



Alison Stuart
Head of Legal and
Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 12 SEPTEMBER 2018
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)

Councillors M Allen, D Andrews, P Boylan, R Brunton, S Bull, M Casey,
B Deering (Vice-Chairman), J Jones, P Ruffles, T Stowe and K Warnell

Substitutes

Conservative Group: Councillors P Ballam, S Cousins, J Kaye and
D Oldridge

(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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DISCLOSABLE PECUNIARY INTERESTS

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

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

Public Attendance

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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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 18 July 2018 (Pages 7 - 58)

To confirm the Minutes of the meeting of the Committee held on Wednesday 18 July 2018.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 59 - 64)

(A) 3/18/1227/FUL - Three-storey, 66-bedroom residential care home for older people (Use Class C2) with associated access, parking and landscaping at St Michael's Hurst Development, Hazen End Road, Bishop's Stortford_(Pages 65 - 86)

Recommended for Approval

(B) 3/18/1234/FUL - Erection of 33 'Retirement Living' (Category II sheltered housing) apartments for the elderly with associated communal facilities, car parking and landscaping on land west of Ermine Street, Buntingford_(Pages 87 - 110)

Recommended for Approval.

6. Urgent Business

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

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 18 JULY 2018, AT 7.00 PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Ballam,
P Boylan, R Brunton, M Casey, B Deering,
J Jones, D Oldridge, P Ruffles and T Stowe

ALSO PRESENT:

Councillors G Cutting

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Fiona Dunning	- Planning Officer
Thomas Howe	- Planning Student
Peter Mannings	- Democratic Services Officer
Kevin Steptoe	- Head of Planning and Building Control Services

104 APOLOGIES

Apologies for absence were submitted on behalf of Councillors S Bull and K Warnell. It was noted that Councillors P Ballam and D Oldridge were substituting for Councillors S Bull and K Warnell respectively.

105 CHAIRMAN'S ANNOUNCEMENTS

The Chairman stated that as the District Plan had taken further significant steps towards formal adoption, the weight that could be assigned to it had increased.

106 DECLARATIONS OF INTEREST

Councillor T Page declared a non-pecuniary interest in application 3/18/0432/FUL, on the grounds that he was a Member of Bishop's Stortford Town Council.

Councillor B Deering declared non-pecuniary interests in applications 3/18/0432/FUL and 3/17/1537/FUL, on the grounds that he was a Member of Hertfordshire County Council for the Hertford Saint Andrews division.

107 MINUTES - 20 JUNE 2018

Councillor T Page proposed and Councillor P Boylan seconded, a motion that the Minutes of the meeting held on 20 June 2018 be confirmed as a correct record and signed by the Chairman, subject to the following being added to the end of the first sentence in paragraph 11 of Minute 63:

'but opening hours were challenged in respect of night time economy provision'

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

RESOLVED – that the Minutes of the meeting held on 20 June 2018, be confirmed as a correct record and signed by the Chairman, subject to

the following being added to the end of the first sentence in paragraph 11 of Minute 63:

‘but opening hours were challenged in respect of night time economy provision’

- 108 3/18/0432/FUL - ERECTION OF MULTI STOREY CAR PARK (MSCP) OVER SIX LEVELS PROVIDING 546 SPACES, OPEN AIR SURFACE CAR PARKING FOR 27 SPACES TO THE NORTH OF THE CAR PARK. ERECTION OF A 4 STOREY BUILDING WITH COMMERCIAL USE AT GROUND FLOOR AND 15 RESIDENTIAL FLATS ARRANGED OVER THE UPPER 3 LEVELS, A MULTI-USE GAMES AREA (MUGA) AND ASSOCIATED HIGHWAY AND PUBLIC REALM WORKS. REMOVAL OF FENCE AND RETAINING WALL AT EHDC CAR PARK NORTHGATE END, BISHOP'S STORTFORD CM23 2ET

The Head of Planning and Building Control recommended that in respect of application 3/18/0432/FUL, subject to the conditions detailed in the report to the Committee on 20 June 2018 and the amendments and additions detailed in the report now submitted, planning permission be granted subject to the conditions now detailed.

The Head drew attention to the additional commentary detailed in the schedule of late representations. Members were referred in particular to comments of the Conservation Officer, Environmental Health, the HCC Property Services Officer and the Bishop's Stortford Civic Federation. The Head also referred to 37 additional objections from neighbouring and local residents with some objectors having emailed Members directly.

The Head explained that the principal change was the changed orientation and enhanced size of the Multi Use Games Area (MUGA) which would now meet the specifications of Sports England and had been subject to a seven day consultation period.

Officers felt that, in order to protect the amenity of adjoining neighbours, a condition regarding lighting restrictions should remain contrary to the views of the HCC Property Services Officer. The applicant had increased the affordable housing offer to 6 units or 40% provision.

The Head referred to noise readings taken on site at the start of July 2018 and these readings had been compared to an overall summary that had been completed regarding background noise. The subsequent summary from the Environmental Health Officer had been submitted to Planning Officers and had been emailed to the Committee Members.

Members were advised that the matter of electrical charging points had been addressed at paragraph 2.9 on page 45 of the report submitted. The applicant had indicated that there was the ability to provide more charging points if demand were to increase in future. The Head drew Members' attention to the matter of pedestrian movements in reference to pages 46 and 47 of the report. There was no other significant new information that needed to be brought to the attention of the Committee regarding the conditions or the recommendation.

Councillor M Casey commented on the viability assessment and the compromise of 20% affordable

housing that had been offered previously. He queried what had changed to allow a revised offer of 40% affordable housing provision.

Councillors R Brunton and J Jones commented on policy in respect of affordable housing and sought clarification regarding low cost home ownership and whether this contributed to the 40% affordable housing provision.

Councillor P Boylan suggested that condition 31 be strengthened to reflect the dual nature of the 20 electric vehicle charging points. He was also pleased to hear that the technology was intended to be future proofed. He commented on the possibility of a condition to give a safety net against this car park being completed without the development of Old River Lane.

Councillor D Andrews referred to outstanding issues regarding the MUGA and commented on pedestrian movements to and from the proposed car park and the suggested times of peak demand of 12:45 to 13:00. Councillor M Allen referred to the impact of the application on pedestrian movements and Councillor D Oldridge commented on the revised location of the MUGA.

The Head confirmed that the applicant was willing to provide six affordable housing units to meet the Council's target of up to 40% affordable housing even though this had been proven to be unviable. The units would be shared ownership rather than rented accommodation in the form of social housing. Condition 31 would be amended in respect of the 20

dual charging points.

The Head reminded the Committee that the applicant would have three years to implement this application should planning permission be approved. Members were advised that conditional arrangements between development sites would not be reasonable or appropriate in relation to the standard tests for conditions. Members were also not in a position to seek to exclude or include elements of an application with planning conditions.

The Interim Legal Services Manager reminded Members that their role was to determine applications and they should not seek to advise developers. Members were further advised that they could not seek to link this application to existing or future developments and they must determine what had been submitted by applicants.

The Head confirmed to Councillor B Deering that the noise issue had now benefited from a full and proper assessment. The noise readings had indicated that a level of noise mitigation was required in relation to Yew Tree Place. The Head detailed the findings of the noise assessment in terms of decibel levels and summarised the options available in terms of mitigation regarding the managed operation of the proposed car park.

Councillor D Oldridge was advised by Officers that the final formulation of the conditions could be and often was delegated to Officers in consultation with the Chairman and Vice-Chairman of the Committee plus local ward Members.

The Head referred to a point that had been raised by Councillor D Oldridge at the meeting of 20 June in relation to previously developed land. Further clarification was provided in relation to this matter.

Councillor D Andrews commented on the importance of the availability of infrastructure to support future demand for additional capacity for the charging of electric vehicles. He referred in particular to the cabling infrastructure capacity from the utility companies or the sub-station to satisfy the energy demands of the car park.

Councillor D Oldridge proposed and Councillor M Casey seconded, a motion that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved, subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

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

RESOLVED – that in respect of application 3/18/0432/FUL, planning permission be granted subject to the amended conditions now detailed and in relation to condition 14 (management

arrangements for the MUGA), condition 31 (car parking management plan) and condition 39 (car parking operation hours), the details to be considered and approved subject to consultation with the Chairman and Vice Chairman of the Committee and at least one local ward Member.

Conditions

1. Time limit for implementation
2. Approved Plan numbers

Archaeology

3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made. The development shall be carried out in accordance with the details approved.

Reason: To secure the protection of and

proper provision for any archaeological remains in accordance with policies BH2 and BH3 of the East Herts Local Plan Second Review April 2007 and policy HA3 of the East Herts District Plan pre-submission version, Nov 2016.

Contamination

4. 2E33 No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Socotec Uk Ltd Phase 1 Desk Study report dated February 2018 (Ref: H8019-18), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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

National Planning Policy Framework.

Waste Management

- 5 2E32 Before the development hereby permitted is commenced, details shall be submitted to and approved in writing by the Local Planning Authority of the measures to be taken in the design, construction decommissioning and demolition of the development to; re-use existing materials within the new development ; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.

Reason: To accord with Hertfordshire Waste Core Strategy and Development Management Policies DPD 2012.

Noise Attenuation – car park

- 6 No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the car park use hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The scheme shall

follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29th May 2018 as supplemented by report ref 2009/EBF/R3 dated 10 July 2018. The use hereby permitted shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

Noise Attenuation – MUGA

- 7 No development shall take place until a scheme for protecting nearby noise sensitive receptors from noise arising from the Multi-Use Games Area (MUGA), access walkway and surface level car park has been submitted to and approved in writing by the Local Planning Authority. The scheme shall follow the recommendations identified in the Adnitt Acoustics Report Ref 2009/EBF/R1-C dated 29th May 2018. The use shall not commence until the scheme has been implemented in accordance with the approved details, and shown to be

effective, and it shall be retained in accordance with those details thereafter.

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 and policy EQ2 of the East Herts District Plan pre-submission version, Nov 2016.

Construction Management Plan – pollution control

- 8 Prior to the commencement of the development, a detailed construction management plan shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:
 - a) The construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of hoarding
 - f) Management of traffic to reduce congestion
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and

neighbours

- i) Waste management proposals
- j) Mechanisms to deal with environmental impacts such as noise, air quality (including dust), light and odour.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Landscape and Ecological Management Plan (LEMP)

- 9 No development shall take place until a Landscape and Ecological Management Plan (LEMP) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;

- f) Preparation of a work schedule to undertake the works and provide appropriate long term maintenance (at least 5 years);
- g) Extent and location/area of proposed works on appropriate scale maps and plans;
- h) Details of the body or organisation responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

Reason: In order to ensure that the development enhances the ecological value of the site and adjoining area in accordance with policies ENV15, ENV16 and ENV17 of the East Herts Local Plan Second Review April 2007 and policies DES3 and NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Air Quality

- 10 No development shall take place until a scheme for mitigating the impacts of the development on local Air Quality has been submitted to and approved in writing by the local planning authority. The scheme shall

follow the recommendations identified in the Phlorum Air Quality Assessment report (Ref: 7801A AQ draft v1) dated February 2018. The scheme shall include a timetable for implementation of the approved mitigation measures and it shall be retained in accordance with those details thereafter.

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 and policy EQ4 of the East Herts District Plan pre-submission version, Nov 2016.

SUDS

- 11 No development shall take place until the final design of the drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted the Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018.

The scheme shall also include;

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet

and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + 40% allowance climate change event. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

2. Final design of the attenuation tank should incorporate silt traps and appropriate pollution prevention methods.
3. Details regarding any areas of informal flooding (events those exceeding 1 in 30 year rainfall event), this should be shown on a plan with estimated extents and depths.
4. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event based on details proposals for the opening and diversion of the Main River.

The development shall be carried out in accordance with the details approved.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

External Lighting

- 12 2E27 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 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016 .

No lighting for MUGA

- 13 Notwithstanding condition No. 12, no lighting is permitted on the Multi-use Games Area.

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 and policy EQ3 of the East Herts District Plan pre-submission version, Nov 2016.

Management plan for MUGA and grassland

- 14 No development shall take place until

details have been submitted to and approved in writing by the local planning authority which set out how the access to the MUGA outside of the permitted hours of use and the surrounding grassland at any time shall be controlled. The details shall include how the area will be secured from the surface car park but be accessible for ball retrieval and maintenance during operating hours. The development shall be carried out in accordance with the details agreed.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Secured by Design

- 15 Prior to development commencing on site details shall be submitted to and approved in writing by the Local Planning Authority setting out how the development will meet the Secured by Design standards. Once approved, the development shall be constructed and operated as such.

Reason: To ensure the car park and residential developments have been designed to reduce the opportunity of crime

in accordance with Policy ENV3 of East Herts Local Plan Second Review April 2007 and policy DES5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Details of deculverting

- 16 Prior to the commencement of development there shall be submitted to and approved in writing by the Local Planning authority a detailed design for the deculverting of the Old River Stort.. The deculverting works shall be fully implemented prior to occupation and 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 on site and elsewhere by ensuring that an acceptable open-channel diversion of the Old River Stort is provided. In addition to increase the biodiversity of the site in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 17 All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a

result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Landscape details

18 All existing trees, shrubs, natural and

historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e. weld mesh) to BS5837: 2012 Trees in relation to design, demolition and construction securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure that trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability throughout the construction period in the interests of amenity, in accordance with policy ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES3 of the East Herts District Plan pre-

submission version, Nov 2016 together with the Main Modifications, Feb 2018.

On-site parking details

- 19 No development shall commence until additional layout plans, drawn to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority, which clearly demonstrate that all on-site parking spaces can be accessed by a vehicle, and that on-site turning space is sufficient to enable all servicing vehicles to enter and exit the site in forward gear.

The development shall be carried out in accordance with the details agreed and such spaces shall be retained at all times for use in connection with the development hereby permitted.

Reason: To ensure that vehicles entering and exiting the site do not adversely affect the free and safe flow of traffic on the public highway in accordance with policy TRA2.

Finished surfaces of parking

- 20 Details of the finished surface of the parking areas shall be submitted to, and approved in writing by the Local Planning Authority before the development commences and such surfaces shall be completed to the

Authority's satisfaction before any part of the development is first brought in to use.

Reason: In the interest of amenity, safety and long-term maintenance in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Construction Traffic Management Plan

- 21 No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan shall include details of:
- a. Construction vehicle numbers, type, routing;
 - b. Traffic management requirements;
 - c. Construction and storage compounds (including areas designated for car parking);
 - d. Siting and details of wheel washing facilities;
 - e. Cleaning of site entrances, site tracks and the adjacent public highway;
 - f. Timing of construction activities to avoid school pick-up/drop-off times;
 - g. Provision of sufficient on-site parking (including for existing properties and

- on-site activities), prior to commencement of construction activities;
- h. Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Hard Surfacing Materials

- 22 Prior to the commencement of the development hereby permitted all materials to be used for hard surfaced areas within the site including roads, driveways and car parking areas shall be approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development does not detract from the appearance of the locality, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Samples of materials

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

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Landscape design proposals

- 24 Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Proposed finished levels or contours (b) Means of enclosure (c) Car parking layouts (d) Other vehicle and pedestrian access and circulation areas (e) Hard surfacing materials (f) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting) (g) Proposed and existing functional services above and below ground (e.g. drainage,

power, communications cables, pipelines, etc. indicating lines, manholes, supports, etc.) (h) Retained historic landscape features and proposals for restoration, where relevant (i) Planting plans (j) Written specifications (including cultivation and other operations associated with plant and grass establishment) (k) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (l) Implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

- 25 Prior to commencement of development, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of the amenities of residents of neighbouring properties and in accordance with policies ENV1 and ENV24 of

the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Boundary treatment

- 26 Prior to the first occupation of any dwellings hereby approved, details of all boundary walls, fences or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and thereafter shall be erected and retained in accordance with the approved details.

Reason: In the interests of privacy and good design, in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

SuDS management and maintenance plan

- 27 Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The scheme shall include maintenance and operational activities; arrangements for adoption and any other measures to secure

the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT5 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018..

Vehicular access

- 28 Prior to the first occupation / use of the development hereby permitted, the vehicular access(es) shall be provided and thereafter retained at the position(s) shown on the approved plan drawing number (03010 8D ASL Rev D). Arrangement shall be made for surface water drainage to be intercepted and outfall discharged so that it does not discharge from or onto the highway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Access gates, barriers

- 29 Prior to the first occupation/use of the development hereby permitted any access gate(s), barriers, bollard, chain or other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 6 metres from the back of the footway.

Reason: To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened in accordance with policy TRA2 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 30 Prior to first use of the multi-storey car park and the rear surface area parking area hereby approved, the public parking area identified as The Causeway car park (and identified on the OS plan dated July 2018) shall be closed for public use. Once closed, the Causeway car park shall subsequently remain unavailable for public use.

Reason: In the interests of the free flow of traffic through the highway network and in accordance with policy TRA1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Car Parking Management Plan

- 31 Prior to first occupation/use of the development, a Car Parking Management

Plan shall be submitted to and approved in writing by the local planning authority. It shall include the following:

- i. Details of car parking allocation and distribution;
- ii. Operational details, and integration with other East Herts managed car parks within Bishop's Stortford;
- iii. Scheme for signing car park and any real time capacity information system;
- iv. A scheme for the provision and parking of cycles;
- v. Provision for a minimum of 20 Electric Vehicle charging points (which will serve as dual charging points with the capacity to charge up to 40 vehicles at one time);
- vi. Details of the infrastructure that will be provided as part of the development and subsequently, both within the site and off site as necessary, to enable the capacity of vehicle charging provision to be increased to a minimum of 160 vehicles in the future;; and
- vi. Monitoring required of the Car Management Plan to be submitted to and approved in writing in accordance with a timeframe to be agreed by the Local Planning Authority.

The Car Parking Management Plan shall be fully implemented before the development is first occupied or brought into use, in accordance with a timeframe agreed by the Local Planning Authority, and thereafter

retained for this purpose.

Reason: In the interests of highway safety, to ensure sufficient available on-site car parking, to ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development, in the interests of encouraging the use of sustainable modes of transport and in the interests of residential amenity. All in accordance with policies TRA2 and DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 32 Communal television reception facilities shall be provided prior to first occupation of the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and no other external television reception facilities shall be provided. Once provided, the television reception facilities shall remain as such.

Reason: To prevent the proliferation of telecommunication facilities in the interests of visual amenity and in accordance with policy in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

FRA mitigation measures

- 33 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by EAS reference 1524 dated February 2018 and the Drainage Strategy and SuDS Statement carried out by Elliot Wood reference 2170573 Rev P2 dated February 2018 and the following mitigation measures:
1. Undertaking appropriate drainage strategy for multi-storey car park based on attenuation and discharge into the Old River Stort restricted at 5l/s.
 2. Undertaking appropriate drainage strategy for northern car park drainage system and MUGA based on attenuation and discharge into the Old River Stort restricted at 2.5l/s.
 3. Undertaking appropriate drainage strategy for the four storey residential and commercial building on attenuation and discharge into Thames Surface water sewer restricted at 2.5l/s.
 4. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event.
 5. Implementing drainage strategy as indicated on the drawing titled Proposed Below Ground Drainage Layout drawing no. 1000 Rev 2 including attenuation tank and

permeable parking bays.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policy WAT1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 34 All external plant, machinery and equipment installed or operated in connection with this permission shall be so enclosed, operated and/or attenuated that noise arising from such plant shall not exceed a level of 5dBA below the existing background level (or 10dBA below if there is a tonal quality) when measured or calculated according to BS4142:2014, at the boundary of any neighbouring residential dwelling.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Hours of use of MUGA

- 35 The MUGA shall not be used between the

hours of 19:00 and 09:00 on any day and the 1.5m wide access route, shown on Drawing No. 17144_07_100 Rev P2, shall be secured and remain closed between 19:15 and 08:45 on any day.

Reason: In order to ensure an adequate level of amenity for residents in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 36 The permitted use of the commercial unit shall be limited to A1, A2 or B1 uses.

Reason: In order to ensure an acceptable impact in relation to residential amenity and in accordance with policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 37 The commercial unit shall be completed and ready for occupation with the glazed shopfront installed prior to the first occupation of the residential units.

Reason: To ensure that the commercial unit is ready for occupation in accordance with policy ED1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Construction hours

- 38 In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Hours of the car park

- 39 The vehicular entry into the public car park shall be restricted as follows:
- in relation to the ground floor and top floor of the multi storey car park and the rear surface parking area - to between 0700 and 2300 on any given day.
 - in relation to all other floors of the multi storey car park – to between 0700 and 2400 on any given day

Details of how this will be controlled

shall be submitted to and approved in writing by the local planning authority prior to the opening of the car park. The development shall be carried out and thereafter operated in accordance with the details approved.

Reason: In the interests of the amenities of the occupants of nearby properties and in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007 and policy DES4 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 40 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the highway authority in relation to sustainable transport measures for the car park and residential element of the proposal; and

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the highway authority in accordance with policy TRA2 of the East Herts District Plan pre-submission version,

Nov 2016 together with the Main Modifications, Feb 2018.

- 41 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the application has satisfied the requirement of the education authority in relation to primary and secondary education expansions; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the education authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 42 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that must provide details identifying the 6 Affordable Housing units, setting out how they will be managed and retained in their affordable housing use, nominating tenure and the Housing Association; and

Thereafter, no more than 50% of the market housing to be provided as part of this development shall be occupied until the 6 Affordable Housing units have been completed and made ready for occupation.

Reason: To ensure the development meets the provision for affordable housing in accordance with policy HOU3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 43 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how the Bishop's Stortford Library improvements have been addressed; and Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the County Council library Service in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 44 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing

by the local planning authority that will show how provision has been made for Parks and Gardens, outdoor sports facilities, green space and for children and young people required as a result of the development; and

Thereafter, no more than 50% of the market housing to be provided shall be occupied as part of this development until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets the requirements of the local planning authority in accordance with policy DEL1 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

- 45 No part of the development shall commence until a detailed scheme has been submitted to and approved in writing by the local planning authority that will show how a wet woodland in the locality of the de-culverted Old River Stort, as set out in the Flood Risk Assessment, can be achieved;

Thereafter, no part of the car park shall be opened until the approved scheme has been carried out, completed and complied with in its entirety.

Reason: To ensure the development meets

the requirements of the local planning authority in accordance with policy NE3 of the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018.

Informatives

- 1 Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Stort and the Old River Stort Culvert, both of which are designated as 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk.
- 2 The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
- 3 The removal or severe pruning of trees and shrubs should be avoided during the bird breeding season (March to August inclusive [Natural England]) to protect breeding birds, their nests, eggs and young. If this is not practicable, a search of the area should be

made no more than 3 days in advance of vegetation clearance and if active nests are found, works should stop until the birds have left the nest.

- 4 To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should also be covered at night or have ramps to prevent and avoid hedgehogs being trapped during construction. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
- 5 Any external lighting scheme should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.
- 6 In the event of bats, otters, or water voles, or evidence of them, being found work must stop immediately and advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist or Natural England: 0300 060 3900.
- 7 Storage of materials: The applicant is advised that the storage of materials

associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

- 8 Obstruction of public highway: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a public right of way. If this development is likely to result in the public highway and public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx)

- 9 Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other detritus on the highway. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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

information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

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.

- 109 3/17/1537/FUL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FOODSTORE, WITH ASSOCIATED CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS AT CONSUMERS ASSOCIATION GASCOYNE WAY, HERTFORD SG14 1LH
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1537/FUL, subject to a legal agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were reminded of the policy requirement to maintain sufficient sites for

employment use in light of the significant increase in housing sites detailed in the District Plan.

The Head stated that Officers had assessed the shortcomings of the site in terms of its attractiveness as an employment use as well as the proximity of watercourses and the issue of flooding. Members were advised that the likelihood of the site being utilised for employment was in some doubt.

The Head stated that the application was largely acceptable in policy terms. The site was close to the Hertford town centre but had been perceived to be remote from the town centre due to the busy A414 Gascoyne Way. The site was separated from West Street properties by a watercourse and the intervening green space.

The Head advised that the usual preferred linkage to the town centre was compromised to a degree by the significant barrier feature of Gascoyne Way. Officers felt that, on balance, the application would not adversely affect the town centre core retailers and would not adversely affect the function of the town centre or the character of the historic core of Hertford.

Dr McAllister and Mr Close addressed the Committee in support of the application. Councillor P Ruffles commented on the nature of Aldi retail offer and whether this application would give permission for that retailer only. He commented on the screening element of the car park in reference to landscaping to the Lea Valley side of the site. He referred in particular to protection for residents of West Street. He also referred to the wording of the conditions and the two

hour limit for users of the car park and the possibility that they could also visit the town centre.

Councillor D Andrews commented that although he was broadly content with the application, he wondered whether Section 106 amelioration would be of benefit for the residents of West Street. Councillor D Oldridge commented on the need for clarity regarding condition 21 and car parking hours of use and condition 7 in terms of a more precise number of cycle spaces for the car park.

Councillor B Deering commented on the importance of securing a workable underpass that people will use and he referred to the critical importance of protecting the underpass with CCTV. Councillor T Stowe highlighted the importance of the car park and roadway being covered by a permeable material to avoid surface water run-off.

The Head confirmed that the occupier of the site was not wholly relevant as the application was for a class A1 retail use. The building would be bespoke for a particular operator for convenience and comparison retailing.

Members were advised that the screening to the southern side of the car park was a very valid point and condition 26 covered a landscape management plan regarding the southern perimeter of the site. The Head stressed that the hours of use of the car park was covered by the proposed planning condition 21 and a car park management plan, although Officers would look at the wording of this in light of Members' comments and concerns on the car park.

Members were advised that the modelling work carried out by Hertfordshire County Council had indicated that the scheme would not have any adverse impact on the road network. The conditions regarding disabled car parking spaces and cycle spaces could be amended to be entirely specific in terms of not being less than a certain number.

The Head concluded that Officers would continue to liaise with the applicant on funding for treatment works for the underpass plus CCTV. Members were advised that Officers would work with the applicant regarding surface water drainage conditions and details of construction materials.

Councillor J Jones praised the proposed development as an excellent design that sat well next to Gascoyne Way. He felt that the food store would be very welcome in Hertford. Councillor D Andrews commented on the possibility of a condition that ensured that the car park was secured so that it was more difficult for non-shoppers to use the car park after the proposed food store had closed.

Councillor P Ruffles welcomed the subway treatment works and drew attention to three other subways which already had murals and emphasised that it would be most welcome if this underpass followed the tone of these. He also welcomed the location of this site to the west of the town centre as the retail offer had shifted to the east.

Councillor P Ruffles countered the point made by Councillor J Jones regarding an excellent design. He

felt that the existing employment building was good looking and the proposed development was a standard store design that did not look any better. Councillor P Ruffles expressed concerns regarding cyclists and pedestrians having safe passage across the entrance to the site given the speed of traffic on Gascoyne Way. He suggested that Officers could go back to HCC Highways regarding whether more could be done regarding the safety of cyclists and pedestrians.

The Head referred to condition 4 in the report submitted and advised that the intended store operating hours would actually be 8 am to 10 pm from Monday to Saturday. The car park management plan could be amended to ensure the safety and security of the car park.

The Head emphasised that the junction had a crossing island where each half had issues in terms of visibility and the speed of vehicles. Officers could take this issue back to the highways experts so that other potential design arrangements could be explored and incorporated into the conditions following further scrutiny.

In reply to a comment from Councillor D Oldridge regarding the balance of short term and long term parking spaces, the Head confirmed that Officers would further explore this issue on behalf of the Committee.

Councillor P Ruffles proposed and Councillor M Allen seconded, a motion that in respect of application 3/17/1537/FUL, the Committee support the

recommendation for approval subject to a legal agreement and the conditions detailed in the report submitted.

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

RESOLVED – that in respect of application 3/17/1537/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

- 110 3/18/1112/FUL - REDEVELOPMENT OF COLEBROOKE COURT: RETAIN BUILDING STRUCTURE WITH ADDITION OF ONE STOREY TO THE TOP FLOOR TO CREATE A PART-4 AND PART-5 STOREY BUILDING COMPRISING 11 RESIDENTIAL UNITS (9 X 2-BEDROOM AND 2 X 1-BEDROOM) WITH ASSOCIATED CAR PARKING, CYCLE STORAGE, PLANT AND LANDSCAPING WORKS. FOUR STOREY FRONT EXTENSION FOR NEW ENTRANCE AND INCREASED SIZED STAIRWAY. EXTERNAL WORKS INCLUDING RECLADDING AND THE ADDITION OF NEW WINDOWS AND JULIETTE BALCONIES AT COLEBROOKE COURT, THE RIDGEWAY, HERTFORD SG14 2TL
-

The Head of Planning and Building Control recommended that in respect of application 3/17/1112/FUL, subject to a Section 106 agreement, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised of

the mix of proposed development which would comprise 100% affordable housing and 100% shared ownership.

In reply to a comment from Councillor T Stowe regarding the proposed zinc cladding, the Head confirmed that this was a matter for the building regulations regime rather than the planning system.

Councillor P Boylan commented on the windows of the proposed western elevation of Colebrook Court. He referred to the large size of the proposed windows and sought clarity in respect of the prospect of overlooking.

The Head confirmed to Councillor P Ruffles that although he could not give any assurances now, Officers would have a discussion with the applicant regarding waste and recycling collection and storage and the proposed conditions. The Head also confirmed to the Committee that, in respect of the points that had been raised by Councillor P Boylan regarding building orientation and overlooking, he did not have plans for the adjacent site so was not able to confirm matters and this would have been taken into account when the proposals for the adjacent development site were considered.

Councillor P Ruffles proposed and Councillor D Andrews seconded, a motion that in respect of application 3/18/1112/FUL, the Committee support the recommendation for approval subject to Section 106 agreement and the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this

motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1112/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted.

111 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

The meeting closed at 9.08 pm

Chairman
Date

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EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 12 SEPTEMBER 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.

RECOMMENDATION FOR DEVELOPMENT MANGEMENT COMMITTEE

That:

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

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

2.0 Report

2.1 Display of Plans

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

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

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

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

3.0 Implications/Consultations

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

Background Papers

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

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

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

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

IMPLICATIONS/CONSULTATIONS

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

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 12 Sept 2018

Application Number	3/18/1227/FUL
Proposal	Three-storey, 66-bedroom residential care home for older people (Use Class C2) with associated access, parking and landscaping.
Location	St Michael's Hurst Development Hazel End Road Bishop's Stortford
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	30 May 2018
Target Determination Date	30 Sept 2018 (ETA)
Reason for Committee Report	Major application
Case Officer	Stephen Tapper

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

1.1 The proposal is for a three-storey L-shaped building for LNT Care Developments on a prominent site next to a formal park adjacent to a main route and bus route through the development. As such, a high standard of design is required, including good access, parking and servicing arrangements. The architecture should be distinctive but compatible with the surrounding new residential development being undertaken by Countryside Properties.

- 1.2 Consideration must also be given to the location, which is away from local services and facilities; environmental matters including traffic management and surface water drainage; and to matters of social and economic sustainability in respect of the nature and purpose of the care home and any employment benefits.

2.0 Site Description

- 2.1 The site is within St Michael's Hurst, known until recently as ASR 5, its Local Plan notation within the urban extension of Bishop's Stortford North (BSN). The site of 0.41ha (1.01ac) is located on the north side of Kitchener Road, a secondary road, close to its junction with the main bus route, now named Morbury Avenue. The application site slopes gently from a high point in its north-western corner to a low point in its south-eastern corner. There are no trees or hedges on the site or on its boundaries.
- 2.2 The proposed L-shaped building has one long elevation alongside the western boundary of the recently completed "Central Park", a landscaped formal park on Morbury Avenue. The other long elevation looks towards a green wedge to the north that links Central Park to St Michael's Hurst itself, a large green area in the heart of the estate, which will be laid out within Phase C of the overall development.
- 2.3 The building would have one of its short external elevations looking towards houses on the opposite side of Kitchener Road to the south. The other elevations frame the car park and face proposed residential development on the western boundary that will be within Phase C of the Countryside development. (The Council is currently considering an outline application (3/18/0652/OUT) for Phase C).

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/13/0886/OP	An urban extension comprising 329 new dwellings (of a range of sizes, types and tenures, including affordable housing), including a site for a one-form-entry primary school, and public open and amenity space, together with associated landscaping, access, highways (including footpaths and cycleways), parking, drainage (including a foul water pumping station), utilities and service infrastructure works), all matters reserved except for vehicular access	Approved with conditions and section 106 agreement	01/06/16
3/18/0652/OUT	Outline application for up to 260 dwellings (of a range of sizes, types and tenures, including affordable housing) and a care home (Use Class C2) of up to 66 beds together with public open and amenity space, associated landscaping, highways (including footpaths and cycleways), parking, drainage, utilities and service infrastructure works, with all matters reserved.	Not yet determined	

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the East Herts District Plan 2018 (DP), the adopted East Herts Local Plan 2007 (LP) and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan (NP).

Main Issue	NPPF 2018	LP policy	DP policy	NP policy
Specialist housing	Para 61		HOU1 HOU6	HDP6 HP2
Design, landscaping and planning out crime	Para 127	ENV1, 2 ENV3 ENV11	DES3 DES4	GIP4, HDP2 HDP3
Access, parking, travel plans, cycling facilities	Ch 9	TR2, 4, 7, 14	TRA1, 2,3	TP1
Surface water drainage	Para 165	ENV21	WAT5	
Sustainable development	Ch 2	SD1	INT1	

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 The principle of a care home on the ASR5 site is acceptable and can be accommodated in terms of trip generation on the surrounding local highway network. The revised layout now incorporates turning space for refuse/service vehicles and can accommodate a fire tender, and it incorporates a drop off point and a turning area (shown hatched as a no parking area). The Authority has also requested a s.106 contribution towards a community based transport scheme.
- 5.2 Lead Local Flood Authority No objection subject to confirmation of post development run-off rates and volumes.

- 5.3 EHDC Engineering Advisor Additional information required regarding on-site surface water attenuation and connections into the approved drainage system designed in accordance with the ASR5 flood risk strategy.
- 5.4 Thames Water No objections
- 5.5 HCC Historic Environment Unit The site falls within an area in which Countryside Properties have undertaken archaeological investigation, the results of which are to be published. There are no further comments.
- 5.6 HCC Minerals and Waste No objections subject to a condition requiring a site waste management plan.
- 5.7 EHDC Environmental Health Advisor No objections subject to conditions regarding the control of noise, odour and lighting; a construction management plan and unsuspected contamination.
- 5.8 EHDC Operational Services Concern regarding bin haul distance and the turning circle for a 12.1m freighter.
- 5.9 Herts Police Crime Prevention Advisor says the applicant has taken note of national and local crime prevention policy and the only comments relate to entrance door surveillance, external lighting and boundary fencing.
- 5.10 Herts Fire and Rescue requires the provision of fire hydrants in accordance with the County's section 106 toolkit.

6.0 Town Council Representations

- 6.1 No objections

7.0 Summary of Other Representations

7.1 The application has been advertised as a major development and neighbour notification letters were despatched but no third party representations have been received.

8.0 Consideration of Issues

8.1 Specialist housing. The National Planning Policy Framework 2018 (NPPF) states that Councils should plan for the size, type and tenure of housing needed for different groups in the community, including older people.

8.2 Para. 14.2.3 of the District Plan says a key issue for East Herts is its ageing population. Population forecasts show that there will be 87.5% more older people (65+) by 2037. The largest increase within the 65+ group is those aged over 85, a 189.6% increase, which potentially means a significant increase in the need for support services and housing with support. Policy HOU1(iii) therefore says *Where appropriate, provision of specialist housing will be encouraged for older people and vulnerable groups in accordance with Policy HOU6 (Specialist Housing for Older and Vulnerable People).*

8.3 People who are unable to live independently require specialist residential or nursing care accommodation. This type of accommodation usually falls within the C2 Use Class. Therefore, in addition to the overall housing target, the District Plan (Policy HOU6) supports a gross increase of at least 530 bed-spaces of C2 provision in the District's towns, primarily to help meet the accommodation needs of older people who need to live in an environment which provides residential or nursing care. Policy HOU6 goes on to say that such housing should be located where there is access to a choice of sustainable travel options including being within easy reach of town centre shops and services. Providers should also consider the integration of healthcare facilities within their development.

- 8.4 The proposed development is therefore one that is supported in principle by planning policy at national and local level. The location will be served by the 510 bus, which is planned to re-route through St Michael's Hurst, and there will be footpath links to new open spaces and the riverside and to the proposed Eastern Neighbourhood Centre in Stortford Fields. However, healthcare facilities are not currently included in the development.
- 8.5 Design, landscaping and planning out crime. The site is located adjacent to a recently completed formal park near to the main entrance to St Michael's Hurst. The opportunity must be taken to create a building of a design that will attract attention and be a landmark within the estate but at the same time respect the traditional architectural styling and palette of external materials of residential properties that are being constructed in the locality.
- 8.6 The building is L-shaped to allow the residents of the two wings of bedroom accommodation to easily access a central core comprising a lounge/dining room on each floor overlooking green space; a large reception area on the ground floor behind the main entrance; a first floor shop, hair salon and gallery tea room with a balcony over the main entrance; and a library and office on the second floor. Operational uses such as the kitchen, laundry, staff room and clinic occupy the whole of the ground floor of the shorter wing. The longer wing includes three "quiet" lounges and a garden room over its three floors. The 66 residents are therefore well served by on-site services and common areas.
- 8.7 The bedrooms are all of similar layout, with a floor area of 15sq.m, excluding their en suite shower rooms. There are two lifts between all floors. A number of ground floor rooms have an external door to the gardens.
- 8.8 As a consequence of the L-shaped layout of the building and its location next to two open spaces, all the elevations have a public face. It is considered that all elevations are to a high standard of design. Also as a consequence of the layout, the main entrance occupies the inner angle of the "L" and is less visible from public

viewpoints. This leaves the wings with long and potentially unrelieved elevations. The solution has been to construct the east and west elevations in bays, with alternate bays projecting forwards slightly under a gabled roof. These break up the roof line and the alternating bays are finished in different materials.

- 8.9 Amended plans have been submitted that reduce the amount of grey cladding used in favour of brickwork, there being two contrasting brick colours. Those bays that are in brick will include brick and stone features to add interest. The north and east elevations also now include canopies over the entrances to ground floor bedrooms, with an artificial slate covering to match the main roof of the building.
- 8.10 Additional drawings have been submitted to show full details of ancillary buildings in the grounds: an electricity meter house/garden store and a sprinkler house, both in brick with tiled roofs; a timber bin store and a steel cycle park.
- 8.11 As regards landscaping, there is the opportunity to create landscaped gardens around two sides of the building and the submission of detailed landscaping plans is covered by condition 6. The formal park will also add to the quality of the building's setting. Details have been submitted of the boundary enclosure, which will comprise steel railings 1.8m in height, in black with a scalloped design.
- 8.12 Policy HDP3 requires that new development must achieve *Secured by Design* accreditation. By its nature, the care home raises issues of security and the Crime Prevention Advisor's concerns regarding surveillance and controls at the main door, the means of enclosure of the site and the quality of the external lighting have been considered by the applicant. In respect of lighting, the applicant does not wish to use column lighting, as suggested by the Advisor, on the basis that it can cause nuisance to neighbouring properties. Instead, the applicant proposes low energy wall mounted spotlights, angled to provide light over the building and immediately

surrounding footpaths. In addition, bollard lighting would be used in the car park and other paths away from the building footprint.

- 8.13 In respect of the concerns raised regarding door surveillance and boundary treatments, it is also considered that these are satisfactorily addressed, both by the internal arrangement of spaces within the building and by the boundary materials proposed.
- 8.14 Traffic and parking. The applicants emphasise that, based on their experience elsewhere, residents would generally be expected to come from a catchment of no more than 3 miles radius, or be associated with relatives or friends resident within that catchment. The care home would predominantly serve the Bishop's Stortford area and employees would generally be drawn from the local area, therefore mitigating the impact of the proposals on traffic. It is estimated that the home would create approximately 46 new jobs and an analysis of the shift pattern indicates there is unlikely to be more than 15 staff on site at any one time.
- 8.15 The shift patterns also show that the morning and evening peaks will be little affected by the staff arrivals and departures. The company operates staff travel planning, as a result of which the majority of staff use public transport. Currently, the nearest bus stop is on Michael's Road, a five minute walk away, but it is intended that the 510 will be re-routed through the wider residential site and stop very close to the proposed care home. There are also options for staff to car share, walk and cycle. A detailed travel plan has been submitted with the application.
- 8.16 As regards the residents, few if any would have a car. There are no restrictions on visiting hours and, as a result, there are only moderately busy times: at weekends and between 18:00 and 20:00 on weekdays. Again, therefore, there would be little impact on peak traffic flows.

- 8.17 Regarding parking provision, the site layout plan includes 18 car spaces in front of the main entrance, which the applicant has based on the experience of developing a large number of homes across the country. LNT describes several precedents where parking surveys were conducted and they are described in the application. They show that even at busy times the car parks were not full.
- 8.18 The Council's own *Vehicle Parking Standards SPD, Appendix B, (2008)* and the *Updated Parking Standards* that accompany the District Plan indicate that 0.25 spaces per resident bed space should be provided, which would be 17 spaces rounded up. The applicant is proposing 18 spaces, based on experience elsewhere and that should therefore be satisfactory. The application also includes a shelter for 8 bicycles for staff and visitors.
- 8.19 In response to comments from the Highway Authority and the Council's Operational Services, an amended plan has been submitted showing how a turning space can be provided within the car park, suitable for both a fire tender and a waste services vehicle (so addressing the concern regarding bin haul distances) as well as a daily delivery vehicle.
- 8.20 Surface water drainage. Countryside Properties conducted a Flood Risk Assessment across the whole of Stortford Fields and a drainage solution was designed accordingly. Owing to ground conditions and the slope of the land there was limited opportunity for on-site storm water attenuation in accordance with best practice, but there are one or two existing watercourses and permeable hard surfacing is being used. The main opportunity to attenuate the flow of storm water before it flows into the river is via the provision of three attenuation ponds in Bat Willow Park, on the south eastern side of Hazel End Road, which have now been constructed. They will also act as filter beds.
- 8.21 The care home is a large building, with an extensive roof area and probably less garden area than would have been the case if the site was developed with individual dwelling houses. Therefore, the Lead Local Flood Authority (LLFA) requires confirmation of the post-

development run-off rates and volumes for the care home site in order to ensure that storm water will be attenuated in accordance with District Plan Policy WAT5, which requires development to achieve greenfield run-off rates, with the surface water run-off managed as close to its source as possible. The Council's Engineer has suggested there should be opportunities to improve the amount of on-site attenuation by means of a balancing pond and permeable surfaces. The necessary storm water calculations to satisfy the LLFA and the EHDC Engineer and any additional means of on-site attenuation (excluding an infiltration pond for health and safety reasons) are required by condition 20 below.

- 8.22 Other Matters. Comments were made by consultees in relation to the requirement for a site waste management plan and to tenure the provision of fire hydrants. With regard to these issues concerns have been met by additional information from the applicant or will be covered by conditions.

9.0 Planning Balance and Conclusion

- 9.1 The proposed care home is a change to the previously expected use of the site, which was the development of individual homes in common with the rest of St Michael's Hurst. This report has therefore considered a number of matters that distinguish the care home development from the surrounding residential development.
- 9.2 The proposal is compliant with Local Plan and District Plan policy. The application includes information regarding the social, economic and environmental impact of the care home. As regards the social impact, the care home will meet a clearly identified need for such accommodation in East Herts and Bishop's Stortford in particular, given that most residents will move in from their existing homes in the locality. The application drawings show accommodation of a high standard, with plenty of shared space internally and an efficient layout from the resident's point of view. There is no integrated health facility other than the on-site nurse's clinic. However, in terms of the impact on local health services, given that

the majority of residents will be from the locality, there should be a positive rather than negative impact.

- 9.3 Policy generally encourages the integration of care homes in their communities. Whilst the care home is not in close proximity to a neighbourhood or town centre, it is likely that in view of their age and infirmities, residents would not generally make use of such services, or if they do they will be taken their by their visitors. There are attractive open spaces adjacent to the care home, which are accessible to residents, subject to their degree of mobility and which also provide a pleasant outlook from the building. In terms of the social impact of the care home the weighted balance is therefore very much in favour of it.
- 9.4 As regards the economic impact, the home will employ 46 people with a variety of skill sets and it is likely that most would live in the Bishop's Stortford area. It is also likely that the home will procure some of its goods and services locally. The home will have *Secured by Design* accreditation. The home will therefore have a positive economic impact.
- 9.5 The environmental impacts are mainly limited to traffic, potential noise and odours from extraction and air conditioning plant and the visual impact in the street scene. The application provides evidence that despite the number of residents and staff in the home the traffic impact will be very limited, including in the peak hours. Off-street parking and turning facilities are satisfactory and there is likely to be only one delivery vehicle per day. The applicant will encourage modal shift away from the car by offering staff a tried and tested travel plan. The Highway Authority's request for a s.106 contribution towards a community based transport scheme is noted but having regard to the nature of the development it is considered unlikely the many occupiers of the care home would utilise such a service. It is therefore considered that such a contribution would not meet the tests in the CIL Regulations and cannot be justified.

- 9.6 Given the proximity of the home to other residential property, the potential for noise and other nuisance has been carefully considered by the Council's Environmental Health Service and, subject to a number of planning conditions being imposed, it has no objection to the proposals.
- 9.7 In terms of the environmental impact of design, the proposal offers the opportunity to construct a landmark building at St Michael's Hurst. The applicant has responded to requests to amend the external appearance of the building since the application was submitted and, taking account also of the landscaping opportunities, Officers are confident that the development will be of pleasing and distinctive appearance and at the same time sit well with the architecture of the surrounding residential development. The development will therefore have very limited adverse environmental impact.
- 9.8 The conclusion is therefore that the weighted balance is very much in favour of granting planning permission for the care home which will have very limited adverse environmental impact and very positive social and economic impacts. It is also recommended that a condition is placed on the planning permission restricting the use within Use Class C2 to that of a care home because other uses within C2 such as residential schools, colleges or training centres, hospitals and nursing homes may have very different impacts in terms of traffic and parking and the amenities of surrounding residential properties.

RECOMMENDATION

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

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)

3. Samples of materials (2E12)
4. The building shall be used for the purposes of residential accommodation and care to people in need of care and for no other purpose including any other purpose within Class C2 of the Town and Country Planning (Use Classes) Order 2005 (as amended).

Reason

Other uses within the Use Class may not be acceptable within this residential location in terms of their impact on traffic, transport and parking and in terms of the environmental impact given the location of the site in close proximity to residential properties.

5. Prior to the commencement of the development, 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) planting plans; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and (e) implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason

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

6. Landscape works implementation (4P13)
7. Lighting details (2E27)
8. Provision and retention of parking spaces (3V23)
9. Prior to any hereby permitted use commencing, a scheme shall be submitted for approval to the Local Planning Authority to demonstrate that the rating level of sound emitted from any fixed plant and/or machinery associated with the development shall not

exceed a level 5dB(A) below the existing background sound levels at the any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Method for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Reason

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

10. Prior to any hereby permitted use commencing, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority.

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.

11. Construction Management Plan (6N07)
12. Construction hours of working - plant and machinery (6N07)
13. Before commencement of use of the care home, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plan (CM232FN - A03-E), and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason

To ensure that the access is constructed to the current Highway Authority's specification as required by the Local Planning Authority and to comply with those policies of the development plan.

14. Before commencement of use of the care home, the proposed access, as shown on approved in principle drawing number CM23 2FN - A03-E shall incorporate tactile paving crossing points, with details to be supplied to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority

Reason

In the interests of amenity and pedestrian safety.

15. Prior to the commencement of use of the care home, a visibility splay shall be provided in full accordance with the details indicated on the approved plan number CM23 2FN - A03-E. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason

In the interests of highway safety.

16. Hard surfacing (3V21)

17. Before first occupation or use of the development, the access roads, drop-off point and parking areas as shown on the approved plan (drawing number CM23 2FN - A03-E) shall be provided and shall be maintained thereafter.

Reason

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

18. Prior to the commencement of the development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall identify details of:

- phasing for the development of the site, including all highway works;
- methods for accessing the site, including construction vehicle numbers and routing
- location and details of wheel washing facilities; and
- associated parking areas and storage of materials clear of the public highway.

Reason

To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised.

19. No part of the development hereby permitted shall be occupied prior to the implementation of the approved Travel Plan dated May 2018 (or implementation of those parts identified in the approved Travel Plan as capable of being implemented prior to occupation). Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

Reason

To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment.

20. Prior to the commencement of the development details of a surface water drainage scheme shall be submitted to and approved by the Local Planning Authority that will

i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and

ii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall thereafter be implemented to the satisfaction of the local planning authority prior to the first occupation of the development hereby approved.

Reason

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

Informatives

1. Other legislation (OL01)
2. Unsuspected contamination (33UC)
3. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>
4. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit

mud, slurry or other debris on the highway. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Land use		
	Bed spaces	Floor area
Residential institution	66	3441sq.m.

Residential Vehicle Parking Provision

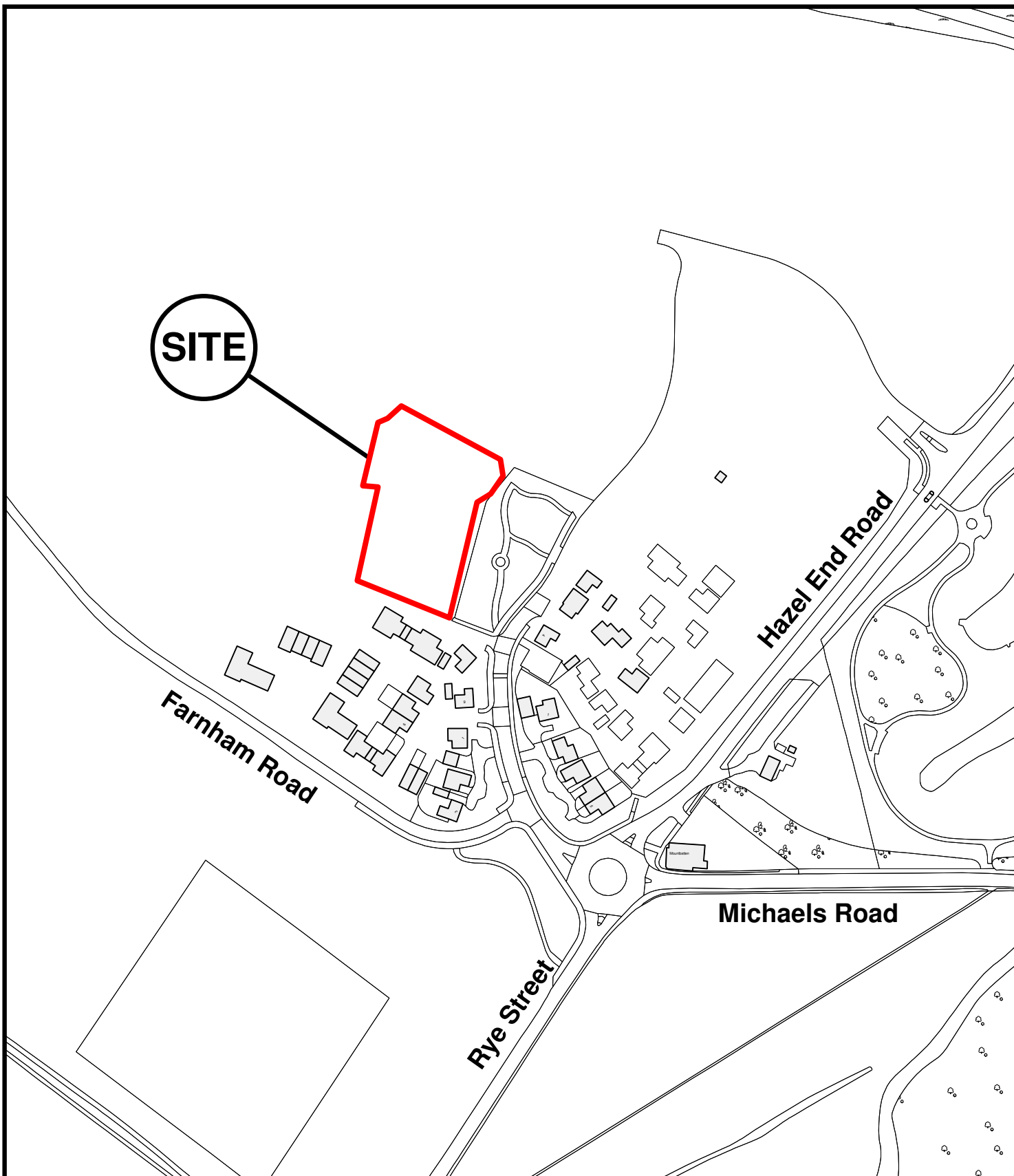
Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
Elderly persons residential and nursing homes (66 beds)	0.25	16.5
Total required		16.5
Proposed provision		18.0

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

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
Elderly persons residential and nursing homes (66 beds)	0.25	16.5
Total required		16.5
Accessibility reduction		N/A
Resulting requirement		16.5
Proposed provision		18

Legal Agreement - financial obligations



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**Address: St Michael's Hurst Development, Hazel End Road,
Bishop Stortford, CM23 2FN**

Reference: 3/18/1227/FUL

Scale: 1:2500

O.S Sheet: TL4923

Date of Print: 31 August 2018

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT – 12 Sept 2018

Application Number	3/18/1234/FUL
Proposal	Erection of 33 'Retirement Living' (Category II sheltered housing) apartments for the elderly with associated communal facilities, car parking and landscaping.
Location	Land north of Park Farm Industrial Estate, Ermine Street, Buntingford
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	4 June 2018
Target Determination Date	3 September 2018
Reason for Committee Report	Major
Case Officer	Fiona Dunning

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

1.1 Planning permission for the development of the site has previously been granted, in 2017, for 27 retirement living apartments. Those proposals actually comprised 21 apartments within a single building and in addition, as an extension to the western and southern arms of the main building, a further 6 two storey separate units. The current proposals delete the 6 two storey units and instead provide ten additional apartment units at ground and first floor and a further two apartments and a guest suite at second floor. This comprises a net gain of 6 units (and the guest suite) and all the units now form part of and are accessed from within the single building.

- 1.2 The main alterations to the granted scheme are on the western side of the building and include a larger footprint, changes to the first floor to align with the ground floor changes, and the two additional apartments on the second floor within an increased roof shape. There are other minor changes on the southern end of the building but there is no increase in the footprint.
- 1.3 This application is a full planning application due to the increase in the number of apartments on the site and the western footprint being materially larger than the previously approved.

2.0 Site Description

- 2.1 The site is located to the north of Buntingford on the western side of Ermine Street and to the north of Park Farm Industrial Estate. The area of the site is 0.33ha and is rectangular in shape with a frontage of 40m to Ermine Street. The site forms part of a wider site which is being developed by the applicant, and construction has begun for 27 bungalows (on the wider site) which were granted permission under ref. 3/16/1253/FUL.
- 2.2 To the north of the site is a new watercourse, which adjoins a recently constructed road to the residential development to the north.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/16/1253/FUL	Erection of 27no retirement apartments (Category II sheltered housing) with associated facilities, car parking and landscaping	Granted	November 2017

3/16/0959/REM	Reserved Matters approval for the erection of 25 Bungalows of 'Retirement Living' (Category II Sheltered Housing) and associated parking and landscaping.	Granted	July 2016
3/16/0471/VAR	Variation of Condition 14 (approved plans) of planning permission 3/13/1375/OP: Full permission for the erection of 180 homes, amenity land for community uses, the creation of one new access onto the A10 and closure of an existing access onto the A10 north of the site, creation of four new accesses onto Ermine Street and the upgrading of one access onto Ermine Street, and the provision of amenity space and associated infrastructure, and in outline with all matters reserved a 50-60 bed care home and sheltered accommodation. Amendments to the layout, mix, and design of the approved residential development.	Granted	December 2016

3/13/1375/OP	Full permission for the erection of 180 homes, amenity land for community uses, the creation of one new access onto the A10 and closure of an existing access onto the A10 north of the site, creation of four new accesses onto Ermine Street and the upgrading of one access onto Ermine Street, and the provision of amenity space and associated infrastructure, and in outline with all matters reserved a 50-60 bed care home and sheltered accommodation.	Granted	October 2015
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4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) July 2018, the adopted East Herts Local Plan 2007 (LP), the East Herts District Plan pre-submission version, Nov 2016 together with the Main Modifications, Feb 2018 (DP) and the Buntingford Community Area Neighbourhood Plan 2016 (BCANP).

Main Issue	NPPF	LP policy	DP policy	BCANP
Principle	Section 4 Section 5 Section 11	GBC3	GBR2 HOU1 HOU6	HD1 HD7
Design, layout and scale	Section 12		DES3	HD2 HD4
Affordable Housing	Section 5	HSG3 HSG4	HOU3	HD7
Parking provision	Section 9 Section 12	TR7	TRA3	T1

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 planning permission, subject to conditions. The Highway Authority is aware of the planning history and refers to the response provided for the 27 retirement apartment scheme under 3/16/1253/FUL as this response reviewed the highways and transportation aspects in detail. It acknowledges that there will not be a material change between the overall impact of the current application and the 2016 application granted. It also notes that a signed S278 agreement has been in place since April 2018. The Highway Authority has requested conditions and in accordance with the HCC's Planning Obligations Toolkit, requires a charge of £500 per parking space to be included in a S106 agreement for pedestrian and cycle link improvements for Buntingford.
- 5.2 Lead Local Flood Authority acknowledges the planning history for the site and the Surface Water/SuDS Strategy provides an update of the original report. It confirms that the overall drainage strategy remains the same and it demonstrates that the site is suitable for the development proposed with the drainage strategy carried out in accordance with the details proposed. Conditions are proposed.
- 5.3 Thames Water has no objection based on the information submitted as there is waste water infrastructure capacity and surface water will not be discharged to the public network.
- 5.4 HCC Historic Environment Unit comments that the site is unlikely to have any significant impacts on heritage assets of archaeological interest.
- 5.5 HCC Growth and Infrastructure Unit request financial planning obligations towards library services to enhance the Community Meeting Rooms at Buntingford Library.

- 5.6 EHDC Environmental Health Advisor raises no objections and requests the conditions relating to a Phase 2 contamination investigation report, a validation report and a condition limiting noise from external plant and machinery.
- 5.7 EHDC Operational Services requests a condition relating to refuse vehicle circulation route.
- 5.8 Crime Prevention Design Advisor does not raise objections to the use of the site, but does set out a concern that, given the description of the proposals as use class C2 (sheltered housing), this circumvents the more stringent Building Regulations requirements for use class C3 (residential) and affordable housing requirements. As a result, the advisor does not support the development.

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

6.0 Town Council Representations

- 6.1 Buntingford Town Council has no comments to make on this application.

7.0 Summary of Other Representations

- 7.1 No comments were received from neighbours or interested parties.

8.0 Consideration of Issues

Principle

- 8.1 The site lies within the Rural Area beyond the Green Belt in the current Local Plan. However planning permission has been granted for development on the site and this is material to the consideration of this current application. Furthermore, the emerging District Plan identifies the site as development in progress/committed development within Buntingford. The site also falls within the

Buntingford Settlement Boundary in the Buntingford Community Area Neighbourhood Plan. Therefore the proposal is acceptable in principle.

Design, layout and scale

- 8.2 The majority of the proposed building is 3 storeys, with the southern corner and the western end having 2 storeys. This design generally follows the previously approved scheme. The main areas of changes relate to the western end of the building and the car parking layout. The proposed building at the western end has a wider footprint and additional floor space at the second floor level. The proposed addition to the second floor and roof space has a length of 6.6m and therefore is not considered to be a significant extension to the building approved under 3/16/1253/FUL.
- 8.3 The car parking layout has removed a landscaped square that divided two car parking areas so that there is now one large car parking area with two access points. This does reduce the potential for the landscaping around the building to have a material softening impact, although tree planting to the site frontage is still possible.
- 8.4 The proposed building has gabled projections, chimneys and the 2 storey element has pitched roof dormer windows. The design approach is consistent with the previously approved design. The design is considered to be appropriate in relation to the new houses to the north of the site and the adjoining bungalows to the south. The proposal is considered to meet the aspirations of current Local Plan policy ENV1, emerging and Neighbourhood Plan policies which require new development to be of a high standard and compatible with the surrounding area. Good design is also a requirement of the NPPF, which states at paragraph 124, that good design is a key aspect of sustainable development.
- 8.5 The materials proposed are the same as the approved scheme, which is a mix of red clay facing brick on the ground floor and white render on the first and second floor with the roof having red clay tiles. The windows are proposed to be white upvc and the

balustrade to the balconies being powder coated aluminium and glass. The boundary treatment includes a mix of hedges, metal railings and an ornamental wall with metal railings.

- 8.6 The layout includes soft landscaping to the eastern and western boundaries which is consistent with the previous permission. There is a landscaping strip between the parking area and southern boundary, which previously had a landscaped parking courtyard. There is minimal soft landscaping on the northern boundary. However, this boundary adjoins the landscaped watercourse, which enables landscaping to be implemented outside the site.
- 8.7 The overall density of the development would be approximately 100dph, whereas the 2016 permission has a density of 90dph and the reserved matters permission for retirement bungalows has a density of 19dph. It is considered that overall the density is acceptable as the two schemes will provide a varied choice of housing for residents. The adjoining bungalows provide 2 and 3 bedroom dwellings and the proposed 33 retirement apartments propose 16 x 1 bedroom and 17 x 2 bedroom dwellings.

Housing and affordable housing

- 8.8 The comments from the Crime Prevention Design Adviser raised concern about the proposal not meeting Building Regulations and not requiring affordable housing provision. However, this is not the case. The use class is C3 and the appropriate building regulation requirements will apply. In accordance with Policies HSG3 and HSG4 of the Local Plan and HOU3 of the emerging District Plan, affordable housing provision is required. If the proposal was for a care home then this would fall under Class C2 and would not be subject to affordable housing provision.
- 8.9 The proposal is generally consistent with Policy HOU6 of the Emerging District Plan as the proposal provides one and two bedroom apartments. The contribution of £468,000 towards affordable housing was agreed for the 27 apartments previously so

the additional 6 apartments on a pro rata basis will increase this amount by £100,437.

- 8.10 The reason for the off-site contribution towards affordable housing rather than provision on site is due to the management difficulties and the service charges for the on-site warden and other services within the development.

Parking Provision

- 8.11 The parking standards for sheltered housing is between 0.5 and 1 space per unit. Therefore the provision for on-site car parking is between 16.5 and 33 spaces. The number of proposed spaces is 30, meeting the requirement. The Buntingford Community Area Neighbourhood Plan does not have a Sheltered Housing Category. If the proposal was for conventional dwellings or flats and not Sheltered Housing then the requirement, based on 16 x 1 bedroom and 17 x 2 bedroom apartments) would be 58 spaces.
- 8.12 The applicant has commissioned independent research into previous developments they have constructed to determine car ownership and the likely demand for on-site parking. Their conclusion is that car parking demand for units such as these is not that same as standard car parking requirements. The research indicates that car parking demand per apartment is 0.45 and when visitors are taken into consideration the requirement is increased to 0.55. This is consistent with the Council's minimum parking standard of 0.5 to 1 space per unit.
- 8.13 The research also showed that car ownership declined significantly with age. Generally car ownership was 100% at ages 65 to 69, 53% at ages 70 to 74, 49% at ages 75 to 79 and 26% or less over the age of 85. The average age of residents of other developments undertaken by the applicant is 78, where car ownership is relatively low. It is acknowledged that there will be parking demand for visitors including relatives, friends and health care professionals. The site is located within walking distance of the town centre and there is public transport available, albeit of limited availability. For

these reasons and overall however, the provision of 30 on-site car parking spaces is considered to be a suitable number for the proposed use. This is compatible, pro rata, with the previous permission.

- 8.14 The layout proposes a secure communal storage space for mobility scooters and bicycles at ground floor level.
- 8.15 The Highway Authority request a financial planning obligation towards proposed improvements to pedestrian and cycle links for Buntingford. The applicant has queried this as they have agreed a contribution of £30,000 toward the Buntingford Area Transport Trust bus service. The Highway Authority has confirmed this contribution is required as it is a separate matter to the bus service.

Other matters

- 8.16 The proposed development is not likely to have any significant impact on adjoining or nearby neighbours due to the distance between habitable rooms and outdoor amenity space. The northern elevation is at least 38m from the dwellings to the north. The western elevation has one window at first floor level which is to a stairwell and is 23m from the closest bungalow to the west with two driveways and landscaping in between. The main part of the southern elevation is setback from the boundary by 16.5m and is opposite bungalows on the southern side of the road. The separation distance between the proposed building and the bungalows is at least 28.5m.
- 8.17 In the south-eastern corner of the proposed building, there are two apartments on the ground and first floor that have a setback to the boundary of 4.5m where there is one bedroom window on each floor. The separation distance to the closest bungalow is 18m across a road with the windows angled towards the south-east rather than south so they do not face the bungalow at 90 degrees. There is not likely to be any amenity impacts between these dwellings.

8.18 The proposal provides a mix of private and shared amenity space for future residents. The previous application for 27 retirement apartments included provision for pedestrian access to the land to the north of the site, which formed part of the outline planning permission. This requirement was to seek to ensure permeability between the various elements of development in the area, rather than single access impermeable environments. The land to the north is in the control of another party and it is acknowledged that the pedestrian link between the two schemes may not materialise. This matter was considered to be a poor design outcome and was given negative weight in the assessment of the 27 apartment scheme. It is given the same weight in the assessment of the current application.

9.0 Planning Obligations

9.1 Having regard to the NPPF and the Community Infrastructure Levy Regulations (CIL) and viability following obligations have been agreed:

£568,437 towards off-site provision of affordable housing

£3,563 towards HCC Libraries

£15,000 towards HCC Highway pedestrian and cycle links

9.2 Justification has been provided by Herts County Council for the requested contributions towards libraries and pedestrian and cycle links.

9.3 The applicant agreed to pay a contribution of £30,000 towards the Buntingford Community Transport Scheme. The legal agreement for this was signed on 5th December 2017 and sits outside the planning permission granted under planning reference: 3/16/1253/FUL.

10.0 Conclusion

- 10.1 The planning history of the site has been discussed and the proposed increase in the number of apartments by 6 is not considered to significantly impact on the appearance of the previously approved scheme. The reduction in the amount of soft landscaping on the site on the southern boundary does result in a less scheme which is poorer in landscape terms than that approved previously, but the amendment is considered to improve vehicle circulation within the site. The proposal is considered to be consistent with the policies identified in the report.
- 10.2 There have been no objections from neighbours or consultees apart from the Crime Prevention Design Adviser. The advisors concerns in relation to the provision of affordable housing are addressed. The proposed apartment building will overlook adjoining streets and therefore will provide some natural surveillance of the street without creating any impact on privacy of the existing or proposed dwellings.
- 10.3 The parking provision is considered acceptable with respect to the research that the applicant commissioned and the standards for sheltered housing.
- 10.4 The density of development is considered satisfactory in the context of the site and the adjoining bungalow development and other new development beyond. The materials and the design is generally consistent with the 27 unit scheme apart from the increase in footprint and second floor apartments on the western end.

RECOMMENDATION

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

Legal Agreement

- £568,437 towards off-site provision of affordable housing
 - £3,563 towards HCC Libraries
 - £15,000 towards HCC Highway pedestrian and cycle links
- (all index linked)

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. Samples of materials (2E12)
4. The dwellings shall be used as sheltered accommodation for persons over the age of 55 and for no other purpose including any other purpose within Class C3 of the Town and Country Planning (Use Classes) Order 2005 (as amended).

Reason

To ensure that the development, together with the development on the wider Buntingford North site, provides an appropriate and sustainable mix of housing and that contributions towards local services remain relevant to this proposal in order to meet local needs and support local services in accordance with the National Planning Policy Framework and Policy HOU6 of the Emerging District Plan.

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

Reason

To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007 and Policies DES2 and DES3 of the Emerging District Plan.

6. Landscape works implementation (4P13)
7. No development approved by this permission shall take place until a Phase 2 investigation report, as recommended by the previously submitted Delta-Simons Report dated July 2013 (Ref: 13-0458.01), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

Reason

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

8. Prior to first occupation a validation report (to include photographs, material transfer tickets and validation sampling) shall be submitted and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed Remediation Strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason

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

9. Prior to the commencement of the development hereby permitted, full details (in the form of scaled plans and / or written specifications), shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority to illustrate the following:
- i) All roads, footways, cycleways, and pedestrian links to be provided;
 - ii) Visibility splays in both directions at the vehicle access(es);
 - iii) Access arrangements for vehicles expected to access the development including a swept-path analysis;
 - iv) The location and provision of car parking in accordance with adopted standards;
 - v) Provision of Electric Vehicle Charging points for at least 6 vehicles (20%);
 - vi) The location and provision of cycle parking in accordance with adopted standards; and
 - vii) Loading and turning areas for service (including refuse collection) vehicles.

The development shall be carried out in accordance with the details approved and shall be completed prior to first occupation.

Reason

To ensure that the access arrangement and internal layout is constructed to the current Highway Authority's specification as required by the Local Planning Authority in accordance with Policies TRA1 and TRA2 of the Emerging District Plan.

10. Construction of the development hereby approved shall not commence until a Construction 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 details of:
- a. Construction vehicle numbers, type, routing;
 - b. Traffic management requirements;
 - c. Construction and storage compounds (including areas designated for car parking);
 - d. Siting and details of wheel washing facilities;

- e. Cleaning of site entrances, site tracks and the adjacent public highway;
- f. Timing of construction activities to avoid school pick up/drop off times;
- g. Provision of sufficient on-site parking prior to commencement of construction activities; and
- h. Post construction restoration/reinstatement of the working areas.

Reason

In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies ENV1 and ENV24 of the East Herts Local Plan Second Review April 2007 and Policy DES4 of the Emerging East Herts District Plan.

11. Lighting details (2E27)
12. The development permitted by this planning permission shall be carried out in accordance with Surface Water / SuDS Strategy for retirement living replan ref: IDL/806/DS/02 issued 24th May 2018 and the following mitigation measures as detailed within the above mentioned report.
 - The scheme must provide a combination of attenuation and controlled discharge at 5L/s into the existing watercourse that runs to the northern boundary, soakaway for the plots 1 to 5 to be drained to the ground and additional porous pavement and swale as shown on the drawing NL/2128/04/203 RevE
 - A minimum of 424 m³ of storage will be provided within the tank 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 + 30% 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.

13. 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 ongoing maintenance of the approved drainage scheme is secured.

14. Before the development hereby approved is first occupied, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved in principle plan 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.

15. Provision and retention of parking spaces (3V23)

16. Prior to the occupation of the development a detailed management scheme for the future maintenance of the areas of communal amenity space and the swales shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To ensure that the amenity space and swales are suitably maintained in the interests of the character and appearance of the development and in the interests of the management of surface water flows and in accordance with Policies ENV1 and ENV21 of the East Herts Local Plan Second Review, April 2007 and Policies DES4 and WAT5 of the Emerging District Plan.

17. Noise resulting from any external plant, machinery or equipment installed or operated in connection with 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 and Policies DES4 and EQ2 of the Emerging District Plan.

18. Prior to the first occupation of the development hereby permitted, the foot access to the land to the north of the site, as shown on plan Sk_010 Rev E, shall be provided and made available for use. Once available, the foot access shall remain available for use for that purpose whilst the site remains in use for its intended purpose.

Reason

To provide for pedestrian permeability between the site and the use proposed and other land, uses and facilities in the vicinity.

Informatives

1. Other legislation (OL01)
2. Street naming and numbering (19SN)
3. Further general advice on waste provision for developments is available on our website. <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> The bin requirements stated there are specific to North Herts, but the rest of the advice is general.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	100 dwellings/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	16
	2	17
	3	
Number of new house units	1	
	2	
	3	
	4+	
Total		33

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
Sheltered housing for Older People	0.5-1 spaces per unit	16.5 - 33
Total required		16.5 - 33
Proposed provision		30

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

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

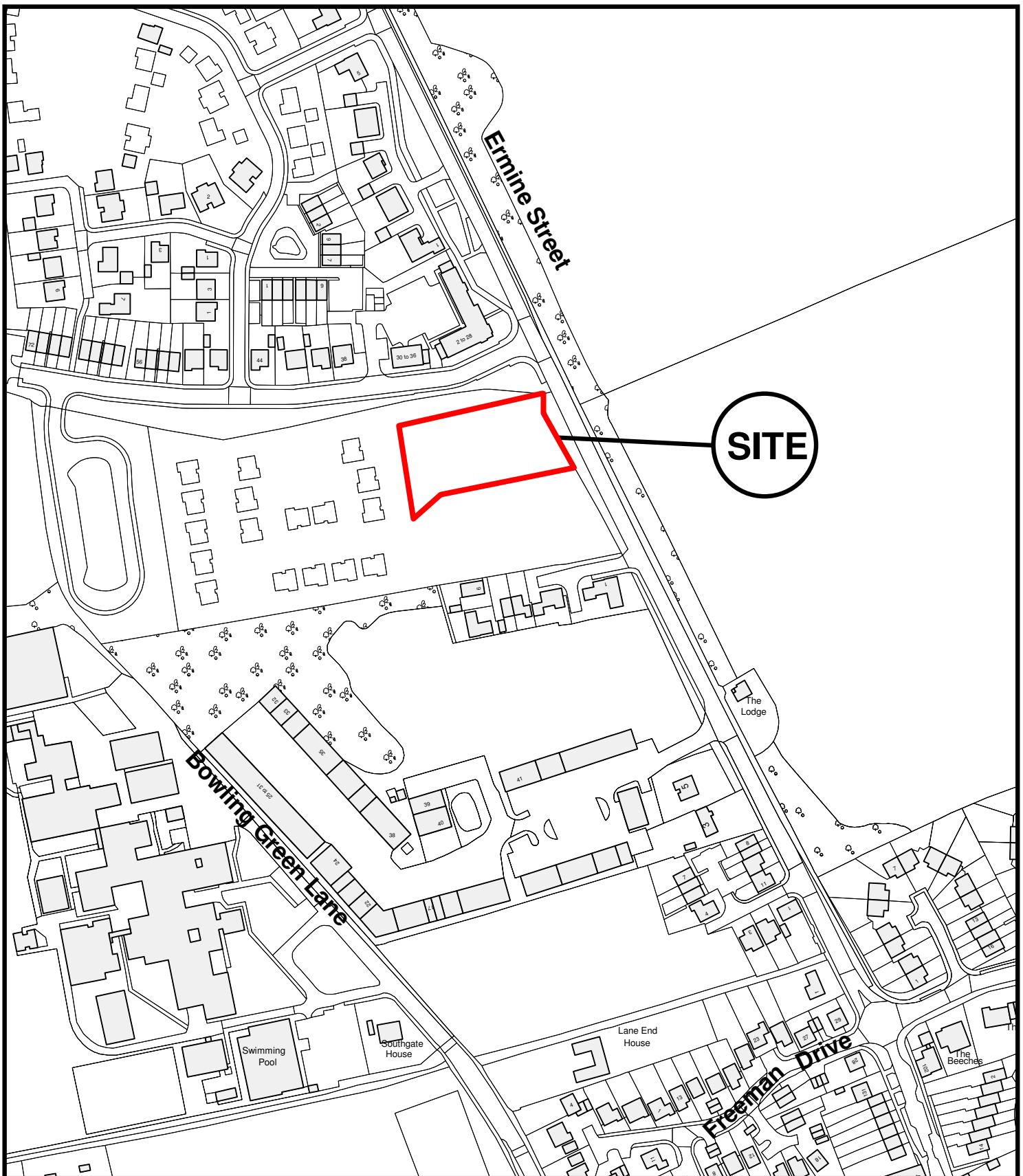
Sheltered housing for Older People	0.5 – 1 spaces per unit	16.5 - 33
Total required		16.5 - 33
Accessibility reduction		N/A
Resulting requirement		16.5 - 33
Proposed provision		30

Legal Agreement – financial obligations

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

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	40%	£568,437	Due to nature of the housing proposed a contribution to off-site provision is acceptable and the figure recommended is based on a viability assessment from 2017 and an additional amount based on a pro-rata basis.

Parks and Public Gardens	£0	£0	
Outdoor Sports facilities	£0	£0	
Amenity Green Space	£0	£0	
Provision for children and young people	£0	£0	
Maintenance contribution - Parks and public gardens	£0	£0	
Maintenance contribution - Outdoor Sports facilities	£0	£0	
Maintenance contribution - Amenity Green Space	£0	£0	
Maintenance contribution - Provision for children and young people	£0	£0	
Community Centres and Village Halls	£0	£0	



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