2
Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU6 HOU7
Parking provision, Traffic impacts and cycle storage	Section 4	TR1 TR4 TR7 TR14	TRA3
Surface water drainage	Section 10	ENV21	WAT5 WAT3

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

5.0 Summary of Consultee Responses

5.1 HCC Highway Authority Insufficient information has been provided with the application to enable the Highway Authority to support the application. It recommends that the application be refused due to the lack of information. The reasons for the refusal are:

- Lack of vehicle tracking diagrams in and out of the access, and within the site.
- Lack of details (road markings etc) on layby tracking.
- Private land strip status within the site uncertain, and how this will affect adoption of the new bellmouth.
- No details around the restrictions to be put in place for the delivery layby, and effective enforcement measures of this.
- Unclear if the two small roundabouts along North Road can accommodate U-turning service vehicles visiting the site.
- Lack of consideration as to how the Highway Authority's Integrated Transport Programme pedestrian and cycling improvement scheme along North Road will be impacted upon by the proposed layby.
- Uncertainty around capacity of site access and nearby junctions, and generally how the free flow of traffic will be affected.
- No details on refuse collection.

The site falls short of paragraph 32 of the NPPF which states that developments should be safe and accessible for all people. In particular, there is no tactile paving at the Beane Road crossing point of the roundabout arm in order to access a bus stop, and the applicant has not considered Hertfordshire County Council's planning obligations toolkit and the need to contribute towards wider sustainable travel measures in the vicinity of the site.

- 5.2 Lead Local Flood Authority has reviewed the Flood Risk Assessment and it does not satisfactorily address how to drain the site considering the existing flood risk and drainage constraints. It has recommended that clarification on the drainage proposal and object to the granting of planning permission until issues are addressed.
- 5.3 Thames Water provides comments on surface water drainage and advises that it would not have any objection with regard to sewerage infrastructure capacity. Requests condition regarding piling. Other comments have been provided and could be included as conditions or notes.
- 5.4 Herts Ecology comments that the report reasonably concludes that there are no significant ecological constraints to the proposal and recommends conditions for a lighting design strategy for biodiversity and an Ecological Design Strategy to be submitted prior to any development commencing.
- 5.5 Natural England advises that it has no comments to make on the application.
- 5.6 HCC Development Services comments that based on the number of units proposed it will not be seeking a financial contribution. There may be service capacity issues, in light of pooling restrictions imposed by CIL Regulation 123, the County Council will not be pursuing contributions.
- 5.7 EHDC Environmental Health Advisor requests conditions to be included relating to contaminated land and remediation, noise attenuation, hours of deliveries, hours of working, construction management plan, unsuspected contamination and asbestos directive.
- 5.8 Herts Police Crime Prevention Advisor has substantive concerns regarding parking provision for the retail unit as the retail parking bays could be used as overspill parking. The only

way this could be mitigated is by the use of CCTV and robust parking controls. It is recommended that an informative be included recommending Secured by Design accreditation.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Hertford Town Council Representations

- 6.1 The Town Council object to the application as the design is considered inappropriate and out of character with the surrounding area given its proximity to the conservation area. There was also concern about the impact of an additional shop on the station shop and nearby Sele shops. The Town Council advised that they considered the existing public house on the site to be of a high quality and did not support its loss and there was support for it to be retained.
- 6.2 Hertford Town Councillor Bolton objected to the proposal as the building will be out of keeping and unsympathetic with the historic character of Hertford, there is insufficient parking for the retail element.

7.0 Summary of Other Representations

- 7.1 47 responses have been received objecting to the proposals on the following grounds:

Design, character and appearance

- Out of character with the local area and building is not compatible with adjoining and nearby properties and the massing is overbearing
- Building should be same height and style as houses in the vicinity
- Building does not have a residential appearance and proposal does not reflect a historical extension to the town

- Building is not in keeping with the North Road character and will be one of the first buildings for visitors traveling by train to view, not leaving a good first impression
- Any new building should be treated as a landmark building due to its location
- Height of proposed building is excessive and this together with the siting will impact on adjoining houses fronting Cedar Close with regard to the loss of light visual and aural privacy or perceived loss of privacy
- Removal of heritage assets for non-descript new development
- Due to prominent location a better design is deserved.
- Design will have a detrimental impact on local area
- Unsympathetic design
- Houses could be accommodated on this site

Car parking, access and traffic

- Congestion likely due to single vehicular access point and 21 car parking spaces being insufficient with overspill parking on adjoining residential streets
- One retail parking space would require drivers to cross the pedestrian pathway creating conflict
- No allocation of staff parking
- Retail on the site and the lay-by will cause significant stopping and turning traffic and will create a traffic and pedestrian hazard
- North Road is already congested and development will exacerbate problem
- A more realistic residential parking number is 28 rather than 21
- Loading bay is inadequate and will cause traffic issues
- Noise from HGVs will create extra noise from site and North Road
- Parking spaces will be leased out
- Concerns regarding the delivery bay and how it would be controlled to prevent it from being used as a drop-off area

- Loading bay conflicts with upgrade to walking and cycling routes
- Dangerous for pedestrians

Landscaping and open space

- Landscaping is inadequate and it is left over after the car parking and building rather than being an integral part of the development
- Loss of mature trees on perimeter
- Communal garden is small and does not cater for families

Other objections

- Loss of public house is a loss of a community facility
- Additional retail on site will impact on station shop and Hertford retail
- There are enough shops and convenience stores in the town centre
- 26 jobs for retail store seems unrealistic

7.2 1 response has been received supporting the proposals on the following grounds:

- Hertford needs new structures like the proposed

7.3 Hertford Civic Society considers the design and appearance of the proposal to be unsatisfactory but do not object to the redevelopment of the site. The mixed-use proposal has created a bulky building with a stark appearance. The shop and car parking severely limits any substantial landscaping in front of the building to help soften the building. Proposed colour of bricks and other materials will give a bland appearance. The fall back of retail is not realistic as the site is more valuable for residential.

8.0 Consideration of Issues

Loss of Community Facility

- 8.1 The former public house is not listed and has not been identified as an asset of community value. It is however identified as a Community Facility under planning policy. Policies LRC11 of East Herts Local Plan and CFLR8 of the draft District Plan state that the loss will not be supported by policy unless there is an alternative facility provided or it is demonstrated that the facility is no longer needed and there is insufficient demand to make an alternative community facility viable.
- 8.2 The Planning Statement submitted with the application identifies that the Certificate of Proposed Lawful Use from Public House to Retail, which was granted on 23 February 2017, accepts the principle of retail use on the site and therefore the loss of the existing public house has been established. This is not agreed and the loss of the public house was raised in the pre-application advice. The Public House has not been lost and therefore remains a community facility. Planning Inspectors have determined that concluding the change of use of a public house to a non-A4 use or the closure of the public house results in the loss of a community facility is too narrow and simplistic (APP/Q0505/A/12/2174210 and APP/W0530/A/11/2167619 attached to report). In addition, the A1 use, that was the subject of the Certificate of Lawful Use, has not commenced and the public house, although vacant, currently exists and is subject to policy LRC11. Therefore the loss of the community facility needs to be addressed in accordance with Policy LRC11 of the Local Plan, CFLR8 of the Draft District Plan and paragraph 70 of the NPPF.
- 8.3 The Planning Statement refers to the public house not being identified as an asset of community value, which is correct. However the loss of the public house is still protected under planning policy as a community facility. Two planning appeals

cited in the planning statement did not relate to the loss of a community facility and therefore are not considered relevant to this planning application.

- 8.4 Notwithstanding the above, the application has not met the requirements of Policy LRC11 of the Local Plan, CFLR8 of the Draft District Plan, which is to either provide alternative facilities on site or demonstrate that the facility is no longer needed and there is insufficient demand to make an alternative community facility viable. The principle of the development has not been demonstrated to be acceptable as it will result in the loss of a community facility.

Design, Layout and Scale

- 8.5 The building is three storeys in height with a flat roof and is a contemporary design. Balconies are proposed at the front and rear of the building. Communal open space at ground level is provided in the north-western part of the site.
- 8.6 The proposed layout includes 10 parking spaces at the front of the site for the retail unit use and a delivery layby on North Road. These two elements mean that there is no opportunity for any substantial landscaping at the front of the site with a hardstanding area from the existing edge of the carriageway to the front of the retail unit being 18.69m. The lack of landscaping at the front of the site and the height and massing of the building creates a very stark appearance along North Road, which is out of character with the area. It is recognised that the existing building, which was built in the 1930s, has very little soft landscaping, but the space around it and its height and design is considered to make a positive contribution to the character of the area.
- 8.7 There is no objection to a contemporary building being located on the site, but any building proposed should have the landscaping as an integral part. It is also considered that some of the architectural features of the locality could be included in

a contemporary building which is prominently located, as this building will be in a prominent position.

- 8.8 Many of the adjoining neighbours and nearby residents raised objections with regard to the design and the visual impact of the development. The pre-application advice, while generally supportive of the scheme presented, recommended that further advice be sought prior to submitting the application.
- 8.9 The proposed car parking on the eastern and southern boundaries is considered to be an un-neighbourly aspect of the development, creating a significant impact on the amenity of adjoining residents. An adequate landscape buffer would assist in mitigating some of the impacts of the building and the car parking.
- 8.10 The separation distance between the proposed habitable rooms within the development and to habitable rooms in the adjoining properties will not create any significant impact on privacy and therefore is acceptable. However it is acknowledged that residents adjoining the site are likely to feel there is a loss of privacy. This is likely due to the height and scale of the building and the number of windows and balconies, of many single aspect flats, facing the adjoining dwellings on Cedar Close. Once again landscaping adjacent to the boundary would assist in addressing this impact.
- 8.11 The design, layout and scale of the proposal is considered to cause substantial harm in regard to policies ENV1 of East Herts Local Plan, DES3 of draft East Herts District Plan and paragraphs 63 and 64 of the National Planning Policy Framework.

Landscaping and open space

- 8.12 The landscaping should be an integral part of the overall design which has been raised above. The proposed landscaping and open space proposed is considered to be of

poor quality and appears to be left over space, such as the communal open space in the north-west corner of the site. The proposal will result in the loss of a number of trees at the rear of the site with no proposal for adequate replacement.

- 8.13 The boundary treatment should be appropriately landscaped to reduce the impact of the development on the adjoining and nearby neighbours and help soften the appearance of the proposed building and associated car parking. The inadequate provision of landscaping and open space is considered to cause substantial harm to the appearance of the development and the amenity of the adjoining and nearby neighbours.

Housing Mix and Density

- 8.14 The proposal includes 14 x 2 bedroom units with two of these units on the ground floor being wheelchair adaptable. The other units within the building are accessible via a lift, which is a positive part of the design. The number of units is below the affordable housing threshold.
- 8.15 With regard to the mix of housing, the proposal does not meet Policy HOU1 of the draft East Herts District Plan 2016, as all dwellings are 2 bed flats. This means that the District's housing need is not being met in terms of the Strategic Housing Market Assessment 2015, which indicates that 2 bedroom flats are only 7% of the range of housing needed, with the greatest need being 3 bedroom houses. It is noted that the site may not be suitable for houses, but a better mix could be provided. The weight given to the poor mix of units is moderate due to the policy being within the draft District Plan.

Highways and Parking

- 8.16 The residential parking on site meets the standard of 1.5 car parking spaces per two bedroom unit but is considered to have a poor layout, particularly the car parking located on the boundaries. The customer car parking, located at the front of

the site has very limited landscaping and does not meet the requirement of 13 car parking spaces.

- 8.17 The Highway Authority has advised that it is doubtful that all of its concerns regarding highway safety and convenience and compliance required by paragraph 32 of the National Planning Policy Guidance, could be overcome. There is potential conflict between vehicles and pedestrians on and around the site. If the Highway Authority was consulted prior to the submission of the planning application, some of its concerns could have been addressed in the submission. The pre-application advice recommended that the Highways Authority be contacted prior to submitting the application but this does not appear to have occurred given the insufficient details submitted with the application. This holds substantial weight.

Surface Water Drainage

- 8.18 The site is mainly within Flood Zone 1 but a small portion of the site in the north-west corner is identified as Flood Zone 2. The Lead Local Flood Authority has stated that the information submitted with the application does not adequately address its requirements and it objects to the application.
- 8.19 Further information was submitted on 9th January and the Lead Local Flood Authority was consulted on 10th January. At the time of writing the report no comments had been received.

Other Matters

- 8.20 Pre-application advice was sought prior to submitting the planning application. Whilst the proposal was generally supported by officers involved in the pre-application, the applicant was advised to contact the Highways Authority and to submit the proposal for a design review. This advice was not followed and the application was submitted.

- 8.21 It is evident from the comments received from residents, that the site is in a prominent location and any development on the site needs to fully consider the constraints and opportunities of the site and have a wider pre-application consultation.

9.0 Planning Obligations

- 9.1 The Highway Authority has requested a contribution towards the pedestrian and cycling scheme along North Road of £48,000 (index linked by SPONS to 2006).
- 9.2 Hertfordshire County Council has not requested any other contributions and the number of residential dwellings do not meet the threshold to seek affordable housing.

10.0 Planning Balance and Conclusion

- 10.1 The planning agent was contacted and informed that the application could not be supported due to a number of issues which could not be addressed by condition or minor changes. They requested that they were given the opportunity of addressing some of these issues given the pre-application advice. It is acknowledged that the pre-application response was generally supportive of a scheme where elevations were provided. However the pre-application advice recommended that a number of areas be addressed prior to submission of a planning application. This included referring the plans to the Hertfordshire Design Review Panel, contacting the Highway Authority and addressing the loss of the public house in regard to Policy LRC11 of the Local Plan. None of these matters were addressed prior to submission of a planning application.
- 10.2 There are some positive elements of the proposal such as the provision of a lift in the building, the size of the units, some dual aspect units and each unit have private open space. The additional dwellings would also assist in meeting Council's 5-year housing land supply. However these positive elements do not outweigh the loss of a community facility, lack of an

appropriate dwelling mix, single aspect flats, and the main entrance of the units being located at the back of the building. The proposal is considered to be severely lacking in design quality in regard to the scale and massing, layout, landscaping and its relationship with the surrounding area.

- 10.3 The proposal is considered to have been submitted prematurely without pursuing the advice provided at pre-application stage and without full consideration of policy LRC11.

RECOMMENDATION

That planning permission be **REFUSED** subject to the reasons set out below.

1. The proposed development would involve the loss of a community facility without the re-provision of a community facility or sufficient evidence to demonstrate that the public house is no longer needed and there is insufficient demand to make an alternative community facility viable; contrary to the provisions of policy LRC11 of the East Herts Local Plan Second Review April 2007, Policy CFLR8 (Loss of Community Facilities) of the draft East Herts District Plan 2016 and Paragraph 70 of the National Planning Policy Framework.
2. The proposed development by reason of its inappropriate design and layout fails to complement the existing pattern of development in the area and fails to adequately protect the amenity of both future and neighbouring occupiers and users of the highways and footpaths. The proposal therefore is contrary to the aims and objectives of Policy ENV1 of the East Herts Local Plan Second Review April 2007, Paragraphs 63 and 64 of the National Planning Policy Framework and Policy DES3 of the draft East Herts District Plan 2016.
3. The proposed development provides insufficient details in regard to highway safety and convenience, contrary to Policy

TR1, TR2 of the East Herts Local Plan Second Review April 2007, Policy TRA2 of the draft East Herts District Plan 2016 and Paragraph 32 of the National Planning Policy Framework.

4. The application lacks sufficient information regarding surface water drainage to enable the local planning authority to properly consider the planning merits of the application. This is contrary to policies ENV18, ENV21 and SD1 of the East Herts Local Plan Second Review April 2007, policies WAT1 and WAT5 of the pre submission East Herts District Plan and Section 10 of the National Planning Policy Framework.

Plan numbers PL001 Rev P1, PL002 Rev P1, PL003 Rev P1, PL004 Rev P1, PL005 rev P1, PL021 rev P1, PL022 Rev P1, OS 1472 – 17.1, PL010 Rev P1, PL011 Rev P1, PL012 Rev P1, PL013 Rev P1, PL014 Rev P1, PL015 Rev P1, PL016 Rev P1, PL017 Rev P1, PL018 Rev P1 and PL020 Rev P.

Informatives

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

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished	0	0
Number of new flat units	1	0
	2	14
	3	0
Number of new house units		0
Total		14

Affordable Housing

Number of units	Percentage
	0%

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
2	1.5	1.5
3		
4+		
Total required		21 spaces
Proposed provision		21 spaces

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1		
2	2	28
3		
4+		
Total required		28 spaces
Proposed provision		21 spaces



Appeal Decision

Hearing held on 18 September 2012

Site visit made on 18 September 2012

by Ian Radcliffe BSC (Hons) MCIEH DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2012

Appeal Ref: APP/Q0505/A/12/2174210

292 Mill Road, Cambridge CB1 3NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bennell Developments Limited against the decision of Cambridge City Council.
 - The application Ref 11/0872/FUL, dated 18 July 2011, was refused by notice dated 20 December 2011.
 - The development proposed is residential development - the erection of 5 houses and conversion / extension to provide student accommodation (16 units).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - whether the proposal would result in the loss of a local facility important in sustaining the social life of the community; and if it would, whether such a facility would be viable to operate;
 - the effect of the proposal on the character and appearance of the area; and,
 - the effect of the proposal on local services and facilities.

Reasons

Principle of development and use of the building

3. The appeal site is occupied by a purpose built Victorian public house called 'The Royal Standard' closed in 2007. Utilising permitted development rights it reopened the same year as a restaurant (use class A3) before last year changing use once more to operate as a charity shop (use class A1).
4. A presumption in favour of sustainable development is at the heart of the government's National Planning Policy Framework (the Framework). The proposed development is located within a residential area close to the centre of Cambridge and would result in the redevelopment of the site for housing. As a result it is not a matter in dispute that it is a sustainable location for development. Policies 3/1 and 5/2 of the Cambridge Local Plan support the conversion of non residential buildings into self contained dwellings in order to make efficient use of land and assist in meeting the housing targets for the city.

5. However, paragraph 70 of the Framework also advises that planning decisions should enhance the sustainability of communities by planning positively for community facilities, such as public houses, and guard against their unnecessary loss. Policy 5/11 of the Cambridge Local Plan, which seeks to prevent the loss of community facilities, fails to identify public houses as such a facility. The Local Plan is therefore in conflict with the Framework. However, as the Framework is an important material consideration and a more recent publication than the Local Plan I attach significant weight to it and I shall treat public houses as a community facility. The question therefore is whether the premises which has not operated as a public house for 5 years is such a facility. It is to that matter which I now turn.
6. In response to the loss of public houses and the silence of the Local Plan on this matter the Council has prepared an Interim Planning Policy Guidance on the Protection of Public Houses in the City of Cambridge (IPPG). Public consultation has closed on this document and subject to minor amendments it is due to be adopted by the Council in October this year. Whilst not part of the development plan it is a practical document which provides a useful approach to assessing applications for a change of use of public houses and I attach moderate weight to it.
7. The IPPG recognises that the use of public houses can be changed to other Class A uses without the need to apply for planning permission. As a consequence, it applies the same development management principles to assess applications for a change of use of such premises to housing as it applies to public houses which are currently in use as drinking establishments. I concur with the findings of another Inspector in appeal reference APP/W0530/A/11/2167619. He found in the absence of such guidance in another local planning authority area that to adopt the approach that a public house use of a site has been lost if it was no longer in use as a drinking establishment would be to take a view that is too narrow and simplistic. For these reasons, I therefore find that the appeal premises is a community facility.
8. The liquor licence for the premises lapsed this year. Whilst planning permission may be readily gained for use as a drinking establishment (class A4 use) the Council's licensing policy has a presumption against issuing new licences on Mill Road. The appellant argues that as a result it is unlikely that the building could re-open as a public house. However, each application would be assessed by the Council on its merits. Given the long history of use of the building as a public house, and that well run public houses do not add to anti-social behaviour or crime, the risk that the premises may not gain a liquor licence is not a matter of such significance as to mean that the building could not reopen as a drinking establishment.

Value of the facility to the local community

9. The premises are located in an urban part of the city that is characterised by terraced housing. Redevelopment of nearby sites such as the former school to the west with terraced housing and flats has increased the amount of housing in the area in recent years. As a result of the high density of development there are a comparatively high number of people living in the area.
10. For a facility to be of value to a local community it needs to be within reasonable walking distance. The Cambridge Pub Study commissioned by the Council has used a distance of 400m to assess accessibility. The appellant

believes that a distance of up to 800m would be more suitable measure. In order to cater for the mobility of all sections of the community I believe that a distance closer to 400m is more appropriate. On this basis there are 2 alternative public houses towards the edge of Romsey within a reasonable walking distance of the appeal site. The first, 'The Brook', is a sports orientated public house. The second, 'The Empress', is aimed at young people. As a consequence, both are niche drinking establishments that do not aim to serve the wider local community. The Royal Standard in contrast has gardens and is centrally located in Romsey. As a result, it is within easy walking distance for all residents of this local community and has the potential to cater for a broader market than the other 2 public houses.

11. A petition with 455 signatures was submitted to the hearing seeking the retention of the building and its gardens for use as a public house or another community use. This supports the contention that the Royal Standard is a facility that is valued by the local community. Whilst the loss of the Royal Standard would not reduce the local community's ability to meet its day to day needs I therefore find that it would result in the loss of a facility that is of value to it.

Viability

12. The Royal Standard was a local facility of service to the community for over 125 years until it ceased trading as a public house 5 years ago. When the public house was trading it was tenanted. The appellant stated that the landlord of the public house was unable to operate the business at a profit. This supports the view that whilst it has been a valued local facility it struggled in the years prior to its closure as a public house.
13. Several local residents stated that the public house was poorly managed in its latter years. Furthermore, landlords of tenanted public houses, unlike freehold landlords, are restricted in terms of the beers that can be sold and have less incentive to invest in a building they do not own. These considerations may well have affected the attractiveness and thus popularity of this community facility.
14. In my assessment, based upon the policies of the Framework, in order to discover whether a change of use of the building is justified it should therefore first be marketed as a public house in accordance with sensible criteria such as those contained within the IPPG. This approach would also be consistent with how applications for changes of use in relation to other local community facilities are dealt with under policy 5/11 of the Local Plan. The proposal would therefore be contrary to the objectives of the Framework and the general thrust of policy 5/11 of the Local Plan.

Character and appearance

15. The appeal site lies within the Mill Road Area of the Central Conservation area. The Conservation Area Appraisal identifies that Romsey town along the side streets off Mill Road is characterised by narrow 2 storey terraced housing set on the back edge of the pavement. This has resulted in a fine grain of urban development. Buildings of Local Interest, which policy 4/12 of the Local Plan seeks to protect, include the Royal Standard. These buildings are predominantly located along Mill Road the main thoroughfare through the area.
16. The proposed side and rear extensions to the Royal Standard would be subservient in height to the building and would not unduly obscure its

chimneys from public view. In terms of design the inclusion of a gable in the front of the side extension would complement the main elevation of the building. In addition, the pitch of the mansard roofs would match that of the existing building. I recognise that the vast majority of the side garden would be occupied by the side extension, but it is a feature of this urban part of the Conservation Area that the full width of sites, including corner plots, are usually occupied by buildings. The proposal therefore would not adversely affect this Building of Local Interest. The rear garden and car park are present in glimpsed views from Mill Road and do not in my view make an important contribution to the character and appearance of the Conservation Area.

17. The proposed terrace would be set close to the back edge of the pavement on Malta Road and in terms of height, width and architectural features would complement the existing terrace. Conditions requiring the provision of a replacement tree to the side of the Royal Standard, the value of which is identified by the Character Appraisal, and the use of appropriate materials would assist in ensuring that the appearance of the development complements the locality.
18. Taking all these matters into account, I therefore conclude that the proposed development would preserve the contribution of the appeal site to the character and appearance of the Conservation Area. In doing so the proposal would comply with policy ENV/7 of the East of England Plan and policies 3/10, 3/12, 4/11 and 4/12 of the Cambridge Local Plan. These policies require the protection of the character and appearance of a locality, including conservation areas, through high quality design that respects local design features.

Other matters

Local services and facilities

19. Policy 5/14 of the Local Plan provides the policy basis for contributions towards the provision of open space, community development, waste, waste management and education. The contents of the obligation are uncontested and a properly completed section 106 agreement was submitted to the Council to secure such provision prior to the hearing. However, as the proposed development is unacceptable for other reasons it is not necessary to assess the contributions sought in relation to the tests in paragraph 204 of the Framework, or the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Split decision

20. Should it be deemed appropriate a split decision was suggested by the appellant allowing the appeal in relation to the proposed terrace, but dismissing it in relation to the conversion of the Royal Standard. Whilst these 2 aspects of the scheme are physically and functionally separate such a decision would result in the communal outdoor area of the Royal Standard wrapping around the side and rear of the back garden of the nearest of the proposed terraced houses. As this would be the sole private amenity space to this house if the Royal Standard once more was used as a community facility this has the potential to result in unacceptable noise and disturbance for future occupiers. Furthermore, a public house with a car park and outdoor amenity space is a far more attractive proposition than a public house without these facilities. In the interests of maximising the opportunity for the facility to return to community

use and safeguarding the living conditions of the occupiers of the end terrace a split decision therefore would not be appropriate in this instance.

Conclusion

21. While the site is in a sustainable location and the proposal would make an efficient, well designed use of the site to provide additional housing (including for students), I consider that any presumption in favour of development is clearly outweighed by the comprehensive harm the proposal would cause by virtue of the loss of a valued community facility. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Ian Radcliffe

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr Kratz	Birketts LLP
BA(Hons) solicitor LARTPI	

FOR THE LOCAL PLANNING AUTHORITY:

Mr Evans	Cambridge City Council
Planning Officer	

Mr Waller	Cambridge City Council
Senior Planning Policy Officer	

INTERESTED PERSONS:

Mr Bell	Cambridge Past, Present & Future
Mr Cook	Cambridge & District Campaign for Real Ale
Mr Boucher	local resident
Mr O'Malley	local resident
Miss Walker	local resident
Miss Jeffery	local resident
Mr Bourke	County Councillor

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter of notification detailing the time, date and location of the hearing together with a list of persons notified.
- 2 Petition supporting retention of the public house.
- 3 Cambridge City Council Statement of Licensing Policy.
- 4 Report on the key issues arising from Public Consultation on the IPPG on The Protection of Public Houses in the City of Cambridge, dated 11 September 2012.
- 5 Mill Road Area Conservation Area Appraisal.
- 6 Completed Section 106 agreement.
- 7 Planning Officer report at the Planning Committee on 22 August 2012 on the residential redevelopment of 169 – 173 High Street Application No 12/0705/FUL .
- 8 E-mails from the County Council regarding contributions sought towards education.

PLANS SUBMITTED AT THE HEARING

- A Plan showing the location of local section 106 projects in the vicinity of the appeal site.



Appeal Decision

Hearing held on 11 April 2012

Site visit made on 11 April 2012

by L Rodgers BEng (Hons) CEng MICE MBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2012

Appeal Ref: APP/W0530/A/11/2167619

The Plough, High Street, Shepreth, Royston SG8 6PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by MPM Properties (Royston) Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/0828/11, dated 15 April 2011, was refused by notice dated 6 September 2011.
 - The development proposed is described as a change of use from a restaurant (Use Class A3) to a residential dwelling (Use Class C3) together with landscape works to the site frontage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the provision of community services and facilities in the area.

Procedural matters

3. At the hearing the Appellant submitted a true copy of a Planning Obligation made pursuant to s106 of the Town and Country Planning Act 1990. This is a material consideration that I shall take into account in my determination.
4. The National Planning Policy Framework (NPPF) was published on the 27 March 2012. This was after submission of the appeal but before the hearing - at which the parties were given the opportunity to comment as to its effect on their cases. In determining the appeal I have had regard to the comments made at the hearing as well as to the NPPF itself.

Reasons

Background

5. The Plough is a detached, brick building with a large garden and extensive parking. It is centrally situated within the village of Shepreth and the building itself lies within the Shepreth Conservation Area. The Plough has historically been used as a public house (Use Class A4) and more recently as a bar/restaurant (use Class A3). However, the property is currently not in use as a restaurant and the proposal seeks to convert the premises into a single residential dwelling.

6. Policy SF/1 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 (DPD) aims to protect village services and facilities where their loss would cause an unacceptable reduction in the level of community or service provision in the locality. Village services are said to include shops, post offices, community meeting places and village pubs - although the list is clearly not exhaustive.
7. The policy requires a number of matters to be considered in determining the significance of any loss including the established use, its existing and potential contribution to the social amenity of the local population, the presence of other village services and facilities and the future economic viability of the use including, where appropriate, financial and marketing information.

The established use of the premises

8. Although The Plough had been used as a public house it was converted into a restaurant and bar immediately following its purchase by October Restaurants in 2004; photographs submitted by the Appellant show that substantial changes were made to both the internal layout and decor.
9. The Council accepts that the established use is that of a restaurant in Use Class A3 and confirmed at the hearing that planning permission would be required to revert to an A4 pub use. Whilst local residents state that they were able to use the bar without dining in the restaurant, a matter not disputed by the Appellant, the physical changes shown in the photographs and my observations on site strongly suggest that the bar use was ancillary to that of the restaurant.
10. The bar/restaurant use ceased on the 25 December 2010 and, according to the Appellant, The Plough went into liquidation on the 10 February 2011. Since that time the liquidators have removed the restaurant's fixtures and fittings - including the kitchen equipment. It is therefore abundantly clear that the premises have not been used as a restaurant for more than a year and, notwithstanding that the bar could be used independently of the restaurant, the premises have not functioned in the manner normally expected of a public house for something in excess of seven years.
11. The Appellant points out that the lawful use of the premises is as a restaurant (Use Class A3) and moreover that, when in business, The Plough was regarded as a 'high end' restaurant. The Appellant further argues that such premises have a large catchment area and are unlikely to survive solely on custom from the local populace. As such, The Plough should not be regarded as a village service or facility to be considered under Policy SF/1. Indeed, the Appellant suggests that The Plough should be regarded as a facility within a village rather than a village facility.
12. I have some sympathy with the Appellant's view and it is highly unlikely that The Plough, as a 'high end' restaurant (local residents confirming that prices reflected this description), functioned as a social hub for the village in the way that might normally be expected of a traditional pub.
13. Nevertheless, looking solely at the last use of the premises seems to me to be taking a view which is rather too narrow and simplistic. Indeed, as a number of residents pointed out, if the last use was taken as the sole determinative criterion, changing a pub to Use Class to A3 through permitted development would be a way of circumventing policy restrictions seeking to prevent the loss

of pubs as community facilities. Policy SF/1 itself notes that in addition to considering the established use of the premises, regard must also be had to its potential contribution to the social amenity of the local population.

14. Given that The Plough was once a pub, and notwithstanding the need for planning permission and the appropriate investment, there must at least be the potential for The Plough to be returned to that use. I shall therefore move on to consider the other matters identified in Policy SF/1.

Village services and facilities

15. Policy SF/1 notes that consideration will be given to the presence of other village services which provide an alternative with convenient access by good local public transport services, or by cycling or walking. Although Shepreth does have a number of other services and facilities these are clearly limited. The recently opened coffee shop and the local community hall provide some sort of community focus, but the only facility which can be regarded as providing a realistic alternative to the potential use of The Plough as a public house is the 'Green Man' pub.
16. The Green Man is described as being in the Parish of Shepreth. However, I saw on my visit that it is a considerable distance from the village centre (around 1.6km). It also lies on the opposite side of the A10 from the village centre, the A10 being described by the Council as a 'busy and fast trunk road' - a description with which I concur. Having regard to its location and its public transport links, I am of the view that the Green Man is unlikely to appeal to villagers, other than perhaps those prepared to travel by car. As such its location would act against it becoming a social hub for the village and in my view it would not provide a comparable alternative to a pub sited in the village centre.
17. Shepreth is described in the South Cambridgeshire Local Development Framework Core Strategy (CS) as an 'Infill Village' and the Council notes that "Infill villages are amongst the smallest in South Cambridgeshire, have a poor range of services and facilities and it is often necessary for local residents to travel outside of the village for their daily needs". As such it seems to me that the loss of a potential facility would be acutely felt.

Viability

18. The Appellant has submitted information to show that the former restaurant business operating from The Plough did not prove to be viable, a matter underlined by the fact that the business closed and went into liquidation. The Appellant has also put forward a letter sent to the liquidator of October Restaurants Ltd by the Royal Bank of Scotland Plc's debt recovery department in which it is stated that re-opening of the pub in the current economic climate would not be supported as it is not seen as being financially viable.
19. In contrast, the Council has made submissions suggesting that the site is viable in its current land use. In the Council's view The Plough is capable not only of sustaining a level of net profit adequate to provide an owner operator with appropriate remuneration, but also to fund loan interest and capital repayments for site purchase and essential investment.
20. The Council's assessment is based on a number of assumptions and as such must be subject to some risk. Although some of the factors underlying the

Council's assessment are reasonably easy to account for, such as the condition of the building, matters such as the historic trading record as a pub/restaurant are less reliable as predictors of future performance – particularly taking into account the fact that the premises have not traded as a pub for some time and the changes that have since occurred to the economic climate.

21. Nevertheless, the Appellant accepted at the hearing that despite the failure of the former business it ought to be possible to run some sort of viable pub/restaurant business from the premises. The Plough is reasonably well located and with its garden and car park has appropriate facilities. Despite the need to re-equip the kitchens I see no reason to demur from the view that a viable business could be created.

Marketing

22. The premises were first put onto the market as a restaurant and bar in May 2007 by Christie & Co. The initial asking price was for 'offers in excess of' £675k freehold and during the course of 2007 the premises were marketed through listing on the agent's web site as well as through the circulation of sales particulars and a campaign in the trade press. In November 2008 the asking price was reduced to £590k.
23. A letter from the agents in February 2011 stated that since 2007 the property had been fully exposed to the open market by inclusion on their website and in regular e-mail and mail shots to their database of potential buyers. They also confirmed that the ".....quoted asking price remains £590k freehold".
24. During 4 years of marketing, only three formal offers were received. The first, accepted in October 2007, was for the then asking price of £675k - although the prospective purchaser subsequently pulled out. Following the price reduction in 2008, two further offers were received. One, at £500k, was rejected as being too low as it was insufficient to clear the mortgage on the property but in May 2009 an offer of £570k was accepted – although, again, the prospective purchaser later pulled out.
25. Local residents representing the 'Shepreth Ploughshare' state that it appears as though The Plough was removed from sale in February 2011. The Council also points out that the property was no longer being advertised on Christie & Co's website at the time of its determination and the Appellant confirmed at the hearing that there had been no marketing by Christie & Co in the last year. I understand that this was because the property had been sold to the Appellant 'subject to contract' – the arrangements including an obligation on the Appellant to pursue residential development on the site.
26. Policy SF/1 requires that consideration be given to the results of any efforts to market the premises for a minimum of 12 months at a realistic price. In the Council's view the initial asking price was somewhat ambitious and is likely to have discouraged serious applicants. Whilst the subsequent reduction to £590k was considered a reasonable course of action at the time, the Council nevertheless still considered the asking price to be ambitious – although not so ambitious that it would necessarily discourage interested parties. However, the Council also considers it surprising that no further reductions were made in light of the subsequent economic decline, suggesting that a reasonable expectation of price in 2010 would have been closer to £400k.

27. The Appellant's stance is that the prices sought were realistic given that several formal offers were received. It is also suggested that the basis on which the Council had assessed what it considered a reasonable price expectation was highly dependent on a national average multiple of Fair Maintainable Trade – the Appellant suggesting that regional differences were highly significant and that using the figure for East Anglia would produce a price which would not be far out of line with that being sought.
28. Given that some offers were received for The Plough, it seems that at certain stages of its marketing the asking price was seen by some potential purchasers as being reasonable. However, none of the three offers received proceeded to sale and one was considerably below the then asking price. In my view, the fact that some 4 years of marketing only resulted in two offers close to the asking price must at least raise questions as to whether the property and its asking price were appropriately matched.
29. Indeed, despite a number of viewings since July 2009 no further formal offers were received. Whilst I accept the Appellant's point that the asking price should be reflective of local conditions and that the Council's suggested price of £400k may be too low, bearing in mind the economic climate and the lack of any offers, a further reduction in price between November 2008 and February 2011 might have been expected. The fact that a lower price might not be sufficient to clear the vendor's mortgage commitments may mean that he is unwilling to offer the property for sale at that price - but it does not mean that such lower price is unrealistic in the context of the market.
30. Whilst I am therefore content that the property has been offered to the market for a period well in excess of the minimum 12 months sought by Policy SF/1, I am less convinced that the offer price was realistic throughout that period. In my view the marketing of the property cannot be without some criticism and there is at least limited conflict with Policy SF/1.

Conservation Area

31. The Plough lies within the Shepreth Conservation Area and the statutory test requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
32. In physical terms the effect of the proposed development would, through landscaping of the existing frontage, enhance the appearance of the area. In respect of its character, the Council notes that "Arguably however, the loss of a village facility would affect the social character of this part of the Conservation Area and this would be to the detriment of the area".
33. However, as noted earlier it is debateable as to whether a restaurant provides a village facility. The surrounding development is described by the Council as being predominantly residential of a mix of age and form and in these circumstances it is my view that a change of use from a restaurant to a residential dwelling would, in overall terms, have a neutral effect on the character of the area. I therefore find no conflict with the statutory test.

Other matters

34. In addition to the letters from local residents objecting to the application and the appeal, as well as the accompanying petition, it was made clear at the hearing that there is considerable local opposition to the proposal. Indeed, I

note that a number of local residents have formed a group known as 'Shepreth Ploughshare' with the intention of returning The Plough to community use - specifically as a community-owned public house.

35. However, the 'Shepreth Ploughshare' does not appear to have passed much beyond its formative stages nor does it appear to have sufficient funds in place with which to achieve its objective of purchasing The Plough and turning it into a community-owned public house. In these circumstances I can give little weight to its intentions. Nevertheless, the formation of 'Shepreth Ploughshare' is indicative of a strong local desire for The Plough to once again become a community facility.
36. The NPPF is clear that part of promoting a strong rural economy is the retention and development of local services and community facilities in villages, including public houses. It also states that the planning system can play an important role in facilitating social interaction and creating healthy and inclusive communities.
37. To support this approach the NPPF seeks for planning authorities to involve all sections of the community in planning decisions and amongst other matters, those decisions should aim to achieve places which promote opportunities for meetings between members of the community. It also notes that policies and decisions should plan positively for the provision of community facilities, including public houses. Although, as the Appellant points out, the NPPF is clear that applications for alternative uses of land or buildings should be treated on their merits having regard to market signals, it goes on to state that regard should also be had to the relative need for different land uses to support sustainable local communities.
38. Given its recent publication and extensive consultation I consider the NPPF to be a weighty material consideration.

Planning obligation

39. The Appellant has submitted a planning obligation pursuant to s106 of the Town and Country Planning Act 1990 that is intended to provide contributions towards such matters as community facilities, recycling receptacles and open space. However, the absence of such an obligation did not form part of the Council's reasoning in refusing the application nor has the Council provided the policy basis for seeking any such contributions. In reaching my determination I have therefore found no need for the obligation - but neither have I accorded it any weight.

Conclusions

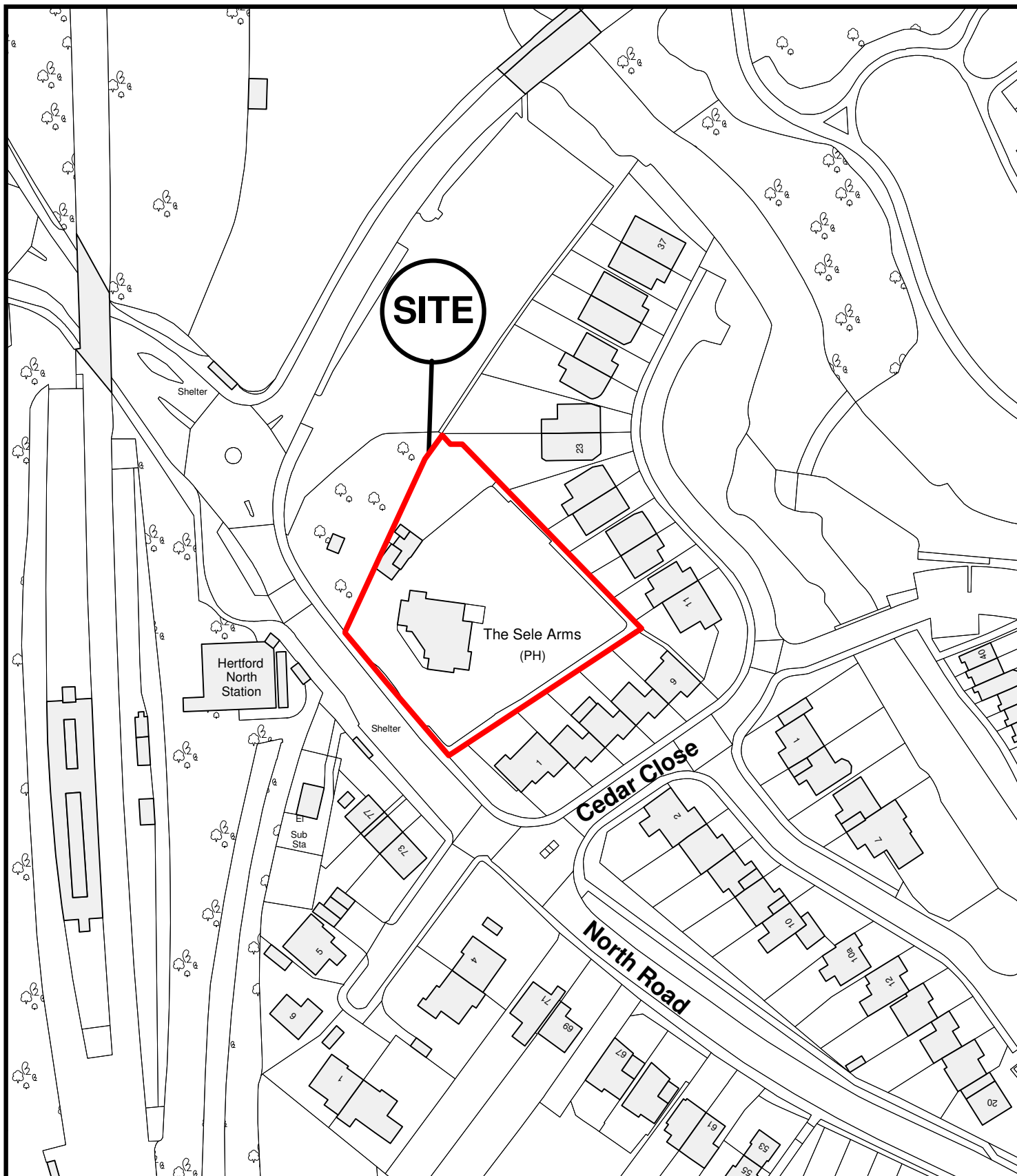
40. There are a number of matters that I consider weigh in favour of the proposed development. These include firstly that The Plough has not been a pub for some considerable time and that, notwithstanding its more recent use as a bar/restaurant, its conversion would not deprive the village of something that can currently be justly regarded as a community facility. Secondly, despite marketing the premises as a bar/restaurant for a period of some 4 years, the vendor has failed to secure a buyer. Thirdly, the former restaurant business proved unviable and had to be liquidated. The conversion would also result in a small supplement to the housing stock.

41. However, there are also matters weighing against the conversion. Firstly, the physical attributes of The Plough clearly make it suitable for a pub use and the proposed development would therefore result in the loss of a potential community facility – which it is accepted could be viable. Secondly, there are few other services and facilities in the village and the loss of even a potential facility takes on a particular significance. Thirdly, despite the lengthy period of marketing, I have reservations as to whether the asking price was realistic throughout that period and I do not regard the marketing so far carried out as carrying conclusive weight.
42. Based on the factors above I see the determination as being finely balanced. However, it is obvious that a substantial part of the community sees The Plough as a potentially valuable community facility and I am very much aware that approving the proposal is likely to result in the loss of that potential facility forever. I am also conscious of the weighty support offered by the NPPF to the retention and development of community facilities (including public houses) and its support for the involvement of all sections of the community in planning decisions. Taking these further considerations into account leads me to the conclusion that the loss of The Plough as a potential contributor to the social amenity of the village would be unacceptable.
43. Having had regard to all other matters before me I find nothing to add to or alter my finding above. The appeal must therefore fail.

Lloyd Rodgers

Inspector

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 31 Jan 2018

Application Number	3/17/2030/REM
Proposal	Approval of Reserved Matters following outline approval 3/14/2023/OP in respect of access, appearance, landscaping, layout and scale for the erection of 13 dwellings.
Location	Land South of Tanners Way
Applicant	Thomas Sinden Developments Ltd
Parish	Hunsdon
Ward	Hunsdon

Date of Registration of Application	1 September 2017
Target Determination Date	6 December 2017
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary

- 1.1 Outline Planning Permission was granted on 8 March 2016 for the erection of 13 dwellings. This application is for reserved matters addressing access, appearance, landscaping, layout and scale as the principle of residential development on the site has been established.
- 1.2 The proposal includes 3 affordable dwellings and 10 market dwellings ranging in size from 2 bedrooms to 5 bedrooms, with building heights being 1.5 to 2 storeys. The details submitted are generally consistent with the indicative plan submitted with the Outline Planning Application. Each dwelling has been sited to minimise potential overlooking and maximise the garden space.

Amendments were made to the plans during the assessment of the application to ensure that the development provided a strong frontage to the main road.

- 1.3 All dwellings are provided with vehicular access off the central roadway off the B180, with a total of 39 on site car parking spaces and 26 cycle storage spaces.
- 1.4 The central road has been designed as a shared access with permeable paving to accommodate sustainable urban drainage.

2.0 Site Description

- 2.1 The site is part of an open agricultural field with its eastern boundary fronting the B180, where there is an existing hedge. On the eastern side of this road opposite the site is a field and to the north of that are dwellings on Rectory Close.
- 2.2 To the north of the site is Tanners Way, which has a strip of landscaping adjoining the development site. Tanners Way has access from the B180 and has a mix of one and two storey dwellings. The dwellings closest to the development site are single storey and attached. Other dwellings nearby are semi-detached. The northern boundary of the site has a low wire boundary fence which adjoins the landscaping strip on Tanners Way.
- 2.3 Adjacent to the western and southern boundary of the site is farmland. Beyond this field to the south is Hunsdon Skip Hire.

3.0 **Planning History**

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

Application Number	Proposal	Decision	Date
3/14/2023/OP	Outline planning application with all matters reserved for the erection of 13 dwellings	Granted	8.3.16

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP), the adopted East Herts Local Plan 2007 (LP). The site falls within the proposed Hunsdon Neighbourhood Area, which was designated in November 2017. There is no draft Neighbourhood Plan to date.

Main Issue	NPPF	LP policy	DP policy
Principle of Development	Para 14	GBC2 GBC3	GBR2 VILL1
Design, layout and scale	Section 7	ENV1 HSG6 ENV3	DES1 DES2 DES3 DES4 NE4 CC1 CC2 WAT4 CFLR9 VILL1
Landscaping and open	Section 7,	ENV2	DES2

space	10		
Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU7
Affordable housing	Section 6	HSG3 HSG4	HOU3
Parking provision	Section 4	TR1 TR4 TR7 TR14	TRA3
Surface water drainage	Section 10	ENV21	WAT5

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority requests a number of conditions with regard to visibility splays, the development being completed in accordance with the plans submitted, management of construction traffic, phasing details, removal of existing gateway feature and bus stop upgrading. The Authority has also requested advisory notes.
- 5.2 Lead Local Flood Authority initially reviewed the drainage strategy submitted and supported the change in strategy from the outline permission but raised objections with regard to the detail. Further comments on the updated SuDS documents have been provided and the objection has been addressed. The LLFA has requested conditions.

- 5.3 EHDC Engineering Advisor states that the site is in flood zone 1 and is generally away from overland surface water flows and there are no historical incidents of flooding of the site. The SuDS document submitted dated 25.8.17 is considered to be insufficient.

The SuDS document was updated on 6.10.17 to address the concerns raised. No further comments have been received.

- 5.4 Thames Water raises no objection to the proposal on the basis that foul water will discharge to the public sewer through gravity connection.
- 5.5 EHDC Housing Development Advisor comments that Plots 1 and 2 provides 2 x 2 bed houses for rent and Plot 3 provides 1 x 3 bed for shared ownership. This is acceptable to the Housing Team.
- 5.6 EHDC Conservation and Urban Design Advisor recognises the constraints of the red line of the outline planning permission and the limitations of the reserved matters application. It is regrettable that the development does not have pedestrian access to Tanners Way. An amendment to the scheme has improved its appearance along the main road. The architectural style of individual dwellings is considered to be of a high quality, creating character and interest.
- 5.7 HCC Development Services advise that it is aware of the existing S106 and has no further comments to make in regard to education, childcare, library or your services.
- 5.8 Herts Ecology supports the swale rather than a balancing pond that was proposed at outline stage as the swale is not likely to attract invasive aquatic plant species. The landscaping arrangement, which enhances the existing hedgerow and provides new hedgerows is welcomed as it will maximise biodiversity and provide foraging habitats. Planting schedule is recommended by condition.

- 5.9 EHDC Environmental Health Advisor does not wish to restrict the granting of planning permission.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Hunsdon Parish Council Representations

- 6.1 The Parish Council raised concerns about the application on the following grounds:

- Drainage
- Street Lighting
- Contractor Parking
- Noise emissions – new dwellings need to have adequate protection
- Boundaries – the boundary fence with Tanners Way needs to be replaced with a substantial fence with agreement of owners of Tanners Way verges.
- Affordable Housing – can the 3 dwellings be safeguarded for families from the village community
- House Design – is the height and roof design sympathetic?
- S106 Monies – requested more contributions towards school, public transport, health

7.0 Summary of Other Representations

- 7.1 1No. response has been received objecting to the proposal on the following grounds:

- other planning permissions in the village results in 49 new houses
- pressure on school spaces, no GP appointments available
- nothing positive for village

8.0 Consideration of Issues

Principle of Development

- 8.1 Outline planning permission was granted in March 2016 for 13 dwellings with all matters reserved. That permission was determined to be acceptable in principle due to the lack of a 5 year housing land supply and the site being in a sustainable location. The outline permission was subject to a time limit for reserved matters to be submitted within 2 years of the decision. The current application is for all reserved matters and was submitted on 1 September 2017. The reserved matters are access, scale, layout, appearance, and landscaping.
- 8.2 One of the objections raised discussed noise, which was addressed in the outline planning permission and is subject to Condition 8 of this permission, which requires details of an acoustic fence to be submitted and approved in writing prior to the first occupation. In addition to this, all dwellings will be designed in accordance with building regulations.
- 8.3 The reserved matters application proposes 13 dwellings with three of these dwellings being affordable, in accordance with the S106 requirements.

Design, layout and scale

- 8.4 There are five dwellings that have pedestrian access directly off the B180 with all vehicular traffic entering and leaving the site via the access road located towards the southern end of the site, where a new junction is proposed. The access road has been designed so as to provide a gently curved roadway into the middle of the site where there is a shared surface. This shared surface also forms the main part of the sustainable urban drainage system.
- 8.5 The Highway Authority has requested conditions be attached to this application should permission be granted. With the

conditions proposed and the internal access arrangements the proposal is considered to be consistent with the relevant access policies. The internal road network has been designed to accommodate refuse vehicles.

- 8.6 Each of the 13 dwellings is provided with private open space generally to the rear adjacent to the internal living rooms. Three dwellings, located opposite the single storey dwellings on Tanners Way, are proposed to be 1.5 storeys with rooms in the roof space. These dwellings have a setback to the northern boundary of 10 metres, which provides a separation distance of 29.4 metres to the dwellings on Tanners Way facing the site. This separation distance will ensure there is no unacceptable impact on the amenity of the residents in Tanners Way.
- 8.7 Other dwellings on the site have either a 10 metre setback or have been angled away from adjoining properties so there will not be any significant potential impact on privacy of neighbours. Some dwellings are proposed to have opaque glazing to bathrooms and secondary first floor rooms to ensure the layout does not create any impact on privacy.
- 8.8 The layout has been designed with permeable paving providing the majority of the sustainable drainage on site. This has left what appears to be a vacant plot, for which proposals for a further unit may come forward. This would be subject to a separate planning application. An application has been submitted which proposed this but it was subsequently withdrawn. While the reserved matters application does not include a new dwelling on the site, the use of this vacant plot for a future dwelling is not considered to impact on the overall appearance and layout of the application that forms part of the reserved matters application.

- 8.9 The scale of the development is considered to complement nearby residential developments in the locality and the open space on the southern side of the access road provides a landscaped entrance into the site. Whilst the site does not have any significant communal open space, the shared access is considered to provide an opportunity for future occupants to use this area for recreational purposes as suggested in the Design and Access Statement.
- 8.10 The reorientation of dwellings on Plots 4 and 5 to face toward the road has improved the street scene as well as improving the privacy to the outdoor amenity space of these two dwellings. It is considered that further improvements to the layout and design and a softer southern edge to the village could have been provided. However, this would have required a larger development site. These ideas were explored with the applicant, but the applicant has rightly indicated that the application is for reserved matters, and the requirement is to consider the acceptability of the design and layout, and other matters, within the constraints established by the outline planning permission. The amendments made to the layout and design through the consideration of the proposals are considered to be positive.
- 8.11 The proposed dwellings have been designed in the context of the adjoining and nearby dwellings as well as other dwellings in Hunsdon and the adjoining countryside. The layout and landscaping together with the materials and design of the dwellings will complement the surrounding area and keep the development of the site at an appropriate scale. The materials proposed include two colours of brick, timber cladding and slate roofs. The materials and design has picked up some of the features of existing dwellings in the village and in the countryside. The dwellings have steep roof pitches similar to traditional agricultural with the upper levels having black stained timber cladding and the ground floor being built in brick. The roof design also complements the existing dwellings in Tanners Way.

- 8.12 Roof design and height has been raised by the Parish Council as a concern. As outlined above, the proposal is considered to be well-designed complementing the adjoining mix of housing in Tanners Way and in the locality. The Design and Access Statement provides details of the architect's site analysis and analysis of the dwellings in the village and it is evident that the proposed development while being a contemporary design, picks up the main elements of dwellings in the village and general locality. The use of a limited range of materials and the overall design will help ensure the final dwellings complement the character of the village.

Landscaping and Open Space

- 8.13 The landscaping plan and design and access statement provides a comprehensive landscaping strategy indicating a mix of trees, shrubs, grasses and lawn throughout the site. Each of the detached dwellings is to be separated by hedge planting and the front of the site on the main road has native shrub planting and some grassed area. A swale proposed on the southern side of the central access provides a mix of native and non-native plants to boost biodiversity. Plot 7, which adjoins the swale will be accessed via a pedestrian and vehicular bridge over the swale.
- 8.14 The landscape plan proposes a mixture of hard and soft landscaping throughout the site and on the edge of the development boundary. This landscaping plan is considered to be well-designed given the constraints of the site.
- 8.15 The details submitted with the application are considered to improve the appearance of the site from long views with regard to the openness and landscaping adjoining the site. The additional tree planting will complement the adjoining landscaping on Tanners Way.

- 8.16 It is not considered necessary to condition a planting schedule as the Design and Access Statement provides details as well as the landscape plan, drawing No. C0059 L101. The Design and Access Statement also provides details of low level lighting in the form of bollards, and uplighters on trees and low level spot lights. No details of these have been provided so a condition is proposed requiring details to be agreed prior to first occupation.
- 8.17 The site provides a small amount of open space adjacent to the main access road, particularly at the front of the site. The open space is for landscaping rather than any play space. The proposal has been designed to allow the central road to be used as a shared access.

Housing Mix and Density

- 8.18 The mix of 3, 4 and 5 bedroom market houses and the variation in height of 1.5 to 2 storeys provides an appropriate mix of dwellings for sale. The affordable housing provides two 2 bedroom dwellings and one 3 bedroom dwelling. The total floor space provided on site is 2029m².
- 8.19 Policy HOU1 of the draft District Plan requires new housing to take the latest Strategic Housing Market Assessment (SHMA) into consideration. The proposal is consistent with the 2015 SHMA in that the majority of the market houses are 3 and 4 bedroom houses and the affordable housing being 2 and 3 bedroom houses. It does not provide house types at the wider end of the spectrum for the differing house types (sale and affordable) but this would not necessarily be expected for a site of limited size.

Affordable Housing

- 8.20 The three affordable houses were agreed at the outline planning application stage for 13 dwellings and the S106 required two dwellings to be affordable rent and one dwelling to be shared ownership.
- 8.21 The two affordable rent units are 85m² and the shared ownership is 3 bedroom and 106m². All three dwellings, while smaller than the market houses, are considered to be a reasonable size for the number of bedrooms provided and will provide a strong frontage to the B180 at the boundary of Hunsdon. The external materials of the three affordable houses will be the same as the market housing so the whole development will have the same appearance with matching materials.
- 8.22 The applicant has a Housing Association interested in the affordable houses provision, which is an indication that the developer wants to proceed quickly on building out the scheme if planning permission is granted for the reserved matters.
- 8.23 The allocation of the housing will be decided by the Housing Association. Residents who are on the Housing Register will be eligible to apply through HomeOptions.

Parking

- 8.24 The parking has been considered in the overall design of the site and additional parking areas for visitors have been provided in front of on-site garages. The larger dwellings have the ability to provide up to four parking spaces on site. The affordable houses each have two allocated car parking spaces.

- 8.25 The parking standards of the existing and draft local plan are provided at the end of this report. The supporting documents for the outline planning application indicated that 31 spaces were proposed. The existing standards provide for a maximum number of car parking spaces and the reserved matters submission proposes 39 spaces, which exceeds the maximum. Some of these spaces could be used for visitor parking. The additional car parking on site will also assist in minimising the impact on neighbours with overflow parking.
- 8.26 All of the parking spaces and garages meet the minimum dimensions and the spaces are an integral design with the dwelling so are more likely to be used as car parking spaces. It is recognised that there is some tandem parking proposed to accommodate visitor parking, which is contrary to policy. However, the amount of tandem parking is minimal and is not considered likely to create a significant demand for on-street parking.

Surface Water Drainage

- 8.27 The outline planning permission has a condition with regard to providing a surface water drainage scheme. A scheme has been submitted with the reserved matters application, which provides details of how sustainable urban drainage system can be achieved. The new surface water drainage scheme is significantly different to the scheme submitted with the outline application. The proposed drainage strategy refers to the hierarchy and includes porous pavement and individual soakaways. The porous pavement is set at 0.755m below ground level, with a sub-base of sand having a 0.5m depth. The surface water runoff from paved areas will infiltrate into the ground, with the sand trapping any pollutants. The roof runoff from the buildings will discharge into soakaways for each dwelling, with the affordable housing units having a shared soakaway.
- 8.28 In addition to the permeable paving and soakaways, there is a swale proposed on the southern side of the central roadway

which will provide for bio-retention. Whilst the drainage scheme meets the requirements of the SuDS Manual and Council's SuDS Hierarchy, it is not the most sustainable with regard to biodiversity and amenity as there are no wetlands, ponds or basins.

- 8.29 However Herts Ecology and the Lead Local Flood Authority support the proposed drainage strategy. The Lead Local Flood Authority has requested conditions. It is proposed to include these conditions on the reserved matters application as the proposed surface water drainage has been submitted as part of the layout. The conditions relate to the drainage strategy submitted with the reserved matters application

Other Matters

- 8.30 Some of the issues raised by the Parish Council and the objector have been addressed as part of the outline planning permission and conditions. This includes the principle of residential development on the site, provision of acoustic fencing and boundary treatment, affordable housing, S106 contributions, construction traffic and drainage.
- 8.31 The Parish Council has requested additional S106 contributions and that the 3 affordable houses be safeguarded for families from Hunsdon village. The S106 was agreed at Outline application stage and cannot be revisited now.
- 8.32 The Design and Access Statement provides details with regard to street lighting, boundary treatment and acoustic treatment of dwellings. The landscaping sections in the Design and Access Statement provides these details. The outside lighting of the development will be similar to the adjoining village with regard to it being low level, with most of the light coming from dwellings. A condition is proposed requiring full details of all external lighting prior to the first occupation of the development.

- 8.33 The boundaries have acoustic fencing and hedges to assist in protecting future residents from existing and potential noise sources as well as providing soft landscaping. With regard to the boundary fence on Tanners Way, the developer has discussed this with residents in Tanners Way and the details of the treatment are included in application.
- 8.34 With regard to the objector stating that there will be a cumulative impact due to other planning permissions for new houses in the village and impact on schools and other facilities, the outline planning application addressed these matters and there are contributions towards schools. In regard to positive impacts for the village, the provision of additional houses that are well-designed and complement the adjoining and nearby dwellings is considered to be positive, particularly when the contributions address the impacts of the development.

9.0 Planning Obligations

- 9.1 A Section 106 was signed on 8 March 2016 and included the following contributions:
- Affordable housing - 1 shared ownership and 2 affordable rent
 - Primary Education Contribution
 - Sustainable Transport Contribution
 - Children and young persons contribution
 - Hunsdon Village hall contribution
 - The Sports and recreation Contribution
 - Provision for Fire Hydrants

10.0 Planning Balance and Conclusion

- 10.1 As stated above, the principle of residential development on this site has been established by the granting of outline planning permission. The current application is seeking permission for the scale, layout, access, appearance and landscaping details.
- 10.2 The reserved matters details are considered to be satisfactory within the constraints of the outline planning permission. The

quality of the housing designs and materials are considered to outweigh the harm of the dwellings not addressing Tanners Way and the lack of soft landscaping on the site. The proposal overall is not considered to cause harm to the adjoining village.

- 10.3 The affordable housing is an integral part of the development and a Housing Association has shown interest in taking the 3 dwellings.
- 10.4 It is noted that the car parking provision is more than the maximum and has some tandem spaces. These spaces could be used for visitors rather than being tandem spaces for permanent residents.

RECOMMENDATION

That planning permission be **GRANTED** subject to the conditions set out below.

Conditions

1. Approved plans (2E10)
2. The external materials of construction for the buildings hereby permitted shall be:
 - Roof - natural slate
 - Walls - red brick (Caprice Baccara), white/grey/buff brick (Caprice Cinder Coal White), vertical blackened timber cladding.
 - Windows - powder coated aluminium black frames
 - Doors - timber with fixed glazing and black frames
 - Rooflights - Velux composite timber with black frames

Reason

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the first occupation of the dwellings. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason

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

4. Visibility splays of 4.5m x 43m shall be provided when the access is being constructed and shall be permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason

To provide adequate visibility for drivers entering or leaving the site.

5. Before first occupation of the approved development, the new access serving the development shall be completed in accordance with the approved in principle plan (drawing number 1307-SK-02 Rev A) and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason

To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience.

6. Before the development hereby approved is first occupied, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces,

shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans and carried out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highways.

Reason

So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction and inconvenience to users of the highway and the development.

7. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development. This shall include cleaning the wheels of all construction vehicles leaving the site.

Reason

In order to minimise the amount of mud, soil and other materials originating from the site being deposited on the highway, and in the interest of highway safety and visual amenity.

8. Prior to the commencement of the development, the Construction Method Statement July 017 Rev A and the Construction Logistics Plan Traffic Management Plan shall be incorporated into a Construction Traffic Management Plan and shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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:

- Phasing for the development of the site, including all highway works;
- Methods for accessing the site, including construction vehicle numbers and routing;
- Location and details of wheel washing facilities; and
- Associated parking areas and storage of materials clear of the public highway.

Reason

To ensure the impact of construction vehicles on the local road network is minimised.

9. Before first occupation of the proposed development, the existing gateway feature on the B180 shall be relocated and the footway on the west side of the main road fronting the development shall be widened to 1.8m.

Reason

To enable safe routes to/from the development site.

10. Before the first occupation of the proposed development, details of all proposed external lighting shall be submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the details approved.

Reason

To ensure the external lighting complements the adjoining village and provides a level of safety for future residents of the site.

11. Before 50% of the dwellings are occupied, the two bus stops within Hunsdon village centre, located on the B180, shall be upgraded to include shelters.

Reason

To ensure residents are provided with suitable facilities.

12. The drainage shall be carried out in accordance with the Drainage Strategy prepared by RAB (ref 1721B Version 8.0 6/10/2017) together with drawings prepared by Clark Smith Partnership.

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

Reason

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

13. Once all dwellings and roads are completed and before 50% of the dwellings are occupied, an as-built detailed drainage layout and a final management and maintenance strategy shall be submitted to and approved in writing by the local planning authority. The management and maintenance plan shall include arrangements to secure the operation of the drainage scheme throughout the lifetime of the development. The development shall be carried out in accordance with the details hereby approved.

Reason

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

Plan numbers 002 Rev F, 050 Rev J, 051 Rev G, 052 Rev E, 055 Rev E, 056 Rev E, 057 Rev E, C0059 L101 Rev 07, 408 Rev A, 108 Rev A, RAB1721B/001 Rev 3, DR-00-01 REV C2, DR-00-02 REV C1, DR-00-03 REV C1, EW-00-01 REV C1, EW-00-02 REV P1, 407E, 406D, 405D, 404D, 403 D, 402 D, 401D, 107D, 105B, 104B, 103B, 102B, 101B and supporting documents.

Informatives

1. Other legislation (01OL)
2. Street Naming and Numbering (19SN5)
3. Outline planning permission (U04072)
4. AN1) Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://beta.hertforshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-managment/highways-development-management.aspx>
5. AN2) Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website above.
6. AN3) Road Deposits: it is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website above.

7. AN4) The applicant is advised that in order to comply with Conditions of this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the associated off-site highway improvements. Further information is available via the website above.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	2
	3	5
	4+	6
Total		13

Affordable Housing

Number of units	Percentage
3	23%

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
2	1.50	3
3	2.25	11.25
4+	3.00	18
Total required		33 spaces
Proposed provision		39 spaces

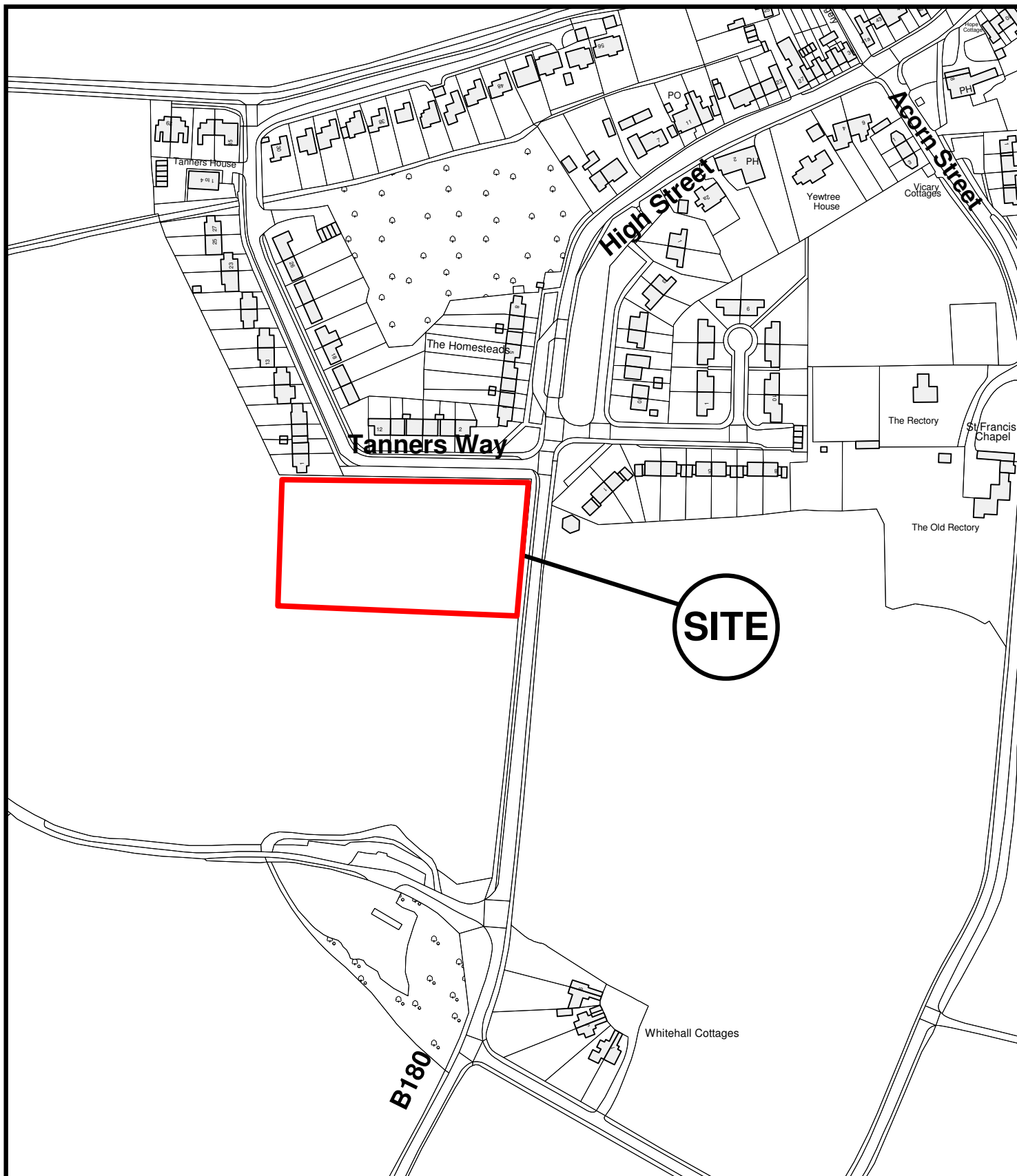
Emerging Parking Standards (endorsed at District Plan Panel 19 March 2015)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	4
3	2.50	12.5
4+	3.00	18
Total required		35 spaces
Proposed provision		39 spaces

Legal Agreement – financial obligations

The Outline Planning Permission has a S106 for the provision of the following:

- Hunsdon Village Hall improvements
- Children and Young People contribution
- Sports and Recreation contribution
- 3 Affordable Housing units being 75% affordable rent and 25% shared ownership
- Fire Hydrants
- Education and Library Contribution
- Sustainable Transport Contribution



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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/0975/OUT
Proposal	Outline planning for the erection of up to 18 dwellings, all matters reserved apart from access
Location	Land on the Eastern side of Albury Road, Little Hadham
Applicant	John Ruane
Parish	Little Hadham
Ward	Little Hadham

Date of Registration of Application	24 th April 2017
Target Determination Date	28 th July 2017
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

That had East Herts Council been in a position to determine the application, that it would have **REFUSED** planning permission for the proposed development for the reasons set out at the end of the report.

1.0 Summary

- 1.1 The proposal is for outline planning permission for 18 residential dwellings. The percentage of affordable housing is 40%. This is equivalent to 7 dwellings. A proposed site layout plan has been submitted with the application to help demonstrate how the site could be developed if outline planning permission was granted.
- 1.2 The proposed site layout plan submitted with the outline application indicates that the site could accommodate 6 dwellings fronting Albury Road and 12 dwellings located in the middle of the site, with one access road into the site is proposed. All matters are reserved apart from access.

- 1.3 The site is with the Rural Area beyond the Green Belt and is outside the village boundary of Little Hadham; a Category 2 Village in the Local Plan. At present the Council cannot demonstrate a 5 year housing land supply. As a result, policies relating to rural areas are regarded as out of date and paragraph 14 of the National Planning Policy Framework must be taken into account. Paragraph 14 requires decisions on planning applications to granted permission unless any adverse impacts would significantly and demonstrably outweigh the benefits.
- 1.4 The contribution of 18 dwellings would provide a benefit and therefore has significant weight. However this benefit is not considered to outweigh the adverse impacts developing the site for residential will have.
- 1.5 The application is now subject of an appeal against non-determination so it is for the Planning Inspectorate to make the final decision. The Council has only to indicate what its decision would have been on the application. This report will form the basis of written statements for the appeal.

2.0 Site Description

- 2.1 The site has an area of 1.4 hectares and is currently used for agricultural purposes and is part of a larger arable field, which is located to the north of the site. Albury Road generally runs in a north-south direction and the development site is located on the eastern side. The site has a depth of between 125 to 160 metres leading to the River Ash.
- 2.2 Adjacent to the river is a hedgerow and there is another hedgerow adjacent to Albury Road.
- 2.3 The pattern of the development along Albury Road is generally single dwellings with a range of front boundary treatments. The dwellings generally have a similar set back to Albury Road. To the south of the site is a Right of Way adjoining the residential property of Stanemede, which forms the northern edge of the village

boundary. Stanemede and other properties on the eastern side of Albury Road have the River Ash as the eastern boundary. Due to the meandering river the depth of the residential properties to the south of the site are differing depths and are much shorter than the development site.

- 2.4 Stanemede's northern boundary is heavily landscaped adjacent to the Right of Way. The roof of the single dwelling is visible through the trees from the public Right of Way.
- 2.5 The western side of Albury Road, directly opposite the site is a cluster of 6 dwellings. To the south of these dwellings is a track that leads to a site known as Lime Kiln Bungalow, which has outline planning permission for 5 dwellings.

3.0 **Planning History**

The applicant has submitted an appeal under non-determination.

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the draft East Herts District Plan 2016 (DP) and the adopted East Herts Local Plan 2007 (LP). The site falls within the Little Hadham Neighbourhood Plan Designated Area, which was designated in 6 September 2016. There is no draft Neighbourhood Plan to date.

Main Issue	NPPF	LP policy	DP policy
Principle of development and sustainability	Para 6-16 Section 6	SD1 SD2 GBC2 GBC3 OSV2 HSG1 HSG3 HSG7	GBR2 Para 3.3.2 Guiding Principles DPS1 DPS2 DPS3

		IMP1	TRA1 CC1 CC2 VILL2 DEL1 DEL2 INT1
Layout, design and density	Section 7, 8	ENV1 ENV2 ENV3 ENV4 ENV11 LRC3 LRC9	DES3 NE4 HOU1 HOU2 HOU7
Trees and landscape impact	Section 7, Section 10	ENV2 ENV11 GBC14	DES1 DES2
Affordable housing	Section 6	HSG3 HSG4	HOU3
Access and parking	Section 4	TR1 TR2 TR7 TR12 TR14 TR20	TRA1, TRA2 TRA3
Drainage and flood risk	Section 10	ENV18, ENV21	WAT1 WAT3 WAT4 WAT5 WAT6
Ecology and biodiversity	Section 11	ENV16 ENV17	NE3 NE4

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority advises that it has reviewed the supporting statements and is content with the access proposals. It notes that the development is heavily reliant on the private car but the impact on the wider local highway network is not considered to have a material impact. The authority requests conditions with regard to visibility splays, access, the details of internal roads and parking, construction traffic not to emit dust, mud or other debris, construction traffic management plan, phasing details, public footpath details, and limits the gradient of the access.
- 5.2 Lead Local Flood Authority has reviewed the additional drainage strategy submitted and is satisfied that there is a feasible sustainable drainage scheme for the site. The surface water management proposes on-site attenuation and flow control with the use of permeable pavement and a swale on the south west boundary to assist in controlling outflow into the River Ash. The scheme would need to be reassessed when full layout details are submitted.
- 5.3 Environment Agency advise that the proposal is acceptable if a condition is included requiring a scheme to be agreed to protect a minimum of an 8 metre wide buffer zone along the River Ash. This condition is to protect the area for wildlife and minimising the impact on biodiversity.
- 5.4 EHDC Engineering Advisor comments that the entire site is permeable at present and the proposal would create impermeable surfaces. The proposed SuDS, which include permeable paving, propriety treatment systems, water harvesting and an open channel swale will reduce the risk of flooding.
- 5.5 Thames Water provides comments on waste water and does not raise any objection.
- 5.6 EHDC Housing Development Advisor states that 40% affordable housing is required.

- 5.7 EHDC Conservation and Urban Design Advisor raises concerns about the sprawl of the dwellings across the site shown in the indicative site layout plan, which is out of character with the remainder of the locality where there is a common building line. Development down the hill towards the River Ash will impact on views from the opposite side of the valley. The one access proposed does not follow good urban design principles with regard to limiting the permeability of the site. The scheme is not supported due to the proposed number of dwellings and the harm to views across the River Ash valley due to the likely sprawl across the site.
- 5.8 EHDC Landscape Advisor states that the tree/hedgerow along Albury Road will be lost due to the provision of a 2m wide footpath. No arboricultural survey or impact assessment on tree removal has been submitted. It is not considered that there are any mitigation measures that would overcome the adverse local and wider landscape effects.
- 5.9 Herts Ecology advise that there is no biological data for the application site but there are records of bats, notable birds and uncommon plants in the area. There is limited ecological value for the majority of the site. Any trees removed in the hedgerow should be replaced with native species to improve other parts of the hedgerow. Bat, bird and invertebrate boxes and logs and gaps under fencing should be incorporated in the detailed plans. A Biodiversity and Landscape Management Plan is requested.
- 5.10 HCC Development Services has requested obligations towards education, childcare, library and youth services. If planning permission was recommended for approval then S106 contributions would be sought for these services.
- 5.11 HCC Minerals and Waste advises that any waste generated should be minimised to reduce off-site disposal of waste. Storage facilities at residential premises should be provided and sets out the relevant policies of the County Council's Waste Core Strategy and Development Plan. This and other policy requirements can be met

through planning conditions. A Site Waste Management Plan can be reviewed by the County Council. The location of the site is entirely within the sand and gravel belt as set out in the Herefordshire Minerals Local Plan. It would be encouraging to see if any of the mineral resources on site could be incorporated into the development if planning permission is granted.

- 5.12 EHDC Environmental Health Advisor requests a condition restricting construction hours and requested an informative with regard to unsuspected contamination.
- 5.13 HCC Fire and Rescue requests provision for fire hydrants in the S106.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Little Hadham Parish Council Representations

- 6.1 The Parish Council raised concerns about the application on the following grounds:
- Unsuitable location
 - Risk of flooding impacts
 - Increased road congestion on Albury Road and within the village
 - Visual impact on countryside and views to and from St Cecilia's Church
 - 18 houses is not infill development
 - Loss of good agricultural land
 - Proposed bypass should not allow for further development of Little Hadham
 - Little Hadham does not have a shop and there is an infrequent bus service so residents are reliant on private car use

7.0 Summary of Other Representations

7.1 22 responses have been received objecting to the proposals on the following grounds:

- other planning permissions in the village already
- pressure on school spaces, no gp appointments available
- nothing positive for village
- not many buses available and none on Sunday
- increase in traffic
- bypass would not alleviate volume of traffic
- access isn't safe on Albury Road due to poor visibility and to make it safe will require significant loss of trees. Albury Road has traffic safety problems and the proposal will add to it
- out of keeping with character and amenity of village
- scale of development is out of character
- overdevelopment of countryside
- character of countryside lost
- impact on flood plain
- loss of agricultural land
- impact on wildlife

7.2 CPRE object to the planning application on four grounds:

- the proposal conflicts with policies GBC2 and GBC3. The lack of a five year housing land supply does not automatically mean that policies protecting the countryside are rendered null and void and applications for housing should be granted. These policies still carry weight.
- the application does not mention Agriculture with regard to avoiding the loss of the best and most versatile farmland. Agriculture policies should be afforded weight as it would result in the loss of an important economic asset.
- the layout and scale is out of character with the pattern of development and would comprise a small housing estate.
- the Landscape Assessment should be taken into account as the proposal introduces an urban element into the countryside where there are prominent views from several public vantage

points. No landscaping or sympathetic design would mitigate adverse impacts.

8.0 Consideration of Issues

Principle of development and sustainability

- 8.1 The site lies outside the village boundary of Little Hadham, which is a Category 2 Village in the Local Plan and a Group 2 Village in the draft District Plan. The site is within the Rural Area beyond the Green Belt where inappropriate development will not normally be permitted.
- 8.2 It is acknowledged that the Council cannot demonstrate a 5-year housing land supply at present. Therefore the application must be assessed in accordance with Paragraph 14 and 49 of the National Planning Policy Framework. Paragraph 14 states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.
- 8.3 Little Hadham has limited services and facilities and as the Highway Authority has recognised, future residents will be very largely reliant on the private motor car. Bus stops are located on the A120 approximately 400 metres from the site. The services include Hertford to Bishop's Stortford (351) and Stevenage to Bishop's Stortford (386). There are other services which are very limited. Albury Road has a footpath on the western side and an intermittent footpath on the eastern side between the site and the bus stop.
- 8.4 The provision of an additional 18 dwellings will make a meaningful contribution to the Council's housing supply and will provide some economic and social benefit.

Layout, design and density

- 8.5 Whilst the application is outline with all matters reserved apart from access, an indicative site layout plan has been submitted with the application indicating how the site could be developed. Given the site constraints, It is considered that the positioning of 18 dwellings on the site will generally be in the same location as shown on the site layout plan, particularly with the access not being a reserved matter. Therefore layout, design and density although indicative; have been considered in the assessment of this outline application.
- 8.6 The layout and density is not considered to respect the existing character of the locality as all the dwellings to the south of the site have a consistent front and rear building line. The provision of the second row of dwellings towards the river will be out of character and is considered to have a detrimental impact on the character of the adjoining village. The site has not been previously developed so there is no justification for this impact.
- 8.7 The loss of part of the hedgerow on Albury Road will open up views into the site and the internal access road running parallel to Albury Road limits the amount of landscaping behind the hedgerow. This layout is an alien feature in the locality and is not considered to be good design, which is required by Section 7 of the NPPF, Policy ENV1 of the Local Plan and Policy DES3 of the draft District Plan.
- 8.8 Dense landscaping shown on the proposed site layout plan will partially reduce the impact but the proposed dwellings will still be visible from short and long views. Due to the topography of the site, the proposed dwellings will be visible from across the valley and it will be clear that the character of the development is not shared by any sites adjoining or nearby.
- 8.9 The internal layout is considered to be of poor design with the access to the 6 dwellings fronting Albury Road having an access road parallel to Albury Road. If planning permission was to be granted, then the reserved matters application would need to

incorporate a much better layout of the parking and internal road. The concept plan is considered to be of poor design.

- 8.10 The density, relationship with the existing character and the lack of a footpath for the entire length of the eastern side of Albury Road are all negative elements of the proposal. This is considered to hold considerable weight.

Trees and landscape impact

- 8.11 The site lies in Landscape Character Area 93 Hadhams Valley as set out in the Council's Landscape Character Supplementary Planning Document. A Landscape and Visual Impact Appraisal was submitted with the planning application and concludes that while the site makes a positive contribution to the local landscape character, the proximity of the settlement edge slightly detracts from this. The appraisal also states that the site is a natural extension of the linear settlement pattern of the village, as it would align with the settlement boundary on the opposite side of Albury Road. The Landscape and Visual Impact Appraisal acknowledges that any development on the site should be well-integrated and maintain the quality of the transition between the developed and rural landscape and boundary treatments and spaces between buildings will be key to maintaining and enhancing the transition.
- 8.12 This approach is supported, however the conclusion reached isn't. The current transition is between one dwelling on a single plot and the countryside and the proposal is for 18 dwellings. This is not considered to create a natural transition between the village and the countryside regardless of the quality of landscaping surrounding 18 dwellings, which is much more dominant
- 8.13 The Landscape and Visual Impact Appraisal has also taken into account the proposed A120 bypass and the visual impact this will have on the countryside as a justification for the proposed development.

- 8.14 Notwithstanding the above and the loss of trees and development pressure on trees within the property of Stanemede, conditions could be included to improve the hedgerows and require additional landscaping. It is also considered appropriate to require a setback from the public footpath that adjoins the site, which will help reduce development pressure on the trees on Stanemede as well as not creating an alleyway for the public footpath.
- 8.15 The landscape impact of the proposal is considered to be significant as at present the site is an agricultural field with views to and from St Celia's Church and the surrounding countryside. It is considered that the proposal would have a detrimental impact on the landscape character contrary to policies ENV1 and GBC14 of the Local Plan and DES1 and DES2 of the draft District Plan. This impact is considered to have significant weight.

Affordable housing

- 8.16 The application indicates that 7 houses would be provided as affordable and this is shown on the indicative site layout plan. This equates to 40%, which is consistent with policy. The application has not provided any details of the tenure split or the likely housing provider. Under the current Local Plan, the tenure split is 75% for social rent and 25% for shared ownership. Table 14.3 of the draft District Plan indicates that the mix should be 84% affordable rent and 16% intermediate housing. If planning permission was to be granted then the details would be subject to a S106 Agreement.
- 8.17 The provision of affordable housing on the site is a positive element. Due to the lack of a viability statement being submitted and the applicant agreeing to provide 40% affordable housing, it must be taken that the scheme is viable with the provision of 7 affordable houses.

Access and parking

- 8.18 The Highway Authority has not raised any concerns regarding the proposed access in terms of highway safety. The provision of the

access will require some of the existing hedgerow to be removed to provide visibility splays.

- 8.19 The Highway Authority did not agree with the objections raised by objectors regarding highway safety and the likely increase in traffic being significant. For this reason, the access is considered acceptable.
- 8.20 The parking shown on the proposed site layout plan appears to meet the standard.

Drainage and flood risk

- 8.21 The Lead Local Flood Authority has advised that the proposed surface water drainage plan is acceptable and demonstrates that the site surface water can be contained within the site in accordance with SuDS requirements. The Lead Local Flood Authority has requested conditions if planning permission is granted.
- 8.22 Many of the objections raised concern about existing flooding and development of the site creating more flooding in the locality. This concern is understandable, however neither the Environment Agency nor the Lead Local Flood Authority have raised objections and it has been demonstrated that there are sustainable drainage options that will not create any further impacts on flooding as all surface water will be dealt with on site.

Ecology and biodiversity

- 8.23 It is unlikely that the proposal will have any significant impact on ecology and biodiversity but this would be subject to conditions. The conditions would include additional tree planting, details of bat and bird boxes and control of fencing to accommodate hedgehogs. These elements would form part of the reserved matters application if planning permission was granted.

Other Matters

- 8.24 Other matters raised by objectors include the loss of agricultural land, the limited services provided in the village and other developments in village with planning permission.
- 8.25 The agricultural land classification of the site is 3b, which is moderately productive. While there will be a loss, it is not considered to be significant.
- 8.26 Little Hadham does have limited services and the developments that have already been granted planning permission will place additional pressure on these services. An additional 18 dwellings adjacent to the village is considered to create a significant impact.

9.0 Planning Balance and Conclusion

- 9.1 Limited weight can be given to Policy GBC3 due to the lack of a 5-year housing land supply. In accordance with paragraph 14 of the NPPF, permission should be granted for new developments unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 9.2 There are recognised benefits of providing 18 new dwellings on the site with 7 of these being affordable and improvements to the hedgerow on Albury Road. However, the adverse impacts of the development are considered to significantly and demonstrably outweigh this benefit of new housing.
- 9.3 The adverse impacts of the development include the significant impact on the landscape character and the character of the village. The proposal is not considered to be sustainable development.

RECOMMENDATION

That had East Herts District Council been in a position to determine the application, that it would have **REFUSED** planning permission for the proposed development for the following reasons:

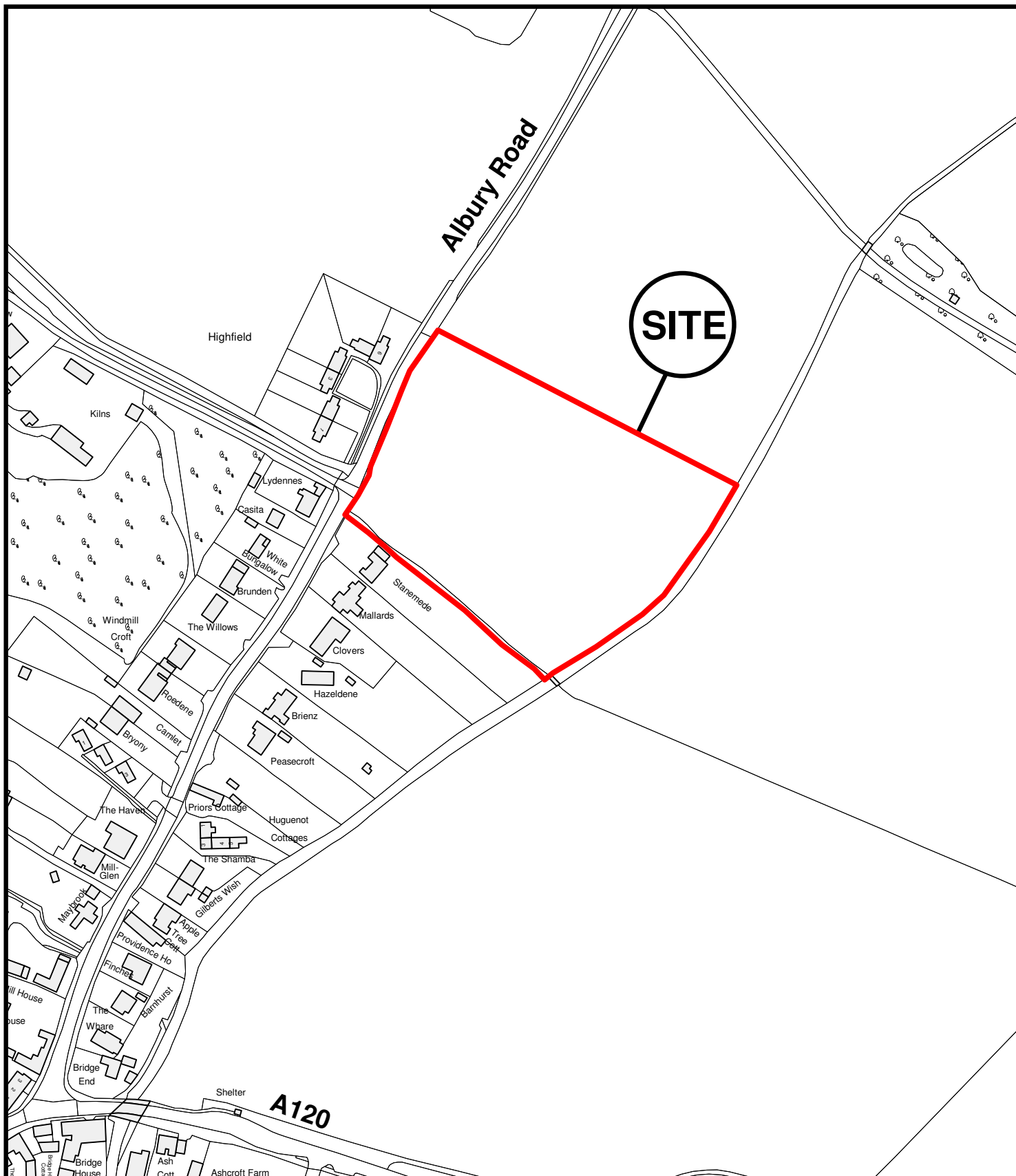
Reasons:

1. The proposed development, by reason of its scale and density, would result in significant harm to the character of the site and the surrounding landscape, and would harm the setting and approach to the village and the use of the public footpath. The proposal would therefore be contrary to policies GBC3, GBC14, ENV1, of the East Herts Local Plan Second Review April 2007, policies GBR2, DES1, DES2 and DES3 of the draft District Plan and Section 7 of the National Planning Policy Framework.
2. The proposed development, by reason of its location, scale and density would result in future occupiers being reliant on private motor cars to access employment, services and facilities in larger settlements and as such would represent an unsustainable form of development. This is contrary to policies GBC2, ENV1, SD1 and TR1 of the East Herts Local Plan Second Review April 2007, policies GBR2, INT1 and TRA1 of the draft District Plan and Section 4 of the National Planning Policy Framework.

Summary of Reasons for Decision

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

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Date of Print: 08 January 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/2502/FUL
Proposal	Change of use from golf course to golf course with 26 leisure lodges (part retrospective)
Location	Great Hadham Golf and Country Club Great Hadham Road Much Hadham SG10 6JE
Applicant	Arcadia Estates Limited
Parish	Much Hadham
Ward	Much Hadham

Date of Registration of Application	24 October 2017
Target Determination Date	23 February 2018
Reason for Committee Report	Major Application
Case Officer	Fiona Dunning

RECOMMENDATION

That planning permission be **REFUSED** for the reason(s) set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is to expand the golf course use to include lodges and the plans submitted with the application show 26 mobile homes located to the west of the existing club house and to the north of the 10th tee.
- 1.2 At the time of the site visit, 3 mobile homes had been placed on a brick plinth with stairs and a small balcony with a paved area surrounding the building. There were approximately a further 5 mobile homes that were on site but had not been fixed to a brick plinth.

- 1.3 The lodges are mobile homes and the level of detail submitted with the application only includes a site plan. Due to the application being part retrospective the site visit revealed further details of how the mobile homes would be finished.
- 1.4 The main issues are the number of mobile homes on the site and the level of detail submitted with the application with regard to how the use will operate and be managed.

2.0 Site Description

- 2.1 The northern part of the site is located within Green Belt and the remainder within the Rural Area beyond the Green Belt on the western side of Great Hadham Road. This road, the B1004, links Bishop's Stortford to the east and Much Hadham to the southwest. Some of the site is designated as Greenbelt.
- 2.2 There are several buildings on the site that were formerly in agricultural use and are now the golf clubhouse and other leisure and community uses. To the south of these buildings is the carpark.
- 2.3 There are dwellings adjoining the site at Exnalls Farm to the north and dwellings adjacent to the southwest corner of the site.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/09/0882/FP	Erection of single storey extension to reception area. Extension to existing maintenance workshop & existing crèche facility. New	Allowed on Appeal	24.8.10

	indoor swimming pool. New basement for plant & changing facilities.		
3/03/1499/FP	Alteration and enhancement of golf course and replacement of driving ranges.	Grant subject to conditions	1.9.05

- 3.1 Planning permission was granted subject to a S106 Agreement in 1992 for the use of agricultural buildings and land to create golf club facilities, the conversion of the farmhouse to create a golf club and the provision of an 18 hole golf course.

4.0 Main 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 (DP) and the adopted East Herts Local Plan 2007 (LP). The site is within the Much Hadham Neighbourhood Plan Area Designation and there is no draft Neighbourhood Plan drafted that has been consulted on.

Main Issue	NPPF	LP policy	DP policy
Principle of Development	Para 17, Para 55	GBC2 GBC3	GBR2
Tourism and employment in rural areas	Section 3	LRC5 LRC6 LRC10 Para 6.9	ED2 ED5 CFLR1
Housing	Section 6 Para 14	SD1 ENV1 HSG1 HSG2	HOU1 HOU2 HOU3 HOU7

		HSG4 Para 3.16.1 TR1	Para 14.5.1 TRA1 INT1
Surface Water Drainage and Flooding		ENV18 ENV21	WAT1 WAT5
Design	Section 7	ENV1	DES3
Landscaping		ENV2 ENV23	DES1 DES2 EQ3
Archaeology		BH1	HA3

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

Summary of Consultee Responses

- 4.2 Lead Local Flood Authority advises that the details provided are not adequate to determine how the risk of surface water flooding will be managed. A Flood Risk Assessment is vital if the Local Planning Authority is to make an informed planning decision. In the absence of a surface water drainage strategy it objects to the application and recommends refusal. The objection can be overcome by submitting a surface drainage assessment addressing flood risk, giving priority to the use of sustainable drainage methods.
- 4.3 Environment Agency advises that it does not have any objections but there are serious concerns regarding how the Klargester treatment system will be managed so that it operates to protect people and the environment. The Environment Agency has requested that if planning permission is granted that the applicant is advised that the current Environmental Permit will not be sufficient for the proposal.
- 4.4 HCC Historic Environment Unit comments that in 1991 an archaeological evaluation via trial trenches around the golf club located several archaeological sites, four of which dated to the

late Iron Age or Roman periods. The site of the proposed lodges did not have any trial trenches in 1991 and may retain archaeological potential. The proposal should be regarded as likely to have an impact on heritage assets of archaeological interest and therefore conditions are proposed.

4.5 HCC Development Services advise that based on the information provided, HCC will not be seeking financial contributions and have no further comments to make.

4.6 EHDC Environmental Health Advisor does not wish to restrict the grant of permission.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

5.0 Town/Parish Council Representations

5.1 The Chair of Much Hadham Parish Council Planning Committee endorses Councillor Devonshire's comments.

6.0 Summary of Other Representations

6.1 1 response has been received supporting the proposals on the following grounds:

- The lodges will not be visible from outside the site
- Club needs an injection of support
- If owners' ideas/plans are successful it will result in employment opportunities
- Increased usage of the golf course which is needed

6.2 Councillor Devonshire considers that the mobile homes are being sold with a 99 year lease and are permanent dwellings and requested a condition requiring the lodges to be vacant for part of the year. It is likely that if the lodges are approved they will be used as permanent dwellings. There is a lot of local opposition to the proposal.

- 6.3 CPRE Hertfordshire has concerns that the proposal is inappropriate development in the Rural Area Beyond the Green Belt as the development is residential in nature and is contrary to policy GBC3 in current Local Plan and GBR2 in draft District Plan. The details submitted are inadequate as there are no individual plot plans to show the amenity space and there are no details of the lodges such as internal arrangement or elevations. The lodges are closer to permanent residences than caravans. The applicant has stated the reason for the proposal is economic but has not demonstrated that the lodges would support the financial viability of the golf club. If the golf club closes down what happens to the lodges if they have been sold individually?

7.0 Consideration of Issues

Principle of Development

- 7.1 Policy GBC3 identifies appropriate development in the rural area beyond the green belt. It states that permission will not be given for the construction of new buildings or for changes of use for purposes other than (b) essential small scale facilities for outdoor sport and outdoor recreation. Policy GBC3 (h) recognises small scale facilities, services or uses which meet a local need are appropriate and assist rural diversification.
- 7.2 The application is for a change of use of the land for leisure lodges. This is not considered to be consistent with Policy GBC3 (b) as the leisure lodges are not essential for outdoor sport and outdoor recreation. The application has no evidence that the lodges meet a local need or rural diversification. The applicant has stated that the lodges are necessary to financially support the golf club, which is not identified in Policy GBC3.
- 7.3 Policy GBR2 of the draft District Plan has a slightly different wording with regard to facilities for outdoor sport and recreation and refers to “appropriate” facilities rather than the Local Plan which refers to “essential” facilities. The number of lodges and the

lack of information on how they will operate is not considered to be appropriate and therefore the proposal does not comply with GBR2.

Tourism and employment in rural areas

- 7.4 Policy LRC5 states that suitably located facilities and opportunities of improving access to the countryside will be permitted where there is no adverse impact on the natural environment or local amenity.
- 7.5 As stated above, the application for 26 lodges is lacking in detail with regard to how the facilities will be used for recreational purposes.
- 7.6 Policy LRC6 refers to Golf Courses in the Rural Area Beyond the Green Belt and only buildings that are necessary for the operation of the golf course are acceptable. The proposed lodges are not necessary for the operation of the golf course and therefore do not meet this policy.
- 7.7 It is noted that the applicant has stated that the lodges are necessary to financially support the golf course, but the information submitted with the application provides very little viability information to substantiate this statement. The business went into administration and was bought in 2016, when it was known that the club had suffered financial losses. The statement submitted with the application confirms that the lodges are for sale. The lodges however do not appear to be attached to golf membership of the club so they appear to be a separate entity and merely to assist financially from sales rather than being an integral part of the golf course.

Housing

- 7.8 Both the Local Plan and the Draft District Plan refer to mobile homes as being considered as though they were for a normal

residential occupation and therefore the policies relating to residential development apply.

- 7.9 The proposal is considered to have a poor layout with regard to internal amenity of future occupants and the proposal offers no affordable houses.
- 7.10 The Council cannot demonstrate a 5-year housing land supply so paragraph 55 and 14 of the NPPF needs to be considered in this context.
- 7.11 It is considered that the proposal for 26 mobile homes / lodges on the site will have an adverse impact on the landscape and is not a sustainable form of development. This is due to the density of the houses and the overall appearance and the significant change in character of the countryside. While the site is not highly visible from adjoining and nearby sites, this does not justify the provision of housing on the site.
- 7.12 Whilst the provision of 26 mobile homes would contribute to the shortfall of housing land, the adverse impacts would significantly and demonstrably outweigh the benefit when assessed against all of the NPPF. All occupants of the 26 mobile homes would very largely rely on the private car to access everyday goods and employment and the development would have a detrimental and permanent impact on the openness of the countryside.
- 7.13 No provision has been made for affordable housing as part of the proposal. In accordance with policy HSG3, 40% affordable housing is required. This would equate to 10 dwellings.

Surface Water Drainage and Flooding

- 7.14 In response to the Lead Local Flood Authority (LLFA) request for a surface water drainage assessment strategy and how the volume of water is to be managed, the applicant advised that they did not consider this necessary as the roadways will be porous block paving and any run off drains into the open soil. Therefore

existing drainage rates will not be affected. Soakaways for each lodge are also proposed as well as the lodges sitting on a 1 metre high brick base.

- 7.15 It was helpful to receive this additional information in response to the LLFA's request for a surface drainage assessment as the application is lacking in any detail of the proposed lodges and the materials to be used surrounding the lodges. However, the applicant has not submitted a Surface Drainage Assessment Strategy and the LLFA has not withdrawn its objection.

Design

- 7.16 The lodges are to be located to the west of the clubhouse for a length of approximately 200 metres generally running parallel to the 10th hole on the golf course. Twelve of the lodges sit very close together with no opportunity to have any landscaping between them. No elevations have been provided and from viewing the Country Club's website, it appears that there are a range of lodge designs.
- 7.17 There may be merit in providing some lodges on site to be used for overnight stays by golfers but the number and the layout of the development is not considered to complement the countryside character.
- 7.18 The applicant has stated that the lodges will not be visible from adjoining areas, however having 26 lodges that are proposed to be occupied all year round will have an impact on the intensification of the existing use of this countryside property due to the potential number of people and the associated lighting impact on the natural environment.

Landscaping

- 7.19 No landscaping plan has been submitted with the application and there is little opportunity for landscaping between the lodges proposed apart from a stand of existing trees to the south of

some of the lodges. Policy ENV2 requires development proposals to retain and enhance existing landscape features and requires a landscape survey plan. There is other existing landscaping adjacent to the proposed lodges but this is not shown on any plans submitted.

Archaeology

- 7.20 The site has potential to have heritage assets of archaeological interest and some of this may have been lost due to works commencing without planning consent. Conditions could be proposed to address any potential archaeology on the site should planning permission be granted.

Other Matters

- 7.21 Financial matters are a material consideration as set out in the National Planning Policy Framework. The Country Club is a local employer and the financial gain from the sale of 26 lodges would clearly assist in the making the club viable, if only in the short-term from sales. However, no detailed long-term plan of the management of the club or viability appraisal has been submitted with the application.

8.0 **Planning Balance and Conclusion**

- 8.1. In accordance with the definition of dwellings in the Local Plan and draft District Plan, the proposed 26 lodges are required to be considered as dwellings.
- 8.2 It is acknowledged that the Council cannot demonstrate a 5-year housing land supply at present, therefore the application must be assessed in accordance with para 14 of the National Planning Policy Framework. The site is not located close to a village or town and will largely rely on the use of private motor vehicles for employment and everyday needs, which is not a form of sustainable development. The adverse impacts of 26 additional dwellings would significantly and demonstrably outweigh the

benefits. The proposal also does not provide any affordable houses for a 26 dwelling scheme.

- 8.3 The siting and layout of the proposed lodges will not result in good design due to the distance between each lodge not offering any visual or aural privacy. No details of soft or hard landscaping between the proposed lodges has been provided. It is not considered that any landscaping would overcome the impacts on privacy of future occupants.
- 8.4 Notwithstanding the housing not being acceptable due to the site not being in a sustainable location, the applicant has submitted the proposal in order to make the golf course financially viable. However no detailed evidence was submitted with the application to support this viability argument.
- 8.5 The proposed development is not considered to be appropriate development in the Rural Area Beyond the Green Belt as the housing is not intrinsically linked to the Golf Course and it has not been demonstrated that the lodges are essential.
- 8.6 Taking all of the relevant matters into consideration, the benefits of additional housing in the district, that may or may not ensure the financial viability of the golf club, is not considered to outweigh the harm caused. For this reason the application cannot be supported.

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out below:

Reasons for Refusal

- 1. The application site lies within the Rural Area Beyond the Green Belt, as defined in the East Hertfordshire Local Plan, where development will only be allowed for certain specific purposes. There is insufficient justification for the proposed leisure lodges and the siting of them would be contrary to the aims and

objectives of policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007 and policy GBR2 of the pre submission East Herts District Plan.

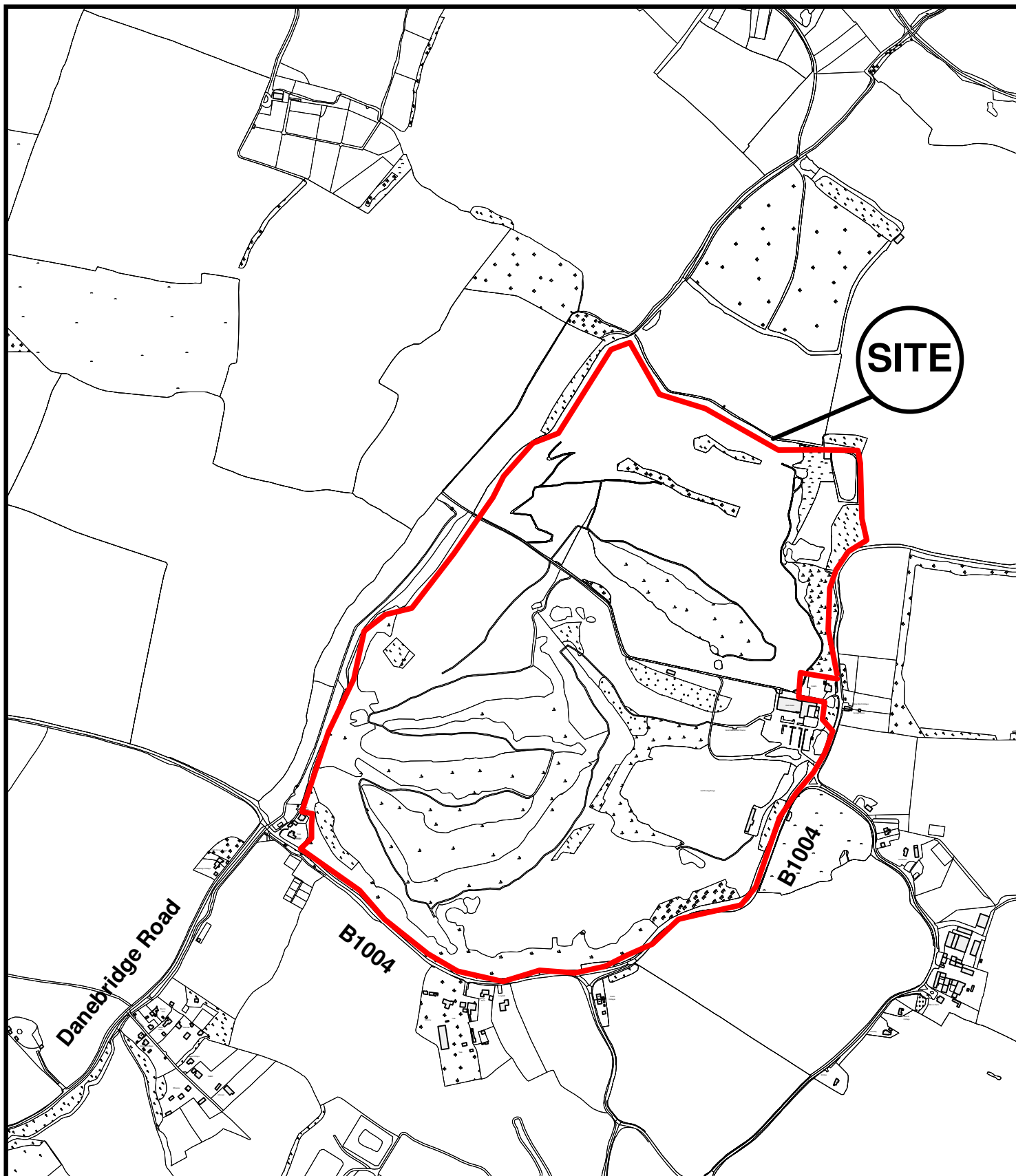
2. The proposal, by reason of its scale and the predominant reliance of its occupiers on the private car to access employment, shopping facilities and services in towns and villages that do not adjoin the site, would result in residential development in an unsustainable location, contrary to policies ENV1, SD1 and TR1 of the East Herts Local Plan Second Review April 2007, policies INT1 and TRA1 of the pre submission East Herts District Plan and Section 4 of the National Planning Policy Framework.
3. The application lacks sufficient information regarding surface water drainage to enable the local planning authority to properly consider the planning merits of the application. This is contrary to policies ENV18, ENV21 and SD1 of the East Herts Local Plan Second Review April 2007, policies WAT1 and WAT5 of the pre submission East Herts District Plan and Section 10 of the National Planning Policy Framework.
4. The proposal, by reason of the lack of provision of any affordable housing, is contrary to policies HSG3, HSG4 of the East Herts Local Plan Second Review April 2007, policies HOU1 and HOU3 of the pre-submission East Herts District Plan and Section 6 of the National Planning Policy Framework.
5. The proposal, by reason of the layout and density of the lodges, will result in poor amenity for future occupiers contrary to policies ENV1 and SD1 of the East Herts Local Plan Second Review April 2007, policy DES3 of the pre submission East Herts District Plan and Section 6 of the National Planning Policy Framework.

Informatives

1. In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015, East Herts Council has considered, in a positive and proactive manner, whether the

planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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Reference: 3/17/2502/FUL

Scale: 1:10000

O.S Sheet: TL4419

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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

Application Number	3/17/1787/VAR
Proposal	Variation of condition 2 (approved drawings) of 3/14/1583/FP for a residential development of 22 houses to allow an adjustment to the western boundary and changes to the front elevation.
Location	Plot 12, Hoggates End, Dane O'Coys Road, Bishop's Stortford, CM23 2JH
Applicant	Grange Builders
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	27 July 2017
Target Determination Date	26 October 2017
Reason for Committee Report	Major application
Case officer	Stephen Tapper

RECOMMENDATION

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

1.0 Summary of Proposals and Main Issues

- 1.1 Planning permission was granted in on 24 November 2015 for the construction 22 houses (13 market and 9 shared ownership), which is under construction.
- 1.2 The applicant wishes to obtain a variation of the existing permission to be able to offer the plot for sale with a permission that consolidates several existing and new amendments, all of which are acceptable.

2.0 **Site Description**

- 2.1 The front elevation of Plot 12 faces Dane O'Coys Road but it is accessed from the new road that also serves Plot 13 and the 9 shared ownership dwellings (plots 14-22). Adjacent to the western boundary is a new access road to three new house plots to the rear of the period house "Hulver".
- 2.2 The surroundings were until recently rural in character but are becoming more built up as a result of several planning permissions for the development of gardens and paddocks and of open fields to the north, all of which fall within the Bishop's Stortford North (BSN) local plan housing allocations.
- 2.3 The Hoggates End development comprises attractively designed properties with generous gardens that have undergone a number of minor amendments since planning permission first was granted in 2015. These have been to meet the requirements of individual purchasers and to help facilitate one or two additional small development opportunities on adjoining land.

3.0 **Planning History**

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

Ref	Proposal	Decision	Date
3/16/2315/FUL	The erection of three dwellings on garden land to the rear of Hulver and Wickham Cottage	Approved	November 2016
3/16/1491/NMA	Amendments to the external appearance of dwellings and to plot boundaries, including amendments to the south and both flank elevations of Plot 12	Approved	July 2016
3/14/1583/FP	The erection of 22	Approved	June 2015

	houses (13 market and 9 shared ownership) at Hoggates End		
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4.0 **Main Policy Issues**

- 4.1 In the light of policies in the National Planning Policy Framework (NPPF), land at Bishop's Stortford North, which includes Hoggates End, has been released for development and the principle is therefore well established.
- 4.2 The current application affects only the western boundary of Plot 12 and the design of the front elevation. The relevant policies are therefore as follows:

Key Issue	NPPF	Local Plan	Pre-submission District Plan	Neigh'hood Plan
Design and Layout	Section 7	ENV1	DES3	HDP2
Neighbour amenity	Section 7	ENV1	DES3	

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission.

6.0 **Town and Parish Council Representations**

- 6.1 Bishop's Stortford Town Council:

The Committee considers this to be a good development and an improvement to the area.

7.0 **Summary of Other Representations**

- 7.1 None.

8.0 Consideration of Relevant Issues

- 8.1 The relevant issues are the effect of the amendments on the layout and appearance of the plot and the amenities of neighbouring properties.
- 8.2 It is proposed to reduce the width of the plot by a maximum of 1.5m in order to improve the access to the three new dwellings to the rear of Hulver and Wickham Cottage, an improvement already included in their planning permission (3/16/2315/FUL). The dwelling on Plot 12 will not be moved within its plot to accommodate this, there remaining a minimum of 2m, and generally much more, between the dwelling and its western boundary.
- 8.3 Regarding the design of the dwelling, it is proposed to abandon a cantilevered first floor and parapet to leave a flat front elevation, apart from a canopy over the main entrance door. This less fussy appearance is perfectly satisfactory in the street scene and there are no impacts on neighbouring properties.

9.0 Planning Balance and Conclusion

- 9.1 Having regard to development plan policy and the NPPF, the revised proposals are considered to be acceptable in all respects and the application is recommended for approval.
- 9.2 As the variation of the condition has the effect of issuing a new permission, it is necessary to ensure that the conditions that were applied to the original permission are re-imposed where relevant or altered such they accord with the details already agreed, to ensure that the amended development proceeds in accordance with those conditions. As regards the section 106 agreement, which accompanies the original planning permission 3/14/1583/FP, the relevant obligations have been met.

Conditions

1. Approved plans (2E10)

BRD/16/054/012 Site layout and location

BRD/15/011/130 Rev C Plot 12 ground floor and elevations

BRD/15/011/131 Rev A Plot 12 first and second floor plans

2. The dwelling hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plans have been constructed.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

3. Construction hours of working - plant and machinery (6NO7)
4. Landscape works implementation (4P13)

Directives:

1. Other legislation (01OL)
2. Ownership (02OW)
3. Planning obligation (08PO)

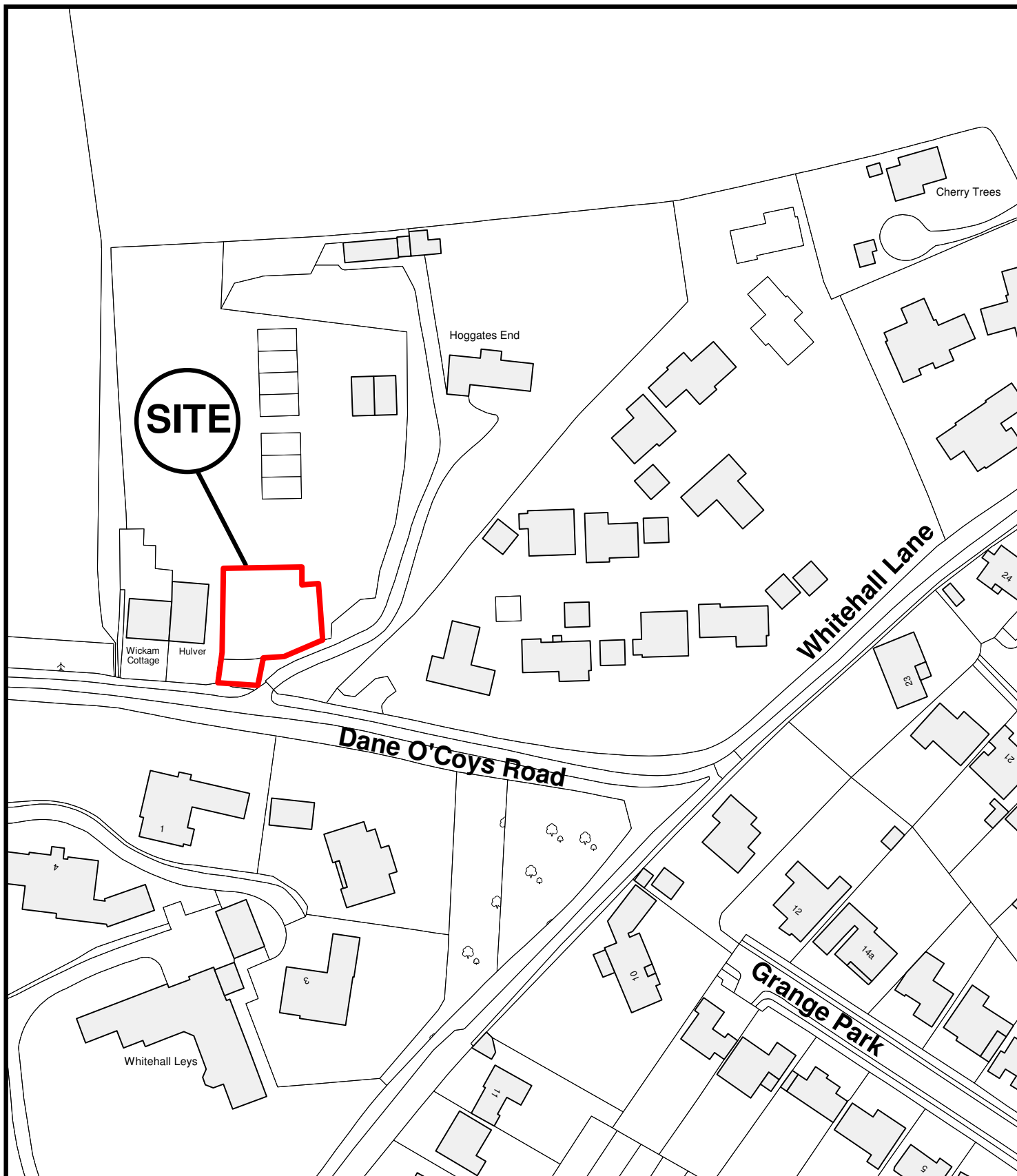
Summary of reasons for decision

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. The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA

None relevant

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Address: Plot 12 Hoggates End, Dane Ocoys Road
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Scale: 1:1250
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Date of Print: 16 January 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2017

Application Number	3/17/2197/VAR
Proposal	Variation of condition no. 2 (approved plans) of planning permission 3/16/0115/FUL -Erection of 57 units of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly and 24 units of Retirement Living' Sheltered Accommodation including communal facilities and car parking. (Maintaining the design, scale and massing of the approved building).
Location	Sovereign House, Hale Road, Hertford
Applicant	Yourlife Management Services Ltd
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	25 September 2017
Target Determination Date	25 December 2017 – ETA 2 February 2018
Reason for Committee Report	Major application
Case Officer	Lisa Page

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The former site 1960's office block known as Sovereign House has been cleared and the permission for 57 units of assisted living and 24 units of retirement living is being implemented. This application proposes a number of modest changes to the extant permission, sought to improve the community facilities, improve internal workability of the layout and to comply fully with Building Regulations. This has changed the overall mix of the number of

units (2 of the 1 bed assisted living units become 2 bed units), but the overall size and scale of the building does not alter.

- 1.2 The main issues are whether the changes have any further implications in terms of layout and design, impact on residential amenity, heritage or highway and parking matters.

2.0 Site Description

- 2.1 The site comprises an area of land on the south side of the A414, Gascoyne Way in Hertford as shown on the attached OS extract. The location is the former site of the 1960's office block known as Sovereign House, which has now been cleared as the permission is being implemented.
- 2.2 The character of the immediate area is mixed. The site is bounded by flats to the west; the Police Station to the east and Richard Hale School to the south. The site slopes down from south to north towards the A414, Gascoyne Way. Wesley Avenue lies to the east of the site and comprises a footpath which is linked by subways to the south and north. Pegs Lane on the western side of the site is an access only road and a popular walking route towards the town centre.
- 2.3 The site is within the built up area of Hertford and also lies within the Hertford Conservation Area.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/16/0115/FUL	Erection of 57 units of Assisted Living Extra Care (Use Class C2) accommodation for the frail elderly and 24	Granted subject to Section 106 and Conditions	25.05.16

	units of Retirement Living (C3) ' Sheltered Accommodation' including communal facilities and car parking		
3/13/1967/FP	Redevelopment for 84 residential units, 83 car parking spaces and associated access, amenity space and landscaping	Granted subject to Section 106 and Conditions	24.10.14
3/13/1840/PO	Change of use of offices to C3 (dwellinghouses)	Prior approval granted	10.12.13

4.0 **Main 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 (DP), the adopted East Herts Local Plan 2007 (LP). There is no Neighbourhood Plan prepared or in draft for this location.

Main Issue	NPPF	Local Plan policy	Pre-submission District Plan
Layout, scale, design and external appearance	Section 7	ENV1, ENV2	DES1, DES2, DES3, DES4.
Impact on residential amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3
Heritage assets	Section 12	BH6	HA1, HA4, HA2
Access and parking	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission.
- 5.2 EHDC Conservation and Urban Design Advisor sets out that the changes are minor in nature, and the advisor does not object.
- 5.3 HCC Historic Environment Unit comments that the development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 5.4 EHDC Environmental Health Advisor does not wish to restrict the grant of permission.

(Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

6.0 Town Council Representations

- 6.1 Hertford Town Council raises no comment.

7.0 Summary of Other Representations

- 7.1 The application was advertised by way of a site notice, newspaper and neighbour notification. No comments have been received.

8.0 Consideration of Issues

Layout, scale, design and external appearance

- 8.1 The changes relate to 2 of the assisted living units on the ground and first floor, where it is proposed to alter them to 2 bed units. Changes are as a result of rationalisation of the internal space within the building. The changes mainly relate to the internal

floorplans, which does not constitute development, but which does have implications for the external appearance. A number of windows are to have blackout panels to the lower section to accommodate kitchen units; some windows are to be enlarged; and others on the third floor are to be omitted. Air operated valve's (AOV's) have also been added to end of corridor locations to comply with Building Regulations.

- 8.2 The changes do not alter the overall size and scale of the buildings and externally the changes to the appearance of the building would be minimal ensuring that the appearance remains similar to that of the building approved through the extant permission therefore a high quality design.

Impact on Residential Amenity

- 8.3 The changes are sought to improve the amenity of future occupiers of the development. In terms of adjoining neighbours, the changes would not alter the impact upon their amenity in terms of overlooking, outlook or in relation to other material matters.
- 8.4 Overall, in amenity terms, it is considered that the proposals will not result in a harmful impact on neighbouring residents.

Heritage Assets

- 8.5 The revised application does not alter the overall size, scale or external appearance of the buildings. As such there would be no differing impact upon the Hertford Conservation Area.

Access and Parking

- 8.6 The revised application does not alter the overall size and scale of the buildings and all on-site vehicular parking and turning areas as well as vehicle access arrangements are to remain the same as originally approved with a total of 55 parking spaces are provided.

- 8.7 The amendments alter two of the 1 bed assisted living units to 2 bed units. No change to the level of on-site parking is proposed. Given the scale of the development and its reasonably sustainable location, this would not result in significant implications for parking or impact to the surrounding highway. Overall, the impact of the proposals in relation to access and parking issues is considered to remain neutral.

9.0 Planning Balance and Conclusion

- 9.1 The application seeks amendments to the extant permission being implemented on site to improve the internal layout of the development. Although 2 of the units are increased from being a 1 bed unit to a 2 bed unit, the alterations have limited implications for the external appearance of the development, which would remain of an acceptable layout and design.
- 9.2 The alterations would have no further implications for neighbouring amenity, highway matters or any increased impact upon the Conservation Area.
- 9.3 On balance, it is therefore considered that the proposal remains an acceptable and sustainable form of development and the application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That, subject to a deed of variation to the original Section 106 Agreement, planning permission be **GRANTED** subject to the conditions set out at the end of this report.

Conditions:

1. Approved plans (2E10)
2. The external materials of construction for the building hereby permitted shall be in accordance with the materials schedule agreed

under lpa 3/16/0115/FP, unless otherwise agreed in writing by the Local Planning Authority.

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

3. Prior to the insertion of any of the following features, detailed drawings of new doors, windows, roof eaves and balconies at a scale of not less than 1:20 including materials and finishes shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved plans and specification.

Reason: In the interests of good design and the appearance of the proposed development in the Conservation Area in accordance with policy ENV1 and BH6 of the East Herts Local Plan Second Review April 2007 and the National Planning Policy Framework.

4. Prior to the first occupation of any of the residential units hereby approved, 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. Furthermore, and notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development Order) (England) order 2015, as amended, the erection or construction of gates, fences, walls or other means of enclosure as described in Schedule 2, Part 2, Class A of the order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

5. The information board, detailing the Cold War history of the Sovereign House building, as agreed under lpa 3/16/0115/FUL shall

be erected in accordance with the approved details prior to first occupation of the development.

Reason: In the interests of public understanding of the heritage interest of the former office building and in accordance with the National Planning Policy Framework.

6. External lighting proposed in connection with the development shall be as agreed under lpa 3/16/0115/FUL and no external lighting shall be provided without such written consent.

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

7. Any existing accesses not incorporated in the approved plan shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

8. Prior to the first occupation, all on site vehicular areas, including internal access roads, ramps, basement parking and external parking spaces, shall be accessible, surfaced and marked out and fully completed in accordance with the approved plans, and carried out in a manner to the Local Planning Authority's approval. Such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 and Appendix II of the East Herts Local Plan Second Review April 2007 and minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

9. Prior to first occupation of the development, the applicant shall implement the "Green Travel plan" as agreed under lpa 3/16/0115/FUL. Within six months of commencement of the

activities approved by this planning permission, the applicant shall submit a monitoring report to the Highway Authority outlining the effectiveness of the Travel Plan and any additional or amended measures necessary. This monitoring report must be to the satisfaction of the Highway Authority.

Reason: To promote sustainable transport measures to the development.

10. The development shall proceed in accordance with the approved hard and soft landscape proposals, under lpa 3/16/0115/FUL and shall include, as appropriate: (a) Hard surfacing materials (b) Planting plans (c) Written specifications (including cultivation and other operations associated with plant and grass establishment) (d) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (e) Implementation timetables.

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

11. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

12. All construction works shall be carried out in accordance with the approved plans, fully completed to the satisfaction of the Local Planning Authority before first occupation of any part of the development, and retained in perpetuity unless otherwise agreed in writing with the local planning authority. These shall include, as approved under lpa 3/16/0115/FUL:
- The full extent of public highway land marked out alongside the Pegs Lane Public Realm Scheme works.
 - Retention of the existing carriageway width along the initial stretch of the Pegs Lane cul-de-sac.
 - Approved in-principle hard and soft landscaping treatments across the Pegs Lane Public Realm Scheme works.
 - Tracking diagrams of service vehicles along Pegs Lane to demonstrate that the existing turning movements of such vehicles can continue to be fully accommodated under the new Public Realm Scheme design.
 - The levels of footway and carriageway visibility from the vehicle access onto the public highway, within which there shall be no vertical obstructions between 600mm and 2 metres.

Reason: To ensure a satisfactory standard of highway design, in the interests of good design and the enhancement of the Conservation Area and in accordance with local plan policies ENV1 and BH6 of the East Herts Local Plan Second Review April 2007, and the National Planning Policy Framework.

13. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

14. No infiltration of surface water drainage into the ground, or piling or other foundation designs using penetrative methods, is permitted other than with the express 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 unacceptable risk to groundwater.

Reason: To protect groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

15. Prior to commencement of above ground works, the applicant shall submit in writing for the approval of the local planning authority a detailed scheme of noise attenuation measures from road traffic noise sources. Any works which form part of the scheme approved by the local authority shall be completed and shown to be effective before any permitted dwelling is occupied, unless an alternative period is approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of future residents in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

16. Prior to first occupation, the development hereby approved shall be carried out and completed in accordance with the Flood Risk Assessment approved under lpa 3/16/0115/FUL .

Reason: To prevent the increased risk of flooding and to improve and protect water quality in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007.

17. The development permitted by this planning permission shall be carried out in accordance with the strategic drainage report produced by Conisbee reference 150504/TG/AW dated 18th of December 2015 and the following mitigation measures as detailed within the surface water drainage strategy.

- 1) The surface water run-off generated by the site must not exceed of 5 l/s during the 1 in 100 year event + climate change event.

- 2) A minimum attenuation volume of 150 m³ must be provided to ensure that there is no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event. Attenuation to be provided in brown and green roofs and underground cellular storage; as shown in Appendix C of the strategic drainage report produced by conisbee reference 150504/TG/AW dated 18th of December 2015.

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.

If after further detailed design and calculations the applicant proposes a reduction in the attenuation volumes to be provided in each catchment, such changes will need to be agreed with the LLFA.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

18. The development shall proceed in accordance with the approved SuDS design agreed under lpa 3/16/0115/FUL.

Reason: To ensure that the site can effectively be drained during the lifetime of the development in accordance with policy ENV21 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Other Legislation (01OL)
2. Highway Works (05FC)

3. Planning Obligation (08PO)
4. Street name and numbering (19SN)
5. Unexpected contamination (U018)
6. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

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 3/16/0115/FUL is that permission should be granted.

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	
	3	
Number of new house units	1	40
	2	41
	3	
	4+	
Total		81

Affordable Housing

Number of units	Percentage
None	N/A

Residential Vehicle Parking Provision (Sheltered – C3)**Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)**

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	16.25
2	1.50	16.50
3	2.25	
4+	3.00	
Total required		32.75
Proposed provision		24

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

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	16.50
2	2.00	22
3	2.50	
4+	3.00	
Total required		38.50
Accessibility reduction	50%	
Resulting requirement		19.25
Proposed provision		24

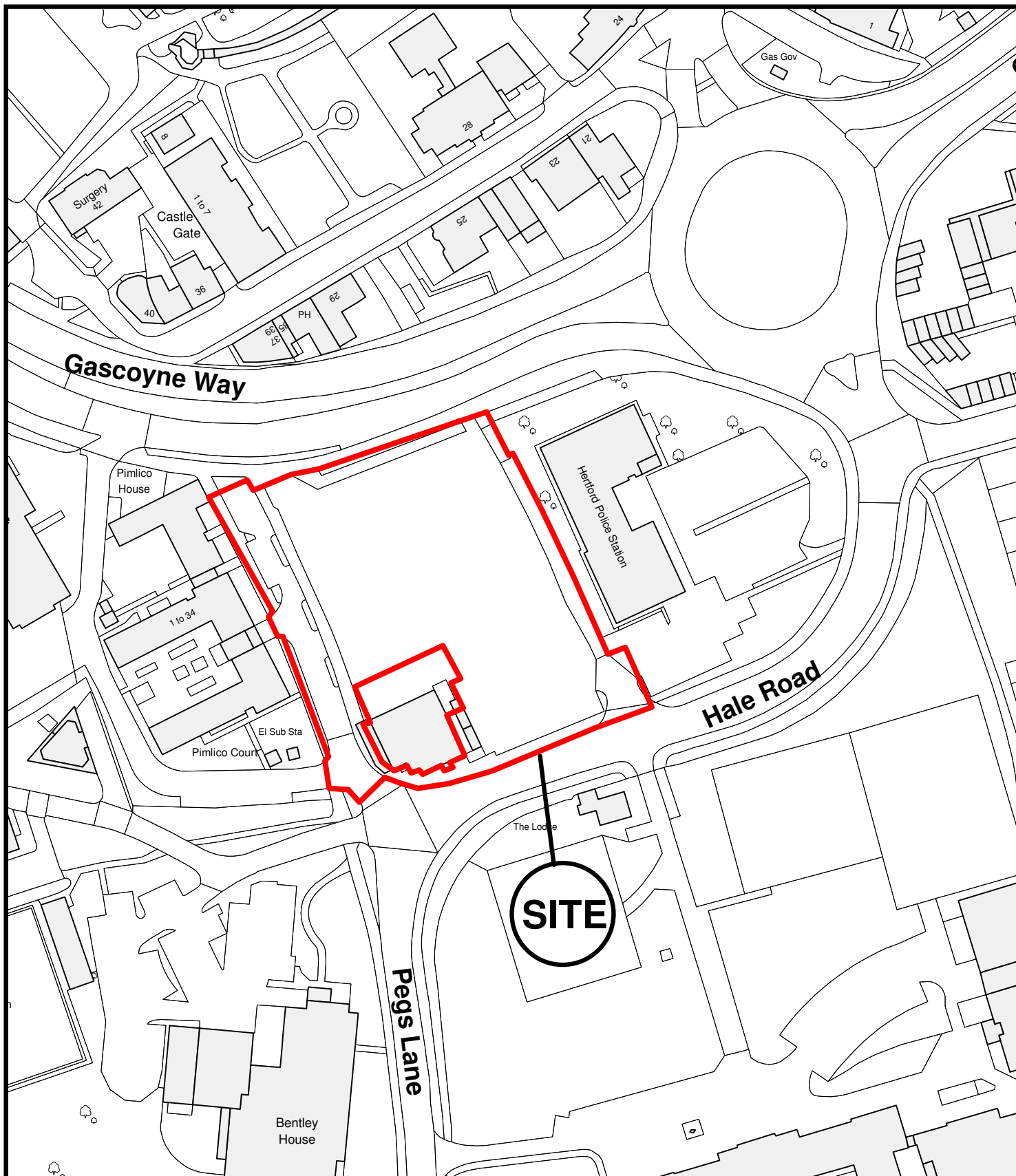
Residential (Assisted Living - C2) Vehicle Parking Provision
Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	3	
Residential (C2) unit size (bed spaces)	Spaces per unit	Spaces required
1	0.25	6.75
2	0.50	15
3	0.75	
Total required		21.75
Proposed provision		30

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

Parking Zone	3	
Residential (C2) unit size (bed spaces)	Spaces per unit	Spaces required
1	0.25	6.75
2	0.50	15

3	0.75	
Total required		21.75
Accessibility reduction	50%	
Resulting requirement		10.88
Proposed provision		30



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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

REPORT BY EXECUTIVE MEMBER FOR DEVELOPMENT MANAGEMENT AND COUNCIL SUPPORT

CONFIRMATION OF TREE PRESERVATION ORDER NO.2 2017 P/TPO 608 AT 47 QUEENS ROAD, HERTFORD, HERTS, SG13 8BB

WARD(S) AFFECTED: Hertford Castle

Purpose/Summary of Report

- To consider the objections to the making of the tree preservation order (TPO) received by the tree owner Mrs DC Tomlin and her daughter Ms MJ Tomlin.
- Considering the objections and reasons for making the TPO, to decide whether Tree Preservation Order No.2 2017 P/TPO 608 should be confirmed.

<u>RECOMMENDATION FOR DECISION: That</u>	
(A)	Tree Preservation Order No.2 2017 P/TPO 608 be confirmed without modification.

1.0 Background

1.1 Under section 211 of the Town and Country Planning Act 1990, a written notification to fell a mature copper beech tree within the Hertford conservation area at 47 Queens Road was received by the council on 10 July 2017. The council has six weeks from that date to decide whether it objects to work and make a TPO.

1.2 Previously the tree has been pruned with no objections from the council.

- 1.3 The reasons given by the owners in their notification for removing the tree are:
- Excessive size of the tree in proximity to the house
 - Root damage to the boundary wall which is now potentially dangerous / safety concerns
- 1.4 The council objected to the notification to fell the tree and on 18 August 2017 made a provisional TPO to protect it. The council has six months from that date to decide whether to confirm the TPO.
- 1.5 The reason for making the TPO is:
- The beech is a healthy, mature tree of significant public amenity value, visible to the public and very prominent in the street scene of Queens Road. The tree is threatened with removal due to the failure of a low level retaining wall along the rear boundary of the property which is near to the tree stem. The existing and future public amenity value of the tree is considerable, and its loss would have a significant impact on public amenity. The section of wall could be removed to avoid potential risk to users of the footpath, and alternative methods explored and employed for retaining the soil that would allow the tree to be retained, a solution that would also address the owners concerns for users of the public footpath.
- 1.6 Before deciding to make any tree preservation order, the council uses a system called TEMPO (Tree Evaluation Method for Preservation Orders) for assessing the amenity value of trees. Using that system, the beech scores highly and merits a TPO.
- 2.0 Report
- 2.1 The copper beech tree is mature and healthy, standing on the rear western boundary of the property garden. The rear

boundary of the property runs parallel with Queens Road and the tree is therefore very prominent in the street scene, visible from several locations within and outside of Queens Road. It has at least 40 years remaining future life expectancy.

- 2.3 The property boundary is made of a low brick wall (in sections), with a close board fence sitting on top. The tree stem is expanding and one of the sections of the wall is leaning into the footpath.
- 2.2 A meeting in the garden has taken place with the owners to discuss possible options available as alternatives to removing the tree. At the meeting the owners were made aware of the TPO confirmation process, and tree work application and subsequent independent appeal process available to them if the council refused consent to remove a tree under a future tree work application.
- 2.3 The owners have listed their main objections to be:
- Pruning as an alternative to removal would be a short term, costly solution
 - The tree is going to get significantly larger
 - The tree causes part of the garden to be cast in permanent shadow causing visibility issues for the elderly resident
 - Root damage to the foundations of the property
 - The wall, and potential liability from either a falling branch, falls over the wall or the cracked pavement caused by the roots from the tree
- 2.4 In addition to the objections, the owners are willing to plant a replacement tree.
- 2.5 It is recognised that the tree does have future growth potential, but given its mature age, future growth is not likely to be vigorous. The size of the tree if desired could be controlled by lightly reducing the height and spread of this tree

on an approximate seven to ten year cycle to keep the tree at no more than its current size, without harming its overall health or appearance. This approach would be acceptable to the council. This cycle of pruning would not result in overly onerous costs for the owner.

- 2.6 The section of leaning boundary wall is roughly 30-40cm high. It is installed in roughly 1m long sections with the close board fence sitting on top. It would be relatively easy to remove the leaning section of wall to prevent a hazard to footpath users without affecting the rest of the wall structure. The use of the retained fence as the boundary treatment would continue to provide privacy and security, and could be easily cut in situ to bridge the tree stem and main root flare allowing space for it to continue to grow and the tree to be retained.
- 2.7 The rear garden is south facing with the tree to the west, therefore the garden receives sunlight until the sun goes behind the tree in the afternoon, therefore the garden is not permanently and unreasonably cast in shade, but only for the latter part of the day.
- 2.8 In respect of roots damaging the foundation of the property, the council has not been provided with any evidence or made aware at the time of the conservation area notification and subsequent site meeting that there is current damage to the property from root activity. The British Geological Survey online mapping system indicates the property sits on soils made up of predominantly sand and gravel, and as such the risk from the tree in this respect is low, since subsidence related damage can only occur on clay soils.
- 2.9 A tree owner has a duty of care to ensure that their tree does not cause a risk to people or property, the TPO will not unreasonably prevent managing any risks the tree may cause, if an inspection reveals a problem with a TPO tree the council can deal with this through the usual tree work application or exemption process.

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

TPO (No.2) P/TPO/608 Plan

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Report Author: Tracy Clarke, Arboricultural Officer, Tel: 01371 811831. tracy.clarke@eastherts.gov.uk

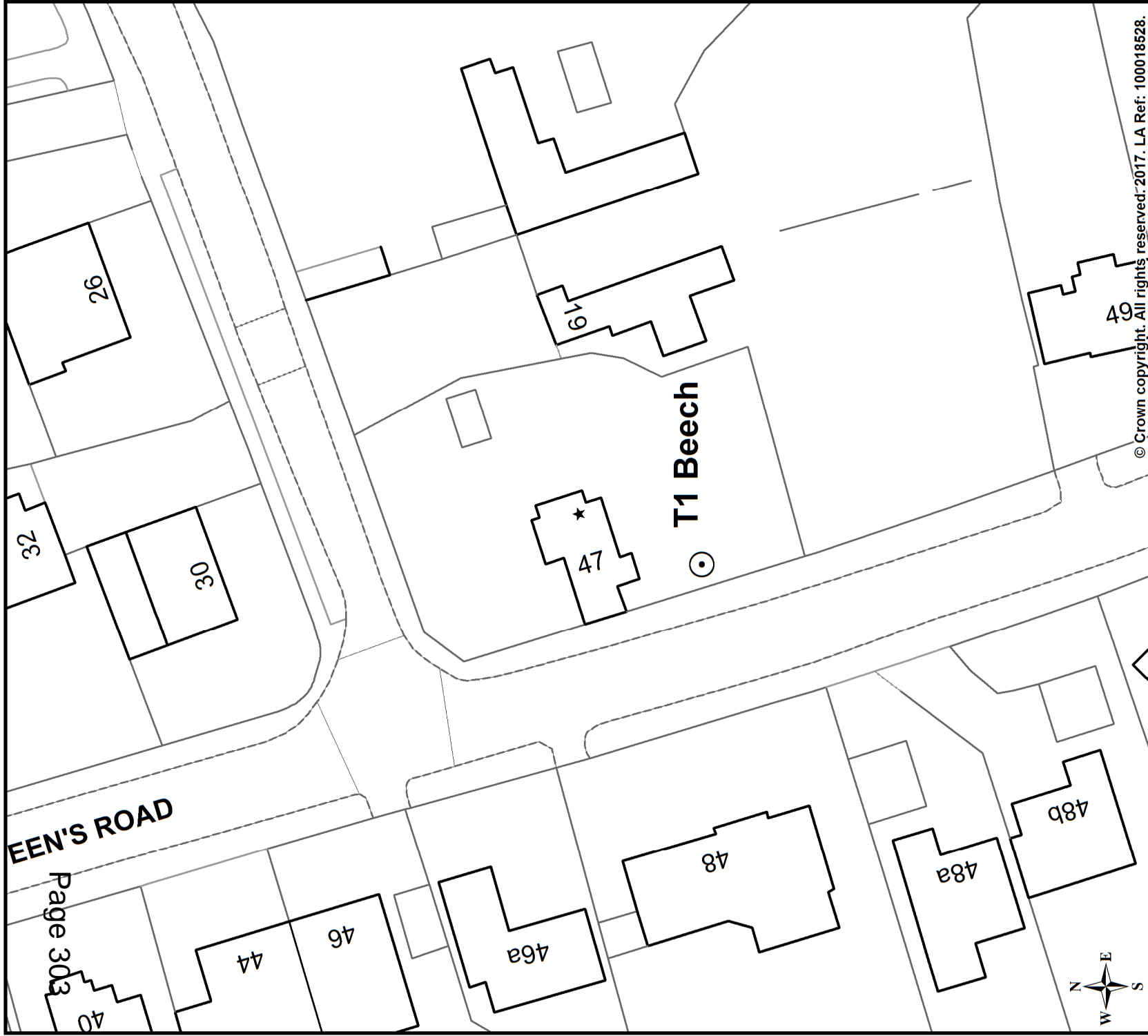
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	<p>Priority 1 – Improve the health and wellbeing of our communities</p> <p>Priority 2 – Enhance the quality of people's lives</p>
Consultation:	<i>Meeting on site with the owner and her daughter to listen to their concerns and to discuss alternatives to removal of the tree, including pruning to help with concerns relating to the proximity of the tree crown to the property.</i>
Legal:	<p><i>Section 198 of the Town and Country Planning Act 1990.</i></p> <p><i>Power to make tree preservation orders:</i></p> <p><i>(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.</i></p>
Financial:	<ul style="list-style-type: none"> • <i>None</i>
Human Resource:	<ul style="list-style-type: none"> • <i>None</i>
Risk Management:	<ul style="list-style-type: none"> • <i>None</i>
Health and wellbeing – issues and impacts:	<i>Trees provide environmental and aesthetic benefits which contribute to the health and wellbeing of people and communities and these benefits need to be weighed against the private concerns of tree owners.</i>

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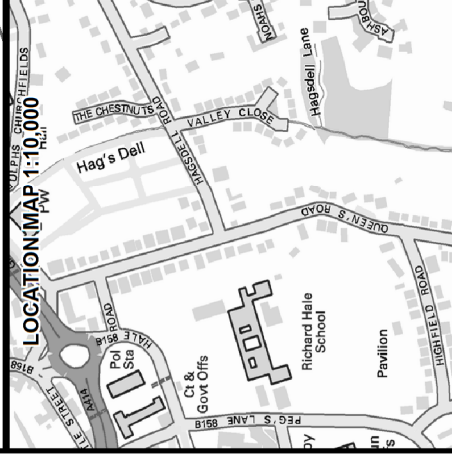
East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

TREE PRESERVATION ORDER
(No.2) 2017
P/TPO 608
"Holly Lodge, 47 Queens
Road, Hertford, Herts"

East Hertfordshire Council on the Eighteenth day of
August in the year of Two Thousand and Seventeen.

Kevin Steptoe
Head of Planning and Building Control

File Ref: 608
Originator: Landscape
Parish/Town: Hertford
OS Keytile: TL3212SE
Scale: 1:500
Date Served: 18th August 2017



EEN'S ROAD

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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 31 JANUARY 2018

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PUBLIC SPEAKING ARRANGEMENTS FOR THE DEVELOPMENT MANAGEMENT COMMITTEE MEETING DEALING WITH APPLICATION 3/17/2588/OUT – LAND AT BISHOP’S STORTFORD RAILWAY STATION

WARD(S) AFFECTED: Bishop’s Stortford wards.

Purpose/Summary of Report:

- To consider public speaking arrangements for the meeting of the Committee dealing with application 3/17/2588/OUT relating to land at Bishop’s Stortford railway station.

<u>RECOMMENDATION FOR DECISION That:</u>	
(A)	The revised arrangements for public speaking, as detailed in this report, be applied to the part of the meeting dealing with application 3/17/2588/OUT – land at Bishop’s Stortford Railway Station.

1.0 Background

- 1.1 The 28 February 2018 meeting of the Committee has been moved to Bishop’s Stortford to accommodate the development proposals for land at Bishop’s Stortford Railway Station (or often referred to as the Goods Yard site). This report is to enable Members to consider whether normal public speaking arrangements should be amended for part of that meeting.

2.0 Revised Public Speaking

- 2.1 Under normal arrangements, three minutes are permitted in total for speakers both in favour and in objection to any proposal. Three minutes are also permitted for the relevant Town or Parish Council. Where multiple speakers wish to address the meeting, they are required to combine their presentations within the overall three minute period.
- 2.2 Clearly the development proposals relating to Bishop's Stortford Railway Station site are extensive, have raised a range of issues and are of significant local interest.
- 2.3 It is suggested then that, for this application, a total period of 10 minutes be permitted for those who wish to speak in objection to the proposals, in total. The same total period will be offered to any supporting parties, in total (giving 20 minutes public speaking).
- 2.4 The relevant Town/Parish Council will still be permitted to speak for 3 minutes.
- 2.5 Officers will establish appropriate deadlines for registration of requests to speak and all other normal arrangements for public speaking will apply. Where any matter is raised with regard to the arrangements which are not addressed here, it will subject to decision by the Chairman of the Committee.
- 2.5 Members are asked to consider and endorse these proposals.
- 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

Planning Application 3/17/2588/OUT.

Contact Member: Councillor Suzanne Rutland-Barsby, Executive Member for Development Management and Council Support.
suzanne.rutland-barsby@eastherts.gov.uk

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

Report Author: Peter Mannings, Democratic Services Officer, Extn: 2174. peter.mannings@eastherts.gov.uk

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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives	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:	None.
Legal:	No specific implications. It is necessary to ensure that an equitable process is followed.
Financial:	None.
Human Resource:	None.
Risk Management:	As above, it is necessary to ensure that an equitable process is followed.
Health and wellbeing – issues and impacts:	None.

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EAST DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE - 3rd January 2017
ITEMS FOR REPORT AND NOTING

Application Number	3/16/1877/OUT
Decsn	Withdrawn
Level of Decision	Committee
Address	Former BrickfieldsOff Cole Green WayHertingfordburyHertford SG14 2LF
Appellant	Hertingfordbury Land Ltd
Proposal	Erection of Low Carbon Continuing Care Retirement Community comprising of: 80 Bed Care Home and up to 96 c2 Flexi Care / Assisted Living Units. Shared Communal Facilities including Swimming Pool, Gymnasium, Day Centre, Therapy Rooms, Restaurant, Store/Post Office, and Public Woodland Walking Areas. All matters reserved.
Appeal Decision	Withdrawn

Application Number	3/17/0401/FUL
Decsn	Refused
Level of Decision	Delegated
Address	1 Maple CloseBishops Stortford CM23 2RS
Appellant	Mr & Mrs Knipe
Proposal	Demolition of existing house and erection of detached replacement dwelling - revised scheme
Appeal Decision	Allowed

Application Number	3/17/0555/HH
Decsn	Refused
Level of Decision	Delegated
Address	98 Tamworth RoadHertford SG13 7DN
Appellant	Mr Richard Smith
Proposal	Two storey side and rear extension
Appeal Decision	Dismissed

Application Number	3/17/0652/FUL
Decsn	Refused
Level of Decision	Delegated
Address	10A Southmill RoadBishops Stortford CM23 3DP
Appellant	Mrs Shirley Watson
Proposal	Demolition of existing industrial building and erection of 1no. 1 bed dwelling
Appeal Decision	Allowed

Application Number	3/17/0658/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land To The South Of Owlitts CottagesBrent Pelham SG9 0HW
Appellant	Major and Mrs Barclay
Proposal	Erection of 6no. dwellings
Appeal Decision	Dismissed

Background Papers

Correspondence at Essential Refusedeference Paper 'A'

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407

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The Planning Inspectorate

Room 3/O
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5471
Customer Services:
0303 444 5000
Email:
leanne.palmer@pins.gsi.gov.uk

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Development Control
East Hertfordshire District Council
Development Control
Wallfields
Pegs Lane
Hertford
SG13 8EQ

Your Ref: 3/16/1877/OUT
Our Ref: APP/J1915/W/16/3164362

08 November 2017

Dear Development Control,

Town and Country Planning Act 1990
Appeal by Hertingfordbury Land Ltd
Site Address: Former Brickworks Off Cole Green Way, Hertford, Hertfordshire,
SG14 2LF

I enclose for your information a copy of an email received withdrawing the above appeal.

I confirm no further action will be taken and the case closed.

Any event arrangements made for the appeal will be cancelled.

Yours sincerely,

Leanne Palmer
Leanne Palmer

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is - www.planningportal.gov.uk/planning/appeals/online/search

Appeal Decision

Site visit made on 20 October 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2017

Appeal Ref: APP/J1915/W/17/3178038

1 Maple Close, Bishop's Stortford, CM23 2RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Knipe against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0401/FUL, dated 14 February 2017, was refused by notice dated 28 April 2017.
 - The development proposed is described as '*Demolition of existing house and erection of detached replacement dwelling – revised scheme*'.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and erection of a detached replacement dwelling at 1 Maple Close, Bishop's Stortford, CM23 2RS, in accordance with the terms of the application Ref 3/17/0401/FUL, dated 14 February 2017, subject to the attached schedule of conditions.

Preliminary Matter

2. I note that the proposal was submitted following revisions made to a previous scheme refused planning permission by the Council, and this is reflected in the appellant's description of the development. Nonetheless, I am required to assess the new scheme on its own merits and impacts, and to reach my decision, accordingly. Consistent with this, in allowing the appeal and granting planning permission for the proposed development, I have removed the wording 'revised scheme' from its description.

Main Issues

3. The main issues are:
 - 1) the proposal's effect on the character and appearance of the surrounding area, including the setting of the Bishop's Stortford Conservation Area; and
 - 2) the effect on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. Although the site itself does not fall within a conservation area, it does lie close to the designated Bishop's Stortford Conservation Area and, accordingly, I have had regard to paragraph 129 of the National Planning Policy Framework (the

Framework) which refers to development affecting the setting of a heritage asset. Although the Conservation Area's boundary lies immediately east of the appeal site, due to screening by way of heavy verdure there is an effective demarcation from Maple Close and also from its spur, off which the appeal site lies. In the circumstances I find that there would be no significant impact on the setting of the Conservation Area.

5. The appeal site comprises a vacant, post-war dwelling set within a generous curtilage. The spur drops down from the main part of Maple Close to the north. Immediately to the south, and on a lower ground level, lies No 2 which unlike the existing dwelling at No 1, sits at right angles to the common driveway whist, northwards, the nearest dwellings are the close knit properties (Nos 4, 5 and 6) on the opposite side of Maple Close. Given the change in land levels, and the neighbouring dwellings being of different designs and settings, I find that there is no distinct residential character in the immediate area.
6. In such circumstances I turn to the size and scale of the proposed replacement dwelling relative to its curtilage. The new dwelling would be markedly larger than that currently in situ and the proposed footprint would be set further into the site, close to its eastern boundary. However, the curtilage would still remain spacious relative to the footprint and I note that Nos 2 and 3, beyond, also have generous curtilages relative to their respective footprints and different footprint configurations within.
7. With these three properties having little in common with the cluster of dwellings on higher land to the north I find that the character and appearance of the surrounding area would remain largely unaffected by the proposed development. Indeed, due to the topography and with appropriate landscaping and planting any such impact would be reduced further.
8. On this main issue I conclude that the proposal would not be harmful to the character and appearance of the surrounding area nor the setting of the Bishop's Stortford Conservation Area, beyond. As such, there would be no material conflict with the design objectives of Policies ENV1, HSG7 or BH6 of the East Herts Local Plan Second Review (LP).

Living conditions

9. I note the various letters of objection from interested parties relating to the considered impact from the development on the occupiers' enjoyment of their neighbouring properties. However, in this connection, although the Council's reason for refusal in its decision notice indicates the proposed dwelling's considered over-dominance and obtrusiveness in relation to neighbouring dwellings, this does not reflect the tenor of the case report's assessment.
10. In the case report, which draws comparisons between the current proposal and a previous scheme that was similarly refused planning permission, it is indicated that the degree of impact upon the amenities of neighbouring occupiers would not be unacceptable. In particular, it is mentioned that the previous concerns raised in respect of an overbearing impact upon 2 Maple Close have, by way of revisions made, been sufficiently overcome.
11. The apparent inconsistency could be in view of the Council maintaining its objection on character and appearance grounds and the two separate issues overlapping, but I have had regard to the neighbours' representations and have

afforded them a degree of weight. In this respect I have had consideration to the intention that the land levels be reduced and that the roof height would be roughly comparable to that of the existing dwelling. In particular, I consider that this measure would serve to mitigate any adverse impacts on No 2 which has the most direct relationship with the appeal site.

12. Taking into account landscaping and proposed boundary screening which would ensure that the privacies of neighbouring occupiers are safeguarded at lower levels, and that the windows in the roofspace would be of the high level velux type, I have paid particular attention to possible intrusiveness at first floor level. I note that the dwelling's main aspect would be to the north whereby its marked set back from the street and significantly lower ground level would not allow for the potential overlooking of the properties on the north side of Maple Close.
13. The rear aspect, facing towards No 2, shows only small windows to non-habitable rooms at first floor level which, along with the distances between facing elevations, are factors that I have taken into account. Although there are bedroom windows to both flanks I am mindful of the distances involved and the angles involved to neighbouring properties orientated thereto which, together, would ensure that no significant adverse impact would arise.
14. In the circumstances I find that the proposed development would relate satisfactorily to the surrounding occupiers. I note also that certain neighbours have raised concerns on traffic grounds. On site parking would be provided to the front of the dwelling, directly off Maple Close, rather than the current arrangement. To this end, and with the consideration that traffic generation from the development would be limited, the local highway authority have raised no objections to the proposal. Also, during the construction period an appropriate Management Plan, which can be secured by planning condition, would be in place to minimise disruption.
15. On this main issue I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers and there would be no material conflict with the aims of LP Policies ENV1 and HSG7 in this regard.

Conclusion and Conditions

16. I have not found harm on either main issue. Accordingly, for the above reasons, and having had regard to all matters raised, the appeal succeeds.
17. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have made certain amendments for clarity and to eliminate duplication.
18. Certain pre-commencement conditions are imposed to require submission and approval of aspects of the development that are not fully described in the application.
19. In addition to the standard 3 year time limitation condition for commencement, in the interests of certainty I have imposed a condition requiring that the development be carried out in accordance with the submitted plans. Conditions to secure appropriate external finishing materials, landscaping and planting measures, appropriate and effective boundary treatment and the satisfactory discharge of surface water are necessary in the interests of amenity and the character and appearance of the area.

20. Finally, the Council has suggested that a condition restricting permitted development entitlement should be imposed. Given the scope of such and the possible risk to the occupiers of No 2, in particular, in this regard I agree with this approach and consider this restriction both necessary and reasonable in the circumstances. Accordingly, any future extension to the dwelling potentially covered under Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 would, instead, be the subject of a formal planning application to allow for objective assessment.

Timothy C King

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: Drawings Nos 12209-LP001-A, 12209-S001, 12209-S002, 12209-P003-K, 12209-P004-N and 12209-P005-L.
- 3) No development shall take place until samples of the external materials to be used for the construction of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of 5 years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
- 5) No development shall commence until details of the means of disposal of surface water from the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) The dwelling shall not be occupied until full details of boundary enclosures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with these details.
- 7) No development shall take place until a construction management plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of how demolition and construction traffic, vehicular access to the site, parking and manoeuvring, materials storage, and facilities for operatives will be accommodated during the development. The development shall be carried out in accordance with the approved CMP.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the dwellinghouse under Schedule 2, Part 1, Class A shall take place, or any additions or alterations to the dwelling's roof under Class B thereto shall be erected.

Appeal Decision

Site visit made on 13 November 2017

by Robert Fallon B.Sc. (Hons) PGDipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17th November 2017

Appeal Ref: APP/J1915/D/17/3180016

98 Tamworth Road, Hertford, SG13 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Smith against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0555/HH, dated 5 March 2017, was refused by notice dated 28 April 2017.
 - The development proposed on the application form is the construction of a two storey side and rear extension incorporating an extended pitch roof (to match) in yellow stock brickwork to match existing.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. My determination of this appeal is against the saved policies of the Local Plan¹. However, the Council's case officer report also makes reference to a number of policies from the emerging District Plan². Although at an advanced stage of preparation, this document has not yet been fully assessed following examination. Given the uncertainties regarding the outcome of that process, I have given the emerging District Plan limited weight and in any event, policies DES3 and HOU11 would not have altered my conclusions.

Main issues

3. Within the context of the Council's reasons for refusal and the evidence in this case, the main issues are considered to be whether the development proposed would:
 - preserve or enhance the character or appearance of the conservation area
 - living conditions, with particular regard to the impact upon No 96 Tamworth Road.

Reasons

4. The appeal site lies within the Hertford Conservation Area³ and contains an early 20th Century 2-storey semi-detached house, which is characterised by its

¹ East Herts Local Plan Second Review, April 2007

² East Herts District Plan, Pre-Submission Consultation 2016, November 2016

³ Hertford Conservation Area Appraisal, adopted April 2017

- yellow brick walls with red-brick banding, slate roof, prominent chimney, unusual side entrance and subservient 2-storey rear outrigger.
5. The area surrounding the appeal site on the southern side of Tamworth Road is characterised by a row of 2-storey semi-detached dwellings that match the design of the appeal property and follow the same consistent building line. The opposite side of the road contains modern 2 and 3-storey housing.
 6. The 2-storey side and rear extension would substantially extend the width and depth of the outrigger so that it is flush with the side elevation of the front part of the house. Despite using similar facing-wall materials, this would result in the enlarged outrigger dominating the house and obliterating the visual separation that currently exists between it and the front part of the dwelling which contributes to its subservient appearance. The proposed flat roof above the side extension would also result in the creation on an unsightly juxtaposition between it and the existing pitched roof, which would as a consequence erode the overall integrity of the dwelling. The use of uPVC windows, despite matching those on the existing dwelling, would further harm the character and appearance of the building, which would have originally been fitted with timber sash windows.
 7. Although the extension would not be clearly visible from the public highway at the front of the site, it would nonetheless cause harm to the character and appearance of the dwelling and the conservation area, the latter of which extends to the front and rear of the property.
 8. The height and depth of the rear extension and its position adjacent to the dividing boundary line with No 96 would result in it appearing extremely visually intrusive and overbearing to the occupants of this neighbouring dwelling. Furthermore, by reason of its mass, position, proximity and orientation, it would also result in a significant loss of outlook and light to this property's conservatory.
 9. The appellant has drawn my attention to a number of other extensions, but these are not directly comparable to current proposal in terms of design and scale. I am also not aware of the particular circumstances where planning permission was granted for these and in any event, I must consider the appeal scheme on its own merits. The existence of these other developments does not therefore justify the harm I have identified.
 10. In view of the above, I have concluded that the development would be harmful to; (a) the living conditions of the occupants of No 96 Tamworth Road; and (b) the character and appearance of the existing dwellinghouse and conservation area. As a consequence, it would also fail to preserve or enhance the character and appearance of the conservation area⁴. The scheme would therefore conflict with Policies ENV1, ENV5, ENV6 and BH5 of the Local Plan which seek to ensure that new development respects the amenities of neighbouring occupiers and is of a high quality design that is sympathetic to the special characteristics of conservation areas.
 11. Although the proposal would be harmful to the character and appearance of the conservation area, I would consider this to be less than substantial because of

⁴ S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

the extension's more obscure position, which would reduce the development's overall effect on the significance of the designated heritage asset.

12. I have accordingly assessed the scheme against paragraph 134 of The Framework⁵, which states that when a development leads to less than substantial harm to the significance of a designated heritage asset, this should be weighed against the public benefits of the proposal.
13. I have concluded that the modest amount of benefit associated with the development, namely enhanced living accommodation, would not outweigh the harm identified to the significance of the conservation area as a designated heritage asset.

Conclusion

14. No public benefits of the proposal have been found that outweigh the harm that would be caused to the significance of the conservation area and the living conditions of neighbouring occupiers, and the failure to preserve or enhance the character or appearance of the conservation area. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified failures, harm and policy conflict. For the reasons above, the appeal should be dismissed.

Robert Fallon

INSPECTOR

⁵ National Planning Policy Framework, Communities and Local Government, March 2012.

Appeal Decision

Site visit made on 25 October 2017

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th November 2017

Appeal Ref: APP/J1915/W/17/3177792

10A Southmill Road, Bishop's Stortford, Hertfordshire CM23 3DP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Shirley Watson against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0652/FUL, dated 10 March 2017, was refused by notice dated 10 May 2017.
 - The development proposed is demolition of existing industrial building and erection of a 1 bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing industrial building and erection of a 1 bedroom dwelling at 10A Southmill Road, Bishop's Stortford, Hertfordshire CM23 3DP in accordance with the terms of the application, Ref 3/17/0652/FUL, dated 10 March 2017, subject to the attached schedule of 6 conditions.

Main Issues

2. The main issues in this appeal are:
 - whether the proposal would conflict with local plan policy that is designed to retain land for employment purposes;
 - whether the proposal would provide appropriate living conditions for future occupiers, with regard to external amenity space, light and outlook, and for neighbouring occupiers of 8 Southmill Road, with regard to privacy, noise, light pollution, and outlook; and
 - whether the proposal would be compatible with the character and appearance of the surrounding area.

Reasons

Employment Use

3. The existing single-storey brick building and 2 adjacent timber sheds at the appeal site are accessed via a grassed track between houses at 10 and 12 Southmill Road. I observed on my site visit that the roof of the brick building has been subject to repair using tarpaulin and timber battens. Despite roof repairs, the interior of the building is also in poor condition and is being used to store fencing and other construction materials. The external walls largely lack

their original render and the pointing of the brickwork has also been subject to significant erosion. The single-glazed timber windows and the external doors are also in a state of disrepair. I inspected the 2 sheds from outside and from their entrances as neither building was in a safe condition to enter. One has suffered a collapsed roof while the other is in very poor condition.

4. The proposed development would effectively involve the change of use of the appeal site from employment use to residential use. Criterion (a) of policy EDE2 of the East Herts Local Plan Second Review (2007) (the Local Plan) requires evidence to show that the retention of an existing employment site or premises for employment use has been explored fully without success before loss of the employment site will be permitted. However, while the Council encourages retention of existing employment sites or those that were last in employment use at paragraph 6.7.3 of the Local Plan, neither the policy nor its supporting text indicates what form any assessment of the retention of a site or premises should take.
5. Since the premises on the appeal site became vacant in 2008, a number of planning applications have been submitted, including an approved scheme for a replacement commercial building in 2014¹; a refused scheme for a 2 bedroom residential unit in 2016; and the residential scheme subject to this appeal. The potential commercial tenant is no longer interested in occupying the site and the 2014 planning permission lapsed in August 2017.
6. When the application subject to this appeal was made in March 2017, the applicant provided a surveyor's report which confirmed that the condition of the buildings prevented the site from being let; that the access, parking and servicing was too restricted for effective commercial use; and that any prospective tenants would need to respect the close proximity of residential properties. Furthermore, the report provided information on the availability of B1(c) employment space which indicated that there was a reasonable level of unit availability locally. The report determined that the building would need to be rebuilt in order to allow for future commercial use, but that the potential rental income after rebuilding would not render redevelopment of the site for commercial use financially viable.
7. The Council concluded that there was not sufficient evidence that retention of the employment use had been fully explored as it was not sufficiently clear that the building could not be reused following some improvement works. As part of the appeal documentation, the appellant submitted a Building Report (May 2017), which assessed the condition of the buildings and the necessary works required to bring them back into commercial use. I consider that the surveyor's report and the Building Report satisfactorily demonstrate that the retention of the site or premises for employment use is not economically viable. While no marketing exercise has been undertaken by the appellant, this is not a requirement of policy EDE2 of the Local Plan. Although the Council has referred to the requirement for marketing in policy ED1 of the pre-submission East Herts District Plan, this plan has been submitted for examination and has not yet been adopted. I consequently give policy ED1 very limited weight in this instance.

¹ 3/14/0961/FP

8. Concluding on this main issue, I consider that the proposed development would comply with the requirements of policy EDE2 of the Local Plan in relation to employment sites.

Living conditions

9. The proposed development would involve the demolition of the existing buildings on the site, which approximately form a U shape, and their replacement with one slightly taller single-storey building comprising a one-bedroom residential unit. In seeking to address the restricted size of the plot and proximity of surrounding residential gardens, the form and layout of the proposed building would largely replicate that of the existing buildings on the appeal site and the lapsed 2014 planning permission. Accordingly, the main rooms of the proposed development would look onto a courtyard in the middle of the proposed development.
10. The courtyard would form the external amenity space for the proposed development and would be accessed from the patio doors serving the living area. No specific minimum standards for external amenity space have been provided by the Council. However, I consider that the courtyard would offer sufficient external space to allow future occupiers of this modest dwelling to undertake such activities as sitting outside or drying washing in reasonable comfort and privacy.
11. With regard to light, while the courtyard would be north-facing, the existing boundary fence between No 8 and the appeal site does not significantly block light from entering this space as I noted on my mid-morning site visit. The proposed boundary wall would be no higher than the fence it would replace. The kitchen, bedroom and living area would have full height patio doors or windows facing the courtyard in order to allow natural light to enter the rooms. In addition, the living area would have 3 tall windows on the southern elevation and the bedroom would have a rooflight. I consider therefore that the proposed development would benefit from sufficient natural light.
12. Turning to outlook, the south-facing windows of the living area would adjoin the access driveway and the brick boundary wall serving No 12's rear garden beyond. Other openings to habitable rooms would overlook the landscaped courtyard enclosed by the boundary wall with No 8. Given the site-specific circumstances of this small infill site, I consider that the outlook from the rooms and courtyard would be satisfactory.
13. Concerns have been raised with regard to the effect of the proposed development on the living conditions of occupiers of No 8. The proposed boundary treatment and the layout of the proposed development with two wings of the building facing one another would block direct views from the proposed development towards the rear of No 8, reducing any potential for overlooking. Given the height and layout of the proposed single-storey building, the provision of a one-bedroom residential unit on the appeal site would not have a significant adverse effect on the living conditions of the neighbouring occupiers at No 8 in terms of their privacy. In addition, any noise or light pollution from the proposed development would not be sufficiently harmful to warrant dismissing the proposal. While the neighbours' outlook would change as a result of the proposed development, given the presence of the existing buildings on the appeal site, I consider that this would be acceptable.

14. For these reasons, I conclude that the proposed development would provide appropriate living conditions for future occupiers of the proposed development and the neighbouring occupiers at No 8. It would therefore be compliant with policies ENV1 and EDE2 of the Local Plan, which require the amenity of neighbouring occupiers to be respected. Policy ENV1 also requires, amongst other things, new development to respect the amenity of future occupiers. These policies are consistent with one of the core planning principles of the National Planning Policy Framework (the Framework) which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

15. The appeal site lies to the rear of residential properties on Southmill Road, Kimberley Close and South Road. Southmill Road itself is home to a large industrial estate and a mixed-use complex of former malthouses. Beyond these uses close to the junction of Southmill Road with South Road, the area is largely residential and has a mix of early 20th century two-storey terraced, semi-detached and detached houses and new-build residential development. The plot sizes of residential properties on Southmill Road, Kimberley Close and South Road vary, with a number of houses within the adjacent group of new-build houses at 7 – 17a South Road having particularly small gardens relative to the older neighbouring houses.
16. Although the proposed development would have less external amenity space than neighbouring residential properties, the appeal site and its existing buildings and yard space differ distinctly in nature and layout from surrounding residential properties. It is evident from the historic maps provided by the appellant that the main building has been present on the appeal site since at least 1939, pre-dating a number of nearby houses and their gardens.
17. Despite the appeal site and its yard having not been in active commercial use since 2008, the Council approved a very similar commercial development and yard area on the site in 2014. Although this permission has lapsed, the development was considered against the same Local Plan policies as the appeal proposal and involved a similar design, layout and yard area as the existing site. Although the current proposal is for residential rather than commercial development, the pattern and grain would not be significantly different to that of the existing buildings and yard on the site or the 2014 planning permission.
18. Concluding on this main issue, I consider that the proposed development would not cause harm to the character and appearance of the surrounding area. It would therefore be compliant with policies HSG7 and ENV1 of the Local Plan, which, amongst other things, require development to have regard to the character of the local built environment and the pattern of streets, buildings, and open spaces. It would also comply with paragraph 58 of the Framework which, amongst other things, requires development to respond to local character and history, and reflect the identity of local surroundings and materials.

Other Matters

19. Although I acknowledge the concerns about the potential effect on the holly tree within the neighbouring garden at No 8, the evidence is limited as to whether there would be any substantive effect on the tree. In addition, the

neighbour's concerns about maintenance of the proposed development's side boundary with No 8 and the potential effect on property values are not planning matters.

20. Furthermore, while the proposed development would allow for the use of the access driveway to reach the one car parking space associated with the proposed residential unit, I concur with the Highways Authority's view that traffic generation related to the proposed development is unlikely to be significant. The track is wide enough for a car to drive up, but it would be difficult for larger vehicles to service the site directly. There is on-street parking adjacent to the access driveway on the same side of Southmill Road, which would further limit the ability of larger vehicles to turn into the access driveway. I therefore consider the access, parking and servicing arrangements are satisfactory for the proposed development and would be compliant with criterion (c) of policy EDE2 of the Local Plan, which requires satisfactory access, parking and servicing arrangements.

Conclusion

21. For the reasons set out above, and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Conditions

22. It is necessary to specify conditions confirming the approved plans to ensure certainty and require approval of the materials and landscaping for the proposed development in the interests of visual amenity. The Council's suggested conditions for landscaping have been amalgamated.
23. A ground remediation condition is also suggested. The appellant has submitted a detailed contaminated land report and has asked for the suggested condition to be split, with a pre-commencement condition and a further condition addressing requirements prior to occupation of the dwelling. I consider this reasonable.
24. Materials and landscaping details do not need to be submitted prior to commencement of development as they are not necessary to prevent ground preparation works from taking place. However, condition 5 is a pre-commencement condition as it involves elements that need to be addressed before demolition and construction works begin.

J Gilbert

INSPECTOR

Schedule of 6 Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 668/001; 668/002; 787/01; and 787/2.
- 3) Prior to the construction of the dwelling, details of the materials to be used in the construction of the external surfaces shall be submitted to and approved in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) Prior to the occupation of the dwelling, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:

i) boundary treatments;

ii) hard surfacing materials;

iii) soft landscaping, including planting plans with schedules of plant species, plant sizes and proposed planting numbers/densities; written specifications (including cultivation and other operations associated with plant and grass establishment) and a programme of implementation.

The hard and soft landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. The hard and soft landscaping shall be retained on site thereafter. Any trees or plants which die, become seriously damaged or diseased, or are removed, within a period of 5 years from planting, shall be replaced in the next planting season with others of similar size and species.

- 5) Prior to the commencement of development, a verification plan specifying the measures to be taken to remediate the site to ensure that any contamination found to be present will be removed or rendered harmless shall be submitted to and approved in writing by the local planning authority. The site shall then be remediated in accordance with the approved measures. If, during the course of construction, any contamination is found which has not been identified previously in the verification plan, no further development shall take place until that contamination has been removed or rendered harmless, in accordance with additional measures to be submitted to and approved in writing by the local planning authority.
- 6) Prior to the occupation of the dwelling, a verification report shall be submitted to and approved in writing by the local planning authority to demonstrate compliance with the approved verification plan and any additional measures subsequently agreed in writing by the local planning authority with reference to previously unidentified contamination.

Appeal Decision

Site visit made on 20 October 2017

by Timothy C King BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 November 2017

Appeal Ref: APP/J1915/W/17/3178674

The Causeway, Brent Pelham, Herts SG9 0HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Major & Mrs Barclay against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0658/FUL, dated 15 March 2017, was refused by notice dated 17 May 2017.
 - The development proposed is described as '*Construction of a mixed scheme of 6 dwellings*'.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) Whether it would be a sustainable form of development having regard to the National Planning Policy Framework (the Framework); and
 - 2) The effect of the development on the character and appearance of the surrounding area, with regard to its rural area siting.

Reasons

Sustainable form of development

3. The village of Brent Pelham is one of the settlements where Policy GBC3 of the East Herts Local Plan Second Review allows only specific types of development, and where new residential development is considered unacceptable. The Council, however, is unable to demonstrate a five year supply of housing land and, in such instances, paragraph 49 of the Framework states that policies concerned with the supply of housing should not be considered up to date.
4. I note that the Council's Local Plan (LP) was adopted some five years prior to the publication of the Framework. LP Policy GBC3 impacts directly on housing supply and, given the circumstances, I consider that it carries reduced weight. In such instances paragraph 14 of the Framework, which states that planning permission should be granted for development unless the adverse effects of doing so would significantly and demonstrably outweigh the benefits, comes into play.

5. Whilst I note that Brent Pelham has few facilities it is, though, an established settlement. The proposed development would be sited adjacent to Owlitts Cottages, a row of bungalows, and directly opposite a series of houses slightly set back from The Causeway. In the circumstances, although the proposal could be described as a form of ribbon development, it would effectively 'square off' the envelope of the village. It would not, therefore, constitute isolated residential development in the countryside, which should be avoided.
6. I have had regard to the Council's point that the East Herts Village Hierarchy Study of 2016 Brent Pelham scored very low relatively against sustainability criteria. There is only a limited bus service and residents must largely rely on private vehicles for most of their daily needs. Nonetheless, paragraph 55 of the Framework actively promotes housing in rural communities where it would support the local economy, particularly in cases where amenities are shared between local villages such as is the case here.
7. The concept of sustainable development has three dimensions; economic, social and environmental and I consider that the proposed development of six new dwellings, of mixed size, would provide both local economic and social benefits. Environmental issues aside, which I address in the second main issue, given the above factors I consider that the principle of the proposal is not without merit. Whilst the development would add to the level of car dependency within the village I note that the local highway authority has not raised objections, subject to the imposition of appropriate planning conditions.
8. I therefore conclude that any harm arising from reliance on the car would not be so significant as to outweigh the benefits of providing additional dwellings in this particular area of the village, when considered against the Framework as a whole.

Character and appearance

9. LP Policy ENV1 requires that new development should complement the existing grain and, amongst other things, proposals for such should show that consideration has been given to the impact of any loss of open land on the character and appearance of the locality. Policy ENV2 takes this further in mentioning that development proposals will be expected to retain and enhance existing landscape features, and requires for the submission of detailed surveys of landscape features.
10. The appeal site is in an open location and the land levels rise gently, but progressively, into the site from the highway boundary. The development of this site, in the manner proposed, would therefore have significant visual prominence. However, save for some limited illustrative material in the submitted Design and Access Statement, which also involves sketch perspectives, there is little detail provided to support the proposal in this regard. The conclusions and recommendations of the appellant's 'Preliminary Ecological Appraisal' are somewhat scant and I note the absence of any comprehensive tree survey and arboricultural assessment to support the scheme.
11. The appellant feels that these are matters which can be left to the submission of details by way of conditions attached to a planning permission. However, in the circumstances, and given that the proposal would involve excavation of the

bank, I share the Council's view that without fuller details at this stage the impacts of the proposal cannot be properly assessed.

12. In the absence of compelling information to suggest otherwise I conclude that the proposal would be harmful to the character and appearance of the surrounding area, contrary to the aims and requirements of LP Policy ENV1.

Other matter

13. Both main parties refer to a recent successful appeal involving the proposed development of a new single dwelling at a nearby site on The Causeway. Although this related to a piece of infill land, smaller than the current appeal site, given its proximity there are certain similarities between that case and this one. I have, nevertheless, considered this appeal on an individual basis.

Conclusion

14. Whilst I have found in favour of the development on the first main issue this is outweighed by the potential resultant harm to this rural area siting. For the above reasons, and having had regard to all matters raised, the appeal does not succeed.

Timothy C King

INSPECTOR

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/16/0530/OUT	A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising: up to 680 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (Use Class C1), two multi-storey car parks, car parking spaces for the residential development; and, associated highways and landscaping works. All as amended by plans and documents received on 22 September 2016 and 31 March 2017. The full application for Phase 1 (1.62ha) comprises: 122 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (80 bedrooms and a restaurant) (Class C1); and a multi-storey car park (477 spaces) All in buildings of between four and six storeys in height; and a re-configured transport interchange (including bus stops, taxi rank and drop-off), provision of a new public square, cycle parking facilities, surface car parking, service yard, vehicular and pedestrian access arrangements from Anchor Street, Station Road and London Road; and associated landscaping, plant and servicing. The outline planning application for Phases 2-4 (4.2ha including 2.02ha at the southern end of the Goods Yard currently in operational use) comprises: up to 558 residential units (Use Class C3); and a multi-storey car park (489 spaces). All in buildings of between	Land At Bishops Stortford Railway Station Station Road Bishops Stortford CM23 3BL	Refused Committee	20/11/2017	Public Inquiry
3/17/0662/LBC	Demolition of single storey extension and replacement part single storey, part two storey rear extension.	73 High Street Hunsdon Ware SG12 8NJ	Refused Delegated	07/11/2017	Written Reps
3/17/0722/OUT	Construction of 9no. dwellings consisting of 4no. 3 Bedrooms and 5no. 2 Bedrooms with two new vehicular accesses.	Land East Of Upper Green Road Tewin Welwyn AL6 0LE	Refused Delegated	22/11/2017	Written Reps
3/17/0870/HH	Erection of annex building	Bradbury Farm Hare Street Buntingford SG9 0DX	Refused Delegated	06/11/2017	Fast Track
3/17/1008/FUL	Demolition of existing agricultural buildings and erection of 4no. detached four bedroom dwellings	Long Meadow Ware Road Widford	Refused Delegated	07/11/2017	Written Reps
3/17/1059/CLP	Erection of outbuilding	Little Croft Ermine Street Colliers End Ware SG11 1EH	Refused Delegated	23/11/2017	Written Reps
3/17/1145/OUT	Outline planning application for the development of up to 13 dwellings including associated access.	Land At Gosmore Paddock 19 Hebing End Benington Stevenage SG2 7DD	Refused Committee	03/11/2017	Written Reps
3/17/1216/FUL	Demolition of existing dwelling and erection of replacement dwelling.	5 Brookbridge Lane Datchworth Knebworth SG3 6SU	Refused Delegated	22/11/2017	Written Reps
3/17/1282/FUL	Erection of detached single dwelling	Land Adjacent To 54 Hawkins Hall Lane Datchworth Knebworth SG3 6TE	Refused Delegated	22/11/2017	Written Reps
3/17/1337/HH	Provision of a detached garage and boundary wall.	3 Hollydell Hertford SG13 8BE	Refused Delegated	06/11/2017	Fast Track
3/17/1384/HH	Rear dormer window	39 Walton Road Ware SG12 9PQ	Refused Delegated	15/11/2017	Fast Track
3/17/1409/FUL	Single storey garage/workshop extension	Figment Barn Lower Road Great Amwell Ware SG12 9SY	Refused Delegated	22/11/2017	Written Reps
3/17/1587/HH	Two storey front extension	2 Long Meadow Bishops Stortford CM23 4HH	Refused Delegated	06/11/2017	Fast Track
3/17/1772/CLP	Construction of a new 1.8m high wall and railways with 1.6m high gates around the rear garden and parking area	The School House 6 Church Street Ware SG12 9EG	Refused Delegated	24/11/2017	Written Reps

NOTE: This report shows only appeals lodged since the last Development Management Committee agenda deadline

Background Papers

None

Contact Officers

Kevin Steptoe, Head of Planning and Building Control - Ext 1407

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Public Inquiry and Hearing Dates

All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Procedure Type
3/14/2304/OP	David Snell	Land Off Luynes Rise Buntingford	Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's playspace. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's playspace, incidental open space and associated surface and four water drainage infrastructure.	Public Inquiry 04/04/2017
3/16/0530/OUT	Stephen Tapper	Land At Bishops Stortford Railway Station Station Road Bishops Stortford CM23 3BL	A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising: up to 680 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (Use Class C1), two multi-storey car parks, car parking spaces for the residential development; and, associated highways and landscaping works. All as amended by plans and documents received on 22 September 2016 and 31 March 2017. The full application for Phase 1 (1.62ha) comprises: 122 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (80 bedrooms and a restaurant) (Class C1); and a multi-storey car park (477 spaces) All in buildings of between four and six storeys in height; and a re-configured transport interchange (including bus stops, taxi rank and drop-off), provision of a new public square, cycle parking facilities, surface car parking, service yard, vehicular and pedestrian access arrangements from Anchor Street, Station Road and London Road; and associated landscaping, plant and servicing. The outline planning application for Phases 2-4 (4.2ha including 2.02ha at the southern end of the Goods Yard currently in operational use) comprises: up to 558 residential units (Use Class C3); and a multi-storey car park (489 spaces). All in buildings of between three and seven storeys in height; provision of open space, new vehicular and pedestrian access arrangements, cycle parking facilities, surface car parking; and associated landscaping, plant and servicing.	Public Inquiry 11/09/2018 Venue TBC
3/17/0781/FUL	Lisa Page	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one Gypsy family, including stationing of one mobile home, one touring caravan, laying of hardstanding, improvements of existing access and installation of septic tank - Retrospective application	Hearing 04/01/2018

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EAST DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE - DECEMBER 2017
ITEMS FOR REPORT AND NOTING

Application Number	3/17/0632/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Dingley DellThe StreetFurneux PelhamBuntingfordHertfordshireSG9 0LJ
Appellant	Mr Michael Sortwell
Proposal	Demolition of existing buildings. Erection of a replacement dwelling and outbuilding. New entrance
Appeal Decision	Allowed with Conditions

Application Number	3/17/0634/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Bishops Stortford Tennis ClubCricketfield LaneBishops StortfordHertfordshireCM23 2SZ
Appellant	Mr Christopher Dunham
Proposal	Seasonal inflatable dome over 3 existing tennis courts.
Appeal Decision	Allowed with Conditions

Application Number	3/17/0870/HH
Decsn	Refused
Level of Decision	Delegated
Address	Bradbury FarmHare StreetBuntingfordHertfordshireSG9 0DX
Appellant	Mr P Buzzing
Proposal	Erection of annex building
Appeal Decision	Dismissed

Application Number	3/17/1161/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adj 49 Ware RoadTonwellWareHertfordshireSG12 0HS
Appellant	Miss Ball
Proposal	Erection of detached three bedroom dwelling
Appeal Decision	Dismissed

Application Number	3/17/1337/HH
Decsn	Refused
Level of Decision	Delegated
Address	3 HollydellHertfordHertfordshireSG13 8BE
Appellant	Mr Louis Merhemitch
Proposal	Provision of a detached garage and boundary wall.
Appeal Decision	Allowed with Conditions

Application Number	3/17/1384/HH
Decsn	Refused
Level of Decision	Delegated
Address	39 Walton RoadWareHertfordshireSG12 9PQ
Appellant	Mr And Mrs Hawkes
Proposal	Rear dormer window
Appeal Decision	Dismissed

Application Number	3/17/1587/HH
Decsn	Refused
Level of Decision	Delegated
Address	2 Long MeadowBishops StortfordHertfordshireCM23 4HH
Appellant	Mrs Anastasia Rubidge
Proposal	Two storey front extension
Appeal Decision	Dismissed

Background Papers

Correspondence at Essential Refusedereence Paper 'A'

Contact Officers

Kevin Steptoe, Head of Planning and Building Control – Extn: 1407

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Appeal Decision

Site visit made on 8 November 2017

by **J Gilbert MA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th December 2017

Appeal Ref: APP/J1915/W/17/3179990

Dingley Dell, The Street, Furneux Pelham SG9 0LJ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Sortwell against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0632/FUL, dated 13 March 2017, was refused by notice dated 11 May 2017.
 - The development proposed is demolition of existing buildings, erection of a replacement dwelling and outbuilding, new entrance driveway.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings, erection of a replacement dwelling and outbuilding, new entrance driveway at Dingley Dell, The Street, Furneux Pelham SG9 0LJ in accordance with the terms of the application, Ref 3/17/0632/FUL, dated 13 March 2017, subject to the attached schedule of 5 conditions.

Procedural Matter

2. During the course of the appeal, the Council confirmed that the appeal site now lies within the designated Furneux Pelham Conservation Area and that the draft Furneux Pelham Conservation Area Appraisal has been adopted. I have considered the appeal accordingly.

Main Issues

3. The main issues in this appeal are:
 - whether the proposed development would preserve or enhance the character or appearance of the Furneux Pelham Conservation Area, within which the site lies, and whether the setting of nearby listed buildings at Lodge Farm Cottage and Blacksmith's Cottage would be preserved; and
 - the effect of the proposed development on protected species.

Reasons

Character and Appearance

4. The Furneux Pelham Conservation Area extends across the historic core of the village, which is scattered along The Causeway, The Street and Violets Lane. Though The Street is the main road through the village, it is narrow and

meandering, with most houses set back slightly from the road. The Street is bounded by tall hedges in a number of places, with trees within front gardens and along the road verges. Domestic properties on The Street are generally two-storey in height, with red tiled roofs, some front gables, and a mixture of weatherboarding, tile hanging, pargetting, brickwork and render. There are some long views along The Street looking towards the appeal site, the field beyond the appeal site, and the listed buildings at Lodge Farm Cottage and Blacksmith's Cottage¹. These attributes contribute to the character and appearance and the significance of the Conservation Area.

5. Grade II listed Lodge Farm Cottage and Blacksmith's Cottage form a pair of 19th century two-storey red brick cottages with decorative tile hanging to the upper storey and roof. Situated behind short front gardens on the northern side of The Street close to a bend in the road, the cottages have small dormers and a large first floor projecting gable. The listing description describes them as outstanding examples of Victorian country cottages of the period. This architectural interest contributes the significance of these listed buildings.
6. The existing single-storey residential dwelling at Dingley Dell is situated on the north-eastern side of The Street. The appeal site lies outside the boundary of the village itself and is situated adjacent to the listed Lodge Farm Cottage and Blacksmith's Cottage, beyond which there is a large modern detached house on The Street and further new build properties to the rear of the listed buildings.
7. The existing house at Dingley Dell is a simple detached timber-clad structure, with later porch and conservatory extensions, and a timber-clad garage situated to the side of the house. The Council describes the existing building as a neutral building within the Conservation Area. I concur with this view. The existing house sits within a garden laid mostly to lawn surrounded by coniferous hedging. A large grass verge with some trees separates the appeal site from the road. Beyond the garden, the appeal site is bounded by a large field, with buildings on Violets Lane visible across the field.
8. The proposed development would comprise a two-storey detached house with two front gables and two rear gables. There would be a mixture of building materials, including pargetting, weatherboarding, and a clay plain tiled roof. Adjacent to the main house, a single-storey cart barn and store would be sited in a similar position to the existing garage. The proposed development would include a new access driveway across the existing grass verge and the stopping-up of the current vehicular access shared with neighbouring Blacksmith's Cottage.
9. The Council is critical of the siting, design and proportions of the proposed development, claiming it would be significantly more distinctive and visible in long views along The Street from both directions along the road, resulting in harm to the Conservation Area. As the existing house at Dingley Dell is relatively small and unobtrusive and partially screened by a hedge from the road, I do not disagree that the proposed development would be more distinctive and visible than the house it would replace.
10. However, although the proposed development would be two-storey, it would be only 0.85m higher to the main ridge of the roof than the existing single-storey

¹ Blacksmith's Cottage also appears to have been known as The Gables. The listing description refers to The Gables only. I have used the current name in this decision.

house. The proposed development would also be of a lower height to its main ridgeline than the neighbouring listed buildings at Lodge Farm Cottage and Blacksmith's Cottage. It would be located in a similar position to the existing house set back from the road and would not infill the green gap provided by the existing garden. Given the limited additional site coverage, siting, and the height of the proposed development, long views towards the field and Violets Lane beyond would be retained when travelling towards the appeal site from the west, while views towards the listed buildings at Lodge Farm Cottage and Blacksmith's Cottage and the field beyond would be maintained when travelling from the south along The Street. Furthermore, while the domestic properties within this part of Furneux Pelham vary in their design, the proposed development reflects features present on nearby buildings, including the proposed gables and dormer window, and range of building materials. As such, the proposed development would display the core characteristics of the local domestic architecture.

11. The Council also contends that the grass verge outside the appeal site would be an urbanising feature which would harm the character of the Conservation Area. While the existing verge makes a pleasant contribution to the leafy and green character of this part of the Conservation Area, the appellant proposes to maintain the existing hedging, grass and trees on the verge and bounding the garden and to insert a driveway in granite setts to reflect the materials of the more extensive driveway serving Blacksmith's Cottage, the adjacent field, and the existing house on the appeal site. While it would divide the grass verge, I do not consider that it would fundamentally alter the appearance of the area to such an extent as to urbanise the rural context or to cause harm to the Conservation Area.
12. The grade II listed buildings at Lodge Farm Cottage and Blacksmith's Cottage lie close to the appeal site. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building, or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. As discussed above, it appears to me that the views of these listed buildings when observing them from the south and west would be unaffected by the proposed development. While the proposed development and the listed buildings would be viewed together from public vantage points, the siting, scale, form and materials of the proposed development would be sufficiently compatible with the listed buildings such that their setting would not be harmed.
13. Policy GBC3 of the East Herts Local Plan Second Review (2007) (the Local Plan) sets out restrictions on development in the rural area beyond the Green Belt. This policy requires replacement dwellings to adhere to the requirements of policy HSG8 of the Local Plan. Policy HSG8 allows replacement dwellings where the original dwelling is of a poor appearance or construction not capable of retention, and is not contributing to the character of appearance of its surroundings in the rural area beyond the Green Belt subject to meeting 3 criteria. Although the Council has referred to policy GBR2 of the pre-submission East Herts District Plan, this plan has been submitted for examination and has not yet been adopted. I consequently give policy GBR2 very limited weight in this instance.

14. Taking the issues of poor appearance and construction first, I observed on my site visit that both the house and garage appeared to be well-maintained and there was no external evidence that they were of poor construction. While I note the appellant's submissions regarding the house's pre-fabricated construction, the previous attempts made to insulate it, and the poor and restricted layout of the building which would lead to difficulties in extending it sympathetically, it is not possible to conclude definitively that the house is not capable of retention. While no structural or building survey of the existing house has been provided, policy HSG8 does not explicitly require such a survey.
15. The Council has confirmed that criterion (a) of policy HSG8 is met. I concur with this view. Criterion (b) of the policy requires the volume of the proposed dwelling to not be materially larger than the existing dwelling, plus any unexpended permitted development rights. Barring the addition of a porch and a small conservatory, the existing house has not been subject to considerable extensions. From the plan provided within the appellant's statement, it appears that the existing dwelling could be considerably enlarged to at least double its current size with extensions to the side and rear using permitted development rights. The proposed development would be larger than the existing house in both its footprint and height and would be greater than twice the current volume according to the Council's figures. It would appear to me that the footprint and volume of the existing house could be significantly increased under permitted development, and that the proposed development would not be so much larger than the existing house plus unexpended permitted development rights so as to contravene criterion (b) of policy HSG8.
16. Criterion (c) of policy HSG8 requires any new dwelling to be no more visually intrusive than the dwelling to be replaced. I have already discussed the effect of the proposed development on the character and appearance of the Conservation Area and on the setting of listed Lodge Farm Cottage and Blacksmith's Cottage. While I consider the proposed development to be more visible from the road than the building it would replace, I do not consider that it would be visually intrusive for the reasons set out above.
17. As such, while I consider that the proposed development would not conflict with criteria a – c of policy HSG8 of the Local Plan, there remains some limited conflict with the first paragraph of policy HSG8 insofar as the existing dwelling is potentially capable of retention. However, the site-specific circumstances indicate that the proposed development would preserve the character and appearance of the Conservation Area and the setting of the aforementioned listed buildings.
18. I note that the appellant has provided 2 appeal decisions² in Furneux Pelham and Thundridge, which make reference to policies HSG8 and GBC3 respectively. While I have had regard to these appeal decisions, the site-specific circumstances of both appeal sites appear to differ as they are both considerably more secluded and screened by vegetation than the appeal site in this case. They do not alter my findings in respect of this appeal.
19. Concluding on this main issue, I conclude that the proposed development would preserve the character and appearance of the Furneux Pelham

² APP/J1915/W/16/3151833, decision issued 28 September 2016, and APP/J1915/D/16/3150936, decision issued 28 July 2016.

Conservation Area and the setting of listed Lodge Farm Cottage and Blacksmith's Cottage, and find no conflict with policies ENV1 and BH6 of the Local Plan. Policy ENV1 seeks, amongst other things, development that is well-sited and compatible with its surroundings with a high standard of design to reflect local distinctiveness. Policy BH6 deals with new development in conservation areas, and requires, amongst other things, the maintenance of key views, open spaces and sympathetic development which observes the general character and appearance of the area. There is, however, some limited conflict with part of policy HSG8 and therefore policy GBC3. The proposed development would also comply with the aims of the National Planning Policy Framework (the Framework) to sustain the significance of designated heritage assets.

Protected Species

20. A report submitted with the planning application confirmed that the existing house contained evidence of the presence of brown long-eared bats. Paragraph 118 of the Framework states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Policy ENV16 of the Local Plan only allows development which may have an adverse effect on protected species where harm to those species can be avoided. This policy confirms that conditions may be used to facilitate the survival of existing populations of protected species as well as encouraging the provision of new habitats; reducing disturbance to a minimum; and providing adequate alternative habitats to sustain at least the current levels of populations.
21. Developments that would result in a breach of the protection afforded to European Protected Species require a derogation licence, to avoid an offence under the Conservation of Species and Habitats Regulations 2010 (the Regulations). There is no requirement for a derogation licence to be provided prior to grant of planning permission, but the decision maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England (NE), having regard to the requirements of the Habitats Directive³. NE was consulted by the Council in respect of the planning application for the proposed development. NE did not respond. Given that the proposed development would involve the demolition of the existing buildings on the site, it is necessary for me to assess whether there is a reasonable prospect of a licence being granted, having regard to the three tests.
22. The first derogation test states that a licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment."
23. The existing house offers limited opportunities for further improvements to its energy efficiency due to its pre-fabricated mode of construction. Furthermore, as the existing house has a neutral effect on the Conservation Area within which it lies, the provision of the proposed development offers the potential to preserve the character and appearance of the Conservation Area. The proposed development would also make a small contribution to an improvement in the

³ Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.

- quality of the housing stock in the village. It seems entirely plausible that this first test is capable of being met.
24. The second derogation text states that the appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative." The main alternative to the appeal scheme which appears to have been considered is to do nothing or renovate the existing house further. It is unclear whether any other options have been considered. If the existing house were to remain, with its existing issues with energy efficiency, it is possible that further refurbishment and extension could take place over time, and this could adversely affect any existing roosts in the process.
25. Despite the lack of information available regarding other alternatives, I am not persuaded that this would lead to the withholding of a licence and it may simply be the case that further information needs to be submitted. In coming to this view, I have had regard to the advice that NE applies the tests on a proportionate basis and also in considering the feasibility of alternative solutions⁴, namely that the justification required increases with the severity of the impact on the species or population concerned. In this particular case, the development proposed would displace a summer/transitional roost for a single species of bat and the Council's Ecology Adviser was satisfied with the mitigation measures proposed, including the installation of a replacement roost. As adequate mitigation is proposed, on the available evidence, I am not persuaded it is unlikely that NE would grant a licence.
26. Finally, the third derogation test requires the appropriate authority to be satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range." The Council's Ecology Adviser has confirmed that the appellant's report sets out suitable mitigation measures to deal with the potential presence of roosting bats, minimise any potential impacts on bats, and ensure that the local population would be maintained. Mitigation and compensatory measures are proposed, and thus subject to an appropriate condition, the evidence before me suggests that the favourable status of the species would be maintained. This condition is a pre-commencement condition to ensure that protected species are safeguarded. I have not included reference to the need for a licence as this matter is addressed under separate Regulations.
27. Taking all of the above into account, I conclude that there is a reasonable prospect of NE granting a licence. I therefore conclude that the proposal would not have an adverse effect on protected species, and would accord with Policy ENV16 of the Local Plan, the Framework, the Regulations and the Habitats Directive. The requirements of Policy ENV16 and paragraph 118 of the Framework, the Regulations and the Habitats Directive are set out above.

Conclusion

28. Despite some limited conflict with Policy HSG8 of the Local Plan, the proposed development accords with the overall development plan. Therefore, for the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

⁴ Paragraph 27, Natural England Guidance Note: European Protected Species and the Planning Process – Natural England's application of the 'Three Tests' to Licence Applications WML-G24(01/11)

Conditions

29. I have found that the proposed development is acceptable, subject to certain conditions, having regard to the Framework. In addition to the ecology condition referred to above, it is necessary to specify conditions confirming the approved plans to ensure certainty; to control materials and landscaping for the proposed development in the interests of visual amenity; and to require information on the access arrangements in the interests of highway safety. I have not attached the Council's suggested wheel washing condition as the scale of development does not necessitate this condition. I have also merged the Council's proposed conditions 6, 7 and 9 as it is sensible to have one condition relating to the vehicular access to the site.

J Gilbert

INSPECTOR

Schedule of 5 Conditions:

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans 365.01, 365.02, 365.03, 365.04, and Location Plan.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plans 365.02 and 365.04.
- 4) Prior to the commencement of development, including any demolition, 3 dusk emergence/dawn re-entry surveys should be undertaken during May-August (inclusive), to determine whether bats are roosting and will be affected by the proposals; and should this be the case, the outline mitigation measures should be modified as appropriate based on the results and then be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with these approved details.
- 5) Prior to the occupation of the development hereby permitted, details of landscaping, parking and access arrangements shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i) the access arrangements, including visibility splays;
 - ii) hard surfacing materials for driveways and car parking areas; and
 - iii) closure of the existing vehicular access; and
 - iv) boundary treatments.

The landscaping, parking and access arrangements shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be maintained thereafter.

Appeal Decision

Site visit made on 4 December 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th December 2017

Appeal Ref: APP/J1915/W/17/3183216

Bishop's Stortford Lawn Tennis Club, Cricketfield Lane, Bishop's Stortford, Hertfordshire CM23 2TD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Dunham against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/0634/FUL, dated 13 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is a seasonal inflatable dome over 3 existing tennis courts.
-

Decision

1. The appeal is allowed and planning permission is granted for a seasonal inflatable dome over 3 existing tennis courts at Bishop's Stortford Lawn Tennis Club, Cricketfield Lane, Bishop's Stortford, Hertfordshire CM23 2TD, in accordance with the terms of the application, Ref: 3/17/0634/FUL, dated 13 March 2017, subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt;
 - The effect on the character and appearance of the area; and
 - If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal scheme is for the erection of an inflatable dome over three existing tennis courts. It would be erected during the autumn/winter months to enable tennis to be played in inclement weather. The appeal scheme is development associated with indoor sport.
4. Policy GBC1 of the East Herts Local Plan Second Review 2007 (LP) states that a new building in the Green Belt will be inappropriate development unless it would be an exception specified in the policy. Facilities for indoor sports are

not a specified exception. This is consistent with Paragraph 89 of the National Planning Policy Framework (the 'Framework'). In this context, Policy GBC1, in so far as it relates to indoor sports facilities, can be afforded significant weight.

5. As such, the appeal scheme would involve the erection of a new building in the Green Belt that would not meet the exceptions listed in either Policy GBC1 or the Framework. I therefore conclude that the development would be inappropriate development which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt

6. The appeal site is currently located on the periphery of the town within a cluster of playing fields that include built sports facilities. The proposed dome would be erected over existing tennis courts, which are low lying structures surrounded by fencing and walls. The proposed dome would be taller and larger than these existing structures and this would result in it having a notably greater volume and physical presence. As a result, the openness of the Green Belt would be diminished by the appeal scheme.
7. The appeal scheme would not introduce development where there is none currently and the proposed dome would only be present in the autumn/winter months. As a consequence, it would have no impact on the openness of the Green Belt for much of the year. As such, the appeal scheme would have a moderately harmful impact on the openness of the Green Belt. Openness is an essential characteristic of the Green Belt.

The effect on the character and appearance of the area

8. The three existing tennis courts are located in a parallel alignment with Cricketfield Lane. Between this road and the courts is a dense tree screen. I was able to observe that even when the trees are not in leaf, the tree screen is quite effective in filtering and blocking views of the tennis courts. The dome would be much taller and high than the courts but the existing tree screen would still provide adequate mitigation that would insure the dome was not unduly prominent from this vantage point.
9. Having walked along Dane O'Coys Road, and the footpaths on higher ground to the north of the appeal site, I am satisfied that the proposed dome would not be clearly evident or break the sky line in these medium to longer distance views due to the extensive planting around the sports fields and rising topography. Moreover, some of the existing landscaping is reasonably immature and therefore as it grows it will provide additional screening. The dome would be in place when the landscaping would not be in leaf but due to its density and height the landscaping around the appeal site would still be an effective screen.
10. The dome would be highly prominent in short distance views as people walk through the sloping grassed area directly to the north of the appeal site. From this position the dome would appear as an incongruous addition due to its form and the translucent finish. However, an artificial hockey training pitch has been approved in this location and the dome would be viewed in the context of this built structure. There is nothing before me to suggest the hockey pitch will not be constructed. This would diminish the harmful effect of the proposed dome in short distance views as the existing undeveloped character of the land to the immediate north of the appeal site would be notably altered.

11. Views of the proposed structure would also be apparent from the east, where it would also appear somewhat discordant. However, it would not break the sky line in views from this direction due to the slope of the land and the wooded backdrop. In addition it would be seen in longer distance views as being part of the existing sports complex, which includes a car park, other tennis courts (with external lighting and fencing), two pavilions and a club house. This built paraphernalia is already prominent and has a utilitarian character. As a consequence, the dome would not be seen as an isolated built feature.
12. Moreover, it would only be erected for a temporary period (6 months of the year). This diminishes the overall impact. Moreover, the translucent finish, as opposed to a white finish, is likely to soften the impact of the dome in longer distance views. The courts are already flood lit and therefore the dome would not increase light pollution.
13. Taking the above points together, the dome would have an adverse impact on the character and appearance of the area due to its shape, size and material finish. It would be visible in a number of public vantage points. However, the impact would be reasonably localised and would be for only half the year. As such, the harm would not be significant. Instead, the proposal would result in some moderate harm to the character and appearance for the area.

Other Considerations

14. The Bishop's Stortford Town Council Neighbourhood Plan for Silverleys and Meads Ward made 2015 (NP), states that there is an identified need for all-weather tennis courts and that this may be addressed by converting existing courts. As such, Policy SP3 of the NP states that the conversion of existing open air sports facilities, to covered facilities, to increase their availability throughout the year, will be encouraged. This is a matter of considerable weight in favour of the appeal scheme. Especially so as the provision of indoor tennis courts at the appeal site would support the Framework's aims of promoting healthy communities (See Paragraph 73 of the Framework).
15. Tennis can be played all year round on hard surfaced courts but the volume of local support for the application suggests the provision of indoor courts would provide a notable benefit and increase in participation. The surveys undertaken by the appellant confirm this further and also suggest there is a notable unmet demand for local indoor courts. The demand for the courts, and tennis in general, is likely to increase due to the scale of future developments planned for the town and the appeal site is well placed to cater for this.
16. The unmet but high demand that currently existing for local indoor tennis facilities is unsurprising as the nearest indoor tennis facilities are in Harlow. As such, the appeal scheme would improve the quantity and accessibility of indoor tennis courts in Bishop's Stortford and its hinterland. The Council have not demonstrated how this unmet need could be addressed by other means other than referring to its Sport Investment Strategy, which relies on indoor courts in Harlow to serve the needs of the residents of Bishop's Stortford. However, the indoor courts in Harlow are outside the indicative drive time to a tennis court of twenty minutes suggested by the Lawn Tennis Association.
17. The appeal scheme would enable the tennis club to fully engage in an outreach programme in an attempt to involve local schools and those with disabilities to partake in tennis. This would benefit the local community and promote

healthier lifestyles. It could also help facilitate some of the benefits from exercising as outlined in Sporting Future: A New strategy for an Active nation (Dec 2015 (HM Government)).

18. I have seen nothing of substance to suggest the dome would result in harmful light pollution, a harmful increase in traffic or adverse living conditions for nearby residents. The Council have not raised any concerns in respect of these matters and I concur with its findings of the reasons given in the committee report. The absence of harm is a neutral matter in the planning balance.

Whether there are Very Special Circumstances

19. Policy GBC1 of the LP, and Paragraph 87 of the Framework, set out the general presumption against inappropriate development within the Green Belt. They state that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
20. I have concluded that the proposal is inappropriate development that, by definition, would harm the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also found moderate harm to the openness of the Green Belt and the character and appearance of the area.
21. On the other hand, the other considerations I have already discussed are considerable factors in favour of the development. As such, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development. Consequently, I find no conflict with Policy GBC1 of the LP or the Framework.

Conditions and Conclusion

22. I have had regard to the advice in the Planning Practice Guide and the conditions suggested by the Council. It is necessary in the interests of safeguarding the character and appearance of the area to ensure the development is implemented in accordance with the submitted drawings and that the material finish is appropriate. As the acceptability of the dome is partially dependent on it being removed for part of the year a condition is necessary to ensure this happens.
23. The appeal scheme would adhere to the development plan taken as a whole. Accordingly, the proposal is sustainable development. For this reason, the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

1. The development to which this permission relates shall commence within a period of three years commencing on the date of this notice.
2. The development hereby approved shall be carried out in accordance with the following approved plans; Drawing (10)001, (11)001, (11)002 and BS002
3. Prior to the commencement of any construction above ground level details, to include a sample, of the external material to be used in the construction of the inflatable dome hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved details.
4. The hereby approved inflatable dome shall only be erected for a period of six months in any calendar year.

Appeal Decision

Site visit made on 14 December 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2017

Appeal Ref: APP/J1915/D/17/3183771

2 Bradbury Farm Barns, Moorfield, Hare Street SG9 0DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P Buzzing against the decision of East Herts Council.
 - The application Ref 3/17/0870/HH was refused by notice dated 21 June 2017.
 - The development proposed is an annex building.
-

Decision

1. The appeal is dismissed.

Main issue

2. At issue is the effect of the proposal on the rural character and appearance of the area, having regard to local policies dealing with new residential development (including annexes and outbuildings) in the countryside.

Reasons

3. The appeal site is part of a complex of former farm buildings located in mainly open countryside to the north of the village of Hare Street. The appellant's house is part of a converted barn and additional outbuildings have been constructed to the north of it. The proposal is to erect a detached annexe for the appellant's elderly parents, containing bedroom, living room, kitchen, bathroom/wet room, and garage, as well as additional rooms described as therapy room and store rooms.
4. Relevant local planning policies are contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted in 2007. Policy GPC3 deals with appropriate development in the rural area beyond the Green Belt; among the categories of development for which planning permission may be granted are limited extensions to existing dwellings. Policy ENV5 deals more specifically with these and notes that, outside settlements, extensions or outbuildings should be of a size or scale that, in itself or in combination with other extensions, should not disproportionately alter the size of the original dwelling or intrude into the openness or rural qualities of the surrounding area. Policy ENV8 deals specifically with residential annexes which, among other matters, should form an extension to the main dwelling and be capable of being used as an integral part of the dwelling.
5. A draft Local Plan, which will eventually supersede the existing Local Plan, was published in 2016. It contains updated policies for the rural area beyond the

Green Belt (GBR2) residential annexes (HOU13), and extensions and alterations to dwellings and outbuildings (HOU11). The thrust of these policies remains broadly similar to those in the plan it will eventually replace, and the document has limited weight commensurate with the stage it has reached in its progress towards adoption.

6. To safeguard the rural character of the area, LP Policies GPC3 and ENV5 seek to restrict the size of extensions and outbuildings to what is not disproportionate to the size of the original building. In this case, the amount of built development associated with 2 Bradbury Farm Barns has already been greatly increased by the erection of sizeable outbuildings to the north of the original barn. The new annexe would result in a further significant increase in built development on the site. Moreover, it would bring development into what presently appears as an open field¹ which would be particularly prominent when viewed from the adjoining road. Overall the scheme would result in a disproportionate increase in the amount of building on the site over and above the size of the original dwelling, intruding into the openness of the surrounding area and detracting from its rural character and appearance, contrary to LP Policies GPC3 and ENV5. While it may well be that the amount of built development on the site now is less than when it was a farm, the proposal needs to be assessed in the light of current conditions.
7. The annex is said to be required to house elderly parents in need of care, although no specific details are provided of their requirements. While I am sympathetic towards these needs, LP Policy ENV8 provides that such annexes should be extensions to existing buildings, whereas in this case the proposal is for a free-standing new structure visually separate from existing buildings on the site. As such the proposal is contrary to Policy ENV8 and is tantamount to the erection of a new dwelling in the open countryside, which is not one of the categories of development permitted under Policy GPC3.
8. Overall, the proposal would harm the rural character and appearance of the area, and be contrary to LP Policies GPC3, ENV5 and ENV8.

Peter Horridge

INSPECTOR

¹ Albelt described as 'garden' on the application plan



Appeal Decision

Site visit made on 4 December 2017

by **Graham Chamberlain BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th December 2017

Appeal Ref: APP/J1915/W/17/3182027

Land at 49 Ware Road, Tonwell, Hertfordshire SG12 0HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Ball against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1161/FUL, dated 16 May 2017, was refused by notice dated 10 July 2017.
 - The development proposed is the erection of a detached three bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the proposed dwelling would be in a suitable location having particular regard to local policies concerned with housing in rural areas and the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site encompasses part of the side and rear garden of 49 Ware Road, which is the final property at the southern end of Tonwell. Beyond the southern boundary of the appeal site is open countryside and to the front is a small green. The appeal site is largely undeveloped and is appreciated in the verdant context of the countryside to the immediate south as well as the development in Barleycroft, especially when looking out of the village. The settlement is small and generally linear in its arrangement save for a few cul-de-sacs. Nearby properties tend to be detailed with chimneys and porches and orientated to front onto Ware Road and Temple Lane.
4. Tonwell, including the appeal site, is currently designated in the East Herts Local Plan Second Review April 2007 (LP) as a Category 3 Village in the Rural Area Beyond the Green Belt (RABGB). Policy GBC3 of the LP establishes the type of development that may be permitted in the RABGB. There is nothing before me to suggest the appeal scheme, which is for the erection of a detached house, would be any of the types of development listed at (a) – (i) within Policy GBC3. As such, the appeal scheme would be at odds with the planned strategy for rural housing set out in Policy GBC3 of the LP.
5. Policy OSV3 of the LP seeks, amongst other things, to prevent ribbon development at Category 3 Villages. The appeal scheme would be an extension of built

development that would lengthen the linear pattern of Tonwell. This would result in some harm to the sense of openness currently evident at the appeal site. Thus, the appeal scheme could reasonably be described as ribbon development that would be contrary to the aims of Policy OSV3 of the LP.

6. The side gables of the proposed dwelling could reflect the proportions of the semis to the north. However, the scheme as presented lacks articulation along its side elevations and this would harmfully accentuate its overall depth and massing. When this impact is taken with its narrower form, then I consider the dwelling would appear out of place. Moreover, the proposed dwelling would be a bland addition to the street scene due to a lack of detailing. Thus, the development would harm the street scene.
7. The proposal is not entirely without merit as it would be sited to respect the existing building line and it would positively respond to the local pallet of materials and the height of the adjacent dwelling. The extensive landscaping to the south would soften views of the development when looking north towards the village and this would reduce the perception of it being harmful ribbon development extending out of the village. Nevertheless, on balance I consider there would still be some moderate harm to the character and appearance of the area. As such, the proposal would be at odds with Policy ENV1 of the LP.
8. My findings are consistent with those in appeal decision APP/J1915/A/12/2170947. The Inspector found that the undeveloped nature of the appeal site makes a contribution to the openness of the locality, particularly when viewed from Ware Road. He went on to conclude that the erection of a detached dwelling would be an intrusion that would harmfully extend the built form of the village and disrupt the sense of openness currently evident at the appeal site. There is nothing before me to suggest the physical characteristics of the site have changed in any way since this decision was made. Like application should be determined in a like manner unless there are reasons not to.
9. With the above in mind I understand that Policies GBC3, OSV3 and ENV1 are set to be replaced by new policies in the East Herts District Plan Pre-submission Consultation 2016 (EHLP). My attention has been drawn to draft Policy VILL2 in particular. This draft policy is set to define Tonwell as a Group 2 Village within which limited infill development would be supported. The appeal site will apparently be within the village boundary if the EHLP is adopted in the form currently drafted. This would be a significant change. However, the formal examination of the EHDP is not complete and therefore it is unknown whether the plan is sound and if the existing emerging policies will be retained in their current form. Moreover, the extent of any unresolved objections is unclear.
10. Policy VILL2, if ultimately adopted in its current form, would permit infill development but not an extension of ribbon development. I have not been directed to a definition of either 'infilling' or 'ribbon development' in the EHDP. The Council suggests that infilling within the context of Policy VILL2 must be between two buildings but the appellant considers the proposal to be infilling as it would fill a gap between a dwelling and what would be the defined edge of the settlement. Both definitions are plausible and therefore it seems to me that this is something that may arise as a discussion point through the examination of the EHDP and this could result in amendments to Policy VILL2.
11. For the reasons given in the preceding paragraphs draft Policy VILL 2, as a material consideration, carries only limited weight and does not justify me

departing from the extant policies of the development plan. Thus, I conclude that the proposed development would be at odds with existing rural housing policies and that it would result in some moderate harm to the character and appearance of the area contrary to development plan policies summarised above.

Other Matters and Conclusion

12. The Council provided pre application advice that suggested an end of terrace dwelling may be acceptable at the appeal site. However, I have confined my assessment to the proposal before me and have found it to be unacceptable for the reasons already given.
13. The Council cannot currently demonstrate a five year housing land supply. In these circumstances paragraph 49 of the National Planning Policy Framework (the 'Framework') establishes that relevant policies for the supply of housing should not be considered up-to-date. It follows in this instance that the fourth bullet point of Paragraph 14 of the Framework is engaged. It states that planning 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.
14. There would be a conflict with relevant development plan policies. They pre date the Framework but this does not mean they should be disregarded. Paragraph 215 of the Framework states that the weight afforded to existing policies in such circumstances will depend on their degree of consistency with the Framework. Policies GBC3, OSV1 and ENV1 are broadly consistent with Paragraphs 17 and 58 of the Framework, which seek to recognise the intrinsic character and beauty of the countryside and respect, and respond to, the local character of an area. However the rigorous application of the Council's settlement policies, GBC3 and OSV1 in this instance, would hamper the ability of the Council to address the shortfall in its five year housing land supply. As such, I afford any conflict with them moderate weight.
15. The harm to the character and appearance of the area would be localised and offset to an extent by aspects of the appeal scheme's design, such as the matching height and materials. I afford this harm moderate weight as well. Overall, the adverse impacts of the proposal are of moderate weight.
16. It has not been demonstrated that the social and economic benefits of the appeal scheme, including any contribution towards the provision or retention of local services, would be more than limited given its small scale. Nor have I seen anything to suggest an additional unit would make a notable difference to the overall supply of housing in the district. As such, the benefits of the proposal are limited. Thus, the moderate adverse impacts of the proposal would significantly and demonstrably outweigh its limited benefits. Therefore, the proposal is not sustainable development for which the Framework carries a presumption in favour.
17. To conclude, the appeal scheme would be contrary to the development plan taken as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Hence, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

Appeal Decision

Site visit made on 14 December 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2017

Appeal Ref: APP/J1915/D/17/3182984

3 Hollydell, Morgans Road, Hertford SG13 8BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Louis Merhemitch against the decision of East Herts Council.
 - The application Ref 3/17/1337/HH was refused by notice dated 1 August 2017.
 - The development proposed is the provision of a garage and boundary wall.
-

Preliminary Matters

1. The description of development above is taken from the application form. The council amended this to read 'provision of a detached garage and boundary wall'. I will adopt this description.

Decision

2. The appeal is allowed and planning permission is granted for the provision of a detached garage and boundary wall at 3 Hollydell, Morgans Road, Hertford in accordance with the terms of the application, Ref 3/17/1337/HH, dated 7 June 2017, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 170401.1D and 170401.2.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing bungalow on the site.

Main issue

3. At issue is the effect of the proposed garage and wall on the character and appearance of the locality, having particular regard to the location of the site within the Hertford Conservation Area.

Reasons

4. The appeal property is a bungalow located within a small infill development within the built-up area of Hertford. At the time of the site inspection, building works were in progress, presumably to enlarge the property to a chalet bungalow in accordance with a planning permission granted by the council prior to the application now under appeal. Elsewhere along Hollydell is a mixture of

single- and two-storey properties of a variety of styles. The site lies within the Hertford Conservation Area, which is characterised by the architectural interest of the buildings and their grouping, particularly within the town centre about ½ mile to the north of the site.

5. Relevant development plan policies are contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted 2007. Policy ENV1 deals with design and environmental quality, requiring development proposals to be of a high design quality and reflect local distinctiveness. Policies ENV5 and ENV6 deal more specifically with extensions to dwellings, with ENV6 setting out a number of criteria albeit what is proposed in this appeal is not an extension but a separate garage building and boundary wall. Policy BH5 permits extensions and alterations to unlisted buildings in conservation areas where they are sympathetic to the building and to the wider area.
6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 132 of the National Planning Policy Framework (NPPF) notes that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. If harm would be caused, the approach depends on the extent of the harm; less than substantial harm should be weighed against the public benefits of the proposal.
7. The main significance of the Hertford Conservation Area lies particularly in the central core of the town. The area within which the appeal site lies is a residential area to the south of this central core. It has its own pleasant character derived from the mixture of buildings and styles.
8. The council argues that the addition of the garage, which is almost of triple garage width, would make the existing bungalow bulkier and cramped. While the garage would take up a fair proportion of the side garden, given the spacing and ratio of building to plot elsewhere in Hollydell, it would not appear cramped or out-of-place. The design of the garage, with walls of painted weatherboarding above a brick plinth, and a low-pitched hipped roof of either tiles or slate, would reflect the character of the existing dwelling (as altered by the approved building works currently taking place).
9. The proposal also involves the construction of a front boundary wall consisting of brick piers of about 1.8m height between which would be sections of dwarf brick wall surmounted by metal railings up to the height of the piers. There is a mixture of boundary treatments in Hollydell, with examples of other wall and railing combinations of overall similar height to that proposed in this appeal. While several of these are further along Hollydell, there are walls and fences forming the front boundaries of properties in the immediate vicinity of the site. As a result the wall would not appear incongruous or out-of-place.
10. Overall the scheme would not have a detrimental effect on the significance of the Hertford Conservation Area. As harm would not be caused, it is not necessary to weigh this against any public benefits of the scheme. It would be consistent with the mixed character and appearance of Hollydell and as such would preserve and enhance the character and appearance of the wider conservation area. This would accord with relevant development plan policies, notably LP Policies ENV1, ENV5, ENV6 and BH5. Permission is therefore

granted, subject to conditions specifying the approved plans, for the avoidance of doubt and to simplify the procedures involved in making any amendments to the scheme, and requiring matching materials, in order to achieve a satisfactory appearance to the completed development.

Peter Horridge

INSPECTOR

Appeal Decision

Site visit made on 28 November 2017

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th December 2017

Appeal Ref: APP/J1915/D/17/3185093

39 Walton Road, Ware SG12 9PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Hawkes against the decision of East Hertfordshire District Council.
 - The application Ref 3/17/1384/HH, dated 13 June 2017, was refused by notice dated 8 August 2017.
 - The development proposed is a rear dormer window.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the rear dormer on, firstly, the character and appearance of No.39 Walton Road and its surroundings and, secondly, the living conditions of the occupiers of No.41 Walton Road with particular reference to outlook and privacy.

Reasons

Character and Appearance

3. No.39 Walton Road is a modern detached dwelling positioned where Walton Road bends on appreciably rising land. Despite the description of the proposal as a "rear dormer", the orientation of the property is a moot point. From the submitted plans the dormer is positioned on what is shown as a side elevation with front elevation facing west. In assessing the pattern of adjoining development on this part of Walton Road, I consider the front or principal elevation is that which faces west to Walton Road including its junction with Warner Road. The relationship of No.39 to the curvature of the highway means the proposed dormer would extend beyond the plane of the existing roof slope on the principal elevation.
4. I noted the intervening vegetation including the mature deciduous tree on highway land. I accept in summer months views of No.39 would be more filtered but for large parts of the year, as per my site visit, the elevation of the roof on which the dormer would be positioned is visible from within Walton Road and Warner Road. It is not a characteristically concealed rear elevation away from the public realm. As such the appellant's submission of a potential fall-back position of permitted development rights by virtue of being a rear dormer or being comparable in scale and position to what could be sanctioned under such rights would not apply.

5. The appeal property has a steeply pitched main roof, which, notwithstanding existing rooflights and panels retains a simple profile. Despite being set down from the ridge line, slightly in from the eastern gable end and slightly up from the eaves the scale of the scale of the proposed dormer would, nonetheless, occupy a significant proportion of the south facing main roof. It would not be a particularly shallow or discreet dormer. The proposal would result in a particularly bulky and incongruous alteration that would harmfully dominate the simple pitch roof profile.
6. The appellant has directed me to a handful of other dormers in the vicinity of the appeal site but these are generally large additions which unfavourably dominate the existing roof form. They are conspicuous given the limited number of roof alterations in the vicinity of the appeal site. They also generally appear to be of some age and I have few details on the planning history of these dormers such that I cannot be certain they were approved in the context of current development plan policies. Overall, I am not persuaded that they should set the pattern of development in this part of Ware. Consequently, I find the appeal proposal would result in an ungainly scale of alteration at roof level, visible within the street scene to the west, which would not be characteristic of the surrounding area.
7. I therefore conclude that the proposed dormer would have a significantly harmful effect on the character and appearance of No.39 Walton Road and its surroundings. It would be contrary to Policies ENV1, ENV5 and ENV6 of the East Herts Local Plan Second Review 2007 (EHLPSR) which, amongst other things, seeks to enhance design quality, including requiring extensions and alterations to complement the original building and its setting. Specifically, it would also fail to comply with Policy ENV6 which seeks roof dormers to be of a limited extent and modest proportions so as not to dominate the existing roof form. The proposal would also fail to accord with the objective of the National Planning Policy Framework (NPPF) to secure high quality design.

Living Conditions

8. Having taken into account the changes in land levels, with No.41 Walton Road generally positioned higher than the appeal site, the intervening tall vegetation and the distance and angles between the two properties, including the rear amenity space to No.41, I am satisfied that the appeal proposal would not harmfully effect the outlook from No.41.
9. There are two existing roof-light windows serving bedrooms in the steep roof pitch of No.39 towards No.41 and its rear amenity space. The height and angle of these windows means they already afford the occupiers views towards No.41. Whilst the appeal proposal would increase the number of openings, two of these would serve bathroom accommodation where obscure and limited opening glazing would be appropriate and could be secured by condition. The proposed opening to the additional bedroom whilst closer to the boundary of No.41 would be recessed so as to limit the angle of view towards the tall intervening boundary hedge. Overall, I find the appeal proposal would not harm existing levels of privacy at No.41.
10. I therefore conclude that the proposed dormer would not significantly harm the living conditions of the occupiers of No.41 Walton Road with particular reference to outlook and privacy. The proposal would therefore comply with the amenity considerations of Policies ENV1, ENV5 and ENV6 of the EHLPSR. It

would also accord with the objective of the NPPF to secure a good standard of amenity for all existing occupiers of land and buildings.

Conclusion

11. I have found that the proposal would not have an adverse effect on the living conditions of occupiers at No.41. I also note the appellant's requirement for more suitable family bathroom accommodation. These factors do not, however, outweigh the harm I have identified to the character and appearance of the host building and surrounding area which would be contrary to local development plan policy and national objectives to secure good design. Accordingly, the appeal should not succeed.

David Spencer

Inspector.

Appeal Decision

Site visit made on 14 December 2017

by P G Horridge BSc(Hons) DipTP FRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 December 2017

Appeal Ref: APP/J1915/D/17/3185110

2 Long Meadow, Thorley, Bishop's Stortford CM23 4HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Anastasia Rubidge against the decision of East Herts Council.
 - The application Ref 3/17/1587/HH was refused by notice dated 30 August 2017.
 - The development proposed is a two storey front extension.
-

Decision

1. The appeal is dismissed.

Main issues

2. At issue is the effect of the proposed extension on the appearance of the streetscene and on the living conditions of residents of 1 Long Meadow by reason of loss of outlook.

Reasons

3. The appeal property is a detached two storey house in a modern development on the outskirts of Bishop's Stortford. Properties in Long Meadow are of a number of different designs, but the predominant characteristic is two-storey houses with gable roofs.
4. Relevant development plan policy is contained in the saved policies of the East Herts Local Plan Second Review (LP), adopted in 2007. Policy ENV1 deals with design and environmental quality, requiring development proposals to be of a high design quality and reflect local distinctiveness. Criteria (c) and (d) of the policy respectively require new development to relate well to the massing of adjacent buildings, and respect the amenity of occupiers of neighbouring buildings. Policies ENV5 and ENV6 deal more specifically with extensions to dwellings, with ENV6 setting out a number of criteria against which to judge proposals, including (a) that extensions should be to a design complementary to the existing building and its setting.
5. Paragraph 56 of the National Planning Policy Framework (NPPF) observes that the Government attaches great importance to the design of the built environment. Paragraph 60 notes that it is proper to seek to promote or reinforce local distinctiveness.
6. The proposal is to enlarge the property with a front two-storey extension with a pitched roof and matching materials to the main house. This would provide an

additional bedroom and enlarged kitchen to house the appellant's growing family. The extension would not occupy the whole width of the property, being set back slightly from the north-west side elevation so that the apex of the roof is slightly lower than that of the original main house. It would also have a hipped roof designed to reduce the impact of the extension on the neighbouring property at 1 Long Meadow. The combination of these two elements – the setting back of one wall and, more especially, the choice of a hipped roof in a locality characterised by gable roofs – would give the extension an incongruous appearance which would be at odds with the local distinctiveness of Long Meadow, appearing out of place and detrimental to the locality.

7. There are two windows in the side elevation of 1 Long Meadow which would look towards the extension at a distance of about 2m. One window lights a staircase and the other, which is obscure-glazed, lights a bathroom. The extension would reduce the outlook from these windows. However, given that neither lights a habitable room, that there would remain some outlook from them beyond the new extension, and that the extension would reduce the overlooking of the appellant's front garden from the neighbouring staircase window, this reduction in outlook may not on its own be enough to justify withholding planning permission. Nevertheless, the overall effect of the extension on both the appearance of the locality and the outlook from the neighbouring property is such that the proposal would be contrary to LP Policies ENV1, particularly criteria (c) and (d), and ENV6, particularly criterion (a).

Peter Horridge

INSPECTOR

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PLANNING APPEALS LODGED DECEMBER 2017
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/17/0251/FUL	Erection of 20 dwellings with associated parking, landscaping and access	Land At North DriveHigh Cross	Refused Committee	14/12/2017	Public Inquiry
3/17/0387/OUT	Proposed residential development comprising 15 dwellings (including 6 Starter Homes) with associated access.	Land Adj To The Old RectoryBaldock RoadCotteredBuntingford SG9 9QP	Refused Committee	14/12/2017	Public Inquiry
3/17/0691/HH	Two storey rear and side extensions	Rigery FarmColliers EndWare SG11 1EP	Refused Delegated	04/12/2017	Written Reps
3/17/0692/LBC	Two storey rear and side extensions	Rigery FarmColliers EndWare SG11 1EP	Refused Delegated	04/12/2017	Written Reps
3/17/1556/FUL	Conversion of existing store to create additional ancillary residential accommodation and games room - revised scheme following refusal of 3/17/0934/HH	Die BottomRobins Nest HillLittle BerkhamstedHertford SG13 8LL	Refused Delegated	13/12/2017	Written Reps
3/17/1585/HH	Two storey side and single storey side extension.	57 Hamels DriveHertford SG13 7SJ	Refused Delegated	27/12/2017	Fast Track
3/17/1621/HH	Retention of double bay open car port supported with timber posts, polycarbonate roof and tiled fillet around roof frame. Retrospective application.	Dene Orchard5 Little Berkhamsted LaneLittle BerkhamstedHertford SG13 8LU	Refused Delegated	27/12/2017	Fast Track
3/17/1991/FUL	Replacement dwelling	11 Cowpers WayTewin WoodTewinWelwyn AL6 0NU	Refused Delegated	13/12/2017	Written Reps

Background Papers

None

Contact Officers

Kevin Steptoe, Head of Planning and Building Control - Ext 1407

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Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Procedure Type
3/14/2304/OP	David Snell	Land Off Luynes RiseBuntingford	Outline: (all matters reserved except for access). i. Up to 400 dwellings (C3) ii. First school site. iii Formal and informal open spaces. iv. Children's playspace. v. Structural landscaping and internal roads. vi. Formation of a new junction on the A10. vii. surface and foul water drainage infrastructure. Full: Phase 1. i. 99 dwellings including affordable housing (C3), access roads, car parking, children's playspace, incidental open space and associated surface and four water drainage infrastructure.	Public Inquiry 04/04/2018
3/16/0530/OUT	Stephen Tapper	Land At Bishops Stortford Railway Station Station RoadBishops Stortford CM23 3BL	A hybrid planning application for the comprehensive redevelopment of the 5.82 ha Goods Yard site for mixed use purposes comprising: up to 680 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (Use Class C1), two multi-storey car parks, car parking spaces for the residential development; and, associated highways and landscaping works. All as amended by plans and documents received on 22 September 2016 and 31 March 2017. The full application for Phase 1 (1.62ha) comprises: 122 residential units (Use Class C3), 938 sqm of retail floorspace (Use Class A1 / A3), 3,045 sqm of hotel floorspace (80 bedrooms and a restaurant) (Class C1); and a multi-storey car park (477 spaces) All in buildings of between four and six storeys in height; and a re-configured transport interchange (including bus stops, taxi rank and drop-off), provision of a new public square, cycle parking facilities, surface car parking, service yard, vehicular and pedestrian access arrangements from Anchor Street, Station Road and London Road; and associated landscaping, plant and servicing. The outline planning application for Phases 2-4 (4.2ha including 2.02ha at the southern end of the Goods Yard currently in operational use) comprises: up to 558 residential units (Use Class C3); and a multi-storey car park (489 spaces). All in buildings of between three and seven storeys in height; provision of open space, new vehicular and pedestrian access arrangements, cycle parking facilities, surface car parking; and associated landscaping, plant and servicing.	Public Inquiry 11/09/2018
3/17/0251/FUL	David Snell	Land At North DriveHigh Cross	Erection of 20 dwellings with associated parking, landscaping and access	Informal Hearing 27/02/2018
3/17/0387/OUT	David Snell	Land Adj To The Old RectoryBaldock RoadCotteredBuntingford SG9 9QP	Proposed residential development comprising 15 dwellings (including 6 Starter Homes) with associated access.	Informal Hearing 02/12/2018
3/17/0781/FUL	Lisa Page	Wheelwrights FarmRowney LaneDane EndWare SG12 0JY	Change of use of land from use for stabling/keeping horses to a mixed use for stabling/keeping horses and as a residential caravan site for one Gypsy family, including stationing of one mobile home, one touring caravan, laying of hardstanding, improvements of existing access and installation of septic tank - Retrospective application	Public Inquiry TBA

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DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2017)

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17			
<i>Total Applications Received</i>	202	436	689	938	1145	1390	1634	1828	2022						
<i>Percentage achieved against Local and National Targets</i>	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17		Targets for Local Performance (set by East Herts)	National Targets (set by Government)
Major %	100%	100%	100%	93%	80%	85%	87%	89%	84%				Major %	60%	60%
Minor %	97%	90%	86%	84%	84%	83%	82%	82%	83%				Minor %	80%	65%
Other %	93%	91%	88%	89%	89%	89%	90%	90%	91%				Other %	90%	80%
Appeals	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17			
Total number of appeal decisions (Monthly)	4	12	17	11	8	6	4	5	7						
Number Allowed against our refusal (Monthly)	2	3	4	5	4	2	1	2	3						
Total number of appeal decisions (Cumulative)	4	16	33	44	52	58	62	67	74						
Number Allowed against our refusal (Cumulative)	2	5	9	14	18	20	21	23	26						

AGENDA ITEM NO. 6D

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