



*Alison Stuart
Head of Legal and
Democratic Services*

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 28 MARCH 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.)

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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

East Herts Council welcomes public attendance at its meetings and will provide a reasonable number of agendas for viewing at the meeting. Please note that there is seating for 27 members of the public and space for a further 30 standing in the Council Chamber on a “first come first served” basis. When the Council anticipates a large attendance, an additional 30 members of the public can be accommodated in Room 27 (standing room only), again on a “first come, first served” basis, to view the meeting via webcast.

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Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 9 - 14)

- (A) 3/17/2897/OUT - Outline planning application for up to 105 residential dwellings, with associated landscaping, amenity space, vehicle and pedestrian access from High Street, and associated works. All matters reserved except for access at Land west of High Street and south of Dovehouse Lane, Walkern, SG2 7PF for Welbeck Strategic Land II LLP c/o agent (Pages 15 - 40)

Recommended for Refusal.

- (B) 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 41 - 58)

Recommended for Refusal.

- (C) 3/17/1867/FUL - Change of use from agricultural land to golf course; erection of golf club house with bar, restaurant, changing and pro shop facilities; incorporation of a water harvesting scheme for sustainable irrigation and an improved drainage system through the importation of recovered soils; upgraded practice facility including covered practice bays; and enhanced landscaping at Hertford Gold Club, London Road, Hertford for Mr A Rubino, Belview Gold Ltd_(Pages 59 - 88)

Recommended for Approval.

- (D) a) 3/17/1491/FUL and b) 3/17/1492/LBC - a) Alterations, extensions and conversion of existing Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden with associated access, parking and refuse. Conversion of detached rear barn to create 1no 2-bed unit with associated access, parking, refuse and private amenity space. Erection of 5.no dwellings on the existing PH car park and garden with associated access, parking, refuse and private amenity space. b) Conversion of the existing, listed Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden incorporating alterations and partial demolition of areas of the existing flat roof rear extension area. Conversion of the Listed Barn to the rear of the Public House to create a 2-bed unit with alterations to the listed building and partial demolition of areas of the existing cat slide side_(Pages 89 - 114)

Recommended for Approval.

- (E) 3/17/2220/FUL - Development of the land to provide 3no. commercial units at ground floor along with 10no. residential apartments (2no. at ground floor, 5 no. at first floor and 3no. at second floor at 34 - 36 Rye Street, Bishops Stortford for Mr M Gross_(Pages 115 - 130)

Recommended for Refusal.

- (F) 3/17/2959/FUL - Removal of 4 grain store silos. Proposed installation of an Energy Storage Development consisting of 4 no. 2.5MW containerised batteries with ancillary operational equipment, for a temporary period of 25 years. Security close boarded timber fencing 2.4 metres in height installed around perimeter of the plant at for_(Pages 131 - 142)

Recommended for Approval.

- (G) 3/17/2865/REM - Application for reserved matters in respect of appearance, landscape and scale following outline planning permission allowed on appeal ref. 3/15/0206/OP for the demolition of 30 Wicklands Road and erection of 14 dwellings - minor amendments at Hunsdon Lodge Farm, Drury Lane, Hunsdon, SG12 8NU for Mr L McGrenaghan_(Pages 143 - 158)

Recommended for Approval.

- (H) 3/17/0414/REM - Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 81 no. dwellings, associated garages, parking, open space and landscaping at Area 3 South Hare Street Road, Buntingford for Wheatley Homes Ltd_(Pages 159 - 182)

Recommended for Approval.

- (I) 3/17/0424/REM - Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 75 no. dwellings and associated garages, parking, open space and landscaping at Area 3 South Hare Street Road, Buntingford for Wheatley Homes Ltd_(Pages 183 - 206)

Recommended for Approval.

- (j) 3/18/0105/OUT - Outline planning application for the erection of up to ten dwellings (all matters reserved) at Blind Lane, Ardeley for Mr Owen York c/o agent_ (Pages 207 - 224)

Recommended for Refusal.

5. 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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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 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 MANGEMENT 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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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 – 28 MARCH 2018

Application Number	3/17/2897/OUT
Proposal	Outline planning application for up to 105 residential dwellings, with associated landscaping, amenity space, vehicle and pedestrian access from High Street, and associated works. All matters reserved except for access.
Location	Land west of High Street and south of Dovehouse Lane, Walkern, SG2 7PF.
Applicant	Welbeck Strategic Land II LLP c/o agent
Parish	Walkern CP
Ward	Walkern

Date of Registration of Application	15 December 2017
Target Determination Date	16 March 2018
Reason for Committee Report	Major application
Case Officer	David Snell

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 application proposes up to 105 residential dwellings, including 40% (42 units) of affordable housing with associated landscaping, amenity space, vehicle and pedestrian access from High Street, and associated works. The application is submitted in outline with all matters reserved except for access.
- 1.2 The application site lies outside the village boundary and the proposal would be contrary to the Local Plan, emerging District Plan and emerging Neighbourhood Plan policy in respect of development restraint in the Rural Area.

- 1.3 The site does not provide connectivity with the existing village and therefore the resulting development is not capable of achieving good quality urban design.
- 1.4 The proposed development would encroach into the Rural Area and as a result it would detract from the rural landscape.
- 1.5 The proposed access would detract from the character of the conservation area and the setting of a listed building.
- 1.6 The Highway Authority advise that the proposed access arrangements and highway impacts of the proposed development would be satisfactory, subject to conditions and mitigation. However, future occupiers of the development would be largely reliant on private transport.
- 1.7 The proposal fails to demonstrate a satisfactory drainage strategy.
- 1.8 The existing first school provision in Walkern is not capable of expansion in order to accommodate the anticipated child yield from the development and there is pressure on secondary school capacity.

2.0 Site Description

- 2.1 The application site comprises approximately 7.1ha of agricultural land laying to the west of existing development to the west of High Street, including a strip of land to the south of Dovecote connecting the site to High Street.

3.0 Planning History

There is no relevant planning history relating to the application site. However, the following history is relevant:-

Application Number	Proposal	Decision	Date
3/14/2200/OP	Residential development for up to 85 houses including site access, public open space and landscaping.	Not determined. Appeal allowed.	23 Feb 2016
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.	Approved	31 Jan 2018
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.	Approved	31 Jan 2018

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) and the emerging Walkern Neighbourhood Plan (NP).

Main Issue	NPPF	LP policy	DP policy	NP Policy
The principle of the development	Paras 6-16	SD1 SD2 GBC2 GBC3 OSV1	INT1 GBR2 VILL1	Policy 1 Policy 9
Layout and design	Section 7	ENV1 ENV2	HOU2 DES2 DES3	Policy 12
Landscape impact	Section 11	GBC14	DES1	Policy 2 Policy 6
Heritage impact	Section 12	BH 1-3 BH6	HA1 HA2 HA3 HA4 HA7	Policy 3
Housing and affordable housing	Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3	Policy 11
Highways and parking	Section 4	TR2 TR7	TRA1 TRA2 TRA3	Policy 17
Flood risk	Section 10	ENV21	WAT5	Policy 16
Education	Para. 72		CFLR10	Policy 1
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4 DEL1 DEL2 CFLR1 CFLR3 CFLR7 CFLR9	Policy 15

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 subject to conditions. The Authority's assessment is included in the 'Considerations' section below.
- 5.2 Lead Local Flood Authority comments that the drainage strategy is based on infiltration as the means to discharge the water and the site is located in Source Protection Zone 2. The Environment Agency's comments in their letter dated 21 December 2017 (ref NE/2017/127943/01-L01), recommends a no infiltration based drainage strategy unless any risk of confirmation can be excluded and the conclusions and recommendations of the land contamination assessment (Wardell Armstrong – LO10493-002 December 2017) has advised that further investigations should be undertaken. The Lead Local Flood Authority is therefore of the view that the site does not have a confirmed discharge mechanism for surface water runoff. Therefore unless the applicant can resolve this issue with the Environment Agency or is able to propose a viable alternative scheme, we object to the grant of the planning permission.
- 5.3 Environment Agency recommends that the requirements of the NPPF are followed and potential for contamination of groundwater is investigated and remediated. The Agency recommends that there should be no infiltration based drainage strategy unless any risk of confirmation can be excluded and the conclusions and recommendations of the land contamination assessment (Wardell Armstrong – LO10493-002 December 2017) has advised that further investigations should be undertaken.
- 5.4 Thames Water does not raise objection.
- 5.5 EHDC Conservation and Urban Design Advisor comments that the site at Land west of High Street and south of Dovehouse Lane is

partially situated within the Walkern Conservation Area, but mostly on open farmland to the west of the linear historic core of Walkern. Where the site meets the High Street, either side there are Listed Buildings, namely:

The Grade II* circa-1700 Farmhouse at Manor Farm

The Grade II* circa-1700 Dovecote at Manor Farm

The Grade II circa-1700 forecourt walls to Manor Farm

The Grade II late-C17th 56 High Street

Within this new access route there is a small former agricultural building that is noted as making a positive contribution to the character and appearance of the Walkern Conservation Area in the appraisal adopted in 2016. It would appear that this building would need to be demolished to facilitate this new access route, which given the other options available is not acceptable. The proposed access route would run side-by-side with the existing Dovehall Lane, which would result in poor design. The new access route would harm the rural setting of the Grade II* circa-1700 Dovecote by introducing a large new vehicle access on the open land to its south, adjacent to the existing Dovehouse Lane. The new access would appear prominently in views along the High Street, thus harming the setting of nearby Listed Buildings and harming the character and appearance of the Conservation Area.

There are no apparent opportunities for linkages with the existing village provided by the proposed site, as to the west there are open fields with no rights of way, to the south there is a solid line of existing houses along Froghall Lane with no rights of way, and to the east there is a solid line of existing houses along the High Street with no rights of way. For development on this site to be capable of an acceptable standard of urban design, new access routes would need to be provided to integrate with the existing village, which this outline application does not address.

5.6 Historic England does not wish to comment.

- 5.7 HCC Historic Environment Unit consider that the archaeological impacts of the proposed development can be addressed by mitigation and recommend a condition.
- 5.8 EHDC Landscape Advisor Walkern has a linear form, running along the Middle Bean valley and surrounded by a combination of farmland and woodland, and the nature, scale and form of the proposals are unsympathetic to local landscape character. The proposal is not in keeping with the historic grain and pattern of development as it extends laterally up the sloping valley side to an elevated position. This will have adverse landscape and visual impact, detract from and compromise the simple unified landscape of arable fields and sculptural shape of the existing landform.
- 5.9 Herts Ecology consider that appropriate mitigation measures and recommendations have been provided to ensure protected species are safeguarded from harm and habitats are enhanced and created to improve the site for biodiversity.
- 5.10 HCC Development Services request a planning obligation towards the development of a community meeting/training room on the first floor at Stevenage Central Library (£17,437). They advise that the existing Walkern Primary School has a Published Admission Number (PAN) of 25 and has limited expansion potential. Beyond this the school has no further expansion potential and therefore the yield from this new development cannot be accommodated. There are Secondary Education capacity issues in the vicinity but the County Council is unable to nominate a project at this time.
- 5.11 NHS and NHS Clinical Commissioning Group advise as to the capacity position at surgeries and health centres and the impact East and North Hertfordshire Trust services and request financial planning obligations towards health care amounting to £279,195.00.
- 5.12 Stevenage Borough Council raise substantive concerns about the proposal summarised as:

- The detrimental impact on the Bean Valley when viewed from Stevenage.
- Whether Stevenage Road can accommodate the additional traffic generation given its limited width.
- The potential adverse impact on the junction of Gresley Way, Fairlands Way and Stevenage Road especially as the highway network will need to accommodate 600 new homes at Gresley Park.
- The impact on existing and future infrastructure such as schools and GP surgeries. The draft Stevenage Borough Local Plan 2011-2031 January 2016 identifies that infrastructure within Stevenage can only support the growth of Stevenage within the plan period. New schools being provided with the Borough do not make an allowance for additional needs from outside the Borough.
- Infrastructure demand could potentially undermine the ability of Stevenage Council to deliver the necessary identified growth in the draft Stevenage Borough Plan.

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

6.0 Town/Parish Council Representations

6.1 Walkern Parish Council object to the proposal on grounds summarised as:

- The policy requirement of the village to accommodate development equating to at least a 10% increase in the current number of homes to 2033 is already provided for on the site south of Froghall Lane.
- The proposal for 105 homes is outside the village and therefore does not benefit from Policy VILL1.
- Walkern Neighbourhood Plan does not allocate this site for development or consider extending the village boundary in this location.
- The Neighbourhood Plan is currently being examined and is a material consideration.

- The development proposed in this planning application is not socially, environmentally or economically sustainable. The proposal would have little or no positive impact on the economic viability of the village. It will have a negative social impact on the village by generating further fragmentation of the community with new housing that is not integrated into the village. It will have a negative environmental impact on the setting and form of the historic village.
- The proposal is not sustainable in transport terms due to the very restricted road infrastructure and lack of public transport. All traffic generated by the site will have to use the already congested and narrow High Street.
- The single access point from the development onto the High Street is in an already congested location.
- The addition of an off-road cycle link to Stevenage, such as the one proposed, via footpaths and bridleways would necessitate the upgrade of the footpaths to allow use by cyclists and a significant change in surfacing. This may not meet with approval of the villagers who use these rural footpaths on a regular basis for dog walking etc. Having already waited many years for a footpath and cycle link to Stevenage and supported the route already well documented by Hertfordshire County Council, the Parish Council cannot understand why the applicant is promoting an alternative off-road option.
- If Stevenage is to grow eastwards towards Walkern, as proposed in the East Herts District Plan site allocation EOS1, it is vital that the village does not grow westwards towards Stevenage and maintains its own identity as an independent settlement.
- The agricultural land to the west of the village, of which the application site is part, contributes to the setting of both the village as a whole and to the village conservation area.
- The character of the conservation area identified in the Management Proposal (East Herts Council: 2016) would be lost.
- The proposals are contrary to Walkern Neighbourhood Plan POLICY 12 DESIGN OF NEW DEVELOPMENT, because the scale of the development proposed does not reflect the character of the village and its historic conservation area.

- Listed buildings flank the new access road on both sides. One of these listed buildings is the most architecturally significant feature in the High Street; the Dovecote. The construction and use of a new access road for the construction could jeopardize the integrity of the building. The application fails to consider the provisions of POLICY 3 WALKERN CONSERVATION AREA AND HERITAGE ASSETS in that it does not protect or enhance the setting of the conservation area or the quality of other heritage assets or their setting.
- The site would have not relate to the overall layout of the village. It would be a self-contained development without secondary linkages.
- Concerns regarding surface water drainage and potential for flooding in High Street.
- Adverse impact on a very rare moth breeding on the field subject of this application.
- The affordable housing needs of the village will be met on the Froghall Lane site and this is therefore a not benefit for the village.

Summary of Other Representations

6.2 160 responses have been received objecting to the proposals on grounds summarised as:

- The scale of development is not sustainable.
- The growth requirement for the village has already been accommodated at the site south of Froghall Lane.
- The site lies outside the village boundary and the development would adversely impact on the landscape and Rural Area.
- The proposal does not integrate with the village.
- Detrimental to the character of the conservation area.
- Increased traffic and adverse impact on the highway network.
- Adverse impact on infrastructure, including lack of school places, pressure on GP surgeries and lack of public transport.
- Adverse impact on wildlife.
- Potential for flood risk

6.3 The Campaign to Protect Rural England object responses have been received supporting the proposals on the following grounds:

- This site is outside of the village boundary as defined in both the current East Herts Local Plan and the East Herts Submission District Plan. As such it is contrary to the Policies on the Rural Area Beyond The Green Belt in both.
- At 105 houses this is clearly not small scale.
- The proposal would result in an enclave not integrated in any way with the village. It would also create significant urbanisation, out of scale with a Category 1 Village.
- Loss of agricultural land.
- Adverse traffic impact.

6.4 The Herts and Middx Wildlife Trust comment that they have no objection in principle. However, the DEFRA biodiversity calculator must be applied to demonstrate a net gain to biodiversity.

7.0 **Consideration of Issues**

Principle

7.1 Walkern 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. In the emerging District Plan Walkern is designated as a Group 1 Village wherein Policy VILL1 would permit housing development within the village, subject to all other relevant policies in the Plan. Policy 9 of the emerging Neighbourhood Plan would permit, in principle, small scale infill housing development on brownfield sites within or adjacent to the village boundary

7.2 The site lies outside the settlement boundary of Walkern 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 as it would result the encroachment of significant scale of built form into the Rural Area. The application site is not allocated for residential development within the District Plan and the proposal does not fall within a category of development that is identified in Policy GBR2 as being capable of maintaining the Rural Area as a valued countryside resource.

- 7.3 The emerging District Plan has now reached an advanced stage of preparation. The current housing land supply position is set out in the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.

Layout and design

The application is submitted in outline and layout and appearance are reserved for later consideration. However, there are no apparent opportunities for linkages with the existing village provided by the proposed site, to the south there is open land and a solid line of existing houses along Froghall Lane with no through rights of way. To the east there is open land and solid line of existing houses along the High Street with no through rights of way. The illustrative layout shows that pedestrian and vehicular access will be from the single point of access to High Street. It is considered that given the scale of development proposed new access routes would need to be provided to integrate with the existing village. The proposal does not address this issue and there would be a lack of connectivity with the village which will inevitably result in poor urban design.

Landscape impact

- 7.4 Walkern has a linear form, running along the Middle Bean valley and surrounded by a combination of farmland and woodland, and the nature, scale and form and of the proposals are unsympathetic to local landscape character. The proposal is not in keeping with the historic grain and pattern of development as it extends laterally up the sloping valley side to an elevated position. It is considered that the proposal will have adverse landscape and visual impact, detracting from the simple unified landscape of arable fields and sculptural shape of the existing landform.

Heritage impact

- 8.0 Within this new access route there is a small former agricultural building that is noted as making a positive contribution to the character and appearance of the Walkern Conservation Area in the appraisal adopted in 2016. It would appear that this building would need to be demolished to facilitate this new access route.
- 8.1 The proposed access route would run side-by-side with the existing Dovehall Lane, which would result in poor design. It is considered that the new access route would harm the rural setting of the Grade II* circa-1700 Dovecote by introducing a large new vehicle access on the open land to its south, adjacent to the existing Dovehouse Lane. The new access would appear prominently in views along the High Street, thus harming the setting of nearby Listed Buildings and harming the character and appearance of the Conservation Area.

Housing and affordable housing

- 8.2 The proposal would deliver 105 new homes of which 40% 42 dwellings would be affordable homes.
- 8.3 The density of the development would be approximately 14.8 dwellings per hectare.
- 8.4 The application is submitted in outline. However, the submitted Design and Access Statement indicates the following housing mix:

Market

Type	%	No.
2B	22	14
3B	39	24
4B	33	21
5B	6	4
Total		63

Affordable

Type	%	No.
2B	57	24
3B	36	15
4B	7	3
Total		42

The proposed housing mix is in general conformity with the Strategic Housing Market Assessment (SHMA).

Highways and parking

- 8.5 The Highway Authority has reviewed materials submitted in support of the planning application, including the Transport Assessment, Design and Access Statement and the Planning Statement and advise:

Trip Generation

The trip generation and distribution as set out within the Transport Assessment is acceptable in principle and reflects a reasonable assumption of trips to and from the proposed development. The high mode share of travel by private car as shown by the census data (including by train which may be counted within the car driver

category), is noted. The location of Walkern, with a limited bus service makes the heavy use of the private car most likely. Given the reliance on the private car, and in particular, single occupancy journeys, the Highway Authority would wish to see the strong promotion of car sharing, car clubs (other Travel Plan initiatives) and cycling.

Access

A new junction is proposed from the High Street. The Transport Assessment describes the junction in detail, as below:

As part of the proposals, a new priority controlled access will be constructed from High Street (B1037). This access will be 6 metres wide and will be provided with a footway along the southern side, which will link into the existing footway along the western side of High Street. This access has also been designed in accordance with guidance within Manual for Streets. It is noted that the visibility achievable from the proposed site access is lower than what is set out within Manual for Streets guidance. However, the Highway Authority has agreed a small reduction to the published figures further to receipt of speed survey data and the implementation of a traffic calming scheme on the High Street. The traffic calming scheme, comprising of three raised speed tables is described in the Transport Assessment. In order to encourage lower vehicle speeds along High Street, three raised speed tables are proposed. Two of these raised speed tables will be located to the north of the proposed site access, whilst the other one will be located to the south. Keep clear markings are also proposed on High Street to ensure unimpeded access into the site. The Highway Authority is content with the principle of a traffic calming scheme, either in the form of a speed table or cushion scheme. Such a scheme will need to be subject to a Stage 1 Road Safety Audit at reserved matters stage. It is noted that immediately to the north of the proposed access, there is an existing track, Dovehouse Lane. The latter forms a part of the highway network, as an unclassified, local access, providing farm, pedestrian and cyclist access. The Transport Assessment sets out proposals to change the alignment of the

access road close to its junction with the High Street. As part of the proposals, the access onto the farm track from High Street will be closed and bollards will be provided to restrict vehicular access; pedestrians and cyclists will still be able to use the access. It is proposed that vehicles accessing the farmland will do so via the proposed site access and the existing access from the farm track into the site, which will be formalised. The above proposal is acceptable in principle, although it will be necessary to stop up a small section of Dovehouse Lane. In order to allow access to the latter via the new development access, including the proposed bus stop and turning head, the spine road should be subject to adoption.

Assessment

The Highway Authority consider that the technical assessment as presented within the Transport Assessment, including the junction analysis is acceptable in principle. This notwithstanding, whilst the junctions under assessment may be shown to work within capacity, the Highway Authority remains concerned with respect to the cumulative traffic impacts, in particular congestion and waiting on the High Street.

- 8.6 The application is submitted in outline with layout reserved for later consideration. However, officers are satisfied that car parking in accordance with adopted and emerging standards can be provided.
- 8.7 The Highway Authority considers that the proposed location of a substantial residential development in an area such as Walkern is one that raises some concern with respect to sustainability. The Transport Assessment shows that a high proportion of trips will use the private car as their principal mode. The Highway Authority has also considered the recent appeal decision, dated February 2016 (APP/J1915/W/15/3127807) for the Land south of Froghall Lane, Walkern planning application. In the appeal decision, the Inspector noted “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."

- 8.8 Notwithstanding, the views of the Highway Authority it is considered that residents would be largely reliant on private transport. Given the scale of development proposed and cumulative impact this is regarded as a negative aspect of the development in sustainability terms.

Flood risk

- 8.9 The Environment Agency recommends that the requirements of the NPPF are followed and potential for contamination of groundwater is investigated and remediated. The Agency recommends that there should be no infiltration based drainage strategy unless any risk of confirmation can be excluded.
- 8.10 The Lead Local Flood Authority comments that the drainage strategy is based on infiltration as the means to discharge the water and the site is located in Source Protection Zone 2. The Environment Agency's comments recommends a no infiltration based drainage strategy unless any risk of confirmation can be excluded and the conclusions and recommendations of the land contamination assessment (Wardell Armstrong – LO10493-002 December 2017) has advised that further investigations should be undertaken. The Lead Local Flood Authority is therefore of the view that the site doesn't have a confirmed discharge mechanism for surface water runoff. Therefore unless the applicant can resolve this issue with the Environment Agency or is able to propose a viable alternative scheme they maintain their objection to the proposals.

Education

- 8.11 In support of the application the applicants have submitted an Education Assessment Report. The report concludes that local Primary School to this development is currently full in its early years, with minor capacity in its higher year groups. The neighbouring development of Froghall Lane was expected to make contributions

towards Primary Education; this is considered to be an acceptable approach for development mitigation at this development. The ideal scenario is to then utilise the contributions to expand the local school to a full 1 form entry Primary School, which would future-proof places for both new housing developments in Walkern. From a Secondary School perspective, this development will have a low impact on local schools. The area is within the priority area for two local schools which could accommodate pupils coming from this development. HCC is closing Secondary provision this year, and therefore it would not be appropriate to request contributions whilst provision is being intentionally reduced.

- 8.12 HCC have advised that Walkern Primary School has limited expansion potential as identified in its response to consultation on the emerging District Plan in December 2016. However, beyond that the school has no further expansion potential and therefore the child yield from the proposed development cannot be accommodated. They also advise that there secondary education capacity issues in the locality.

Other Matters

- 8.13 Herts Ecology consider that appropriate mitigation measures and recommendations have been provided to ensure protected species are safeguarded from harm and habitats are enhanced and created to improve the site for biodiversity.
- 8.14 HCC Historic Environment Unit consider that the archaeological impacts of the proposed development can be addressed by mitigation and recommend a condition.

9.0 Planning Obligations

- 9.1 The following financial planning obligations have been requested:

HCC

Stevenage Library improvements

£17,437.00

Sustainable transport	£114,375.00
Total	£131,812.00

NHS

Primary Care	£74,320.00
Mental Health	£20,419.00
Acute Care	£165,344.00
Community Health Care	£19,114.00
Total	£279,197.00

- 9.2 In the case of the NHS request for contributions no projects have been identified and officers consider that the obligation would not comply with the Community Infrastructure Levy Regulations.

10.0 Planning Balance and Conclusion

- 10.1 The proposed development would provide 105 dwellings, including 42 affordable units which is a positive aspect of the proposal that carries significant weight. However, the proposal would be contrary to the Local Plan, emerging District Plan and emerging Neighbourhood Plan policy in respect of development restraint in the Rural Area and that weight must therefore be considerably diminished.
- 10.2 The site does not provide connectivity with the existing village and therefore the resulting development is not capable of achieving good quality urban design.
- 10.3 The proposed development would encroach into the Rural Area and it would result in detract from the rural landscape attracting significant negative weight.
- 10.4 The proposed development and in particular the proposed access would detract from the character of the conservation area and the setting of a listed building attracting significant negating weight.

- 10.5 The Highway Authority advises that the proposed access arrangements and highway impacts of the proposed development would be satisfactory, subject to conditions and mitigation. However, future occupiers of the development would be largely reliant on private transport and this is considered to carry some negative weight in sustainability terms having regard to the scale of development proposed.
- 10.6 The proposal fails to demonstrate a satisfactory drainage strategy. The LLFA have advised that this can be overcome but in the absence of a satisfactory scheme this is attributed some negative weight.
- 10.7 The existing first school provision in Walkern is not capable of expansion in order to accommodate the child product from the development and there is pressure on secondary school capacity. This is attributed significant negative weight in sustainability terms.
- 10.8 Overall, the negative aspects of the proposed development clearly outweigh the provision of housing and affordable housing. The application is therefore recommended for refusal.

RECOMMENDATION

That planning permission be **REFUSED** for the reasons set out below:

Reasons for Refusal

1. The proposed development by reason of its scale and siting outside the village boundary would encroach into the Rural Area Beyond the Green Belt to the detriment of the rural character of the locality and the rural landscape. The proposal would be contrary to Policies GBC3 and of the East Herts Local Plan Second Review April 2007, Policy GBR2 of the East Herts emerging District Plan, Policies 2 and 6 of the emerging Walkern Neighbourhood Plan and the National Planning Policy Framework.
2. The proposed access by reason of its design and siting would detract from the character and appearance of Walkern

Conservation Area and the setting of the Grade II Listed Building Dovecote contrary to Policies BH6 of the East Herts Local Plan Second Review April 2007, Policies HA1, HA2, HA4 and HA7 of the East Herts emerging District Plan, Policy 3 of the emerging Walkern Neighbourhood Plan and the National Planning Policy Framework.

3. The proposed development by reason of its lack of connectivity fails to satisfactorily integrate with the existing village contrary to Policies ENV1 of the East Herts Local Plan Second Review April 2007, Policy DES3 of the East Herts emerging District Plan and the National Planning Policy Framework.
4. The proposed development by reason of its siting and scale does not provide for a sustainable form of development by reason of the reliance of future occupiers on private transport and impact on existing and proposed education provision. The proposal would be contrary to Policies TRA1 and CFLR10 of the East Herts emerging District Plan and the National Planning Policy Framework.
5. The proposed development fails to demonstrate a satisfactory drainage strategy in accordance with Policies ENV20 and ENV21 of the East Herts Local Plan Second Review April 2007, Policy WAT5 of the East Herts emerging District Plan, Policy 16 of the emerging Walkern Neighbourhood Plan and the National Planning Policy Framework.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	14.8	
	Bed spaces	Number of units
Number of existing units demolished		105
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	
	3	
	4+	
Total		

Affordable Housing

Number of units	Percentage
42	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		

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		

Neighbourhood Plan Parking Standards

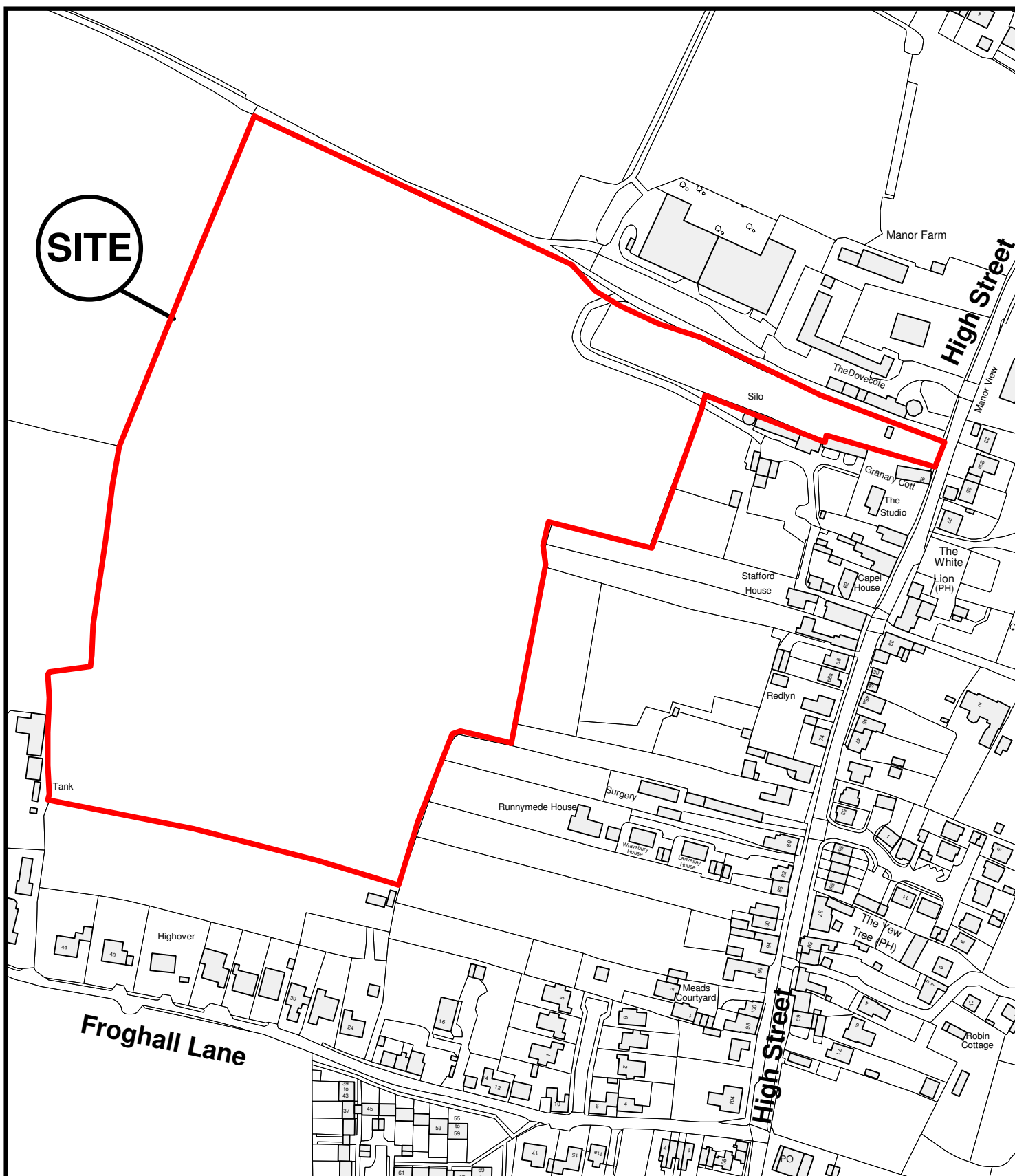
Minimum of 2 spaces per household.

In this case the application is submitted in outline and the parking requirements are not assessed at this stage.

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. In this case the application is recommended for refusal and contributions have not been sought.

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	SPD Table 7		
Outdoor Sports facilities	SPD Table 7		
Amenity Green Space	SPD Table 7		
Provision for children and young people	SPD Table 7		
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	SPD Table 11		



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Reference: 3/17/2897/OUT

Scale: 1:2500

O.S Sheet: TL2826

Date of Print: 07 March 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 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 **REFUSED** for the reason 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. However, the services that are available in the village are limited and future residents would be reliant on private transport to a large extent notwithstanding High Cross is relatively close to the main settlements of Ware and Hertford and the primary highway network and there is a connecting local bus service.
- 1.6 Overall, the positive aspects of the proposal are that it would provide housing and affordable housing. Negatively, the site lies outside the village boundary and the development would encroach into the rural area with some limited impact on the landscape.

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	Paras 6-16	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 9 responses have been received, including responses from The Campaign to Protect Rural England (CPRE) and the Herts and Middlesex Wildlife Trust (HMWT) 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 HMWT consider that the application needs to demonstrate no net loss to biodiversity and appropriate mitigation measures.
- 7.4 Two 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. In the emerging District Plan High Cross is designated as a Group 2 Village wherein Policy VILL2 would permit only limited infill development.
- 8.2 Notwithstanding the above, 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 as it would result the encroachment of significant scale of built form into the Rural Area. The application site is not allocated for residential development within the District Plan and the proposal does not fall within a category of development that is identified in Policy GBR2 as being capable of maintaining the Rural Area as a valued countryside resource.

- 8.3 The emerging District Plan has now reached an advanced stage of preparation. The current housing land supply position is set out in the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.

Layout and design

- 8.4 The application is submitted in outline with all matters apart from access reserved for later consideration.
- 8.5 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.
- 8.6 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.
- 8.7 The indicative layout has been amended to provide improved pedestrian linkages with the High Road frontage.

Landscape impact

- 8.8 The proposed development gives rise to minor adverse landscape effects. The Landscape Advisor considers 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.
- 8.10 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.
- 8.11 However, given the emerging policy position the resulting harm to the Rural Area must attract negative weight.

Housing and affordable housing

- 8.12 The application proposes 27 dwellings of which 40% would be affordable homes. Notwithstanding the Council's updated housing land supply position, this amounts to a positive aspect of the proposal which carries significant weight.

Highways and parking

- 8.13 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.

- 8.14 The Highway 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 the shop at the petrol station.

Flood Risk

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

Archaeology

- 8.16 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.

Sustainability

- 8.17 In terms of economic sustainability the development would offer short term employment during the construction period and the support of future residents for local services which would carry some positive weight.
- 8.18 In social terms the provision of housing and affordable housing are beneficial aspects of the development that should be afforded positive weight.
- 8.19 In environmental terms the proposal would encroach into the rural landscape, however, the harmful impact is considered to be limited. Local services are limited and that residents would be reliant on private car to transport to access services, employment and main shopping, notwithstanding that the site is relatively close to the

settlements of Ware and Hertford and there is good access to the primary highway network and the local bus service runs along High Road.

Planning Obligations

- 8.20 HCC have requested a financial planning obligation towards improvements to Ware Library.
- 8.21 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 would also need to be included in the agreement.
- 8.22 The widening of the footpath on the west side of High Road and provision of a crossing point requested by the Highway Authority could be the subject of a condition and would also be secured by a Section 278 Highways Act Agreement.

9.0 Planning Balance and Conclusion

- 9.1 The current housing land supply position is set out in the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.
- 9.2 The site lies outside the village boundary of High Cross within the Rural Area and the proposal cannot therefore be regarded as small scale development having regard to Local Plan, or limited infill development having regard to emerging District Plan Policy.

GBC3 of the current Local Plan states that permission will not normally be granted for residential development in the Rural Area. The application site is not allocated for residential development within the District Plan and the proposal does not fall within a category of development that is identified in Policy GBR2 as being capable of maintaining the Rural Area. The proposal would encroach into the Rural Area which Local Plan and emerging District Plan policy seeks to protect as a valued countryside resource.

- 9.3 The provision of 27 dwellings of which 40% will be affordable homes remains a benefit of the proposal which carries positive weight. However, in terms of its sustainability although the site lies relatively close to larger settlements with relatively good connectivity the services available in the village are limited and future residents would be largely reliant on private transport to access services and employment in larger settlements. The development would also encroach into the rural landscape resulting in limited harm. The sustainability aspects of the development are therefore afforded limited negative weight.
- 9.4 Overall, the proposed development lies outside the village boundary of High Cross and it is not regarded as sustainable development that would maintain the Rural Area Beyond the Green Belt as a valued countryside resource. In that regard the proposal would be contrary to Local Plan and emerging District Plan policy. The adverse impacts of the development on the rural landscape and sustainability considerations would also attract limited negative weight. The positive benefits of providing 27 dwellings, including affordable homes are not considered to outweigh the policy considerations aimed at protecting the Rural Area and the harm to the rural landscape.

RECOMMENDATION

That outline planning permission be **REFUSED**, for the reason set out below:

1. The proposed development would be sited outside the village boundary of High Cross within the Rural Area Beyond the Green Belt and would result in harm to the rural landscape contrary to Policies GBC3 and GBC14 of the East Herts Local Plan Second Review April 2007 and Policies GBR2 and DES1 of the emerging East Herts District Plan.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	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)

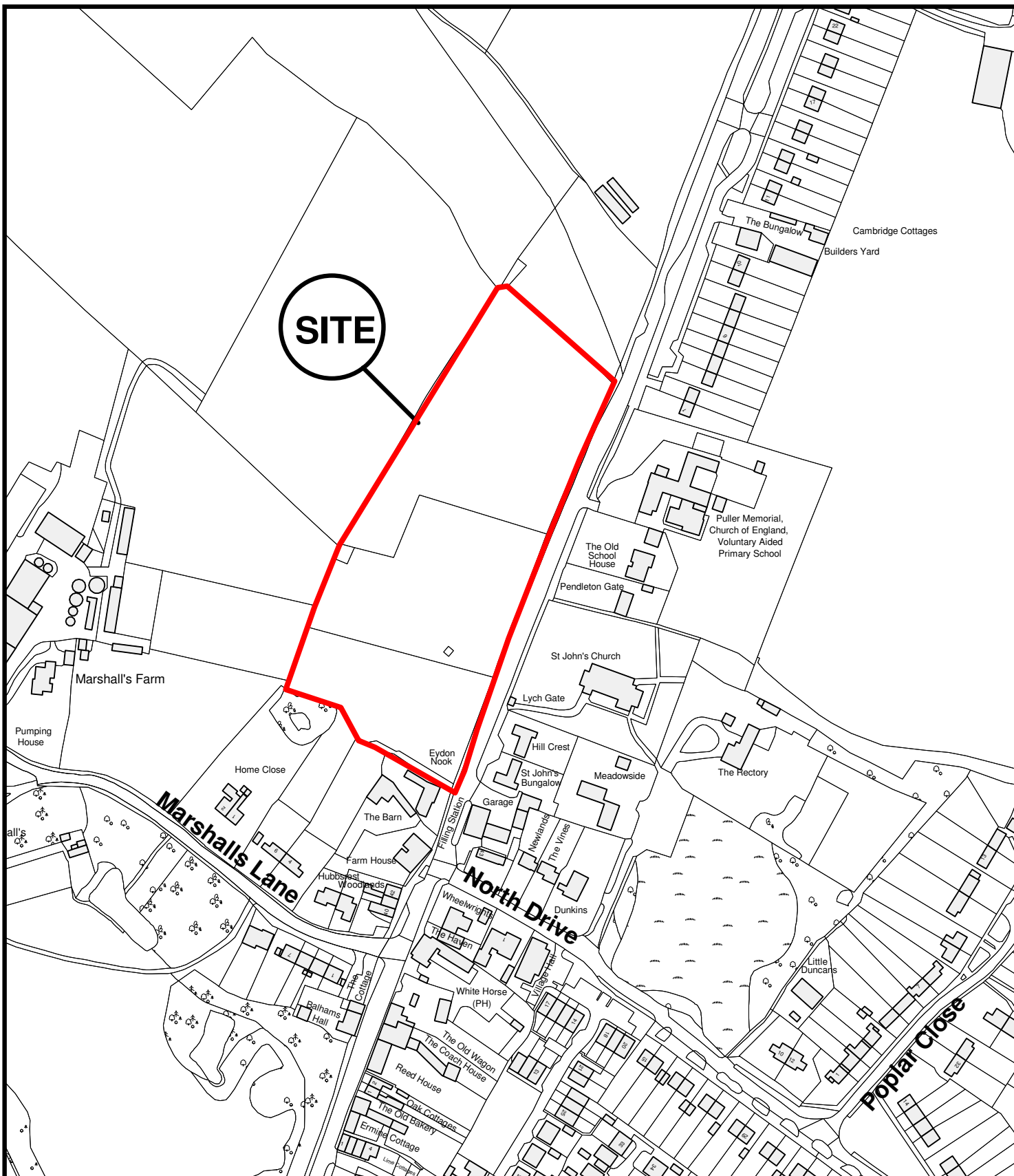
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	
4+	3.00	
Total required		
Accessibility reduction		
Resulting requirement		
Proposed provision	Unknown outline application	Unknown outline application

Legal Agreement – financial obligations

The application is recommended for refusal. This table below 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 children and young people	In accordance with 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 – 28 MARCH 2017

Application Number	3/17/1867/FUL
Proposal	Change of use from agricultural land to golf course; erection of golf club house with bar, restaurant, changing and pro shop facilities; incorporation of a water harvesting scheme for sustainable irrigation and an improved drainage system through the importation of recovered soils; upgraded practice facility including covered practice bays; and enhanced landscaping
Location	Hertford Gold Club, London Road, Hertford
Applicant	Mr A Rubino, Belview Gold Ltd
Parish	Hertford
Ward	Hertford Castle

Date of Registration of Application	25 August 2017
Target Determination Date	24 November – ETA 30 March 2018
Reason for Committee Report	Major application
Case Officer	Lisa Page

RECOMMENDATION

That 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 site already has planning permission for the formation of a golf club, which has been partly implemented with the construction of a greenkeeper's house and storage building and the base of a car park and access road approved in 2005. In 2015, 87,000 cubic metres of material was imported under the terms of the permission to the eastern side of the site.

- 1.2 This application proposes a number of changes to the existing 2005 permission, sought to create re-profiled contours of the golf course in order to create sustainable irrigation water supply, improve drainage and enhance the quality, aesthetics and playability of the course. The approved course layout and fairways and greens would remain unchanged. The changes to re-profile the course would result in the further importation of 176,666 cubic metres of inert material.
- 1.3 Officers are content that the proposed importation of material does not result in a waste operation and that it would fall to be an engineering operation that is appropriate in principle in this Green Belt location. Whilst it is considered that the buildings would not be appropriate development, there is an extant permission for buildings of very similar size, scale and design to which significant weight is assigned.
- 1.4 The re-profiling would have limited impacts to the visual amenity of the Green Belt and no unacceptable harm to the local landscape character would occur.
- 1.5 County Highways are content that the highway network has the capacity to cope with the 13,244 additional loads with 240 lorry movements per working day with 120 lorries in and 120 lorries out. This, together with other details of the access route, timings, wheel washing and similar will be secured via the Construction Management Plan.
- 1.6 Matters in relation to neighbour impact, drainage matters and ecology are considered to be all acceptable.

2.0 Site Description

- 2.1 The application site is 21.63ha and is located to the south east of Hertford and to the west of Hertford Heath village (as shown on the attached OS extract). Balls Park (a Grade II Registered Park and Garden with Grade I Listed dwelling) and Jenningsbury Farm (a Grade II Listed property with historic moat) are situated to the north

of the site and London Road is to the east. The site is set within open farmland. There are allotments close to Hertford Heath to the east of the site. Woodland and further arable farmland are situated to the south of the site.

- 2.2 The eastern part of the site comprises undulating land which rises quite steeply in the direction of Hertford Heath and London Road. From this area there are views from some of the houses in Hertford Heath. This area of land has also been altered in recent years by the construction of a greenkeeper's house and storage building and the base of a car park and access road which has been constructed for the golf course approved in 2005. In 2015, 87,000 cubic metres of material was imported under the terms of the permission to the eastern side of the site.
- 2.3 There is a Public Footpath which runs in a westerly direction from Hertford Heath village close to the southern boundary of the site.
- 2.4 The site boundary contains two areas of land within the wider proposed golf course with a central link haul road between the eastern and western sides together with access off London Road. These two sides of the site are the areas that are proposed as part of this application to have the imported material deposited on, to re-contour the land.
- 2.5 The application site is located in the Metropolitan Green Belt. There has been significant planning history over the last 20 years with permissions for a golf course and golf course related development. The last planning permission for the layout of a golf course in 2005 has now been partially implemented with the importation of 87,000 cubic metres of material brought in to the eastern part of the site in 2015. The golf course itself has not yet been constructed.

- 2.6 This current application seeks to change the proposed contouring of the landscape of both the western and the eastern side by the further importation of 176,666 cubic metres of inert material (in addition to the 87,000 cubic metres granted permission in 2005 and imported to the site during 2015). The material proposed to be imported would be split between the east and the west side of the site. The Planning Statement, details the reason for the proposed importation being to create re-profiled contours of the golf course in order to create sustainable irrigation water supply, improve drainage and increase bio-diversity, as well as improving the quality, aesthetics and playability of the course as well as to improve safety for users. It is intended that the approved course layout would remain unchanged. This would mean that the position of the tees, fairways and greens would be kept the same as shown on the approved plan.
- 2.7 This application would result in the importation of around 60,633 cubic metres of inert material to the eastern side of the application site predominantly to the south west corner to upgrade the practice ground outfield. An additional irrigation reservoir (storage pond) is also proposed on the eastern half. The proposal also involves the importation of around 116,033 cubic metres of inert material to the western side of the site.
- 2.8 The proposal remains the same as that previously applied for under the latest County Council application. The LPA has sought legal advice to determine whether the County Council or the District Council should fall to be the determining Authority. The outcome of that advice was that the District Council can determine, the reasoning being that the relevant test within Reg. 2 of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003 is whether the operation the subject of the application, is for the carrying out of engineering operations "wholly or mainly for the purposes of... depositing waste". The judgement is not in terms of the scale or amount of material being deposited, but rather it is in regard to the purpose of the operation. From the information available at validation stage, there appeared to be sufficient information for a view to be reached that a rational

conclusion is that the whole or main purpose is otherwise than for the disposal of waste.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/15/2050/CPO (County Matters application)	Creation of a water harvesting system for sustainable irrigation and an improved drainage system through the importation of recovered soil, to incorporate a water harvesting scheme, improved drainage system and upgraded practice facilities.	Refused	25.02.16
3/14/1368/CM (County Matters application)	Improvements to the design of an approved golf course through importation of recovered soil; to incorporate a water harvesting scheme, improved drainage system and upgraded practice facilities.	Refused	22.10.14
3/05/0721/RP	Approval of matters reserved by condition no 1 outline planning permission 3/03/0161/ON (18 golf course)	Granted with Conditions	22.06.05

3/03/0161/ON	Variation of condition no.2 of planning permission 3/00/1088/ON to allow further 3 years.	Granted with Conditions	28.05.2003
3/00/1088/ON	Variation of condition 2 of planning permission ref. 3/91/1068/OP to allow a further 3 year period for approval of reserved matters relating to golf course.	Granted with Conditions	22.09.2000
3/91/1068/OP	Change of use from agricultural land to golf course and outline application for golf club-house with bar restaurant changing and pro-shop facilities storage and one staff dwelling.	Granted with Conditions	08.07.1997

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
Principle of development in the Green Belt	Section 9	GBC1, LRC6	GBR1
Visual amenity impacts and landscape implications	Section 3 and 9	ENV1, ENV2	DES1, DES2, DES3, DES4.
Impact upon highway network	Section 4	TR2, TR7, TR13, TR16	TRA1, TRA2, TRA3
Surface Water Drainage and Flooding	Section 10	ENV18 ENV21	WAT1, WAT5
Heritage assets	Section 12	BH6	HA1, HA4, HA2
Neighbouring Amenity	Section 7	ENV1, ENV23, ENV24	DES3, EQ2, EQ3
Ecology		ENV16	NE3

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 subject to Conditions for wheel washing; restriction to no more than 120 lorry movements (120in/120out) entering/leaving the London Road access on a working day and written records of vehicles make available for inspection; and that all lorries shall enter the site turning right from London Road and leave the site turning left onto London Road. They also request a legal agreement to secure the installation of wheel washing facilities within the site and a bond of £15,000 towards the cleaning of the road if the Lorries continuously deposit mud on the road.
- 5.2 Lead Local Flood Authority comment that the submitted Flood Risk Assessment (FRA) and Surface Water Management Strategy

adequately demonstrate a feasible drainage scheme. They recommend conditions on any permission being granted, relating to accordance with the FRA and mitigations measures and detailed surface water drainage scheme to be agreed.

- 5.3 The Environment Agency raises no objections. They note that there will be no discharge from the balancing ponds, and/or connection from their rainwater harvesting scheme to any inland water (i.e. linked to the water network) and comment that as the flow of water into the balancing pond will be by engineered ditches constructed solely for this purpose, and/or piped water that has no connection with any surface watercourses and/or underground strata, there will be no need to obtain a licence to abstract water.
- 5.4 HCC Historic Environment Unit comments that there is potential for the site to contain archaeological remains, and due to the scale and nature of the proposed development it should be regarded as likely to have an impact on heritage assets of archaeological interest. A condition is reasonable and necessary to provide properly for the likely archaeological implications of this development.
- 5.5 EHDC Landscape Advisor initially agreed that whilst the principle of a golf course in this location is established under the extant permission, raised concerns with regards to the impact of the construction stage, and the adverse impact of the proposed landform within the more sensitive open and elevated areas, and towards the site boundaries. Following amendments, the Advisor comments that overall, the proposed amendments are fully supported and serve to meet the concerns raised in the previous landscape comments, and that the proposed amendments help mitigate the impact of the proposals, ensuring that the finished golf course sits more comfortably within its landscape setting and views, and does not have an unacceptable impact upon the amenity of the nearby residents, allotments, and public rights of way network.
- 5.6 Herts Ecology comments that the site is predominately agricultural but highlight the two woodlands on the southern boundary, which are also Wildlife Sites. There are a number of protected species in

the area including bats, badgers, great crested newts, grass snakes, little owl and barn owl. Appropriate mitigation, precautionary approaches and enhancement measures have been provided for within the Ecology Report which if followed, would ensure that protected species will not be a significant constraint.

- 5.7 HCC Minerals and Waste comment insofar as the application raises issues in connection with waste and mineral matters. They confirm that HCC has previously determined a very similar application at this site, which was refused for three reasons, including that the development would constitute land-raising and would be a waste disposal operation which would be unacceptable in landscape and environment terms, and because the development would constitute inappropriate development which would affect the openness of the Metropolitan Green Belt.

They comment that should the District be mindful of permitting the application, a number of detailed matters should be given careful consideration. These relate to waste importation wherein the depositing of waste to land should be stringently regulated to ensure that a high standard of development and landscaping is achieved. They recommend a condition to monitor material brought onto site to ensure that only suitable material is incorporated into the proposed landscaping and engineering works. They would also seek conditions to include a landscaping scheme, soil handling, dust management, wheel washing, HGV movements, surface water drainage, noise and waste management.

They also highlight the County Council's adopted waste planning documents which seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. In particular they draw attention to the Department for Communities and Local Government, National Planning Policy for Waste (October 2014).

- 5.8 EHDC Environmental Health Advisor advise that any permission shall include details for a Construction Management Plan to ensure

that all works are carried out using best practice means to control environmental impacts that could adversely affect the amenity of neighbouring residential occupiers.

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

6.0 Parish Council Representations

6.1 Hertford Heath Parish Council (HHPC) raise no objections in principle but raise some concerns over the delivery of the development and suggest conditions and mitigations measures. They comment that *'...the residents of Hertford Heath have experienced the impact of the importation of materials for phase one of the extant planning permission. This has allowed a more considered and accurate consideration of the above detailed application to be made by HHPC. The key concern arising from the development of phase one is the number and speed of lorries coming in and out of site, and the inherent issues caused by this. Although the site manager was accommodating and worked effectively at the time with the parish council to negate the impacts of the construction, it is clear that enforceable conditions are required to ensure the safety of residents both in vehicles and on foot'.*

6.2 They raise concerns in regards to the following:

Traffic and Highways

- Increase lorry movement and increased risk to pedestrians between Hertford and Hertford Heath (particularly at the point where the cessation of pathways necessitates pedestrians to cross the road at the bottom of the hill with no lighting at the entrance to Foxholes Farm on London Road).
- Request that the applicant is obliged to provide a safe pedestrian crossing, with traffic lights, close to the entrance of the golf course.
- Should a pedestrian crossing not be installed, are opposed to any movement of lorries prior to 9.30am and after 4:30pm to reduce impact on school children and the village as a whole.

- Hedge maintenance must be carried out regularly along this stretch of road as the existing pavement is extremely narrow at certain points and obstructs vision for pedestrians and drivers.
- Lorries previously travelled at excess speeds. Request a form of measure, such as a temporary speed camera to ensure safety for the residents of Hertford Heath.
- Suggest a management plan to deal with delivery of vehicles on site, timings, haulage routes and wheel washing.
- Request phasing of the site so that the site will be landscaped and avoid the potential risk of importation of the full amount of soil with no further action being taken to landscape the site.
- Would object to any increase of lorry movements in each day.

Soil, Landscaping and Water

- Land should remain classed and protected as Green Belt.
- Suggest a condition that no depositing of imported soil in inclement weather.
- Concern over toxicity which could affect the surrounding environment including allotments and the water course. Note that all imported soil must be licensed by the Environment Agency and monitored accordingly.
- Concerns with run off and drainage as well as impacts to the local water table and local reserves.

Enforcement

- Seek a named contact at the LPA and for the developer to allow easy communicating.

7.0 Summary of Other Representations

- 7.1 The application was advertised by way of a site notice, newspaper and neighbour notification.
- 7.2 14 letters of objection have been received raising the following comments:

- Application is identical to that refused twice by HCC

- Is for waste landfill and land raising. Is for financial gain and there is no desire to build the golf-course
- Harmful to the landscape character of the area and Green Belt
- Size of building too large
- Local traffic congestion and highway safety. Timings and routing for material delivery should be restricted in the interest of highway safety.
- The use once operational will create traffic movements and noise disturbance
- Noise pollution from HGV movements
- Health and safety concerns from landfill emissions and dust
- Light pollution and harm to amenity from floodlighting on driving range
- Harmful impacts to wildlife and protected trees
- Lack of traceability of material and associated impact to environment. (All waste would need a permit)
- Impact to water quality and flooding
- Harmful impact to historic environment and the historic moat surrounding Jenningsbury
- No need for additional golf course

7.3 2 letters of support have been received, and one neutral response raising the following comments:

- A golf course within walking distance of Hertford town and Hertford Heath would be a welcome benefit
- Will bring job opportunities

8.0 Consideration of Issues

Principle of development in the Green Belt

8.1 The site lies within the Green Belt, in accordance with Local Plan Policy GBC1 and the NPPF, inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless it can be demonstrated that the harm to the Green Belt by reason of inappropriateness and any other harm is clearly

outweighed by other considerations. Policy GBC1 states that engineering operations will be inappropriate unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. This is in accordance with the NPPF at Paragraph 90.

- 8.2 The initial issue therefore, is whether the creation of the golf course is an engineering operation. This was a matter that the County Council previously considered on the last two applications submitted to them for very similar proposals. It was the conclusion of the County Council that the proposal did not fall to be an engineering operation but was rather a change of use for waste disposal due to the significant amount of waste material proposed to be imported.
- 8.3 On this application, the LPA have sought advice from the legal section and have again applied the relevant test within Reg. 2 of the Town and Country Planning (Prescription of County Matters) (England) Regulations 2003, in terms of whether the operation the subject of the application, is for the carrying out of engineering operations "wholly or mainly for the purposes of... depositing waste". Following consideration of the application submission, and in the view of Officers, the evidence is such that it is considered that the whole or main purpose is otherwise than for the disposal of waste. The proposal would therefore fall to be an engineering operation.
- 8.4 Officers conclude therefore that the proposal does fall to be an engineering operation and so long as it 'preserve openness' and does 'not conflict with the purposes of including land in the Green Belt', would be appropriate.
- 8.5 The essential characteristics of Green Belts are their openness and their permanence. It is considered that the proposed importation of such an amount of waste material to the application site would result in a temporary effect on openness from plant and machinery which would be viewed from various points outside the site. However, when the waste importation has been completed the golf course would be constructed and the final use of the land as a golf

course would commence. There are changes in level but these are not considered significant in terms of their effect on openness. The engineering operation alone would not conflict with any of the purposes of including land within the Green Belt as outlined. The proposed engineering operation would therefore fall to be appropriate development in accordance with Local Plan Policy GBC1 and the NPPF, and is supported within Policy LRC6, golf courses.

- 8.6 The application also proposes the erection of buildings in the form of practice bays and the club house. The NPPF at Paragraph 89 states that the provision of appropriate facilities for outdoor sport and recreation will not be inappropriate, so long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Both of these structures by reason of their size will inevitably fail to preserve the openness of the Green Belt. They would therefore fall to be inappropriate development in the Green Belt.
- 8.7 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 8.8 The built form of the development will have other harm in terms of its impact upon openness. Further, the proposed golf club house building, by reason of its size, scale, siting and design will have an adverse impact upon the visual amenity of the Green Belt. Further harm is attributed to these elements.
- 8.9 In terms of other considerations and any benefits of the proposal, this falls mainly to the weight to be given to the extant permission. The changes to the extant proposal that this application proposes relate to enabling the course to become fully self-sufficient in the use of water, thus greatly improving its sustainability credentials

and avoiding any need to call on scarce local water resources, with improvements in the biodiversity and ecological value of the site. However these changes are in relation to the golf course layout itself and the engineering works are not considered in-appropriate.

- 8.10 The general overall scale, form and design of the clubhouse does not differ from the extant permission. Although some further use is made of the lower ground floor, (stated to provide an enhanced facility in line with modern requirements to assist with the success of the course as a "Pay and Play Facility"), this takes into account the land level changes and externally would not result in a larger sized building. Overall the impact of this proposed clubhouse compared to the extant permission is comparable and would provide a reasonable fall-back position of weight.

Visual amenity impacts and landscape

- 8.11 The principle of a golf course in this location is already established under the extant permission. The application has been submitted with a Landscape and Visual Statement and following concerns with the initial submission with regards to the impact of the construction stage and the adverse impact of the proposed landform within the more sensitive open and elevated areas and towards the site boundaries, amended landscaping plans with additional cross sections have been submitted. This resulted in a reduction of material by 8762 m³.
- 8.12 To the eastern area of this site, the existing golf course landform is more open and elevated than the western area, and characterised by a more complex series of hummocks and hollows. The removals of the previously proposed mounding (and as now shown within the submitted cross sections) would assist in reducing the contrived nature of the land form. With reference to the site boundaries, the previously proposed noise screening mound alongside the highway has been omitted. Overall, a more sensitive approach to the gradients and slopes has been adopted within this area.

- 8.13 There are highly sensitive views into the eastern area from the users of the public rights of way network, including the footpaths that pass to the south between Hertford Heath and Swallow Grove Farm (as illustrated in submitted viewpoints 14 and 5). The reduction in the steep banks around the 12th fairway would now have an acceptable impact upon the amenity of the footpath and reduce the overbearing impact upon the neighbouring allotments.
- 8.14 In the western area, the existing golf course landform is predominantly flat and gently slopes to the north, with some scattered incidental hummocks and hollows as a result of localised ground remodelling. The relative flatness of the existing landform is consistent with the surrounding farmland and helps assimilate the site with the wider landscape setting. It is proposed to import and spread material to create a raised 'rainwater harvesting zone.' The raised land levels will have the impact of a more varied and contrived landform, but the amendments with an overall height reduction by holes 3 and 16 to that initially proposed will result in a lower, broader and flatter crest which is welcomed.
- 8.15 There are sensitive views in the western area from the public rights of way network, including a footpath that passes to the south between Hertford Heath and Swallow Grove Farm, and alongside Little Stock Wood. The most significant views are from the footpath adjacent to Little Stock Wood (as illustrated in submitted viewpoints 7 and 8). However, from here the existing golf course and its associated features are likely to foreshorten and filter views of the proposed raised area in the middle ground that is viewed against the backdrop of existing woodland associated with Balls Park in the distance. Overall, the raised and more varied landform at this distance is not deemed inappropriate in the context of the existing golf course. With regards other views from the west (viewpoints 9-12), it is anticipated that the effects of the proposed land raising and more complex landform are diminished by distance and the foreshortening and filtering effect of the existing golf course features.

- 8.16 The proposed practice bays due to their size and siting will have some prominence. However, taking into account the mitigating effect of the intervening sloping landform and the proposed tree planting, they are deemed on balance acceptable in landscape and visual terms.
- 8.17 Overall in landscape and visual amenity terms, the heights of the proposed land raising and mounds are consistent with those permitted under the extant permission, and the areas that previously raised concerns in landscaping and visual amenity terms, relating to the more sensitive elevated and open areas and particularly towards the site boundaries have been amended. The proposed amendments help mitigate the impact of the proposals, ensuring that the finished golf course sits more comfortably within its landscape setting and views, and does not have an unacceptable impact upon the amenity of the nearby residents, allotments, and public rights of way network.

Impact upon highway network

- 8.18 The site is accessed off the B1197 London Road between Hertford and Hertford Heath. In the vicinity of the site access the road layout is reasonable straight, with clear visibility and the speed limit is 40 mph. The site access itself was built in 2009 under the terms of the 2005 planning permission.
- 8.19 The main consideration in highway terms centres around the impact of the importation of material in terms of the increased volumes of HGV movements on the highway network and the extensive landscaping within the site with the potential to spread mud/debris onto the network.
- 8.20 The Transport Statement details that material will typically be imported in 14m³ loads, giving a total of 13,244 additional loads. The current application proposes 240 lorry movements per working day with 120 lorries in and 120 lorries out. This is the same level of importation which occurred for the 2005 permission. Whilst there will be inevitably fluctuations in daily flows, with some days possibly

having no movements at all because of weather and/or site conditions or the need to pause importation whilst levelling occurs within the site, it is considered (based on recent past evidence) that the highway network is adequate to cope with up to 120 loads (240 daily movements).

- 8.21 All HGV movements will be limited to a left turn out of the site to travel north along London Rd (B1197) connecting at the large Foxholes roundabout with the A414 and thence to the A10. Furthermore, a Construction Management Plan is recommended, which would set out the phasing for the importation of material and delivery timings such that the impacts may be managed to avoid any interaction with the main highway peak periods. Such a plan will include timings of deliveries, wheel washing, storage, welfare and internal and external access. (The latter is considered essential in order to prevent excessive numbers of HGV movements on the local highway network or to restrict the free movement of traffic).

Surface Water Drainage and Flooding

- 8.22 The site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. The application has been submitted with a Flood Risk Assessment and Surface Water Management Strategy, which are considered to demonstrate a feasible drainage scheme and raise no objections from the Local Lead Flood Authority or the Environment Agency.
- 8.23 The reasoning behind the changes to the land form is stated to be in relation to create a sustainable irrigation water supply and improve drainage. The scheme will collect water via a rainwater harvesting pond and transfer this to the irrigation pond, which is a standalone water features with no connection with underground strata and no formalised discharge into any watercourse. The rainwater harvesting pond will be supplied by surface run-off and direct rainfall which will be collected by dedicated channels. This is an acceptable approach.

- 8.24 The need for the applicant to obtain an Environmental Permit from the Environment Agency to ensure it poses an acceptable level of risk to the environment is a separate matter to be pursued outside of this application.

Heritage assets

- 8.25 The site lies within proximity to a number of heritage assets. Balls Park, a Grade II Registered Park and Garden with Grade I Listed dwelling and Jenningsbury Farm, a Grade II Listed property with historic moat, are situated to the north of the site and London Road is to the east.
- 8.26 Officers are content that given the scale of the development and changes from the extant permission, and the distances of the site with nearby heritage assets, that there would be no harm to their character, appearance or setting.

Neighbouring Amenity

- 8.27 There are a number of residential properties around the perimeter of the site, including properties on London Road in Hertford Heath to the east, those within Jenningsbury Farm and Court to the north and Balls Park to the north/north-west, with some more isolated residential properties to the south-west.
- 8.28 The main impact upon their amenity will be in terms of their outlook and any associated noise disturbance from the construction phase and from the end golf course use. In terms of their outlook, given the scale of changes to the land levels and the distances between those properties and the site, with the fact that the site already has permission as a golf course, it is not considered that there would be any unacceptable impact to their outlook.
- 8.29 In terms of the impact from the construction phase, it has been outlined that it is intended to phase the works, starting in the eastern area to ensure that all construction activity closest to the settlement edge and allotments is completed first. (The phasing will

be secured via condition). It is estimated that the overall construction stage will be two years. There will inevitable be some impact to neighbours from the delivery and depositing and internal spreading of material on the site. However, subject to restrictions in terms of number or deliveries a day, (and in turn a restriction on the volume of material deposited), together with hours of operation, it is not considered that the development would be so harmful to warrant the refusal of permission. Mechanisms to deal with environmental impacts from dust and associated air quality shall use best means practice and will be secured via condition.

Ecology

- 8.30 The western area of the site is predominately agricultural with two woodlands on the southern boundary, which are also Wildlife Sites. There are a number of protected species in the area including bats, badgers, great crested newts, grass snakes, little owl and barn owls. The application has been submitted with a full and detailed Ecology Report which details appropriate mitigation, precautionary approaches and enhancement measures, and subject to a condition to secure the detail outlined, will ensure that protected species will not be a significant constraint.

Other

- 8.31 The earlier County Council applications were refused on the reason that they would 'not drive waste up the waste hierarchy', contrary to the Hertfordshire Waste Core Strategy and the Minerals Local Plan. The County Council's adopted waste planning documents seek to promote the sustainable management of waste in the county and encourage Districts and Boroughs to have regard to the potential for minimising waste generated by development. The LPA have had regard to these documents and other Government publications, noting that this is not an allocated site for waste management, and concluding their being no conflict with Policy. A condition to monitor material brought onto site is considered necessary to ensure that the materials brought on are inert and traceable.

9.0 Planning Balance and Conclusion

- 9.1 The application seeks the further importation of material to undertake changes to the formation of the approved golf course. The engineering aspect of the proposal would fall to be appropriate development, and whilst the erection of the associated buildings are inappropriate, the fall-back position of the extant permission is assigned significant weight, and which would outweigh the harm.
- 9.2 The re-profiling would have limited impacts to the visual amenity of the Green Belt and no unacceptable harm to the local landscape character would occur.
- 9.3 County Highways are content that the highway network has the capacity to cope with additional loads and other detailing can be secured via a Construction Management Plan.
- 9.4 Matters in relation to neighbour impact, drainage matters and ecology are all acceptable.
- 9.5 It is therefore considered that the proposal is acceptable and the application is therefore recommended for approval subject to conditions.

RECOMMENDATION

That planning permission be **GRANTED** subject to the following conditions:

Conditions:

1. 3 year time limit (1T12)
2. Approved plans (2E10)
3. Archaeology (2E02)
4. Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site for the proposed golf club house, together with the slab levels and ridge heights of the proposed building, 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 details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of good design in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007

5. Materials of construction (2E11)
6. Lighting details (2E27)
7. Cycle parking facilities (2E29)
8. The development permitted shall be carried out in accordance with the Flood Risk Assessment and Surface Water Management Strategy, dated June 2017, provided by Envireau and the following mitigation measures detailed within the drainage strategy shall be implemented:

1. The provision of attenuation to ensure that there is no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
2. The implementation of the proposed drainage strategy which is based on attenuation and discharge into the ordinary watercourses, this includes the implementation of SuDS features as indicated on drawing no. 820.60 Rev. A – Proposed Water Harvesting Plan.
3. An updated detailed drainage plan showing all of the SuDS features to be implemented and the detail of the final discharge point into the ordinary watercourse.
4. The limiting of surface water discharge from catchments A to E of eastern site to the ordinary watercourse at a rate equal to or less than 1 in 1 year Greenfield runoff rate.

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

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

9. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme to be submitted to the Local Planning Authority must as a minimum include the following details:
 1. Detailed engineered drawings of the proposed SuDS features including their, size, volume, depth and any inlet and outlet

features including any connecting pipe runs and discharging points and all corresponding calculations/modelling for the 1 in 1 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change rainfall events.

2. A site plan with the final topographical levels of the site.
3. Details of any changes to the current surface water flow routes arising from the changes to site levels and an assessment of their impact on the ordinary watercourse which arise within and adjacent to the development site.
4. Details of any exceedance flow paths for rainfall events in excess of the 1 in 100 year plus climate change rainfall event that are beyond the design capacity of the system

Reason: To prevent any increased risk of flooding, both on and off site.

10. Upon completion the applicant must provide infiltration tests for all areas where infiltration is being used as a mechanism to discharge surface water to demonstrate that these features will work as designed and that the imported material to modify site levels has had no detrimental impact on infiltration capacity. These tests must demonstrate that the current infiltration numbers have not been significantly affected. If tests do not confirm the predicted infiltration rates an alternative scheme or mitigation measures should be presented to the LPA for approval.

Reason: To ensure the satisfactory management of surface water.

11. The development shall be carried out in accordance with the mitigation, precautionary and enhancement measures outlined within the Phase 1 Habitat Survey (Environmental Business Solutions 23 September 2017), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the habitats of protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

12. Prior to the commencement of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be undertaken in accordance with the agreed Plan, unless otherwise agreed in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
- Details of the phasing for the importation of material;
 - Details of construction vehicle movements and construction access arrangements, including numbers, routing and timings;
 - Details of a means to monitor, record and confirm the insert materials being imported;
 - Location and details of wheel washing facilities and details of the measures to be taken to ensure that the public highway is kept clean of any material that is deposited upon it;
 - Details of associated parking areas and storage of materials clear of the public highway;
 - Hours of on-site working;
 - Details of proposed hoarding;
 - Details to undertake best management practices for the impacts of noise, dust and air quality

Reason: To ensure the development would create no adverse impact to highway safety and capacity and in the interests of neighbouring and environmental amenity.

13. Unless otherwise agreed in advance in writing by the Local Planning Authority, in consultation with the Highway Authority, there shall be no more than 120 lorry movements (120in/120out) entering/leaving the access/egress on to London Road on a working day. Written records of vehicles entering and leaving the site in connection with the lorry movements from the site complex shall be kept by the site operators and make available for inspection by the Local Planning Authority upon request.

Reason: In the interest of highway safety, amenity and free and safe flow of traffic.

14. All Lorries shall enter the site turning right from London Road and leave the site turning left on to London Road.
Reason: To minimise impact on London Road and to gain easy access to A414 Primary Route and to wider road network.
15. Prior to commencement of the development hereby approved, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include: (a) Hard surfacing materials (b) Hard boundary treatments and other means of enclosure (c) Retained historic landscape features and proposals for restoration, where relevant (d) Planting plans noting schedules of plants with planting sizes and proposed numbers/densities and (e) Implementation timescales. Thereafter the development shall proceed in accordance with the approved details. 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 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.

16. Prior to commencement of works for the construction of the clubhouse hereby approved, the works for the construction of the golf course shall have been substantially commenced under the terms of a contract for the construction of the complete golf course. The term 'substantially completed' shall mean that the earthworks for the 18 hole golf course shall have been completed.

Reason: The permission for the clubhouse is only granted in relation to its need in connection with the golf course. Any construction of

the clubhouse in advance of the provision of the golf course would be inappropriate.

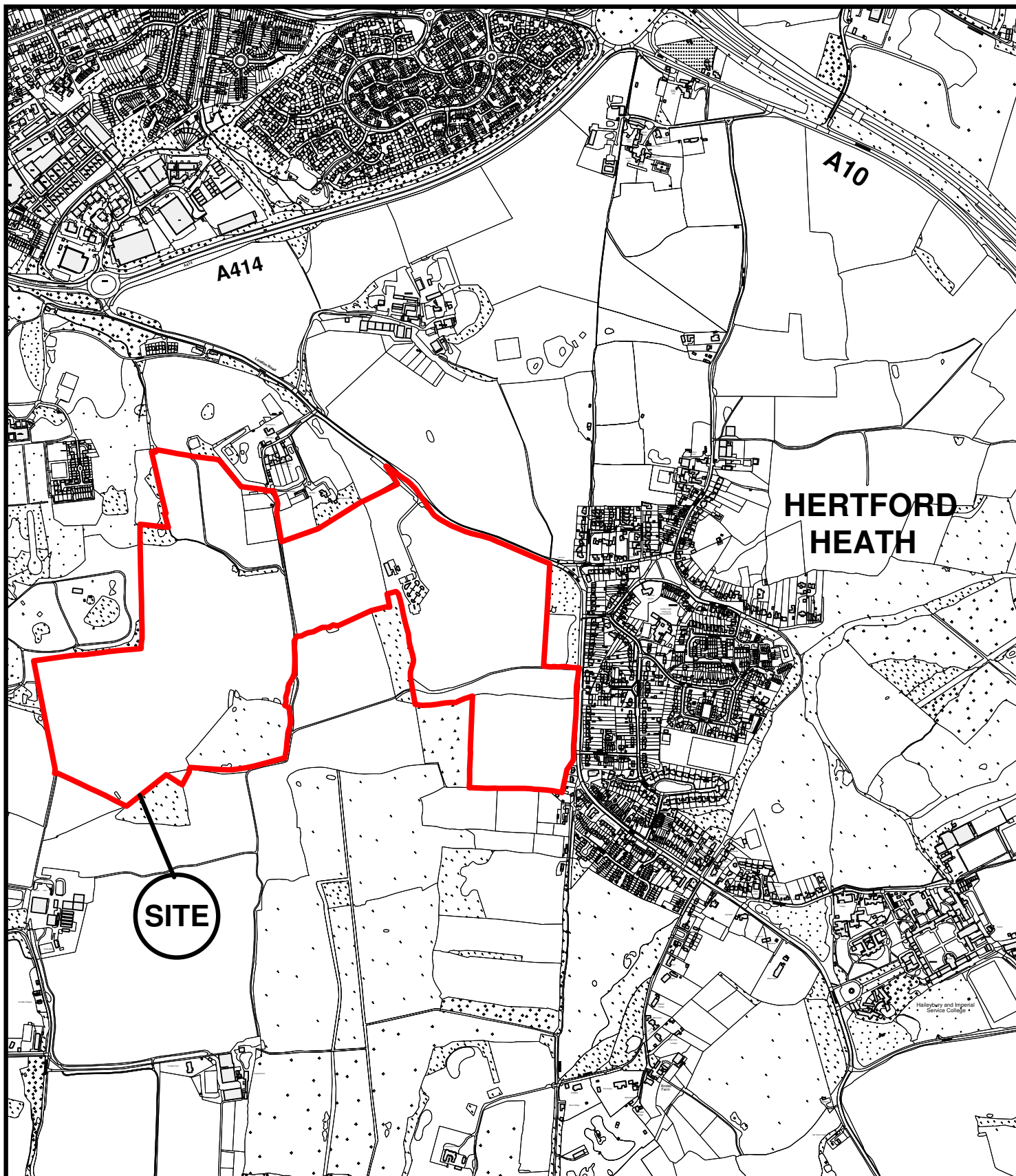
17. The use of the bar and restaurant hereby granted shall be limited to persons playing golf that day and their guests and shall not be available for private functions or otherwise.

Reason: The proposed restaurant and bar are situated in the Metropolitan Green Belt where the Local Planning Authority would not normally grant permission for such development and this permission is granted solely in association with the Golf course hereby approved.

Informatives

1. Other legislation (010L)
2. Street name and numbering (19SN)
3. The applicant must clarify if they intend to cross over any existing ordinary watercourse. If that is the case, the applicant will also need to obtain written consent from the Hertfordshire County Council (HCC) under the Section 23 of the Land Drainage Act (LDA) 1991. This includes any permanent or temporary works regardless of any planning permission.

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Reference: 3/17/1867/FUL

Scale: 1:12500

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	a) 3/17/1491/FUL b) 3/17/1492/LBC
Proposal	a) Alterations, extensions and conversion of existing Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden with associated access, parking and refuse. Conversion of detached rear barn to create 1no 2-bed unit with associated access, parking, refuse and private amenity space. Erection of 5.no dwellings on the existing PH car park and garden with associated access, parking, refuse and private amenity space; and b) Conversion of the existing, listed Public House to create 2no x 2-bed units and 1no micro-pub with associated cellar, upper floor accommodation, facilities and pub garden incorporating alterations and partial demolition of areas of the existing flat roof rear extension area. Conversion of the Listed Barn to the rear of the Public House to create a 2-bed unit with alterations to the listed building and partial demolition of areas of the existing cat slide side aisle.
Location	10 Benington Road, Aston, Hertfordshire, SG2 7DX
Applicant	Annakut Ltd
Parish	Aston CP
Ward	Datchworth and Aston

Date of Registration of Application	5 July 2017
Target Determination Date	ETA 3 April 2018
Reason for Committee Report	Request from Local Member
Case Officer	Lisa Page

RECOMMENDATION

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

- b) That listed building consent 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 application seeks permission for the erection of 5 detached dwellings within the former PH carpark and garden. The listed barn is converted to a dwelling and the PH converted to 2 dwellings, with a smaller PH use retained.
- 1.2 The layout, scale and detailed design of the development would be sympathetic to the character of the area and provide enhancements to the setting of the listed building and wider Conservation Area.
- 1.3 There is adequate parking for the residential element of the development but the amount of parking across the site would equate to limited parking provision for customers of the PH and this is a limitation of the proposal.
- 1.4 The development would not have a harmful impact to neighbouring amenity, and matters in relation to ecology and surface water drainage are satisfactory.

2.0 Site Description

- 2.1 The site comprises a 2 storey Grade II Listed Public House (PH) with detached timber frame barn, also Grade II Listed, sited within a generous plot with rear PH garden and frontage/side parking. The site is shown on the attached OS Plan.
- 2.2 The character of the immediate area is mixed. The western boundary consists of a public footpath, beyond which are 2 storey detached dwellings that front Benington Road. To the north lie the higher density flats and terraced dwellings in Brook Field. The eastern boundary is curtilage with other residential properties, including the Grade II Listed property of 20 Benington Road. The western boundary adjoins Benington Road, one of the main route in and through the village.

2.3 The site lies within the Aston Conservation Area.

3.0 Planning History

3.1 There is no relevant planning history for the site.

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
Principle and development, reduction in the size of the Public House	Section 3, 6 and 9	GBC1, OSV1, STC8, EDE2	GBR1, VILL2, ED2, CFLR8
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 matters (Drainage and ecology)	Section 10	ENV19, ENV20, ENV21	WAT1, WAT2, WAT5

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 and recommend a number of conditions be imposed on any approval.
- 5.2 Lead Local Flood Authority raise no objections subject to conditions to ensure that the development be carried out in accordance with Foul and Surface Water Drainage Assessment.
- 5.3 Thames Water comment that with regard to surface water drainage, this is the responsibility of the developer and there are no objections with regard to sewerage infrastructure capacity.
- 5.4 EHDC Conservation and Heritage Advisor recommend approval. Comment that at ground floor, the original floorplan will be understood, whilst at first floor level, the partitions and doors to be removed are all of little or no interest as the first floor has been heavily altered during the C20th. Note that two proposed dwellings have been omitted, Unit 3 has been set back from the road to stagger the building line and Unit 5 now sits more comfortably as a detached house. Landscaping has improved the setting of the front of the Grade II listed Rose and Crown along Benington Road. Support the omission of the earlier proposed gates.
- 5.5 Historic Environment Advisor recommends that due to the nature of the proposed development it should be regarded as likely to have an impact on heritage assets of archaeological interest and recommend the imposition of a condition to properly provide for archaeology.
- 5.6 EHDC Landscape Advisor raises concern that the amended landscape proposals that do not adequately address the key landscape issues. Although there would be no unacceptable impact to trees, and following amendments are also content that the building No.3 now aligns more acceptably with the neighbour and the public house building, concern is raised with the parking forecourt and discordant visual geometry and appearance. The setting for the listed barn is unimproved by the proposed parking and the landscape plan lacks detail.

- 5.7 Herts Ecology comment that the bat survey and mitigation strategy provide sufficient information to be certain of the likely impact upon protected species. In regards to reptile surveys, comment that this is not recommended.
- 5.8 HCC Development Services commented initially seeking financial contributions towards primary and secondary education, library service and youth services. Following amendments to the number of units, the development now falls below the threshold for when such contributions can be sought.
- 5.9 EHDC Environmental Health Advisor recommends refusal and comments that insufficient information has been submitted in regards to noise reports. If minded to approve recommend a number of conditions in respect to sound attenuation and management of the PH.
- 5.10 EHDC Environmental Services note that the refuse lorry will not have access to the site and comment that there appears no space for the freighter to stop and empty bins from the centralised collection point. Crews will only move bins a maximum of 25 metres.
- 5.11 Herts Fire and Rescue Service make comments that access for fire-fighting vehicles should be in accordance with Building Regulations. Vehicle turning facilities for such vehicles shall be provided and access provision made.

6.0 Parish Council Representations

- 6.1 Aston Parish Council objects to the proposal. They have made a number of comments on the application and subsequent amendments and addendums, raising concerns on the following:-

Housing layout and density

The planned housing development in the centre of the village, which is a designated Conservation Area, is much denser than the housing around it. The access roads are too narrow and do not allow access for large vehicles or provide any parking for visiting vehicles. The

two 3 storey houses are out of keeping with the adjacent housing in the conservation area, all of which is 2 storey.

The proposed micropub

Up until its closure in December 2014 the Pub had been a focal point of the village. However the pub appears to have been poorly managed for many years, as indicated in the independent report prepared for the developers. There has been interest since 2014 from local persons to purchase the site for re-open it as a PH, but rather it has, on a number of occasions, been sold to developers. The proposed micropub that has 26 seats, no kitchen and serves mainly quality beer and snacks. This is not what the village meeting indicated they would support in a recent village meeting. In addition, with only 3 allocated parking spaces, the proposed pub is too small to serve the village and the local rural community.

Pub Frontage

The plans indicate that the existing car park frontage between the pub and the house at 8 Benington Road will be lost. Benington Road is a busy road with many narrow stretches and with no pavement. Much of the existing pub and car park frontage provides a safe area for pedestrians, passing vehicles and a bus stop which will be largely lost.

Car Parking and Transport

The car parking does not meet the minimum standard for each size of house. In Aston many houses exceed the guideline number of cars, as there is no meaningful transport to provide access to trains, frequent buses, Stevenage Town Centre, employment areas etc.: people have to rely on cars. In addition, there is no parking provision for visiting vehicles of any kind on the proposed site, as the proposed access roads are too narrow and Benington Road is a busy and very narrow road, which cannot be parked on. The proposed allocation of only 3 spaces for the pub (including its staff) is too small.

Heritage

The views of the pub would be unacceptably blocked by the proposed parking scheme immediately in front of it and views of it from the public footpath to the south of the site would be largely lost. The setting would be fundamentally and irrecoverably changed. The scale of the development would mean that the pub would no longer be in a typical rural pub setting – it would instead just be an older building surrounded by a new development. Its significance as an historic rural pub would be lost. The public house could not, therefore, be re-established in the future unless most of the planned development was demolished and cleared.

They suggest a number of Conditions to be imposed on any grant of permission, relating to:- the footpath to the west of the site and comments regarding its usability and safety; measures to stop overfill car parking in locality; size of the bus layby; size of internal roads; sound proofing; the need for a construction management plan and the need for the notice board to be re-erected. They also comment that the development does not benefit the area with any financial contributions or ‘planning gain’.

7.0 Summary of Other Representations

- 7.1 The application was advertised by way of a site notice, press notice and neighbour notification.
- 7.2 There have been 32 letters in support, commenting:
 - Removes the current eyesore and will be an asset to the village
 - Provides housing and secures community use
 - Development is attractive and in keeping
 - Will positively enhance the centre of the village
- 7.3 There have been 189 letters received for the initial and amended application objecting and commenting:
 - Amount and scale of dwellings are out of keeping with area - an overdevelopment
 - Public House too small, destined to fail

- Their viability report on the loss of the PH inaccurate. Was interest to re-open it as a PH
- Loss of PH garden and parking – is an important amenity
- Insufficient parking spaces
- Conflict with bus stop and restrictive access for refuse vehicles
- Will add to road congestion. Safety concerns for other drivers and pedestrians
- Overlooking and loss of light to neighbouring properties
- Harmful impact to Conservation Area and setting of listed buildings
- Ecological surveys have not been conducted
- Loss of trees
- Area already suffers from inadequate foul drainage disposal- will add to issues
- No provision of affordable housing
- Local school already at capacity
- All properties should be wheelchair accessible

8.0 Consideration of Relevant Issues

Principle of development

- 8.1 Aston is identified within the Local Plan as a Category 2 Village, where limited in-fill development will be permitted in accordance with Policy OSV2 which includes criteria such as how the development relates to the form, connections and scale of the village; whether it is well designed such that it would not block important views or detract from the openness of the area or neighbour amenity.
- 8.2 Policy OSV2 is in general conformity with the NPPF which at Paragraph 89 allows for 'limited in-filling in a village'. Officers are content that the site is within the built up area and that Aston itself is a village. The principle of infill development is therefore acceptable and subject to consideration of its detail.
- 8.3 Whilst the principle of development of housing at the site is accepted, the proposal does result in a reduction in the size of the existing Public House (PH). The existing PH has a usable bar service

floor area of 72 square meters. This is reduced to 33 square metres in floor area for a 'micro-brewery', offering 'a meeting place for coffees and teas during the mornings, quality light lunches and craft beers and spirits in the evening.'

- 8.4 Policy STC8 relating to Local Centres and Rural Provision, acknowledges the important role played by such facilities within settlements and rural area. It states that proposals which would result in the loss of an asset such as a public house and similar will not be permitted where such loss would result in a significant reduction in the level of such provision locally available.
- 8.5 The proposal of course does not result in the loss of the facility; rather it results in a substantial reduction in size. There is no policy or guidance for this position. However, Policy STC8 does provide some guidance in outlining that in determining the significance of the loss of such a unit, consideration will be given to how long the premises have been vacant; the use of the premises and its contribution to a range of provision available to the local population; and if there is clear evidence that it is not possible for the use to continue as a viable business.
- 8.6 The application has been submitted with a Viability Statement relating to the business. It provides a précis of the financial history details the operation of the public house by various operators, landlords and tenants. It shows a history of financial difficulties since 2000 and from 2013, the public house was offered at a significantly reduced rent. From 2014 the PH has been vacant. The Local Parish obtained a community protection order over the property, understood to be to allow them to secure funding and acquire the property for pub use for the benefit of the village. The order is understood to have been in place for over a year, but the village and Parish were unable to secure sufficient funding to establish a viable future of the PH and the community protection order was released. Overall, Officers are content that the premises have been shown to be unviable over a period of time. There is another similar facilities within the village (albeit offering a different pub experience to the Rose & Crown) and others in nearby Villages and at Stevenage. This proposal would result in a retained but

different community facility within the village that would serve to support the economic and social role in maintaining a viable community. It is considered that it would therefore not be contrary to Local Plan Policy.

- 8.7 Concern has been raised by the Parish Council and third parties that the size of the retained PH is such that it is 'destined to fail' and that the layout of it would easily later convert to a dwelling. However, there is little evidence to conclude that a smaller unit for a PH, coffee shop or similar would not be viable, although Officers acknowledge that the parking limitations for the business do weigh against it (as addressed later in this report). The LPA of course are required to determine the application on the basis upon which it has been submitted and any potential future proposals would need to be considered properly at that time and in accordance with Policy.

Layout, design and scale

- 8.8 The proposals are to build a detached house on the car park to the side of the existing PH, a terrace of three houses and a detached house to the rear of the site and the conversion of the barn into a detached house. The PH is converted into a terrace of two houses and a smaller retained pub.
- 8.9 The siting of the frontage dwelling (Unit 3), is set back from the road and provides a stagger to the existing building line. It will be similar in scale to the adjoining 2 storey dwelling, and although larger than the PH itself, will, due to the stagger in siting and its high quality design and materials, ensure that it will appear acceptable in the street scene. The removal of the large expanse of existing unbroken hard standing, and the introduction with the softer frontage to the PH will enhance the frontage and street view.
- 8.10 The internal layout is proposed as an informal cul-de-sac, dictated by the siting of the retained and converted listed barn. Given the mixed character of dwellings within the area, this would not appear harmful to the locality. The scale and design of the dwellings would be in keeping to those in the area and would be acceptable.

- 8.11 The dwellings will have a pleasing relationship to the internal access road, although the rear is somewhat dominated by hardstanding within the shared parking area, there are opportunities to enhance the site with soft landscaping. The dwellings would not appear cramped or congested on the site, and would be sympathetic to the grain of development in the area. The existing footpath to the west of the site would be retained.

Residential amenity

- 8.12 The siting of the dwellings and associated parking and turning areas are such that there would be no harmful impact to neighbours amenity from overlooking, loss of light, outlook or noise disturbance.
- 8.13 A small outside area is assigned for the retained PH which is alongside an adjacent residential property. Given the previous amount of outside seating for the PH and the limited area now assigned to the smaller PH, this is not considered harmful to neighbouring amenity from noise disturbance or similar.
- 8.14 In terms of amenity for future occupiers, whilst the two units within the converted PH would not benefit from private amenity space and would have their rear windows facing onto the access road, they do benefit from a pleasing landscape frontage that would overall provide acceptable amenity for the size of units. The other units would benefit from private external amenity space and internally would provide a satisfactory level of amenity for the future residents.

Highway matters and parking provision

- 8.15 The application has been submitted with a Transport Statement, and a number of changes are proposed to the site frontage, including to the existing highway boundary. The highway boundary presently forms an irregular pattern, forming a Trapezoid shape between the back of the carriageway and the PH frontage. This facilitates the historic arrangement of allowing an area outside of the PH to be formally part of the highway, and continues to be used for the bus alighting/boarding area. The application proposes

stopping up an area of land outside the pub which forms a part of the highway boundary. The application proposes to both retain as part of the public highway to form a continuous 2m strip of highway to facilitate safe through pedestrian movements and to allow bus access.

- 8.16 With respect to the road width of Bennington Road outside of the existing public house building), the Highway Authority are content that within the bus lay-by section, a 5.5m width carriageway can be provided, and would allow a scenario such as a bus to be waiting in the lay-by and a large vehicle or HGV to pass at the same time. The bus stop will need to be relocated, including a kerb upstand area to facilitate boarding/alighting of the bus.
- 8.17 The internal site layout provides a turning head arrangement within the site and would facilitate the turning by service/delivery vehicles for egress out of the site in forward gear.
- 8.18 In regards to parking provision, the proposal would result in a total provision of 20 parking spaces to serve the development (which consists of, 3 no. 2 bed dwellings, 3 no. 3 bed dwellings and 2 no 4 bed dwellings, as well as the PH). In policy terms the adopted standards would require a maximum of 17.25 spaces for the residential and 11 for the PH use excluding staff parking (the standard requires 1 space per 3m² of floorspace plus 3 spaces per 4 employees). The emerging standards increase this to 19.5 spaces respectively for the residential element, whereas the requirements for the PH use remain the same.
- 8.19 The site is located in Zone 4 where policy allows for 75% accessibility reduction. However, it is acknowledged, and is a main comment from third parties, that the surrounding roads to the site provides for very limited to no opportunity for on street, and that those roads are narrow and generally busy through routes (for vehicles and pedestrians) due to the proximity of the school.
- 8.20 Although the lowest parking demand is achieved when parking spaces are unallocated, this is of course this is not possible where spaces are within the curtilage of a property. A communal format of

unallocated spaces can also be unpopular with residents and cause issues where there is a shared commercial use.

- 8.21 In this instance a solution may be to have allocated spaces for the residential and public house use. This could be secured via Conditions requiring a parking management plan to be agreed and retained through a management company which would also secure other areas of communal maintenance responsibility at the site.
- 8.22 In summary, the development could provide for 2 spaces per dwelling (except unit 3 which will have 3 spaces due to the garage and private driveway), which is considered acceptable in accordance with the parking standards. However, this provision would provide only 3 spaces at the rear of the PH for any staff or visitors, which is considerably short of the parking standards. This reduced provision of Pub parking is a factor that weighs against the proposal and is a matter that could affect its long term viability. Officers have balanced this issue but consider that given that some parking provision can be secured, and due to its size and potential to attract customers mainly from the village that it would not be a reason to refuse planning permission.

Ecology

- 8.23 A preliminary Ecological Appraisal was submitted, which identified that further Bat Activity Surveys be undertaken. These additional Surveys identified 3 species of bats within the Barn and the PH. With regards to the PH, the roost features will be retained (such that no European Protected Species (EPS) Licence will be required). The works to convert the barn will require an EPS Licence. A detailed mitigation strategy has been submitted and Hertfordshire Ecology is satisfied with its content. Overall, the 3 Derogation Tests will be met and Officers are content that the development will secure a long term use viable use of the listed barn which is of overriding public interest to which there is no satisfactory alternative and given the comments from Herts Ecology are content that the favourable conservation status of the species will be maintained.

Drainage

- 8.24 The site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. The application has further been submitted with full details regarding foul and surface water drainage, which have been assessed as acceptable.

Heritage

- 8.25 In terms of the alterations and subdivision of the PH, this has been carefully considered and whilst the division does stray into part of the next cell, the exposed timber frame will allow for the original floorplan to be understood. The revised layout for the bar area is considered to be far more sympathetic to the remaining historic character of this much altered building. At first floor level, various partitions and doors are proposed to be removed, but these are all of little or no interest as the first floor has been heavily altered during the C20th.
- 8.26 The proposed alterations to the listed barn are a positive element in principle as they would secure a long-term sustainable use for the dilapidated building. The proposals provide sensitive fenestration and internally little interventions on the historic structure, whilst the large open living/dining area will allow for an appreciation of its historic rural agricultural character. Externally, the barn doors are to be retained and fixed open, with glazing within the former opening.
- 8.27 In heritage terms the overall development is considered of a high quality layout and the detailed design is such that it would enhance the character and appearance of the Conservation Area and the setting of the listed building on and adjoining the site.

9.0 Conclusion

- 9.1 The principle of residential development at the site is supported and whilst the reduction in the size of the PH is regrettable, the development would still retain a PH to support the vitality of the village. The proposed layout, scale and design of the development are considered in keeping with the character and appearance of the area. Although the frontages of the internal dwellings are dominated by hard standing, this would not be apparent from outside the site, and its impact could be reduced with high quality

hard materials and appropriate soft landscaping. The frontage of the site and the setting of the PH is improved, and would be enhance the street scene and the wider Conservation Area. The development would be sympathetic to the heritage assets on site.

- 9.2 Whilst some harmful weight is assigned in relation to the restricted parking provision for the pub, this is not considered to outweigh the benefit of the proposals.
- 9.3 The development would provide for acceptable impacts to neighbouring and future occupants. Impacts to ecology and flood risk and drainage are acceptable.
- 9.4 It is recommended that the proposals are granted permission subject to conditions.

Conditions

- a) That planning permission be GRANTED subject to the following conditions:
 - 1. Three Year time limit (1T12)
 - 2. Approved Plans (2E10)
 - 3. Sample of materials (2E12)
 - 4. Level (2E05)
 - 5. Boundary walls and fences (2E09)
 - 6. Archaeology (2E02)
 - 7. Contaminated land survey and remediation (2E33)
 - 8. Removal of Part 1, Class A (2E20)
 - 9. Removal of Part 2, Class B (2E21)
 - 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, no development as specified in Schedule 2, Part 2 , Class F shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development and in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

11. Prior to the commencement of development on the existing Public House, a scheme providing for the insulation of the proposed dwellings within the Public House conversion against the transmission of noise shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the first occupation of those permitted dwellings.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

12. External loudspeaker (2E25)
13. Lighting details (2E27)
14. New doors and windows - unlisted buildings (2E34)
15. Provision and Retention of parking spaces (3V23)
16. Garage use (5U10)
17. Wheel washing (3V25)
18. Prior to the first occupation or use of the development hereby approved, a parking management plan shall be submitted to and approved in writing by the local planning authority, and thereafter the parking shall be retained in accordance with then plan, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate off street parking provision for the development, in the interests of highway safety, in accordance with policy TR7 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of the development hereby permitted, details of the arrangements to be implemented to ensure the management and maintenance of any non-adopted common areas

of the site, including the internal roads, parking areas and landscaped areas shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed, those arrangements, which may constitute the formation of a Management Company, shall be implemented prior to the first occupation of any of the dwellings hereby permitted and thereafter remain implemented in perpetuity unless alternative arrangements are submitted to and agreed in writing by the Local Planning Authority.

Reason: To secure the long term maintenance of the common areas and internal roads and in the interest of residential and visual amenity.

20. Tree/hedge retention and protection (4P05)
21. Landscape design proposal (4P12) e) – l)
22. Landscape design implementation (4P13)
23. Prior to the first occupation of any of the dwellings hereby approved, the works to the listed building, its garden and parking allocation as hereby approved, or as subsequently approved, by the Local Planning Authority, shall be fully completed.

Reason: To ensure that the community use is retained and in the interests of the appearance and setting of the listed building, in accordance with Policy STC8, LRC10 and LRC11 and the National Planning Policy Framework.

24. The use of the commercial premises shall be restricted to the hours 10.30 – 22.30 Monday to Saturday and 12.00 – 22.30 on Sundays.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007.

25. The development permitted by this planning permission shall be carried out in accordance with Foul and Surface Water Drainage Assessment report ref. ROS-HYDXXX-XX-RP-D-0001-P4 issued in January 2018 and the following mitigation measures as detailed

within the above mentioned report, unless otherwise agreed in writing by the Local Planning Authority.

- The scheme must provide either a combination of permeable paving and soakaways (infiltration option shown on drawing ROS-HY D-XX-XX-DR-D-2000-P3) or permeable paving with flow control restricting the final discharge rate to the public sewer at 1L/s (positive drainage option shown on drawing ROS-HYD-XX-XX-DR-D-2005-P2).
- Appropriate storage will be provided throughout one or the other option to ensure the system can cope the volume of water generated by the entire development site during all storms up to and including the 1 in 100 year storm event + 40% allowance for climate change.
- The drainage scheme will provide the appropriate treatment train prior to discharge to ensure water quality.

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

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

26. No development shall take place until a full final detailed surface water drainage scheme based on the principle agreed for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the viability of the scheme and confirm which option will be implemented. Preference should be given to shallow infiltration and if that is not achievable evidence to not follow the hierarchy of destinations for the discharge of surface water runoff must be provided. The scheme shall subsequently be implemented in accordance with the

approved details before the development is completed. The scheme shall as a minimum include:

- Engineering details of all the SuDS feature should be provided and in line with The SuDS Manual (CIRIA C-753) whatever the option implemented
- Confirmation of viable discharge mechanism:
- For the Infiltration option, that shall include the final designs of all the surface water features following results of more detailed soakage testing in accordance with BRE Digest 365 that must also include record of groundwater levels.
- For the Positive drainage option that shall include the formal permission to continue using the existing connection to the public surface water sewer from the water company that must include figures.

Upon completion of the development a final management and maintenance plan must be supported by a full set of as-built drawings, a post-construction location plan of the SuDS components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the viability of the drainage scheme and its capacity to cope the surface water from the development without increase the flood risk elsewhere

Directives

1. Other legislation (010L)
2. Street name and numbering (19SN)
3. Highway Works (06FC)
4. Justification Grant (JG1)

b) That listed building consent be GRANTED subject to the following conditions:

1. LB three year time limit (1T14)
2. Timber Structure (8L01)
3. New windows (8L03)
4. New doors (8L04)
5. Making Good (8L10)
6. Repairs Schedule (8L11)

Directive

1. Justification LBC (LB)G1)

KEY DATA**Residential Development**

Residential density	units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	
	3	0
Number of new house units	1	0
	2	3
	3	3
	4+	2
Total		8

Affordable Housing

Number of units	Percentage
0	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
1	1.25	
2	1.50	4.5
3	2.25	6.75
4+	3.00	6
Total required		17.25
Proposed provision		20 in total

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	6
3	2.50	7.5
4+	3.00	6
Total required		19.5
Accessibility reduction		75-100%
Resulting requirement		14.6
Proposed provision		20 in total

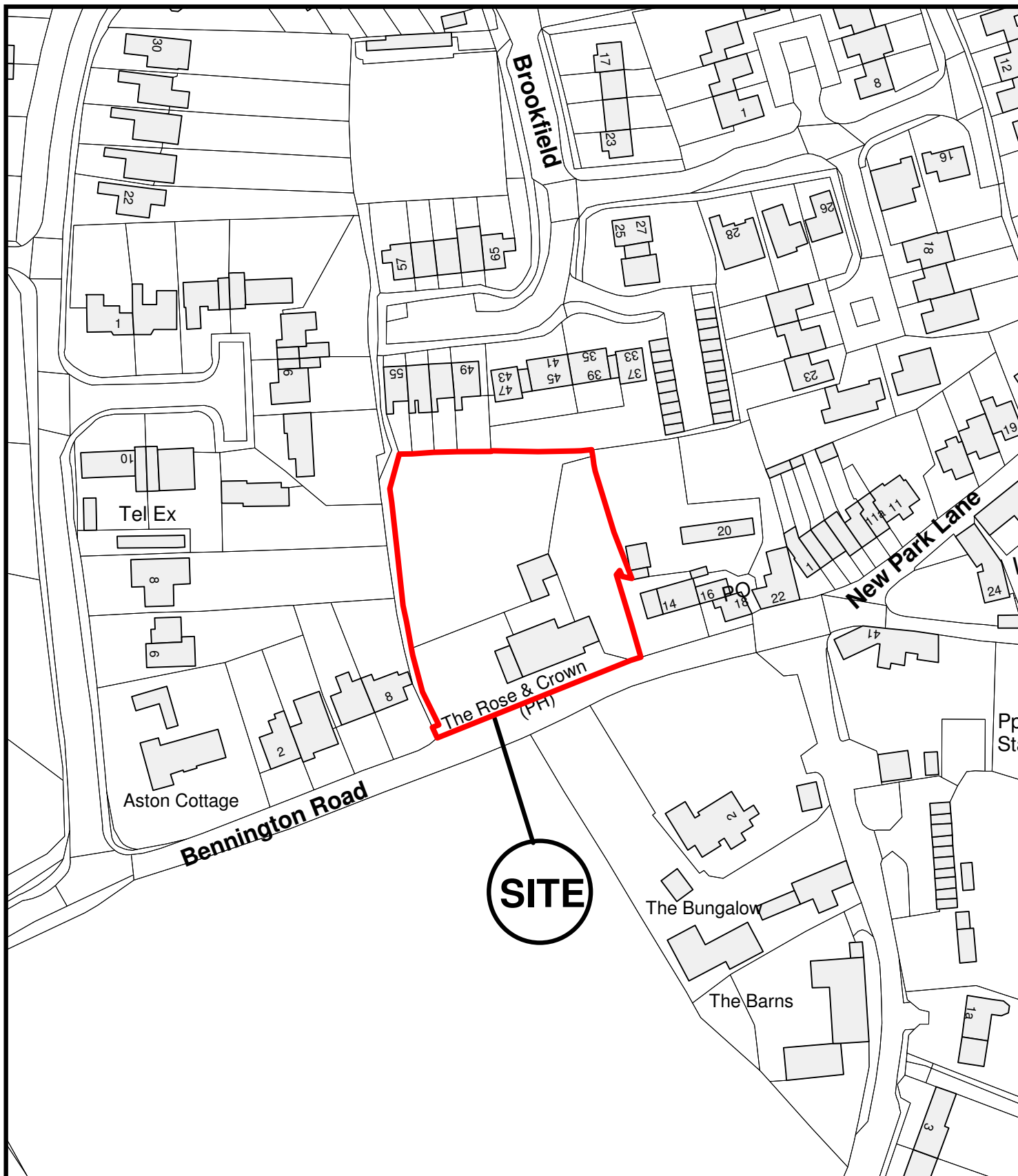
Legal Agreement – financial obligations

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	N/A	N/A	
Parks and Public Gardens	N/A	N/A	
Outdoor Sports facilities	N/A	N/A	
Amenity Green Space	N/A	N/A	
Provision for children and	N/A	N/A	

young people			
Maintenance contribution - Parks and public gardens	N/A	N/A	
Maintenance contribution - Outdoor Sports facilities	N/A	N/A	
Maintenance contribution - Amenity Green Space	N/A	N/A	
Maintenance contribution - Provision for children and young people	N/A	N/A	
Community Centres and Village Halls	N/A	N/A	
Recycling	N/A	N/A	

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Reference: 3/17/1491/FUL & 3/17/1492/LBC

Scale: 1:1250

O.S Sheet: TL2722

Date of Print: 07 March 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/17/2220/FUL
Proposal	Development of the land to provide 3no. commercial units at ground floor along with 10no. residential apartments (2no. at ground floor, 5 no. at first floor and 3no. at second floor
Location	34 – 36 Rye Street, Bishops Stortford
Applicant	Mr M Gross
Parish	Bishops Stortford
Ward	Bishops Stortford Meads

Date of Registration of Application	22 September 2017
Target Determination Date	1 March 2018 (ETA)
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is to relocate the existing car yard, demolish the office at No. 34 and the dwelling at No. 36 and redevelop the site to provide two buildings to accommodate ten residential units and three commercial units. The commercial units are located at ground floor of a three storey building with frontage to Rye Street. Above the commercial units are six residential units with direct access from Rye Street. The remaining four residential units are provided in a two storey building at the rear of the site.

- 1.2 Each of the commercial units has two parking spaces directly off Rye Street. At the rear of the site are five car parking spaces for the residential units. Sixteen cycle spaces, landscaping and refuse storage areas are also proposed at ground floor level.
- 1.3 The three commercial units are not considered likely to be let due to the location of the site and the lack of parking either on site or nearby. It is considered that the site would be more suited to a 100% residential use but this requires marketing evidence under Policy EDE2. The three commercial units have been included in the proposal in order to comply with Policy EDE2.
- 1.4 Another issue of concern is the siting of the building at the rear of the site and the impact this has on residential amenity.

2.0 Site Description

- 2.1 The site is currently occupied by a single dwelling and a car sales yard and is located on the eastern side of Rye Street, approximately 200m north of Bishops Stortford Town Centre and has a walking distance to the railway station of 1.2km.
- 2.2 The area of No. 34 which is occupied by the car sales yard has an area of approximately 800m². Most of this land is occupied by cars for sale, with a single storey building providing office space of 60m². The office space is occupied by the owner of the business and 2 to 3 employees. The site also has a large canopy towards the front. There is a right of way on the site that provides access to the industrial building at the rear.
- 2.3 No. 36 Rye Street is occupied by a two storey dwelling, with parking at the front of the site and a driveway along the southern boundary to the rear. Part of this site currently stores cars from the car yard.
- 2.4 Adjoining and nearby properties are mostly residential semi-detached and terraces. To the north of the dwelling at No. 36 Rye Street is a single dwelling that has a very generous set back from the street. The rear of this site backs on to dwellings in Stane Close.

On the western side of Rye Street is a retaining wall with well-established landscaping along Rye Street, which essentially forms the rear garden of No. 2 Squirrels Close.

- 2.5 The only non-residential uses nearby adjoin the site. These include an industrial building to the east and an office in a former residential dwelling at No. 32A. This industrial building and No. 32A share the access with the development site. There are other non-residential land uses near the site, but these are either closer to the town centre boundary or within the town centre. Further to the east is the River Stort and Green Belt.
- 2.6 There have been other non-residential uses but the sites have been redeveloped for residential. These sites include the former petrol station site at No. 1 Rye Street, No. 30 Northgate End and No. 27 Northgate End. The planning history for these properties is provided below.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
98/0333 34 Rye Street	Change of use to Car Sales	Grant subject to conditions	6.5.98
3/16/2453/FUL No. 30 Northgate End	Demolition of existing commercial brick structure. Proposed new building incorporating 4 residential units. Car parking to be retained to the rear of the property.	Grant subject to conditions	30.5.17

3/11/1148/FP No. 1 Rye Street (former petrol station site)	Erection of 7no 2 bed houses, 1no 3 bed houses and 1no 1 bed flat with associated car parking.	Grant subject to conditions	22.9.11
3/10/0711/FP No. 27 Northgate End	Demolition of office building and erection of 5 terrace houses, each with one parking space	Appeal Allowed	26.10.11

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) and Bishop's Stortford Neighbourhood Plan Silverleys and Meads (NP).

Main Issue	NPPF	LP policy	DP policy	NP Policy
Principle		EDE2	ED1	HDP1
Design, layout and scale	Section 7 Section 10	ENV1 NV2 ENV3 HSG6	DES1 DES2 DES3 DES4	HDP2 HDP3
Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU7	HDP1 HDP5
Parking provision, Traffic impacts and cycle storage	Section 4	TR1 TR4 TR7 TR14	TRA3	TP7 TP8
Surface water drainage	Section 10	ENV21	WAT5	

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

The District Plan is at examination stage and has some weight to be considered in the assessment of planning applications.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority advises that it is content with the principle of the redevelopment of the site and the car parking provided, which is 0.5 spaces per unit. This is due to the site being within 400m of services and facilities. The existing business would generate a lot of traffic and it is unlikely that the proposal would create more. The access is satisfactory and conditions and a S278 agreement are proposed should permission be granted.
- 5.2 Lead Local Flood Authority states that the proposal requires a surface water drainage assessment as the proposal provides 10 residential units. Without drainage details the Lead Local Flood Authority object to the application.
- 5.3 Environment Agency advises that it has no objection to the proposal but would require several conditions should planning permission be granted. These conditions related to contamination assessment and verification, long-term monitoring, unidentified contamination, borehole decommissioning, no SuDS infiltration into the ground and piling.
- 5.4 EHDC Engineering Advisor states that there are not historical flood incidents at the site but Stane Close had flooding from the River Stort in 2002. No drainage strategy has been submitted with the application, contrary to Policy ENV21 and the NPPF in regard to sustainable construction.
- 5.5 HCC Development Services advises that the proposal is for 10 residential units and therefore planning obligations will not be sought.
- 5.6 EHDC Environmental Health Advisor raises objection to the proposal on two grounds. Firstly, there are no details on the noise generated by the adjacent industrial unit and secondly, no contamination assessment has been provided with the application. The former use was a petrol filling station.

- 5.7 Herts Police Crime Prevention Advisor is disappointed that the proposal has not addressed paragraphs 58 and 69 of the National Planning Policy Framework or local policy ENV3 Planning Out Crime and HDP3 of the Neighbourhood Plan. The car parking does not appear to be secured and this should be made clear. If planning permission is to be granted then it is requested that a condition be included requiring the scheme to meet Secured by Design accreditation.

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

6.0 Town/Parish Council Representations

- 6.1 The Town Council objected to the proposal on the following grounds:

- overdevelopment of the site.
- detrimental to street scene and out of keeping in appearance with neighbourhood properties.
- loss of a commercial unit and employment opportunity.

7.0 Summary of Other Representations

- 7.1 4 responses have been received objecting to the proposals on the following grounds:

- three storey at front is excessive and prominent and out of character with locality
- gable end roof design is out of character with most properties being hipped.
- two storey rear building is out of character and will impact on residential amenity.
- flats are out of character with the area
- site is liable to flooding.
- overshadowing of house and garden of Nos. 36A, 36C and 38 Rye Street. A light report has not been submitted.

- loss of light to No. 35 Stane Close garden.
- overlooking of dwellings and gardens of No. 36A, 36C and 38 Rye Street and 35 and 37 Stane Close.
- loss of outlook of No. 36C.
- refuse bin for Block 2 too close to boundary and is likely to be overfilled resulting in odours and attracting vermin.
- increase in traffic.
- inadequate parking for commercial and residential occupants.
- commercial use at ground floor will conflict with residential occupation above and adjoining dwelling at No. 36C.
- commercial units are not sustainable, which was established at the appeal for 30 Northgate End, as majority of area is residential.
- there is no need for new commercial units as there are empty commercial units in the town centre.

8.0 Consideration of Issues

Principle

- 8.1 The proposal includes three commercial units in order to comply with Policy EDE2 of the Local Plan, ED1 of the Draft District Plan in regard to the loss of the employment use. These policies require evidence that the existing employment use cannot be retained. This evidence has not been provided. Objections were raised by adjoining neighbours in regard to the provision of three new commercial units on the site not being needed due to other commercial units in the town centre being vacant. One objection also referred to the appeal at 30 Northgate End, where the loss of employment use was accepted. Policy ED1 of the Draft District Plan states that a proportional approach should be taken for non-designated employment areas. The site is located in an area that is mainly residential and it is considered that the applicant could undertake some marketing to determine whether there are alternative employment uses.
- 8.2 Notwithstanding the loss of the employment use, the principle of infill development is supported by the relevant planning policies.

The provision of three small commercial units has not been justified and is considered to be contrary to Policy EDE2 and ED1 and therefore is given substantial weight.

Design, Layout and Scale

- 8.3 The proposed three storey building at the front of the site is generally considered to be satisfactory with respect to its appearance. However the proposed building is two metres forward of the existing dwelling at No. 36 and is higher than the existing dwelling due to the orientation of the roof pitch. This will create an impact on No. 36C in terms of outlook and loss of light to the habitable rooms at ground and first floor level as 36C is set back from Rye Street boundary by approximately 14 metres with car parking in front. There is no overlooking from the proposed residential units within the front building as the only window in the northern elevation is a small bathroom window which could be conditioned to be obscurely glazed with a limited opening.
- 8.4 The rear building is more problematic as there are habitable room windows facing the northern and eastern boundaries. These windows are 1.7m and 1.4m respectively from these boundaries. It is considered that these windows are too close to the boundary and will result in a significant impact on privacy of adjoining residents. The building is also likely to create a sense of enclosure as it is essentially a two storey building in the rear garden of No. 36 Rye Street.
- 8.5 The internal arrangement of the proposed residential units is generally satisfactory as they are all dual aspect. However bedroom 2 of Plots 9 and 10 are not likely to provide adequate privacy for the occupants of these bedrooms due to the communal corridor adjoining these bedrooms. This could be addressed by providing high level windows in these bedrooms.
- 8.6 A landscape plan has not been provided with the application and the majority of the site is hardstanding. It is considered that further landscaping is required on the site for future occupiers, adjoining neighbours and the public realm.

- 8.7 The supporting information with the application has not considered the potential impact of the noise and disturbance from the adjoining industrial building to the rear. Landscaping on site would help address the potential impact of this as well as the adjoining access. The impact of the development on the amenity of adjoining neighbours and future occupants carries significant weight.

Housing Density and Mix

- 8.8 The proposal includes the demolition of a 3 bedroom house and the provision of eight 2 bedroom residential units and two 1 bedroom residential units. This mix does not meet Policy HOU1 of the draft East Herts District Plan 2016 or Neighbourhood Plan Policy HDP1. This means that the District's housing needs are not being met in terms of the Strategic Housing Market Assessment 2015, which indicates that 1 and 2 bedroom units are only 6% and 7% of the range of housing needed, with the greatest need being 3 bedroom houses. It is considered that the proposal needs to address the loss of the 3 bedroom house, particularly given the greatest need for housing is 3 bedroom houses. In addition, at least 15% of the housing provided should be to lifetime homes standards in accordance with Policy HSG6.
- 8.9 It is considered that a better mix should be provided on the site and at least one 3 bedroom house should be re-provided. The weight given to the poor mix of units, the loss of a 3 bedroom dwelling is considerable as further justification is required due to the proposed development not meeting the District's housing need.

Parking provision

- 8.10 Objectors have raised concern about the number of parking spaces on site. However the Highways Authority did not raise any objection as the site is within 400m of the town centre and therefore is in a sustainable location to justify a reduction. There

are other recent developments in the vicinity that have had a reduced requirement for on-site car parking.

Sustainable Urban Drainage

- 8.11 The Lead Local Flood Authority has raised concern with the proposal as a drainage strategy has not been submitted. In addition, the Environment Agency has advised that there cannot be any ground infiltration in relation to SuDS due to the historical use of the site. The insufficient details carry considerable weight due to the constraints of the site and the potential for localised flooding to the east of the site.

Other Matters

- 8.12 The siting of the refuse bin for the residential units at the rear of the site is not considered to be the best location in regard to refuse collection. A better position would be either closer to Rye Street or within the car parking area where refuse vehicles could use the existing access to the south of the site.

9.0 Planning Balance and Conclusion

- 9.1 The details submitted with the application have not adequately addressed the loss of the employment use and demonstrated that the 3 proposed commercial units are viable for long-term employment use.
- 9.2 The design of the development has not addressed the constraints of the site or the amenity of adjoining and nearby neighbours and therefore is not considered to be of good design. There may be scope to provide a three storey building to house residential units on the site but the amenity of neighbours must to be taken into consideration. The encroachment of the existing front building line of the dwelling at No. 36 and the additional massing of the building creates an unacceptable impact on the occupants of No. 36C Rye Street. The proposed two storey building in the rear garden of No.

36 also creates a significant impact on the occupants of No. 36C and other adjoining and nearby neighbours.

- 9.3 Due to the proximity of the town centre, it is considered that the proposed on-site car parking is appropriate at 0.5 spaces per unit. The amount of car parking has been supported by the Highways Authority and is considered to encourage sustainable modes of transport rather than private cars.
- 9.4 The comments from the Lead Local Flood Authority and the Environment Agency are important in relation to the ability to provide sustainable urban drainage on the site.
- 9.5 The proposed mix of new housing does not meet the latest Strategic Housing Market Assessment and it is considered that there is scope for any redevelopment of the site to re-provide a 3 bedroom dwelling.

RECOMMENDATION

That planning permission be **REFUSED** for the following reasons.

- 1. Evidence has not been submitted to demonstrate that the retention of the premises for employment use has been explored fully without success, and the proposal would therefore result in the loss of premises which currently benefit from an authorised employment use, contrary to Policy EDE2 of the East Herts Local Plan Second Review April 2007 and Policy ED1 of the draft East Herts District Plan 2016.
- 2. The proposed development by reason of its inappropriate design, siting and layout fails to adequately protect the amenity of adjoining neighbours. The proposal therefore is contrary to the aims and objectives of Policy ENV1 of the East Herts Local Plan Second Review April 2007, Paragraph 64 of the National Planning Policy Framework and Policy DES3 of the draft East Herts District Plan 2016.

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 proposed housing mix does not meet the latest Strategic Housing Market Assessment contrary to policy HDP1 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads and policy HOU1 of the draft East Herts District Plan 2016.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	2
	2	8
	3	0
Number of new house units		0
Total		10

Affordable Housing

Number of units	Percentage
	0%

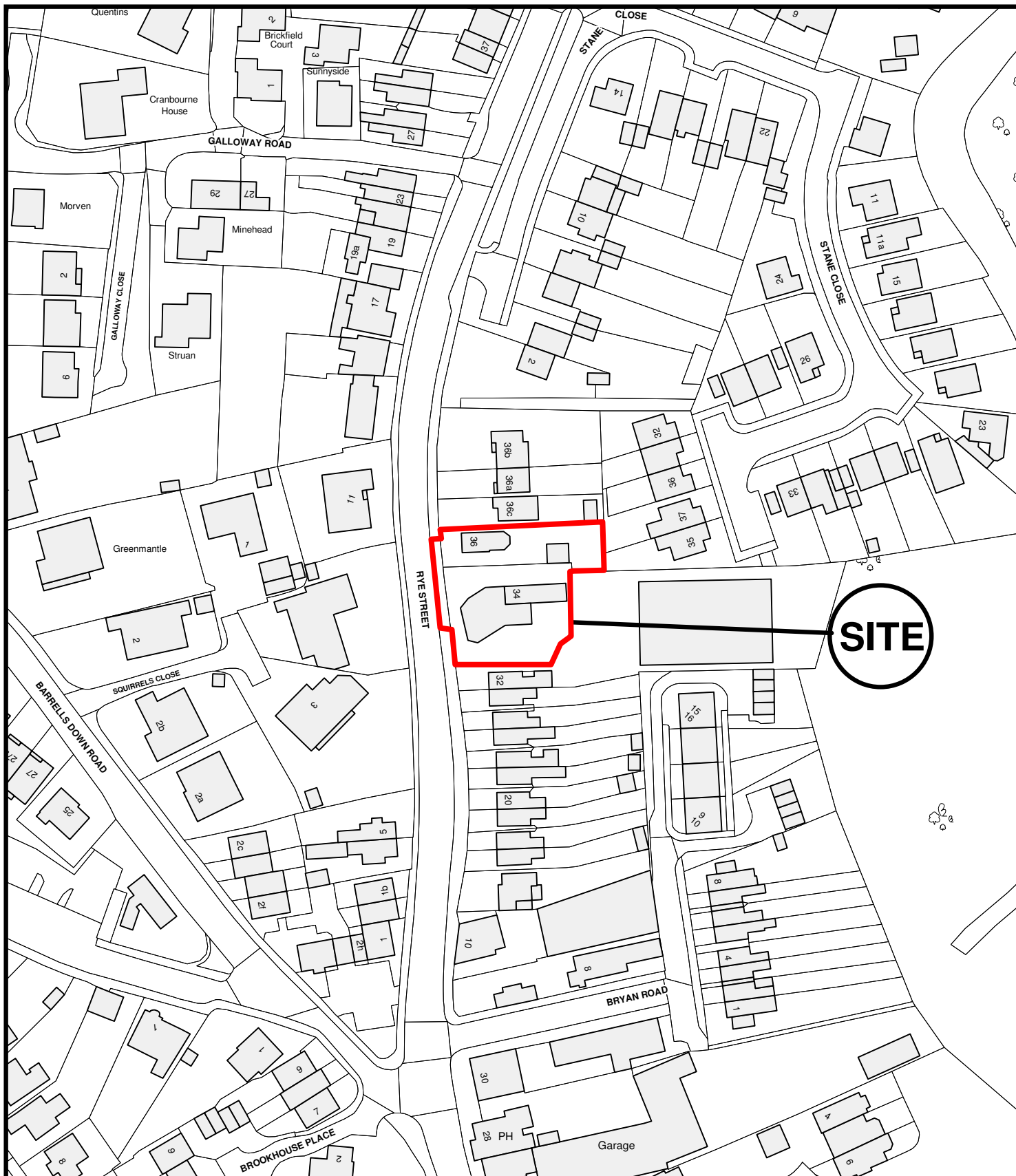
Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
2		
3		
4+		
Total required	9.5 maximum	9.5 spaces
Proposed provision	5	5 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		
3		
4+		
Total required	19	19 spaces
Proposed provision	5	5 spaces



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Reference: 3/17/2220/FUL

Scale: 1:1250

O.S Sheet: TL4821

Date of Print: 15 February 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/17/2959/FUL
Proposal	Removal of 4 grain store silos. Proposed installation of an Energy Storage Development consisting of 4 no. 2.5MW containerised batteries with ancillary operational equipment, for a temporary period of 25 years. Security close boarded timber fencing 2.4 metres in height installed around perimeter of the plant.
Location	Land At Wickham Hall, Hadham Road, Bishops Stortford, CM23 1JG
Applicant	Mr D Harvey
Parish	Bishops Stortford
Ward	Bishops Stortford Silverleys

Date of Registration of Application	22 December 2017
Target Determination Date	8 March 2018
Reason for Committee Report	Called in by Councillor Tim Page
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 of Proposal and Main Issues

- 1.1 The National Grid has sought stand-by battery facilities throughout the country to help deliver guaranteed energy supplies. The battery facility does not produce energy but stores energy to help deliver the supply from renewable technologies, which is set to increase with a decline in the use of fossil fuels for energy generation.
- 1.2 Due to renewable technologies not always producing energy, the storage of energy is required. The equipment proposed on the site

includes large battery containers that are self-bunded and air-conditioning units as well as a security fence around the perimeter.

2.0 Site Description

- 2.1 The site is approximately 534m² and is part of Wickham Hall. The location of the proposed equipment is currently occupied by 4 grain store silos and there are a further 6 silos to the south. To the north is an agricultural building. Adjoining the site to the west are some photovoltaic panels within an agricultural field. To the east of the site is agricultural land. Wickham Hall has a number of listed buildings on it which are to the northeast of the proposed development.
- 2.2 Further to the south of Wickham Hall is the A120 and to the south of this is land that is being developed for residential development.

3.0 Planning History

There is no relevant planning history for this part of Wickham Hall.

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) and Bishop's Stortford Neighbourhood Plan Silverleys and Meads (NP).

Main Issue	NPPF	LP policy	DP policy	NP policy
Principle	Section 9	GBC1	GBR1	
Design/Layout	Section 7 Section 12	BH1 ENV1	DES1 DES3 HA3	3.1.3.5
Neighbour amenity	Section 7	ENV1 ENV23	DES3	3.8.2

		ENV24		
Safety and infrastructure projects	Section 10	SD1 SD3	EQ1 CC2 CC3	

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 advised that the site is located on an existing private road, 1km north of Hadham Road. No objection subject to a condition for construction traffic and informative being included in any planning permission.
- 5.2 HCC Historic Environment Unit development is unlikely to have a significant impact on heritage assets of archaeological interest.
- 5.3 EHDC Environmental Health Advisor comments that the noise impact assessment addresses original objection but noise attenuation condition considered necessary. A condition requiring lighting is also requested.

6.0 Town/Parish Council Representations

- 6.1 Bishops Stortford Town Council is concerned about the potential visual impact. Planting trees around the area may reduce visual impact. Supports provision of own energy.

7.0 Summary of Other Representations

- 7.1 No comments received.

8.0 Consideration of Issues

Principle of development

- 8.1 The proposal is within the Green Belt and therefore Policy GBC1 of the Local Plan, GBR1 of the draft District Plan and Section 9 of the National Planning Policy Framework apply. The proposal is to replace 4 silos with 4 battery containers and associated equipment including cables, air-conditioning units and a 2.4m high fence around the site.
- 8.2 Policy GBC1 of the Local Plan and paragraph 89 of the NPPF identifies construction of new buildings in the Green Belt as inappropriate. Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt but identifies exceptions. The proposal does not fall under any of the exceptions listed. Paragraph 90 identifies other forms of development that are not inappropriate. However the proposal does not fall under any of these.
- 8.3 Paragraph 91 acknowledges that elements of renewable energy projects will comprise inappropriate development. In these cases, developers will be required to demonstrate very special circumstances if the project is to proceed. This may include wider environmental benefits associated with increased production of energy from renewable sources. The proposed development is considered to fall under a renewable energy project.
- 8.4 The proposed battery energy storage plant is to provide power supply for the local area if there are supply interruptions or where there is insufficient capacity within the Grid. A significant number of new houses are being constructed and are planned for in Bishop's Stortford and with the transition from the use of fossil fuels to renewables energy generation, there will be a greater challenge to maintain the constant supply of energy. The proposal will help store energy for this purpose and is considered to provide wider social and environmental benefits as it will ensure that there is a constant power supply for existing and new residents and businesses in the locality.
- 8.5 The proposed buildings will not have a greater impact on the openness of the Green Belt as the battery containers and associated

equipment will be 3.1m lower in height than the existing four silos and will not be as bulky as the existing silos. The siting between an agricultural building and retained silos will not impact on views or the openness of the green belt.

- 8.6 It is therefore considered that the proposal is consistent with paragraphs 88 and 91 as there are very special circumstances for this project by way of the proposal being a renewable energy project.

Design/Layout

- 8.7 The siting of the plant is between 6 retained silos to the south and a large barn to the north. The proposed plant has a slightly larger footprint than the existing silos but this is not considered to materially impact on the site due to the height of the structures proposed and the enclosure of the plant with a 2.4m high fence.

Neighbour amenity

- 8.8 The battery containers will not generate any noise; however the air-conditioning units for each battery container will generate noise. A noise assessment has been submitted as there are existing dwellings and businesses nearby. There is also a new housing development under construction for 2,200 dwellings to the south of the A120. A condition is proposed requiring the noise generated from the plant to be limited to 5dBa below background noise levels.
- 8.9 A condition is proposed to be included requiring details of any lighting proposed. Any lighting proposed should not have an impact on nearby existing or future neighbours.
- 8.10 A condition is also proposed that the 2.4m high fence be painted dark green as it is shown on the proposed plans.

Safety Matters

- 8.11 The batteries proposed to be used on the site are lithium ion and unlike a traditional Lead-Acid batteries, leakage is extremely unlikely due to the lack of fluid within the GBS® container.
- 8.12 Regarding the medium voltage step-up transformers, the manufacturer NEC secure these within a self-bunded feature, which is an oil containment requiring no additional civils or ground work. In the unlikely event of transformer leak, this will prevent any spilling of oil onto the ground. The environmental health officer raised no objections in regard to potential contamination.

Other Matters

- 8.13 There are listed buildings within Wickham Hall that have been considered in the assessment of the application.
- 8.14 The Town Council commented that it was concerned with the visual impact of the proposal as it was unable to view the visual representation. It is confirmed that proposed elevations were submitted as part of the planning application, which were available to view online, and which clearly show the difference between the existing and proposed. Due to the reduction in height and bulk, it is not considered necessary to require a planting scheme or to require the applicant to plant any trees around the proposed plant.
- 8.15 The proposed development is not likely to generate any additional vehicle movements. The highways authority has not raised any concern with the proposal.

9.0 Planning Balance and Conclusion

- 9.1 The proposal is within the Green Belt and includes the demolition of existing buildings and the provision of equipment to assist in providing on-going provision of energy, which includes renewable energy supply. The proposed development is not considered to impact on the openness of the Green Belt and the conditions proposed will ensure the impact on existing and future nearby residents will be minimised.

RECOMMENDATION

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

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

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

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

4. Construction of the approved development shall not commence until a Construction Traffic Management Plan has been 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 include construction vehicle numbers/routing of construction traffic

through the existing construction access points of the adjacent development and thereafter shall be carried out as approved.

Reason: In order to protect highway safety and the amenity of other users of the public highway.

5. Noise resulting from the development hereby approved shall not exceed a level of 5dBA below the existing background level plus any penalty for tonal, impulsive or distinctive qualities when measured or calculated according to BS4142:2014.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

6. The 2.4m high perimeter fence shall be painted dark green.

Reason: To ensure the proposed development does not create a detrimental impact on the visual appearance of the site.

7. When the development is no longer in use or at the end of 25 years, whichever is sooner, all equipment shall be removed from the site and the site shall be restored to the satisfaction of the local planning authority.

Reason: In the interests of visual amenities of the area.

Informatives

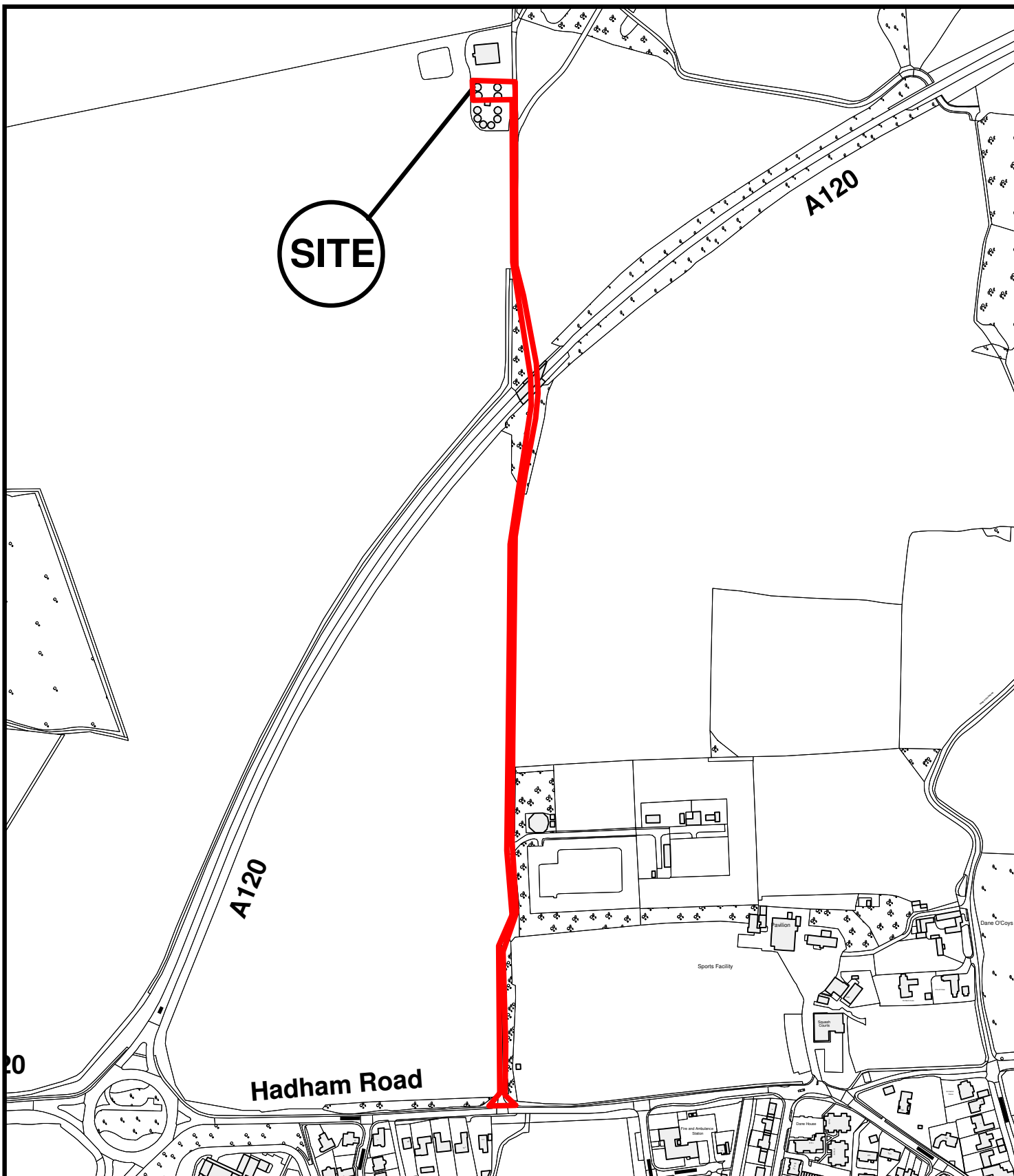
Prior to commencement of the development the applicant is advised to contact the 03001234 047 to arrange a site visit to agree a condition survey of the approach of the highway leading to the development likely to be used for delivery vehicles to the development. Under the provisions of Section 59 of the Highways Act 1980 the developer may be liable for any damage caused to the public highway as a result of traffic associated with the development. Herts County Council may require an Officer presence during movements of larger loads, or videoing of the movements may be considered.

This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

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.

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Reference: 3/17/2959/FUL

Scale: 1:5000

O.S Sheet: TL4728

Date of Print: 05 March 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/17/2865/REM
Proposal	Application for reserved matters in respect of appearance, landscape and scale following outline planning permission allowed on appeal ref. 3/15/0206/OP for the demolition of 30 Wicklands Road and erection of 14 dwellings – minor amendments.
Location	Hunsdon Lodge Farm, Drury Lane, Hunsdon, SG12 8NU
Applicant	Mr L McGrenaghan
Parish	Hunsdon
Ward	Hunsdon

Date of Registration of Application	12.12.2017
Target Determination Date	31 March 2018
Reason for Committee Report	Major planning application
Case Officer	Tim Hagyard

RECOMMENDATION

That 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 Outline planning permission and reserved matters approval was previously granted for this site under reference 3/15/2217/OUT and 3/16/0899/REM for the erection of 14 dwellings. While that outline permission has lapsed, an earlier outline permission (Ref: 3/15/0206/OP) which was granted on appeal, remains extant. Details of highway access and layout were approved as part of this earlier outline permission.

- 1.2 The application now submitted is for the approval of the reserved matters. The previous permissions are a material consideration for determination of the application. As with the lapsed Reserved Matters permission, the details of the scale and appearance of the dwellings, are mostly two storey and of a traditional design with a mix of brick and weatherboarded finishes and pitched tiled roofs. The application also includes details of the soft and hard landscaping proposals for the site.
- 1.3 Minor amendments have been made to the materials, landscaping, boundary details, footpaths, provision of garden buildings and a substation location since first submission.
- 1.4 The main issues to consider are the acceptability of the detailed design landscaping, appearance and character of the development; its impacts on the Hunsdon Conservation Area and the acceptability of details for the future amenity of existing and new residents.

2.0 Site Description

- 2.1 The site is an irregular area of land located to the east of the village of Hunsdon. The northern part of the site includes Hunsdon Lodge Farm, a detached dwelling with a large mature garden, accessed via Drury Lane. Drury Lane provides vehicular access to a number of dwellings of various sizes, forms and designs itself and also links to the main road through the village. At the east end of Drury Lane are two public rights of way (footpaths 010 and 017) which link to the open countryside and the former Hunsdon Airfield to the east of the village. The northernmost part of the application site, to the north of Hunsdon Lodge Farm, forms part of the Hunsdon Conservation Area and a Scheduled Ancient Monument (a WWII pill box) is also located in this area. An approved scheme for its setting is a condition of the outline permission (3/15/0206/OP).

- 2.2 The southern part of the site comprises an open field which has a tree lined boundary to the east. To the west of this part are some allotments and the residential development of Wicklands Road, from where the site access is gained. Wicklands Road is a post war residential development of semi-detached and detached dwellings within a cul-de-sac. These align with and front onto the street and are set within good sized plots.

3.0 **Planning History**

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

Application Number	Proposal	Decision	Date
3/15/0206/OP	Outline permission for the erection of 14 dwellings with all matters reserved except access and layout.	Refused	14.10.2015
		Appeal allowed	17.05.2016
3/15/2217/OUT	Outline permission for the erection of 14 dwellings with all matters reserved except access and layout.	Approved with conditions	27.04.2016
3/16/0899/REM	Application for approval of reserved matters for 3/15/2217/OUT for: Appearance, landscaping and scale for the erection of 14 dwellings	Approved with conditions	23.06.2016
3/16/2288/VAR	Removal of condition 14 of LPA approval 3/15/0206/OP (As allowed on appeal)	Not determined	

3/17/2935/NMA	Non-material amendment to LPA 3/15/0206/OP - Amendments to layout.	Approved	10.01.2018
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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). A designation request has been made for the Hunsdon Neighbourhood Plan (NP).

Main Issue	NPPF	LP policy	DP policy	NP policy
Design and appearance	Section 14	ENV1	DES3	*
Impact on Conservation Area	Section 12	*	HA4	*
Landscaping	*	ENV2 ENV11	DES1 DES2	*
Neighbour amenity	*	ENV1	DES3	*

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 recommends grant of permission subject to a planning condition that the vehicle parking areas be accessible surfaced and marked and for surface water not to be discharged into the highway. They note the Planning Inspector did not this on the outline application subject of appeal but request it now.
- 5.2 Lead Local Flood Authority – landscaping does not affect approved drainage strategy. No objection on flood risk grounds.
- 5.3 EHDC Housing Development Advisor – requested confirmation of affordable housing provision. (The applicant has confirmed Units 7-

9 are social rented and Unit 10 will be shared ownership. This is an existing S106 obligation).

- 5.4 EHDC Conservation and Urban Design Advisor – considers the proposals appropriate in their built form and impact on the Conservation Area. A concern that there would be high fencing to Plots 12 and 14 has been addressed by indicating 600-900mm picket fencing. Comments on the long term maintenance of Scheduled Ancient Monument (this is part of discussions under the original planning conditions)
- 5.5 HCC Historic Environment Unit originally recommended a condition and programme of works. However there is a condition on the appeal outline permission and a partial discharge of this is recommended subject to an agreed 'strip map and record' exercise and the monitoring of groundworks for the construction of plots 13 and 14 and the drainage basin in the northern part of the site.
- 5.6 EHDC Landscape Advisor – The Landscape Officer advises the submitted Arboricultural Assessment, Tree Protection Plan and landscaping scheme are acceptable.
- 5.7 HCC Development Services – Aware of existing S106 agreement for education, childcare, library and youth services. No further comments.
- 5.8 EHDC Environmental Health Advisor – No objection
- 5.9 Herts Police Crime Prevention Advisor – No objection. Recommends applicant seeks Secured By Design accreditation.
- 5.10 HCC Rights of Way – Details to reinstate FP 10 need to receive HCC consent. No objection.

6.0 Town/Parish Council Representations

- 6.1 Hunsdon Parish Council request clarification on the effect of the Farmhouse no longer being part of the development, drainage details, construction access, permitted development rights and visitor parking.

7.0 Summary of Other Representations

- 7.1 1 response has been received commenting on the following:
- Impacts on Drainage strategy and approved Newt Mitigation plan
 - Can removal of permitted development rights be secured?
 - Is foul water via Drury Lane?
 - Impact of removing farmhouse from scheme?
 - Need for construction access from airfield
 - Request clearing of adjacent ditches on the allotments site
 - Footpath 10 needs to be reinstated
 - Visitor parking not shown

8.0 Consideration of Issues

Design and appearance / Conservation Area

- 8.1 To the north and west of the application site is the Hunsdon Conservation Area which comprises a mixture of traditionally styled dwellings. Around the main centre of the village these have a tight knit pattern and some distinctive finishes such as white weatherboarding and roof tiles. Drury Lane is generally more spaciouly laid out. Building heights are mainly at two storeys, although there are occasional bungalows.
- 8.2 The development proposal is similar to the previous approved details (now lapsed) and incorporates both detached and semi-detached dwellings at two storeys which Officers consider to be appropriate for the location having regard to the scale and character of development in Drury Lane and Wicklands Road.

- 8.3 The detailed design of the proposed dwellings includes gable and hip-gable pitched roofs, chimneys, canopies, porches and various changes to the alignment of the buildings which assists in breaking up the massing of the proposed dwellings.
- 8.4 The proposed range of materials has been slightly reduced to establish a stronger theme or pattern to the development and also chosen to have regard to local references such as the use of white weatherboarding within the village centre.
- 8.5 Officers consider that the appearance of the dwellings would respect the character and appearance of nearby residential developments, and have regard to the more historic setting of the adjoining Conservation Area and assign this matter positive weight in the application.

Landscaping

- 8.6 The landscape plan and site layout drawing provide details in respect of the soft and hard landscaping of the site. The soft landscaping plan shows the provision of grass and beech hedges to the communal amenity areas adjoining the proposed dwellings and a diverse mixture of planting immediately adjacent to the proposed dwellings. Low picket fences are proposed as part of the more open front garden treatment. The Landscape Officer considers that such planting design is acceptable in this location.
- 8.7 The plot frontages only include lower boundary treatments, picket fences 600-900mm, to maintain the open appearance of the public side of the housing and to keep the area open to view. New hedge planting is provided to existing properties within Wicklands Road. Such an approach is acceptable and is appropriate to the village setting.

- 8.8 In respect of hard landscaping, the plans show a mixture of permeable paving of differing design, the extent of which is considered to be acceptable. The specific materials of construction would again be subject to further assessment through the requirements of the relevant planning condition.
- 8.9 Overall Officers would assign positive weight to the landscaping considerations of the application.

Other matters

- 8.10 The comments from a neighbour on drainage and construction access have been referred to the applicant but are matters to be addressed under existing planning conditions of the outline permission in any event. The amended plans have sought to ensure they do not otherwise conflict with the outline permission for instance by providing for the reinstated public footpath 10 and setting of the SAM at the north end of the site.
- 8.11 Visitor parking, locations for rear bin stores, vehicle turning areas, a substation location are all details now added to the plans. The front gardens will be retained as more open garden amenity spaces to create a more pleasant street aspect for people walking through the development.
- 8.12 The appeal decision included a drafting error with respect to the removal of some permitted development rights. Such a condition can also pertain to landscaping and amenity. The location of a single outbuilding per dwelling is provided and subject to this the applicant has no objection to the removal of the permitted development rights which will be in the interests of amenity and also benefit the issue of flood risk.

9.0 Planning Obligations

- 9.1 The outline permission includes a Unilateral Undertaking to provide affordable housing and infrastructure contributions for the village hall, outdoor sports, education, library and youth services. No further requirement for new obligations results from the reserved matters details.

10.0 Planning Balance and Conclusion

- 10.1 In conclusion, the proposed details are similar to those previously approved but Officers consider to be improved by the attention of the current applicant to details. The submissions on affordable housing meet the obligations of the Unilateral Undertaking and align with the outline planning conditions such as for the scheduled ancient monument.
- 10.2 In respect of appearance and scale the development is considered to be sympathetic within the context of the existing village and also responds to its edge of village location. The hard and soft landscaping details are also considered to be acceptable and will provide for an attractive street scene and routes through the development.
- 10.3 The reserved matters relating to appearance, scale and landscaping the proposal are considered acceptable. Some details are yet to be finalised under the S106 and outline conditions but in terms of the reserved matters relating to appearance, scale and landscaping the proposal is acceptable. It is therefore recommended that those matters are approved, subject to the conditions set out below.

RECOMMENDATION

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

Conditions

1. Approved Plans (2E10) – amend to ‘prior to any building works above ground level’
2. Landscape Design (4P12)
3. Landscape Implementation (4P13)
4. 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 development as specified in Schedule 2, Part 1, Classes A, E and F or Part 2 Class A shall be undertaken. Reason : In the interests of the appearance of the development, maintaining the approved landscaping amenity of the site and managing future flood risk and in accordance with Policies ENV1, ENV9 and ENV19 of the adopted East Herts Local Plan.
5. Details of the external appearance of garden outbuilding and the substation shall be provided prior to any above ground works for their installation.

Reason: In the interests of the appearance of the development and in accordance with Policy ENV1 of the adopted East Herts Local Plan.

Informatives

1. Outline permission relationship (07OP)
2. The applicant is advised of the need to receive consent from HCC Rights of Way to the details of the public footpath reinstatement including surfacing and the stile/gate.

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, the grant of outline permission for 14 dwellings in April 2016 (LPA reference 3/15/2217/OUT) and the considerations of other recent permissions granted, is that the approval of reserved matters in respect of appearance, scale and landscaping should be granted.

KEY DATA**Residential Development**

Residential density	11.8 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		1
Number of new house units	1	0
	2	2
	3	5
	4+	7
Total		14

Affordable Housing

Number of units	Percentage
4	28.6%

Residential Vehicle Parking Provision

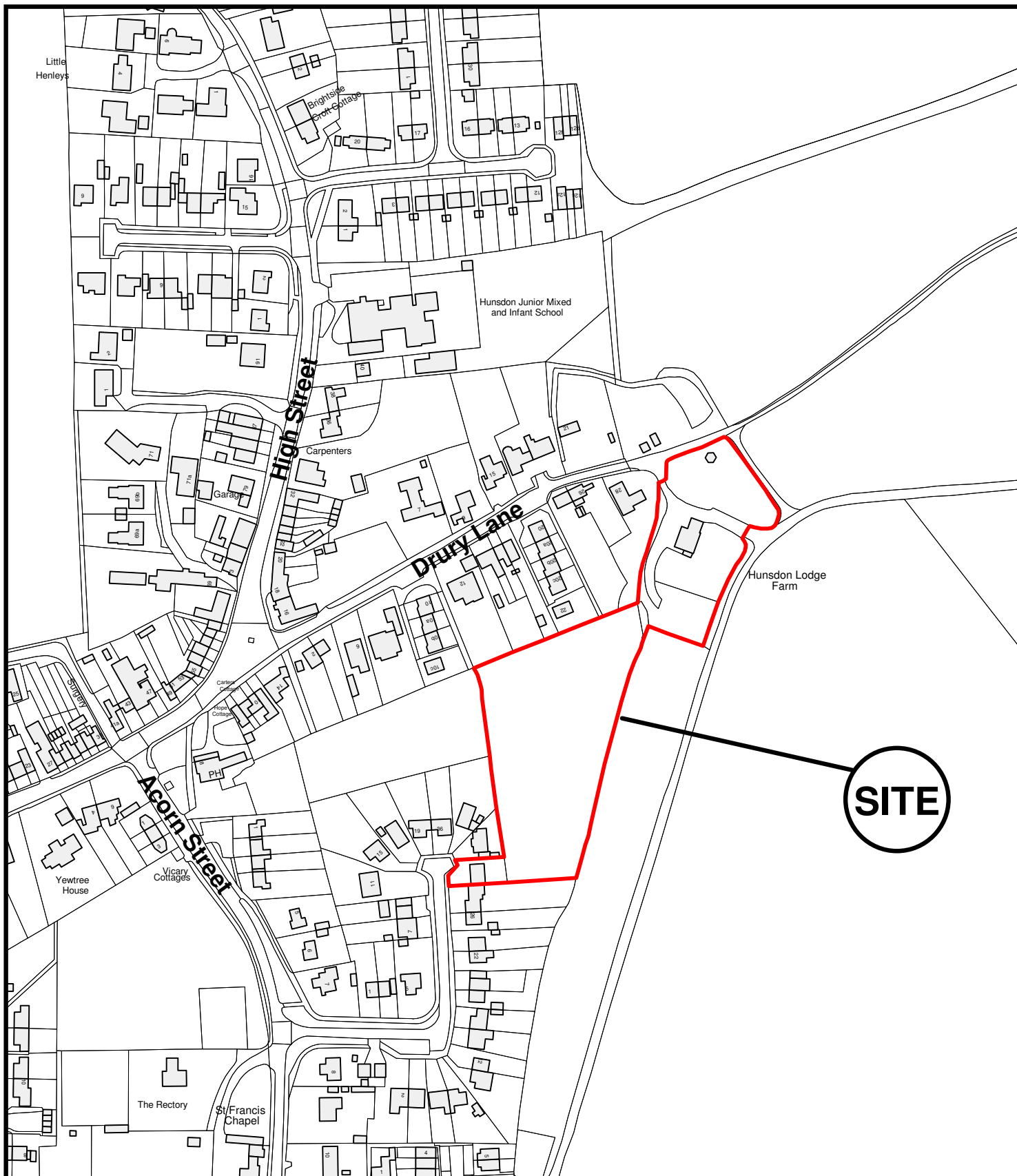
Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit (<i>amend if zone 2</i>)	Spaces required
1	1.25	0
2	1.50	3
3	2.25	11.25
4+	3.00	21
Total required		35.25
Proposed provision		41

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

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
2	2.00	4
3	2.50	12.5
4+	3.00	21
Total required		
Accessibility reduction	<i>Up to 25% reduction in Zone 4 but not applied in this case due to less frequent availability of alternative transport modes.</i>	N/A
Resulting requirement		37.5
Proposed provision		41

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Reference: 3/17/2865/REM

Scale: 1:2500

O.S Sheet: TL4214

Date of Print: 20 February 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/17/0414/REM
Proposal	Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 81 no. dwellings, associated garages, parking, open space and landscaping
Location	Area 3 South Hare Street Road, Buntingford
Applicant	Wheatley Homes Ltd
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	20 February 2017
Target Determination Date	15 September 2017
Reason for Committee Report	Major planning application
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 The site benefits from outline consent for approximately 80 dwellings with access approved off Hare Street Road to the north. The principle of development has already been established and is therefore not a consideration in determining this reserved matters application. This report will focus on the reserved matters of scale, layout, appearance and landscaping.
- 1.2 Whilst this reserved matters application is for 81 dwellings, a total of 86 dwellings is proposed on the site but five of these dwellings are subject to a separate full planning application. This is a result of the provision of a new access off Hare Street Road, which could not be considered in the reserved matters application. This new access has

been accepted in principle by the Highway Authority and the full planning application will be submitted in March 2018. The provision of affordable housing is based on 86 dwellings and is consistent with the S106 planning obligations for the outline planning permission.

- 1.3 The development is proposed as a low density, well-landscaped scheme that will respect the character and appearance of the surrounding area. The layout provides good permeability with opportunities to encourage walking and cycling across the site. The scheme includes sustainable drainage and well-designed amenity green space with a play area. The external appearance and scale of the development is also considered to be acceptable, and overall it is considered that the design is of high quality in accordance with national, local, and neighbourhood planning policies.
- 1.4 Parking provision, residential amenity, housing mix, affordable housing provision and drainage matters are all also considered to be acceptable.
- 1.5 A second reserved matters application has been submitted which has a slightly different layout to this application with 6 fewer dwellings. The difference between the two applications is how Footpath 15 is realigned to meet up with the realigned Footpath 15 that is part of the Taylor Wimpey development on the northern side of Hare Street Road. Both reserved matters applications have the same layout up to Dwelling 57, which is toward the front of the site. The larger scheme has a generous landscape setback to Hare Street Road with Footpath 15 meandering closer to this road. The alternative proposal with 6 fewer dwellings has a much greater setback to provide a more direct Footpath 15 diversion across the site that isn't parallel to Hare Street Road.

2.0 Site Description

- 2.1 The site lies to the east of an approved development at Area 1 south of Hare Street Road, which is currently under construction. It is a greenfield site previously in agricultural use. Land levels rise to the

southeast. To the south and southwest is former agricultural land that has planning permission for housing (Area 2). Further west is existing residential developments (Snells Mead, Plashes Drive and Layston Meadow) with vegetation along the boundary. To the south beyond Area 2 site is Owles Lane, which is a single track country lane with approximately 10 dwellings comprising mostly of bungalows. The boundary to the east is mostly vegetated with an existing tree belt that is approximately 20m wide.

3.0 Planning History

3.1 The following planning history is of relevance to these proposals:-

Ref	Proposal	Decision	Date
3/14/0531/OP	Outline application for approximately 80 houses. All matters reserved except for access	Allowed at Appeal	04.03.2016
3/17/0424/REM	Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 80 no. dwellings and associated garages, parking, open space and landscaping.	To be considered at Committee 28.3.18	

4.0 Background to Proposal

4.1 Outline planning permission was allowed at appeal in March 2016 for approximately 80 houses on the site, with all matters reserved except access (3/14/0531/OP). This application is for all reserved matters – layout, scale, appearance and landscaping. The site is known as Area 3 south of Hare Street Road. This reserved matters application is for 81 dwellings and proposes to modify the definitive

route of public footpath 15. The proposal includes housing a mix of 1, 2, 3 and 4 bed units with the provision of 40% affordable.

- 4.2 Another application 3/17/424/REM has also been submitted and is reported to this Committee. There is a further full planning application that relates to both reserved matters application with respect to 5 additional dwellings on the site. The reason these 5 dwellings are not included in the reserved matters applications is due to the provision of a new access roadway off Hare Street Road, which cannot be included as a reserved matter as only one access was approved as part of the outline permission.
- 4.3 The application has been delayed in being reported to Committee due to procedural matters relating to an additional access, which was not a reserved matter and therefore couldn't be determined under the reserved matters application.

5.0 **Key Policy Issues**

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

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan	BCANP Policy
Design, layout, scale, and impact upon residential amenity	Section 7	ENV1	DES1 DES2 DES3 DES4 NE4 CC1 CC2 WAT4	HD2 HD4
Landscaping	Section 7 Section 10	ENV2	DES2	HD2 HD4

Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU6 HOU7	HD7
Affordable housing	Section 6	HSG3 HSG4	HOU3	HD7
Parking provision	Section 4	TR7	TRA3	T1 T2
Public footpaths	Section 8	LRC9	CFLR3	T3 T4
Surface water drainage	Section 10	ENV21	WAT5	INFRA5
Ecology and biodiversity	Section 11	ENV16	NE3	ES7 ES8

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

6.0 **Summary of Consultee Responses**

- 6.1 HCC Highway Authority initially recommended refusal on the grounds of insufficient information in respect of a new access road. This part of the application for reserved matters has since been removed from the application along with 5 dwellings and is subject to a separate full planning application. The Highway Authority no longer wishes to restrict the grant of permission subject to two conditions.
- 6.2 Lead Local Flood Authority has no comments. However it advises consultation with the Environment Agency is required to discharge any conditions related to surface water drainage. It also advises that approving final details of the appearance, landscaping, layout and scale prior to the applicant providing a suitable and detailed surface water drainage strategy may compromise the delivering of an efficient drainage scheme.
- 6.3 Environment Agency makes no comment.

- 6.4 EHDC Engineering Advisor comments that the site lies entirely within flood zone 1 and is currently agricultural. There is no drainage assessment or FRA for Area 3 and no submitted plans for SuDS features. Without a drainage assessment it comments that the proposal does not meet the requirements of the NPPF. SuDS measures such as green roofs, swales, bio retention ponds and permeable paving to mitigate flood risk and promote biodiversity and amenity areas.
- 6.5 EHDC Housing Development Advisor comments that the scheme is policy compliant with 40% affordable and an acceptable tenure split. More 2 beds in the rented area and 3 beds in the shared ownership sector for families would be preferable. It would be helpful if the developer could provide wetrooms instead of bathrooms in some of the Lifetime units and bungalows.
- 6.6 EHDC Landscape Advisor recommends consent. The advisor comments that the landscape masterplan, tree protection measures, and landscape drawings are acceptable.
- 6.7 HCC Development Services has no comments – obligations are secured by an existing Section 106 Agreement dated 2nd July 2015.
- 6.8 EHDC Environmental Health Advisor has no objections.
- 6.9 EHDC Operational Services raises concerns that the turning heads and swept path analysis will cause access issues for refuse disposal freighters - mainly in the communal areas where parking is at a premium and residents are likely to park on the roads.
- 6.10 Herts Fire and Rescue Service notes that access for fire appliances and provision of water supplies appears to be adequate.
- 6.11 HCC Historic Environment Unit comments that appropriate mitigation of the impact on archaeology has already been secured by condition on the outline consent.

- 6.12 HCC Countryside Access Officer is satisfied with the measures to protect Footpath 15. The definitive line of each path is preferred to be retained separate from the new estate footways and carriageways. The preference would be for the paths to remain in their historic position undiverted, unless the diversion would offer a demonstrable benefit to path users.

7.0 Buntingford Town Council Representations

- 7.1 Raise the following concerns:

1. An additional access to Hare Street Road should not be permitted – access was granted under 3/14/0531/OP;
2. Concern over parking provision in relation to the BCANP and avoiding tandem parking wherever possible;
3. Reduction in the number of market bungalows;
4. The proposed footpath diversion will significantly reduce the amount of green space when compared to the route retained under application 3/17/0424/REM.

8.0 Summary of Other Representations

- 8.1 6 letters of representation have been received, raising the following points:
1. Overdevelopment - Buntingford has reached its limit and has already been destroyed;
 2. Lack of infrastructure, services, facilities, and public transport;
 3. Loss of countryside and harm to historic character of Buntingford;
 4. High vehicle use will lead to a significant increase in air pollution;
 5. Developer has made a mess of the site with rubbish has blown all over the countryside;
 6. Density is too high – object to an additional 6 houses;
 7. Increase in crime as a result of new developments.

9.0 Consideration of Relevant Issues

Principle of Development

- 9.1 Outline planning permission was granted at appeal in March 2016 for a development of approximately 80 houses, with all matters reserved apart from access. That permission was subject to a time limit that required reserved matters be submitted within 1 year of the decision. This application for reserved matters was submitted on 20th February 2017.
- 9.2 A number of third party concerns have been raised over the principle and sustainability of the development, and impacts on local services and infrastructure. These matters were considered at outline stage, and in allowing the appeal, the inspector concluded that the development would be sustainable. These matters will therefore not be considered here and the report will focus on the detailed matters of scale, layout, appearance and landscaping.

Scale, Layout and Appearance

- 9.3 The site is to be accessed from an approved access from Hare Street Road to the north, and proposes a cul-de-sac form of development with shared surface sections. The overall form is a low density, well-landscaped scheme with green frontages, green amenity space, and substantial landscaped boundaries. It is considered that the layout and design of the site respects the character of the surrounding area, and the rural edge of town character of the site. In allowing the outline consent, the inspector noted that the site had the capacity to accommodate the change to its landscape character.
- 9.4 A wide landscaped buffer is to be retained along the eastern boundary on higher land levels where development would appear unduly prominent in the landscape. The detailed layout therefore follows the indicative masterplan considered by the inspector at outline stage.
- 9.5 In order to further protect the wider landscape visual impact, the inspector added a condition to restrict the ridge heights of new

dwellings to no higher than 117.5 metres AOD across the site. In accordance with this condition, a plan has been submitted which confirms that no new dwelling will exceed this ridge height condition. This results in single storey bungalows located along the north and eastern edges of the development on higher land levels. Development across the rest of the site is predominantly 2 storey, with some 1.5 storey dwellings.

- 9.6 In terms of appearance, the dwellings are proposed to be constructed with a mix of brick, render, and cladding, with well-designed fenestration, modest porches and dormer windows, with some soldier course, string course, and dentil course detailing. The site has also been designed to minimise crime, and although no response has been received from the Herts Police Crime Prevention Advisor, they commented on the Area 2 application that the developer intends to apply Secured by Design standards across the site, which is welcomed.
- 9.7 No detailed information has been submitted on the sustainability of the new dwellings or carbon reduction measures; however it is noted that there is extensive planting proposed across the site, and the addition of green infrastructure in the layout.
- 9.8 Concerns have been raised by the Council's waste services team in respect of the proposed layout and access issues for refuse freighters given the number of cul-de-sacs and turning heads proposed. A Refuse Strategy Plan has been submitted, and amended during the course of the application, and this shows the swept path analysis for refuse freighters, demonstrating that access is achievable. However, this relies on there being no on-street car parking within these cul-de-sacs and turning heads. Waste services is concerned that parking is likely within these turning heads, especially in connection with the communal areas (apartments) and this is likely to obstruct freighter movements.
- 9.9 It is acknowledged that access issues could be obstructed by parked cars, but this can occur on any housing development. It is also noted that the layout is similar to that previously approved at Area 1 which

is already under construction. Further, waste services has not had regard to the car parking strategy which proposes off-street parking fully in compliance with the BCANP which exceeds standards set out in adopted and emerging district planning policy. Limited harm is therefore carried forward to the overall balance of considerations.

Landscaping

- 9.10 The scheme is considered to be well-designed with extensive green frontages and green amenity spaces. Detailed landscape and planting drawings have been submitted, and no objection has been raised by the landscape officer. Some tree works are proposed along the boundaries, particularly the Hare Street Road boundary to enable access and adequate visibility; however adequate screening will remain in order to respect the semi-rural character of the site, and the Hare Street Road approach into Buntingford. Additional planting is proposed along the boundaries to reinforce existing tree screens, with tree planting also proposed within the site. It is considered that the landscaping scheme represents high quality design in accordance with national, local, and neighbourhood planning policy.
- 9.11 This application has 6 more dwellings than the other reserved matters application. As a result, this scheme does not have as much landscaping within the front block of the site. Notwithstanding this, the application is considered to have adequate landscaping.
- 9.12 It is noted that in allowing the outline consent, the inspector had regard to illustrative plans that have informed the detailed layout now proposed, and commented that “there will be well-designed landscape proposals with extensive open space, useable by new and existing residents, including the LEAP”.
- 9.13 A substation is proposed towards the southern end of the site between plots 17 and 29. The substation sits within a landscaped area and will have a similar appearance to a garage.

Housing Mix and Density

- 9.14 No particular concerns have been raised over the mix of housing proposed. Nonetheless, consideration is given to the adopted Neighbourhood Plan and emerging policy HOU1. The mix is proposed as follows with reference to Table 14.1 of the emerging District Plan:

Market	Number of units	Percentage of units	SHMA Percentage	Difference
1 bed flat	0	0%	6%	-6%
2 bed flat	0	0%	7%	-7%
2 bed house	19	37%	12%	+25%
3 bed house	33	63%	46%	+17%
4 bed house	0	0%	23%	-23%
5+ bed house	0	0%	6%	-6%
TOTAL	52	100%	100%	0%

Affordable	Number of units	Percentage of units	SHMA Percentage	Difference
1 bed flat*	9	27%	19%	+8%
2 bed flat	4	12%	11%	+1%
2 bed house	10	29%	29%	0%
3 bed house	11	32%	34%	-2%
4+ bed house	0	0%	7%	-7%
TOTAL	34	100%	100%	0%

*3 of the 1 bed affordable units are proposed as bungalows, rather than flats. There is no requirement in the SHMA for 1 bed affordable houses, but bungalows are welcomed for those in need of accessible accommodation.

- 9.15 It is noted that there is a predominance of 2 and 3 bed market houses and insufficient 4 bed units in particular. However, regard is had to application 3/17/0073/REM at Area 2 which includes an excess of 4 bed units, and insufficient 3 beds. It is considered that

although there are some discrepancies with the latest SHMA evidence, the mix proposed is not unduly biased, and there is an overall balance.

- 9.16 In terms of density, this is proposed at approximately 13-14 dwellings per hectare which is low, but is considered to be appropriate given the edge of town location and rural nature of the site and surroundings. This density also allows for a well landscaped scheme that assists in mitigating the visual impact of the development.

Parking Provision

- 9.17 Parking standards for both the existing and emerging local plans is set out at the end of this report. Regard is also had to Policy T1 of the BCANP which requires 1.5 spaces for 1 bed units and then a space per bedroom for larger units.
- 9.18 Policy TR1 states that garages will be acceptable as a parking space provided its internal dimensions are at least 3 metres by 6 metres. The garages proposed in this application all comply with this requirement, which is welcomed, as it enables space for storage as well as practical space for modern vehicles.
- 9.19 Parking has been fairly allocated across the site, with no notable deficiencies for the social housing element.
- 9.20 Policy TR1 only permits tandem parking where there is no suitable alternative. In this case a number of units are proposed with tandem parking in front of garages which is in conflict with this BCANP policy. Whilst it is acknowledged that this tandem parking can result in some additional off-street parking to avoid the need to shunt vehicles, more than adequate parking provision is proposed in this application, and the impact is not considered to be harmful. There are also benefits in some tandem parking in reducing the extent of hard surfacing across site frontages. Nonetheless this policy conflict weighs against the proposal.

- 9.21 Overall it is considered that adequate parking provision is proposed in this application and is generally in accordance with the existing and emerging local policy, and neighbourhood policy.

Footpaths and Connections

- 9.22 Footpath 15 crosses the northern part of the site in an east-west direction. It is proposed to divert the line of this footpath further north to enable development to sit closer to Hare Street Road. The Rights of Way team welcomes the proposal to separate the public footpath and estate roads and footpaths and would prefer the existing footpath not be diverted unless there is demonstrable benefit to path users. The team however have not objected to the diversion. Tactile paving is proposed at each crossing point and the Highway Authority has also indicated its approval of this aspect of the proposal. The diversion of the footpath also provides a better link the diverted footpath on the Taylor Wimpey development on the northern side of Hare Street Road.
- 9.23 The layout also includes pedestrian and cycle links to Area 2 to the south and southwest of the site, which connects to Snells Mead to the west, Footpath 15 and an existing play area. These connections therefore encourage walking and cycling, and represent high quality sustainable design.

Affordable Housing

- 9.24 The provision of 40% affordable housing was agreed at outline stage and formed part of the signed Section 106 Legal Agreement. This comprised 75% social rented and 25% shared ownership in accordance with adopted planning policy. The Legal Agreement requires the developer to submit an Affordable Housing Scheme prior to the commencement of development, and this shall include details on the number, size, location and tenure of the affordable units.
- 9.25 This information has been provided in this application, and is deemed to be acceptable. The Council's adopted Affordable

Housing Supplementary Planning Document states that for sites proposing 30 or more units, affordable housing should not be provided in groups exceeding 15% of the total, or 25, whichever is lesser. Generally the proposal meets this advice and no objection has been raised by the housing development advisor.

- 9.26 Lifetime Homes are also proposed across the site comprising a mix of market and affordable units. The housing development advisor indicates a preference for more 2 beds in the rented area and 3 beds in the shared ownership sector and wetrooms. The applicant has advised that it will not be possible to change the mix or provide wetrooms, but has provided showers instead of baths for some lifetime homes and bungalows. The comment from the housing development advisor is not an objection but a preference. The applicant has reviewed this request for changing the mix of tenure for the 2 and 3 bed units but has not agreed to amend the plans.

Residential Amenity

- 9.27 The main impact from development at Area 3 is on dwellings that front onto Hare Street Road towards the north of the site. The closest dwelling is No. 74 Hare Street Road, which is adjacent to the dwellings that are the subject of a separate full planning application. While these do not form part of the reserved matters application, it is not considered that there will be any significant impact on the occupants of No. 74 due to the orientation of the dwellings and locations of windows and the landscaping buffer between No. 74 and the proposed development.
- 9.28 A full assessment will be undertaken when the full planning application for Plots 76 – 80 is assessed. The other dwellings that are part of the reserved matters application are not considered to have any significant impact due to the distance, landscape buffer and the orientation. Obviously, overall there will be an impact on the outlook from existing dwellings as they will view a housing development rather than agricultural land, but this was assessed at the outline application stage.

- 9.29 There is not likely to be any impact on 1 – 4 Mill Cottages due to the distance of 74 metres and the landscaped buffer.
- 9.30 In respect of relationships within the site, it is considered that there is adequate spacing between dwellings for future occupants to have appropriate amenity within dwellings and in private outdoor amenity space, which provided in accordance with both local and neighbourhood planning policies. First floor flank bathroom windows may result in overlooking and therefore a condition is proposed requiring flank bathroom windows to have obscured glazing and be fixed shut to 1.7m above floor level.

Drainage

- 9.31 No specific drainage proposals and assessments have been put forward for this part of the site; however a full drainage assessment is a requirement of the outline permission. Concerns have been raised by the Lead Local Flood Authority that approving final details of the appearance, landscaping, layout and scale prior to the applicant providing a suitable and detailed surface water drainage strategy may compromise the delivering of an efficient drainage scheme. However, having regard to the submitted information, including the indicative landscaping and masterplans, an appropriate drainage scheme can be delivered in the context of the submitted layout. It would be unreasonable to require a full detailed strategy at this stage.

10.0 Other Matters

- 10.1 The majority of the concerns raised by objections have either been considered as part of the outline planning permission. The additional houses are not considered to create a significant increase in density and the inspector did not specify 80 dwellings or up to 80 dwellings but approximately. Therefore there was no upper limit and the constraints of the site would determine the upper limit.

- 10.2 With respect to the rubbish, objectors should either contact the developer directly or the Council to ensure that any waste generated on the site is stored securely to prevent it from moving off-site.

11.0 Conclusion

- 11.1 The principle of a residential development of this site has already been established; this application solely considers the scale, layout, appearance and landscaping details of the development. Overall the details submitted are considered to result in a high quality design that will respect the character and appearance of the area.
- 11.2 Some deficiencies have been identified in the provision of some tandem car parking in conflict with the BCANP; however, given the overall high levels of car parking provision (in excess of adopted and emerging parking standards), it is not considered the impact of this policy conflict weighs heavily in the overall balance.
- 11.3 Potential issues have also been identified by Waste Services in respect of access and turning for refuse freighters which may be restricted by parked vehicles. Given the overall high levels of parking provision, and the similar details approved at Area 1, it is not considered that this issue holds significant weight.
- 11.4 Overall it is considered that the spacious and green character to the layout weighs significantly in favour of the scheme, combined with the landscaped buffer to the east and other well landscaped amenity spaces. The proposal also makes adequate provision for affordable housing, and connections and permeability. The proposal is not considered to result in any significant harm to amenity of existing residents, and will protect users of the existing public footpath that crosses the site, albeit with a proposed diversion.
- 11.5 The benefits of the scheme are considered to outweigh the identified BCANP policy conflicts, and the application is therefore recommended for approval subject to the conditions set out below.

Conditions

1. Approved plans (2E10)
2. Materials of construction (2E11)
3. Boundary walls and fences (2E07)
4. The proposed window openings of bathrooms in the upper floor flank elevations shall be fitted with obscured glazing and fixed shut to a height of 1.7m above floor level and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

5. Landscape works implementation (4P13)
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 (where applicable) and fully completed in accordance with the submitted drawing 17731/1002F 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 highway.

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 of the premises.

7. All carriageway and footway visibility splays at internal road junctions and individual dwelling accesses, as shown on drawing number 17731/1002F shall be in place before first occupation of the dwelling and maintained in perpetuity. Within these splays there

shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering or leaving junctions and accesses within the site.

Informatives

1. Other legislation (01OL)
2. Public rights of way (18FD)
3. Street naming and numbering (19SN)
4. This decision notice should be read with the outline planning permission dated 4th March 2016, reference 3/14/0531/OP, and you are reminded that the conditions attached to that permission apply to this development.

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	14 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	9
	2	4
	3	0
Number of new house units	1	0
	2	29
	3	44
	4+	0
Total		86*

***Note: Total number of units includes the 5 dwellings that are subject to full planning application but form part of the overall site.**

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	11.25
2	1.50	49.5
3	2.25	99
4+	3.00	0
Total required		159.75
Proposed provision		214*

***Note: Total number of spaces includes the spaces for the 5 dwellings that are subject to full planning application but form part of the overall site.**

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

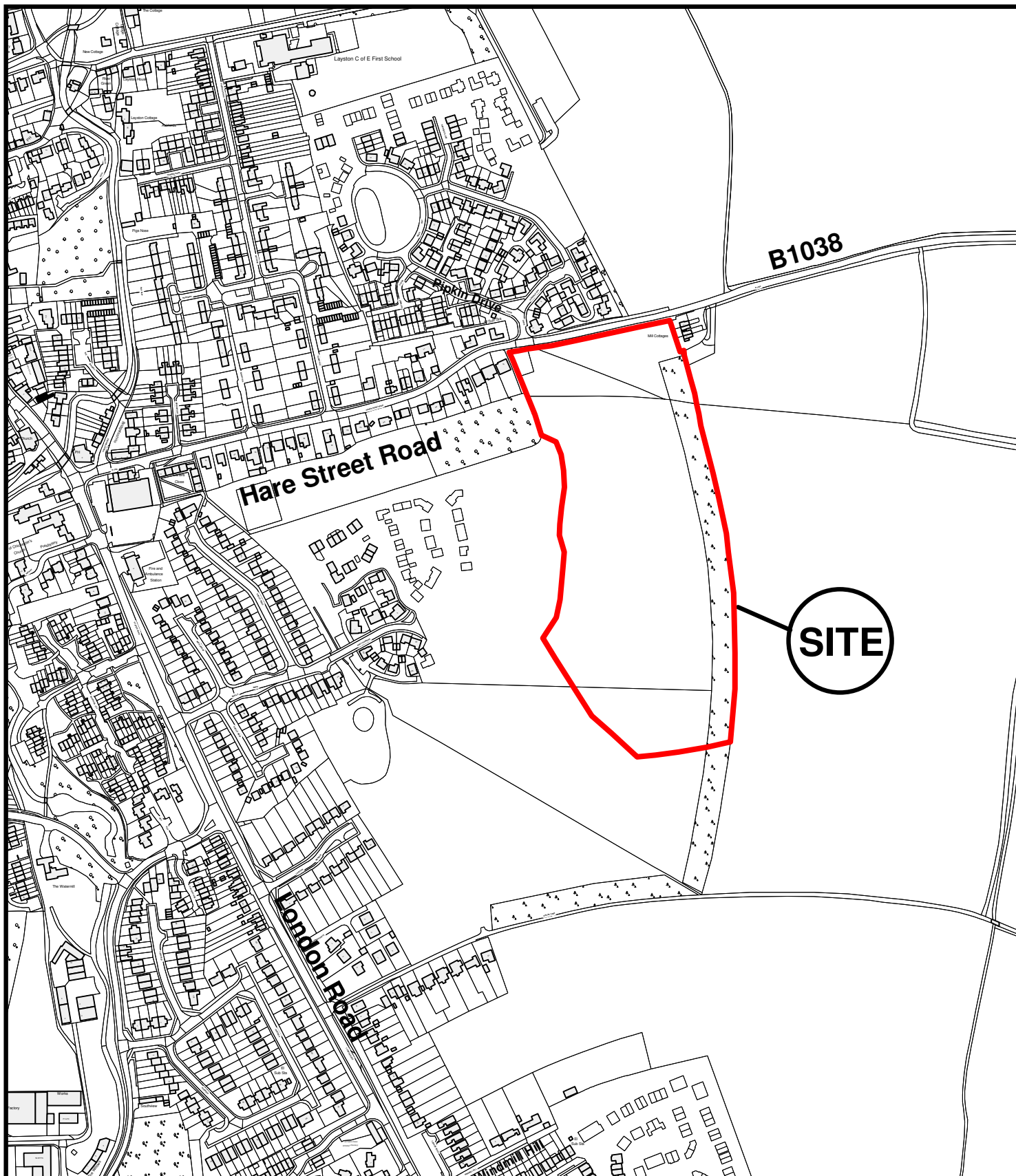
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	13.5
2	2.00	66
3	2.50	110
4+	3.00	0
Total required		189.5
Accessibility reduction	75-100%	
Resulting requirement		142-189.5
Proposed provision		214*

***Note: Total number of spaces includes the spaces for the 5 dwellings that are subject to full planning application but form part of the overall site.**

Legal Agreement – financial obligations

No financial contributions are requested as this is an application for reserved matters. All contributions have been sought through the outline consent.

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Reference: 3/17/0414/REM

Scale: 1:5000

O.S Sheet: TL3628

Date of Print: 17 August 2017

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/17/0424/REM
Proposal	Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 75 no. dwellings and associated garages, parking, open space and landscaping
Location	Area 3 South Hare Street Road, Buntingford
Applicant	Wheatley Homes Ltd
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	20 February 2017
Target Determination Date	15 September 2017
Reason for Committee Report	Major planning application
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 The site benefits from outline consent for approximately 80 dwellings with access approved from Hare Street Road to the north. The principle of development has already been established and is therefore not a consideration in determining this reserved matters application. This report will focus on the reserved matters of scale, layout, appearance and landscaping.
- 1.2 Whilst this reserved matters application is for 75 dwellings, a total of 80 dwellings is proposed on the site but five of these dwellings are subject to a separate full planning application. This is a result of the provision of a new access off Hare Street Road, which could not be considered in the reserved matters application. This new access has

been accepted in principle by the Highway Authority and the full planning application will be submitted in March 2018. The provision of affordable housing is based on 80 dwellings and is consistent with the S106 planning obligations for the outline planning permission.

- 1.3 The development is proposed as a low density, well-landscaped scheme that will respect the character and appearance of the surrounding area. The layout provides good permeability with opportunities to encourage walking and cycling across the site. The scheme includes sustainable drainage and well-designed amenity green space with a play area. The external appearance and scale of the development is also considered to be acceptable, and overall it is considered that the design is of high quality in accordance with national, local, and neighbourhood planning policies.
- 1.4 Parking provision, residential amenity, housing mix, affordable housing provision and drainage matters are all also considered to be acceptable.
- 1.5 A second reserved matters application has been submitted which has a slightly different layout to this application with 6 more dwellings. The difference between the two applications is how Footpath 15 is realigned to meet up with the realigned Footpath 15 that is part of the Taylor Wimpey development on the northern side of Hare Street Road. Both reserved matters applications have the same layout up to Dwelling 57, which is toward the front of the site. The larger scheme has a generous landscape setback to Hare Street Road with Footpath 15 meandering closer to this road. This proposal with 6 fewer dwellings has a much greater setback to provide a more direct Footpath 15 diversion across the site that isn't parallel to Hare Street Road.

2.0 Site Description

- 2.1 The site lies to the east of an approved development at Area 1 south of Hare Street Road, which is currently under construction. It is a greenfield site previously in agricultural use. Land levels rise to the

southeast. To the south and southwest is former agricultural land that has planning permission for housing (Area 2). Further west is existing residential developments (Snells Mead, Plashes Drive and Layston Meadow) with vegetation along the boundary. To the south beyond Area 2 site is Owles Lane, which is a single track country lane with approximately 10 dwellings comprising mostly of bungalows. The boundary to the east is mostly vegetated with an existing tree belt that is approximately 20m wide.

3.0 Planning History

3.1 The following planning history is of relevance to these proposals:-

Ref	Proposal	Decision	Date
3/14/0531/OP	Outline application for approximately 80 houses. All matters reserved except for access	Allowed at Appeal	04.03.2016
3/17/0414/REM	Approval of reserved matters for 3/14/0531/OP in respect of appearance, layout, scale and landscaping for the erection of 86 no. dwellings, associated garages, parking, open space and landscaping.	To be considered at Committee 28.3.18	

4.0 Background to Proposal

4.1 Outline planning permission was allowed at appeal in March 2016 for approximately 80 houses on the site, with all matters reserved except access (3/14/0531/OP). This application is for all reserved matters – layout, scale, appearance and landscaping. The site is known as Area 3 south of Hare Street Road. This reserved matters application is for 75 dwellings and proposes to modify the definitive

route of public footpath 15. The proposal includes housing a mix of 1, 2, 3 and 4 bed units with the provision of 40% affordable.

- 4.2 Another application 3/17/414/REM has also been submitted and is reported to this Committee. There is a further full planning application that relates to both reserved matters applications with respect to 5 additional dwellings on the site. The reason these 5 dwellings are not included in the reserved matters applications is due to the provision of a new access roadway off Hare Street Road, which cannot be included as a reserved matter as only one access was approved as part of the outline permission.
- 4.3 The application has been delayed in being reported to Committee due to procedural matters relating to an additional access, which was not a reserved matter and therefore couldn't be determined under the reserved matters application.

5.0 **Key Policy Issues**

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

Key Issue	NPPF	Local Plan policy	Pre-submission District Plan	BCANP Policy
Design, layout, scale, and impact upon residential amenity	Section 7	ENV1	DES1 DES2 DES3 DES4 NE4 CC1 CC2 WAT4	HD2 HD4
Landscaping	Section 7 Section 10	ENV2	DES2	HD2 HD4

Housing mix and density	Section 6	HSG1	HOU1 HOU2 HOU6 HOU7	HD7
Affordable housing	Section 6	HSG3 HSG4	HOU3	HD7
Parking provision	Section 4	TR7	TRA3	T1 T2
Public footpaths	Section 8	LRC9	CFLR3	T3 T4
Surface water drainage	Section 10	ENV21	WAT5	INFRA5
Ecology and biodiversity	Section 11	ENV16	NE3	ES7 ES8

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

6.0 **Summary of Consultee Responses**

- 6.1 HCC Highway Authority initially recommended refusal on the grounds of insufficient information in respect of a new access road. This part of the application for reserved matters has since been removed from the application along with 5 dwellings and is subject to a separate full planning application. The Highway Authority no longer wishes to restrict the grant of permission subject to two conditions.
- 6.2 Lead Local Flood Authority has no comments. However it advises consultation with the Environment Agency is required to discharge any conditions related to surface water drainage. It also advises that approving final details of the appearance, landscaping, layout and scale prior to the applicant providing a suitable and detailed surface water drainage strategy may compromise the delivering of an efficient drainage scheme.
- 6.3 Environment Agency makes no comment.

- 6.4 EHDC Engineering Advisor comments that the site lies entirely within flood zone 1 and is currently agricultural. There is no drainage assessment or FRA for Area 3 and no submitted plans for SuDS features. Without a drainage assessment it comments that the proposal does not meet the requirements of the NPPF. SuDS measures such as green roofs, swales, bio retention ponds and permeable paving to mitigate flood risk and promote biodiversity and amenity areas.
- 6.5 EHDC Housing Development Advisor comments that the scheme is policy compliant with 40% affordable and an acceptable tenure split. More 2 beds in the rented area and 3 beds in the shared ownership sector for families would be preferable. It would be helpful if the developer could provide wetrooms instead of bathrooms in some of the Lifetime units and bungalows.
- 6.6 EHDC Landscape Advisor recommends consent. The advisor comments that the landscape masterplan, tree protection measures, and landscape drawings are acceptable.
- 6.7 HCC Development Services have no comments – obligations are secured by an existing Section 106 Agreement dated 2nd July 2015.
- 6.8 EHDC Environmental Health Advisor has no objections.
- 6.9 EHDC Operational Services raises concerns that the turning heads and swept path analysis will cause access issues for refuse disposal freighters - mainly in the communal areas where parking is at a premium and residents are likely to park on the roads.
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- 9.3 The site is to be accessed from an approved access from Hare Street Road to the north, and proposes a cul-de-sac form of development with shared surface sections. The overall form is a low density, well-landscaped scheme with green frontages, green amenity space, and substantial landscaped boundaries. It is considered that the layout and design of the site respects the character of the surrounding area, and the rural edge of town character of the site. In allowing the outline consent, the inspector noted that the site had the capacity to accommodate the change to its landscape character.
- 9.4 A wide landscaped buffer is to be retained along the eastern boundary on higher land levels where development would appear unduly prominent in the landscape. The detailed layout therefore follows the indicative masterplan considered by the inspector at outline stage.

- 9.5 In order to further protect the wider landscape visual impact, the Inspector added a condition to restrict the ridge heights of new dwellings to no higher than 117.5 metres AOD across the site. In accordance with this condition, a plan has been submitted which confirms that no new dwelling will exceed this ridge height restriction. This results in single storey bungalows located along the north and eastern edges of the development on higher land levels. Development across the rest of the site is predominantly 2 storey, with some 1.5 storey dwellings.
- 9.6 In terms of appearance, the dwellings are proposed to be constructed with a mix of brick, render, and cladding, with well-designed fenestration, modest porches and dormer windows, and some soldier course, string course, and dentil course detailing. The site has also been designed to minimise crime, and although no response has been received from the Herts Police Crime Prevention Advisor, they commented on the Area 2 application that the developer intends to apply Secured by Design standards across the site, which is welcomed.
- 9.7 No detailed information has been submitted on the sustainability of the new dwellings or carbon reduction measures; however it is noted that there is extensive planting proposed across the site, and the addition of green infrastructure in the layout.
- 9.8 Concerns have been raised by the Council's Waste Services team in respect of the proposed layout and access issues for refuse freighters given the number of cul-de-sacs and turning heads proposed. A Refuse Strategy Plan has been submitted, and amended during the course of the application, and this shows the swept path analysis for refuse freighters, demonstrating that access is achievable. However, this relies on there being no on-street car parking within these cul-de-sacs and turning heads. Waste Services are concerned that parking is likely within these turning heads, especially in connection with the communal areas (apartments) and this is likely to obstruct freighter movements.

- 9.9 It is acknowledged that access issues could be obstructed by parked cars, but this can occur on any housing development. It is also noted that the layout is similar to that previously approved at Area 1 which is already under construction. Further, waste services has not had regard to the car parking strategy which proposes off-street parking fully in compliance with the BCANP which exceeds standards set out in adopted and emerging district planning policy. Limited harm is therefore carried forward to the overall balance of considerations.

Landscaping

- 9.10 The scheme is considered to be well-designed with extensive green frontages and green amenity spaces. Detailed landscape and planting drawings have been submitted, and no objection has been raised by the Landscape Officer. Some tree works are proposed along the boundaries, particularly the Hare Street Road boundary to enable access and adequate visibility. However adequate screening will remain in order to respect the semi-rural character of the site, and the Hare Street Road approach into Buntingford. Additional planting is proposed along the boundaries to reinforce existing tree screens, with tree planting also proposed within the site. It is considered that the landscaping scheme represents high quality design in accordance with national, local, and neighbourhood planning policy.
- 9.11 This scheme differs from the other scheme with additional dwellings in the first block at the entrance from Hare Street Road, on the western side. This scheme has landscaping rather than additional dwellings. However, both schemes are considered to provide suitable landscaping and therefore both applications are recommended for approval.
- 9.12 It is noted that in allowing the outline consent, the inspector had regard to illustrative plans that have informed the detailed layout now proposed, and commented that “there will be well-designed landscape proposals with extensive open space, useable by new and existing residents, including the LEAP”.

- 9.13 A substation is proposed towards the southern end of the site between plots 17 and 29. The substation sits within a landscaped area and will have a similar appearance to a garage.

Housing Mix and Density

- 9.14 No particular concerns have been raised over the mix of housing proposed. Nonetheless, consideration is given to the adopted Neighbourhood Plan and emerging policy HOU1. The mix is proposed as follows with reference to Table 14.1 of the emerging District Plan:

Market	Number of units	Percentage of units	SHMA Percentage	Difference
1 bed flat	0	0%	6%	-6%
2 bed flat	0	0%	7%	-7%
2 bed house	15	31%	12%	+19%
3 bed house	33	69%	46%	+23%
4 bed house	0	0%	23%	-23%
5+ bed house	0	0%	6%	-6%
TOTAL	48	100%	100%	0%

Affordable	Number of units	Percentage of units	SHMA Percentage	Difference
1 bed flat*	9	28%	19%	+9%
2 bed flat	4	13%	11%	+2%
2 bed house	9	28%	29%	-1%
3 bed house	10	31%	34%	-3%
4+ bed house	0	0%	7%	-7%
TOTAL	32	100%	100%	0%

*3 of the 1 bed affordable units are proposed as bungalows, rather than flats. There is no requirement in the SHMA for 1 bed affordable houses, but are welcomed as bungalows for those in need of accessible accommodation.

- 9.15 It is noted that there is a predominance of 2 and 3 bed market houses and insufficient 4 bed units in particular. However, regard is had to application 3/17/0073/REM at Area 2 which includes an excess of 4 bed units, and insufficient 3 beds. It is considered that although there are some discrepancies with the latest SHMA evidence, the mix proposed is not unduly biased, and there is an overall balance.
- 9.16 In terms of density, this is proposed at approximately 13-14 dwellings per hectare which is low, but is considered to be appropriate given the edge of town location and rural nature of the site and surroundings. This density also allows for a well landscaped scheme that assists in mitigating the visual impact of the development.

Parking Provision

- 9.17 Parking standards for both the existing and emerging local plans is set out at the end of this report. Regard is also had to Policy T1 of the BCANP which requires 1.5 spaces for 1 bed units and then a space per bedroom for larger units.
- 9.18 Policy TR1 states that garages will be acceptable as a parking space provided its internal dimensions are at least 3 metres by 6 metres. The garages proposed in this application all comply with this requirement, which is welcomed, as it enables space for storage as well as practical space for modern vehicles.
- 9.19 Parking has been fairly allocated across the site, with no notable deficiencies for the social housing element.
- 9.20 Policy TR1 only permits tandem parking where there is no suitable alternative. In this case a number of units are proposed with tandem parking in front of garages which is in conflict with this BCANP policy. Whilst it is acknowledged that this tandem parking can result in some additional off-street parking to avoid the need to shunt vehicles, more than adequate parking provision is proposed in this application, and the impact is not considered to be harmful.

There are also benefits in some tandem parking in reducing the extent of hard surfacing across site frontages. Nonetheless this policy conflict weighs against the proposal.

- 9.21 Overall it is considered that adequate parking provision is proposed in this application and is generally in accordance with the existing and emerging local policy, and neighbourhood policy.

Footpaths and Connections

- 9.22 Footpath 15 crosses the northern part of the site in an east-west direction. It is proposed to divert the line of this footpath further north to enable development to sit closer to Hare Street Road. The Rights of Way team welcomes the proposal to separate the public footpath and estate roads and footpaths and would prefer the existing footpath not be diverted unless there is demonstrable benefit to path users. The team however have not objected to the diversion. Tactile paving is proposed at each crossing point and the Highway Authority has also indicated its approval of this aspect of the proposal. The diversion of the footpath also provides a better link the diverted footpath on the Taylor Wimpey development on the northern side of Hare Street Road.
- 9.23 The layout also includes pedestrian and cycle links to Area 2 to the southwest of the site, which connects to Snells Mead to the west, footpath 15, and an existing play area. These connections therefore encourage walking and cycling, and represent high quality, sustainable design.

Affordable Housing

- 9.24 The provision of 40% affordable housing was agreed at outline stage and formed part of the signed Section 106 Legal Agreement. This comprised 75% social rented and 25% shared ownership in accordance with adopted planning policy. The Legal Agreement requires the developer to submit an Affordable Housing Scheme prior to the commencement of development, and this shall include

details on the number, size, location and tenure of the affordable units.

- 9.25 This information has been provided within this application, and is deemed to be acceptable. The Council's adopted Affordable Housing Supplementary Planning Document states that for sites proposing 30 or more units, affordable housing should not be provided in groups exceeding 15% of the total, or 25, whichever is lesser. Generally the proposal meets this advice and no objection has been raised by the housing development advisor.
- 9.26 Lifetime Homes are also proposed across the site comprising a mix of market and affordable units. The housing development advisor indicates a preference for more 2 beds in the rented area and 3 beds in the shared ownership sector and wetrooms. The applicant has advised that it will not be possible to change the mix or provide wetrooms, but has provided showers instead of baths for some lifetime homes and bungalows. The comment from the housing development advisor is not an objection but a preference. The applicant has reviewed this request for changing the mix of tenure for the 2 and 3 bed units but has not agreed to amend the plans.

Residential Amenity

- 9.27 The main impact from development at Area 3 is on dwellings that front onto Hare Street Road towards the north of the site. The closest dwelling is No. 74 Hare Street Road, which is adjacent to the dwellings that are the subject of a separate full planning application. While these do not form part of the reserved matters application, it is not considered that there will be any significant impact on the occupants of No. 74 due to the orientation of the dwellings and locations of windows and the landscaping buffer between No. 74 and the proposed development.
- 9.28 A full assessment will be undertaken when the full planning application for Plots 76 – 80 is assessed. The other dwellings that are part of the reserved matters application are not considered to have any significant impact due to the distance, landscape buffer

and the orientation. Obviously, overall there will be an impact on the outlook from existing dwellings as they will view a housing development rather than agricultural land, but this was assessed at the outline application stage.

- 9.29 There is not likely to be any impact on 1 – 4 Mill Cottages due to the distance of 74 metres and the landscaped buffer.
- 9.30 In respect of relationships within the site, it is considered that there is adequate spacing between dwellings for future occupants to have appropriate amenity within dwellings and in private outdoor amenity space, which provided in accordance with both local and neighbourhood planning policies. First floor flank bathroom windows may result in overlooking and therefore a condition is proposed requiring flank bathroom windows to have obscured glazing and be fixed shut to 1.7m above floor level.

Drainage

- 9.31 No specific drainage proposals and assessments have been put forward for this part of the site; however a full drainage assessment is a requirement of the outline permission. Concerns have been raised by the Lead Local Flood Authority that approving final details of the appearance, landscaping, layout and scale prior to the applicant providing a suitable and detailed surface water drainage strategy may compromise the delivering of an efficient drainage scheme. However, having regard to the submitted information, including the indicative landscaping and masterplans, an appropriate drainage scheme can be delivered in the context of the submitted layout. It would be unreasonable to require a full detailed strategy at this stage.

10.0 Other Matters

- 10.1 The majority of the concerns raised by objections have either been considered as part of the outline planning permission. The additional houses are not considered to create a significant increase in density and the inspector did not specify 80 dwellings or up to 80 dwellings but approximately. Therefore there was no upper limit and the constraints of the site would determine the upper limit.
- 10.2 With respect to the rubbish, objectors should either contact the developer directly or the Council to ensure that any waste generated on the site is stored securely to prevent it from moving off-site.

11.0 Conclusion

- 11.1 The principle of a residential development of this site has already been established; this application solely considers the scale, layout, appearance and landscaping details of the development. Overall the details submitted are considered to result in a high quality design that will respect the character and appearance of the area.
- 11.2 Some deficiencies have been identified in the provision of some tandem car parking in conflict with the BCANP; however, given the overall high levels of car parking provision (in excess of adopted and emerging parking standards), it is not considered the impact of this policy conflict weighs heavily in the overall balance.
- 11.3 Potential issues have also been identified by Waste Services in respect of access and turning for refuse freighters which may be restricted by parked vehicles. Given the overall high levels of parking provision, and the similar details approved at Area 1, it is not considered that this issue holds significant weight.

- 11.4 Overall it is considered that the spacious and green character to the layout weighs significantly in favour of the scheme, combined with the landscaped buffer to the east and other well landscaped amenity spaces. The proposal also makes adequate provision for affordable housing, and connections and permeability. The proposal is not considered to result in any significant harm to amenity of existing residents, and will protect users of the existing public footpath that crosses the site, albeit with a proposed diversion.
- 11.5 The benefits of the scheme are considered to outweigh the identified BCANP policy conflicts, and the application is therefore recommended for approval subject to the conditions set out below.

Conditions

1. Approved plans (2E10)
2. Materials of construction (2E11)
3. Boundary walls and fences (2E07)
4. The proposed window openings of bathrooms in the upper floor flank elevations shall be fitted with obscured glazing and fixed shut to a height of 1.7m above floor level and shall be permanently retained in that condition.

Reason: To safeguard the privacy of occupiers of the adjoining property, in accordance with policies ENV1 and ENV5 of the East Herts Local Plan Second Review April 2007.

5. Landscape works implementation (4P13)
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 (where applicable) and fully completed in accordance with the submitted drawing 17731/2002F 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 highway.

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 of the premises.

7. All carriageway and footway visibility splays at internal road junctions and individual dwelling accesses, as shown on drawing number 17731/2002F shall be in place before first occupation of the dwelling and maintained in perpetuity. Within these splays there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the footway level.

Reason: To provide adequate visibility for drivers entering or leaving junctions and accesses within the site.

Informatives

1. Other legislation (01OL)
2. Public rights of way (18FD)
3. Street naming and numbering (19SN)
4. This decision notice should be read with the outline planning permission dated 4th March 2016, reference 3/14/0531/OP, and you are reminded that the conditions attached to that permission apply to this development.

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	13 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished	0	
Number of new flat units	1	9
	2	4
	3	0
Number of new house units	1	0
	2	24
	3	43
	4+	0
Total		80*

***Note: Total number of units includes the 5 dwellings that are subject to full planning application but form part of the overall site.**

Affordable Housing

Number of units	Percentage
32	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	11.25
2	1.50	42
3	2.25	96.75
4+	3.00	0
Total required		150

Proposed provision		205*
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***Note: Total number of units includes spaces for the 5 dwellings that are subject to full planning application but form part of the overall site.**

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

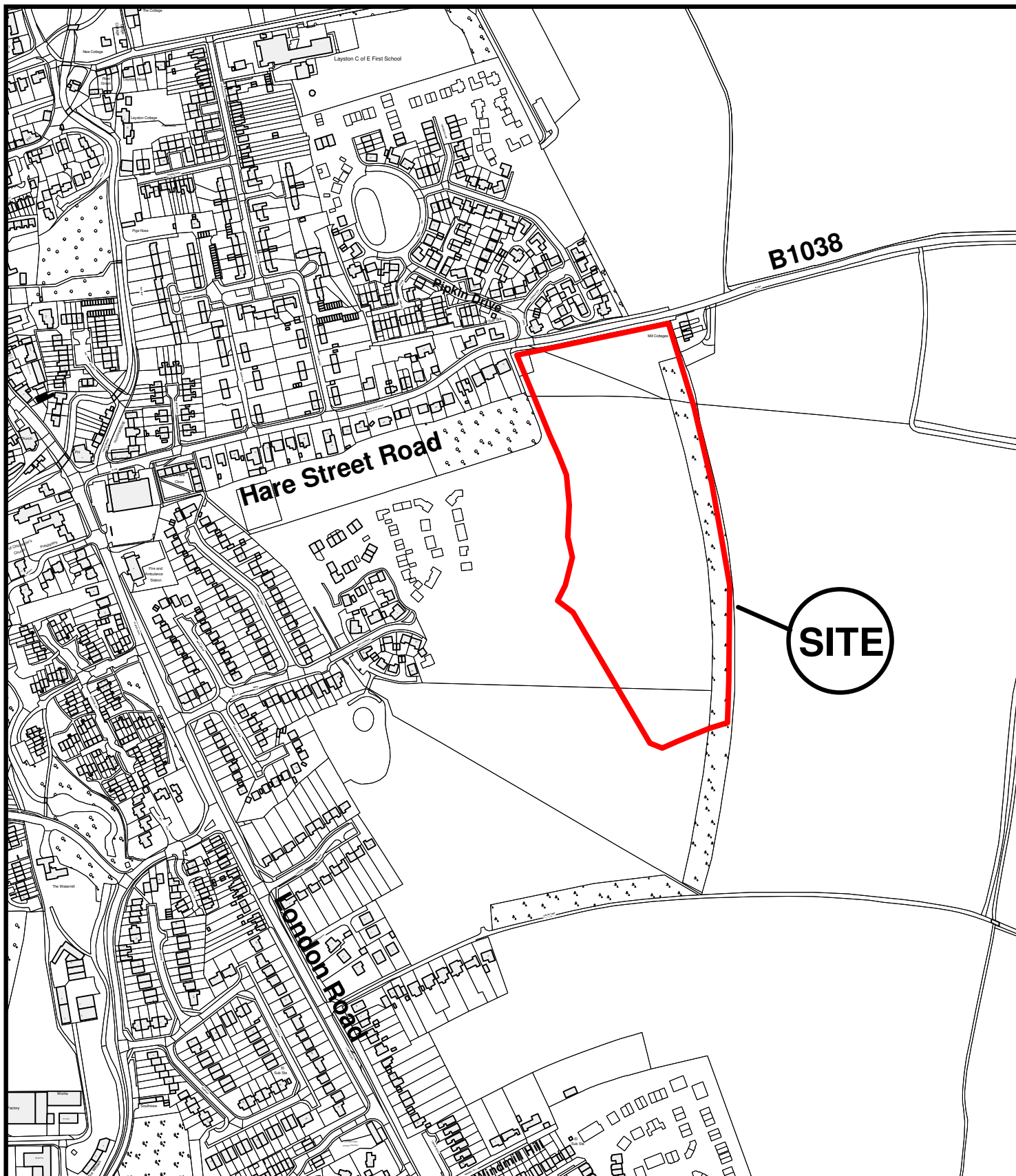
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	13.5
2	2.00	56
3	2.50	107.5
4+	3.00	0
Total required		177
Accessibility reduction	75-100%	
Resulting requirement		132.75-177
Proposed provision		205*

***Note: Total number of units includes spaces for the 5 dwellings that are subject to full planning application but form part of the overall site.**

Legal Agreement – financial obligations

No financial contributions are requested as this is an application for reserved matters. All contributions have been sought through the outline consent.

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DEVELOPMENT MANAGEMENT COMMITTEE – 28 MARCH 2018

Application Number	3/18/0105/OUT
Proposal	Outline planning application for the erection of up to ten dwellings (all matters reserved)
Location	Blind Lane, Ardeley
Applicant	Mr Owen York c/o agent
Parish	Ardeley
Ward	Walkern

Date of Registration of Application	16 January 2018
Target Determination Date	17 April 2018
Reason for Committee Report	Major Application
Case Officer	Tim Hagyard

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The application proposes a development of up to 10 dwellings on land to the north side of Ardeley village and east of Blind Lane.
- 1.2 The site lies within the Rural Area beyond the Green Belt.
- 1.3 The main planning issues relates to the principle of development, the provisions of the Local and emerging District Plan and the merits of any development having regards to the Housing Land Supply.

- 1.4 The site is a potential infill site if the village wished to expand under an adopted Neighbourhood Plan. However, the Village is identified as a Category 3 village in the Local Plan and a Group 3 village in the District Plan being a generally unsustainable location for housing. The services that are available in the village are limited and future residents would be heavily reliant on private transport. There is no connecting local bus service.
- 1.5 While the proposal would provide housing and a provision of affordable housing, the amount proposed at the site would result in localised harm to rural views, the character and appearance of the Conservation Area and the setting of the Listed Building. The site and village of Ardeley are accessed by narrow lanes.

2.0 Site Description

- 2.1 The site lies to the north of the village of Ardeley. It comprises a grass field within hedge boundaries and trees. There are other dwellings generally on large plots on each side of the site. A listed converted barn lies immediately to the south. 2 detached dwellings Greenoak, to the north and east, were approved in 2003 as a redevelopment of a builders yard site and a bungalow (formerly Greenholme).

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/02/0664/FP	Erection of two dwellings (Greenholme Builders Yard – Land to the North)	Approved with conditions	December 2002

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 Ardeley Neighbourhood Plan has reached the stage area designation agreed in September 2017.

Main Issue	NPPF	LP policy	DP policy
The principle of the development	Paras 6-16	SD1 SD2 GBC2 GBC3 OSV1	INT1 GBR2 VILL2
Density , character and the impact on the Conservation Area and Listed Buildings	Sections 6 and 7	ENV1 ENV2 BH6	HOU2 DES2 DES3 HA1 HA4 HA7
Housing and affordable housing	Section 6	HSG1 HSG7 HSG3 HSG4	HOU1 HOU2 HOU3
Flood risk	Section 10	ENV19 ENV21	WAT1 WAT5
Ecology	Section 11	ENV14 ENV17	NE2 NE3
Planning obligations and infrastructure delivery	Paras 203 to 206	IMP1	DPS4

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 comment that the development will be heavily reliant on the use of the private car and may not comply with the NPPF. They do not envisage the number of traffic trips will have a material impact on the local network. Conditions are requested to secure a number of details including the access and visibility.
- 5.2 Lead Local Flood Authority object to the application as they require a surface water drainage strategy. There is a history of flooding obstructing access to Ardeley from the west and north causing the school to close on occasion. Even though the application is in outline it is a major application and a strategy is required in order for the assessment of flood risks to be made and demonstrate that the development will not increase risk elsewhere and where possible can reduce flood risk overall.
- 5.3 Thames Water have no objection with regard to sewerage infrastructure. Prior approval of Thames Water Developer Services is required to discharge to a public sewer. The developer would be expected to minimise groundwater discharges into the public sewer. They recommend an informative if permission is to be granted for a Groundwater Risk Management Permit.
- 5.4 EHDC Conservation and Urban Design Advisor objects to the proposal. It is not considered this number of dwellings could be delivered without harm to the setting of the neighbouring Listed Building and the setting of the Conservation Area. The indicative plan shows a cramped urban development within inwards looking houses.
- 5.5 Herts Ecology do not object in principle. The grassland survey needs to be redone and there is loss of habitat. However they assess the risk to Newts and Bats as low. A S106 agreement to provide for Biodiversity offsetting is recommended as well as conditions for a Landscape and Ecology Management Plan and to agree details of lighting.

- 5.6 HCC Development Services are not seeking obligations for education, library, youth and adult care services on the understanding the development is for ten units and less than 1000sqm.
- 5.7 EHDC Environmental Health Advisor recommends conditions for land remediation and working hours if permission is granted.
- 5.8 Herts Police Crime Prevention Advisor neither supports nor objected. He requests the applicant engage with the local Crime Prevention Design Advisor with the intention to achieve full Secured By Design accreditation.

6.0 Ardeley Parish Council Representations

- 6.1 Ardeley Parish Council objects to the proposal for the following reasons:
- A Category 3 village and in the Rural Area Beyond The Green Belt. Strategic plan of East Herts presumes against development.
 - Access to the site would be inadequate for the number of residents. It would exit onto a narrow blind lane with poor visibility no pavement or street lights.
 - Insufficient off street parking for the number proposed
 - The proposal would result in a cul de sac at too high a density out of character with the village and not matching the surrounding vernacular.

7.0 Summary of Other Representations

- 7.1 51 responses have been received, including objecting letters from Councillors Kenealy and Crofton, The Campaign to Protect Rural England (CPRE) and the Herts and Middlesex Wildlife Trust (HMWT). There are 41 Objections and 10 in Support. Those objecting to the proposal do so on the following grounds:

- Ardeley is Group 3 designation which precludes housing. Contrary to Local and District Plans.
- 5 year housing land supply identified.
- A greenfield site not brownfield land.
- Not in keeping with the aesthetics of the village. No similar areas of high density housing.
- A cul-de-sac, at odds with the layout of Ardeley, largely linear style village.
- Cramped development with minimal gardens.
- Concern about parking in the village's narrow roads. Parking inadequate. No provision for visitors parking.
- Harmful to neighbour amenities
- Out of scale. 20% addition to a village of only 50 dwellings. Poor precedent for infilling. Magnitude makes it unsustainable
- Supporters are either outside the village or live in properties owned by the developer.
- Village has no secondary school and no public transport.
- No local activities to support. Only the pub, the school and Church Farm.
- Blind Lane is too narrow with no footpath or passing places. It floods regularly and has Blind bends (as the name suggests).
- 3 of the dwellings harm the Conservation Area.
- Highly disruptive during construction with damage to verges and congestion on the single lane High Street.
- How will waste water be handled ?
- Planning statement is misleading.
- Ecological report inadequate study is for 2 homes but application is for 10.
- No material considerations to outweigh provisions of the Development Plan.

7.2 The CPRE consider that the proposal is contrary to Local Plan Policy and doesn't comply with the criteria for development in the Rural Area Beyond the Green Belt or for development in the village that would damage the countryside and views.

7.3 The HMWT consider that the application provides inadequate information with botanical assessment, no net impact appraisal

and not consistent with BS 42020no needs to demonstrate no net loss to biodiversity and appropriate mitigation measures.

7.4 The 10 responses supporting the proposals do so on the following grounds:

- Fully support. Family homes can help people stay in the village.
- Site has good access.
- Ideal position to bring much needed life to a dying village.
- New families and more local pupils for the village school which is vital to village life, Children currently taxi in from Stevenage and surrounding villages.
- Good for local businesses.
- Support for the church.
- Offers a variety of house sizes. If done well could really benefit the village.
- Not intrusive. Ideal plot for future development.
- Field is an eyesore and waste ground.
- Would hope to access the affordable housing.

8.0 Consideration of Issues

Principle

- 8.1 Ardeley is designated as a Category 3 village wherein housing development is not generally permitted as it is not so served by services or public transport and therefore it is not considered to be a sustainable location. The Plan does make an allowance for rural housing exception sites where this accords with Policy HSG5. In the emerging District Plan Ardeley is designated as a Group 3 Village wherein Policy VILL3 may permit infill development identified in an adopted Neighbourhood Plan.
- 8.2 In respect of the 2007 Local Plan. The application site is not allocated for residential development within the District Plan.
- 8.3 The emerging District Plan has now reached an advanced stage of preparation. The current housing land supply position is set out in

the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.

- 8.4 The applicant submitted the proposal assuming that the District was lacking an identified 5 year housing land supply, whereby the Housing Policies of the Local Plan and District Plan would not be up to date.
- 8.5 The applicant has also indicated the possible reduction of the proposal to 6 dwellings to address site specific objections although Officers consider it only appropriate that any alternative be subject of further discussion outside the current application. The applicant have been invited to withdraw the application but have not done so. In any event it is considered that a proposed smaller scheme would only delay the consideration of an application without addressing the general policy objections to the unsustainability of the location.
- 8.6 The proposal is contrary to the current and emerging plan policies for housing in the Rural Area beyond the Green Belt. It is contrary to the Development Plan and a refusal decision would be in accordance with the plan unless there are material considerations to indicate otherwise. (NPPF paragraphs 150 and 196).

Density, Character of Area and Heritage Assets

- 8.7 The application is submitted in outline with all matters reserved for later consideration.
- 8.8 The site is a modest greenfield site of 0.4 ha and with 10 dwellings proposed then the density of the proposed development at 25 dph will have significant implications for the character of the area. This proposal would exceed the density of immediately adjacent plots, although the village centre is naturally tighter and more compact. It would result in a pattern of development at odds with the spacious arrangement of the village and one in which primarily properties are

aligned in linear form to the main road frontages.

- 8.9 The objections of the Conservation and Urban Design Advisor are significant. While the layout plan submitted is only indicative, it is poor showing an inward looking development with a lot of cramped backland housing. The number of dwellings proposed, form part of the application as described, and would appear to be well beyond the capacity of the site to be satisfactorily accommodated and designed. Given the heritage considerations of the site an outline application without layout or other details is felt to be insufficient and inadequate by Officers to fully assess the merits of the principle of development.
- 8.10 The site is on the northern boundary of the Conservation Area although the Blind Lane boundary hedging is within it and there are various listed buildings to the south including the 16th / 19th century Barn at the Old Bell Yard.
- 8.11 The numbers of dwellings proposed, up to 10, would result in a cramped site development harmful to both the Conservation Area and the setting of the Listed former barn. The mechanism of an Outline Application without any accompanying details is also considered general inappropriate to establish the principle of development and its impact on these important heritage assets. Essential details of layout, scale and appearance would be needed to assess the acceptability of the development in principle.
- 8.12 The site does benefit from a rural quality of openness and is subject of open views from Blind Lane itself as well as nearby footpaths FP 35 which runs to the south and east of the site. The sporadic building to the north in part suggests an infill site but the site is not fully contained by built development and to that degree there would be an element of encroachment of the countryside.
- 8.13 The proposed development would by its nature and because of the density proposed result in harm to the openness and spaciousness of the site, be harmful to the pattern of development in the area

and harmful to the setting of the Conservation Area and the setting of the adjacent listed building.

Housing and affordable housing

- 8.14 The application proposes 10 dwellings of which 35%, presumably 4 dwellings, would be affordable homes. Notwithstanding the Council's updated housing land supply position, the provision of affordable housing will carry some positive weight although the details of this have not been worked through based on local housing need or with the Council's Housing Officer or as part of a Neighbourhood Plan.

Highways and parking

- 8.15 The Highway Authority advise that the proposed access arrangements are satisfactory. There are some local concerns raised about parking and it is most probably that in trying to provide for fully compliant parking standards then either the quality of the development is reduced, exacerbating the cramped nature of the development and harm to the Conservation Area or otherwise parking spills over onto nearby narrow lanes. The potential issue is there and is emblematic of the objection to the overall density of the proposal, but given the outline nature of the application then it does not of itself amount to a reason for refusal of the proposal.
- 8.16 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.
- 8.17 The Highway Authority seeks conditions to ensure the access can be achieved with good visibility. This may result in some loss of hedgerow at the front of the site but again is a detail that would be better explored via a more detailed planning application.
- 8.18 The increased traffic on narrow rural lanes is also a negative consideration but not of itself refusable in Highway terms.

Flood Risk

- 8.19 The site is situated within Flood Zone 1. The Lead Local Flood Risk Authority have objected to the absence of a Drainage Strategy for a site in an area of known flooding issues. The site is a major application and the lack of information submitted for this is unacceptable in the context of the current density of the scheme proposed and the requirements of the NPPF. It is not known if the LLFA would take a similar position on a reduced scheme but nonetheless it is grounds for refusal of the current application.

Ecology

- 8.20 Objections have been made by Herts and Middlesex Wildlife Trust to the poor quality of the submissions with respect to Ecology. The habitat of the site has not been properly assessed but from the evidence available I note that Herts Ecology believe these interests could be addressed by further survey work as a condition of any planning permission and also a s106 agreement to secure Biodiversity offsetting.
- 8.21 It seems likely that at the scale and density proposed, the scheme makes it more challenging to achieve any overall benefit to biodiversity as required within the NPPF and emerging District Plan Policies NE2 and NE3.
- 8.22 Some habitat will be lost, this is therefore ascribed some negative weight in the planning balance and in the absence of any S106 agreement to secure Biodiversity offsetting is considered also to be grounds to object.

Sustainability

- 8.23 In terms of economic sustainability the development would offer short term employment during the construction period and the support of future residents for local services which would carry some limited positive weight.

- 8.24 In social terms the provision of housing and affordable housing are beneficial aspects of the development that should be afforded some positive weight.
- 8.25 In environmental terms the proposal would encroach into the rural landscape and result in harm to ecology without mitigation. Local services are limited and residents would be heavily reliant on the private car for transport to access services, employment and main shopping.

Other matters

- 8.26 The provision of 10 dwellings is not at a level that S106 obligations would be requested and none have been requested for the site.

9.0 Planning Balance and Conclusion

- 9.1 The current housing land supply position is set out in the Council's Authority Monitoring Report 2016-17, February 2018 wherein a housing land supply of 6.2 years is established. The application therefore falls to be assessed on the balance of considerations having regard to adopted Local Plan policy, emerging District Plan policy and the NPPF.
- 9.2 The site lies on the northern side of Ardeley village within the Rural Area beyond the Green Belt. The site is to a degree contained by others buildings but the development will also obstruct views to open countryside. Given the Policy position of the District Plan Officers consider it appropriate that the question of it being developed as an infill site should only come through the Neighbourhood Plan process.
- 9.3 Policy GBC3 of the current Local Plan states that permission will not normally be granted for residential development in the Rural Area. The application site is not allocated for residential development within the District Plan and the proposal does not fall within a category of development that is identified in Policy GBR2 as being

capable of maintaining the Rural Area. The proposal also have a localised impact on the character of the Rural Area.

- 9.4 The provision of affordable homes is proposed at a level of 35% which if it provides 4 dwellings would be policy compliant. However it would require a 100% provision and coordination with the identified housing needs for the development to be potentially a Rural Exceptions Site. No negotiations have taken place about this and such provision in turn depends on the views of the local Parish Council and Neighbourhood Planning Group.
- 9.5 In terms of its sustainability the site lies away from larger settlements with no passenger transport services available. Future residents would be heavily reliant on private transport to access services and employment in larger settlements. The sustainability aspects of the development are therefore afforded significant negative weight.
- 9.6 Overall, the proposed development lies in a location that the District Plan has determined not to be a sustainable location for new housing. There is additional harm resulting from the density of the scheme, insufficient information to assess flooding issues or provisions to mitigate harmful impacts on biodiversity.
- 9.7 There are not therefore material planning considerations that would justify the grant of planning permission contrary to the provisions of the Development Plan.

RECOMMENDATION

That outline planning permission be **REFUSED**, for the reasons set out below:

1. The proposed development would be sited within a Category 3 village within the Rural Area beyond the Green Belt. The site represents an unsustainable location for new housing and its development would be contrary to the development plan. There are no material planning considerations that would justify the

development contrary to the Development Plan Policy GBC3 of the East Herts Local Plan Second Review April 2007, Policies GBR2 of the emerging East Herts District Plan and the National Planning Policy Framework.

2. The density of the proposed development and loss of open views across the site would result in a cramped form of development at odds with the pattern of development in the village and harmful to the setting of listed buildings and the Conservation Area. The development would thereby be contrary to the Development Plan Policies GBC3, ENV1, BH6 and OSV3 of the East Herts Local Plan Second Review April 2007, Policies GBR2, DES3, HA1, HA4 and HA7 of the emerging East Herts District Plan and the National Planning Policy Framework.
3. Insufficient information has been provided to demonstrate that the development of the site will not increase flood risks at the site or elsewhere. The development is thereby contrary to Policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007, Policies WAT1 and WAT5 of the emerging East Herts District Plan and the National Planning Policy Framework.
4. No provisions are secured to mitigate the harmful impacts of the proposal on biodiversity. The development is thereby contrary to Policies ENV14 and ENV17 of the East Herts Local Plan Second Review April 2007, Policies NE2 and NE3 of the emerging East Herts District Plan and the National Planning Policy Framework

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	25 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		10

Affordable Housing

Number of units	Percentage
Unknown	

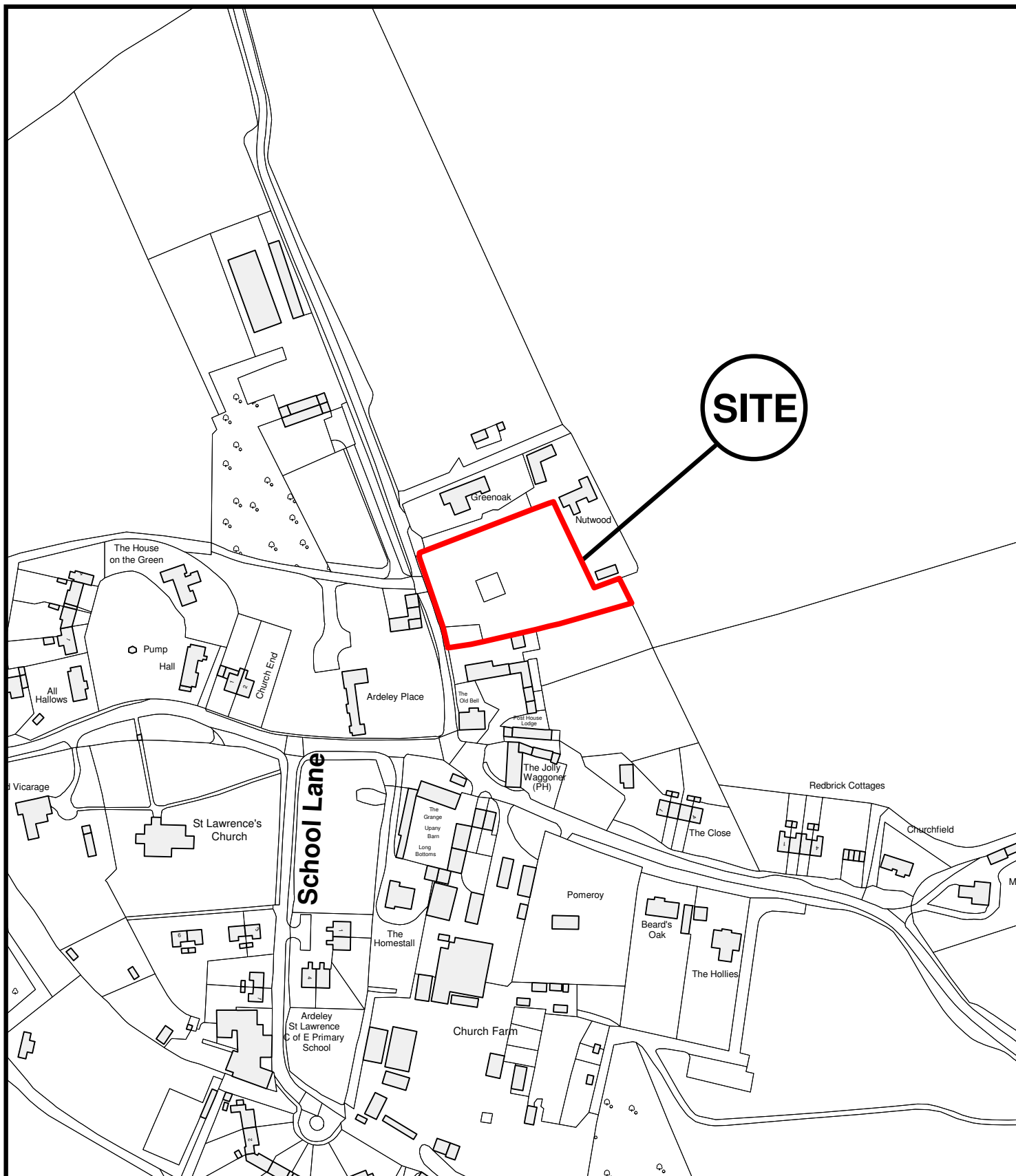
Residential Vehicle Parking Provision

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



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