



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : PLEASE NOTE THAT THIS MEETING WILL BE HELD
VIRTUALLY ON ZOOM
DATE : WEDNESDAY 15 JULY 2020
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor B Deering (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, A Huggins, J Jones, I Kemp, T Page, C Redfern, P Ruffles and T Stowe (Vice-Chairman)

Substitutes

Conservative Group:	Councillors S Bull, R Fernando and J Kaye
Liberal Democrat Group:	Councillor J Dumont
Labour:	Councillor M Brady
Green:	Councillor J Frecknall

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Planning and Growth, 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.)

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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 - 17 June 2020 (Pages 9 - 18)

To confirm the Minutes of the meeting of the Committee held on Wednesday 17 June 2020.

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

(A) 3/19/2626/FUL - Mixed use Western Neighbourhood Local Centre comprising a doctor's surgery (Class D1), children's nursery (Class D1), 78-bed care home (Class C2), 29 affordable apartments (Class C3) and flexible commercial floorspace within class A1 / A2 / A3 / A4 / D1 / D2. Proposal includes the provision of a substation, car parking, access, landscaping and other associated works at Land at Stortford Fields, Bishop's Stortford North, Bishop's Stortford (Pages 23 - 66)

Recommended for Approval

- (B) 3/20/0413/FUL - Demolition of existing science building and the erection of a new 2-storey teaching block (Use Class D1) with associated landscaping and the installation of an additional block of interim temporary classrooms during construction (Approximately 1068 m2 GEA) alongside the retention of temporary units approved under planning consent 3/18/2098/FUL at The Leventhorpe School, Cambridge Road, Sawbridgeworth (Pages 67 - 92)

Recommended for Approval

- (C) 3/18/2764/OUT - Outline application for the erection of 14 residential units and 26 proposed car parking spaces (all matters reserved except access) at Hertfordshire County Council Depot, Station Road, Watton At Stone, SG14 3SH_(Pages 93 - 120)

Recommended for Approval

- (D) 3/20/1075/HH - Insertion of window to flank elevation at 8 Cresset Close, Stanstead Abbotts, Ware_(Pages 121 - 126)

Recommended for Approval

6. Items for Reporting and Noting (Pages 127 - 140)

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

7. 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 PLEASE NOTE
THAT THIS MEETING WILL BE HELD
VIRTUALLY VIA ZOOM. ON WEDNESDAY 17
JUNE 2020, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, R Buckmaster,
B Crystall, J Dumont, A Huggins, J Jones,
I Kemp, T Page, C Redfern, P Ruffles and
T Stowe

OFFICERS IN ATTENDANCE:

Fiona Dunning	- Principal Planning Consultant
Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
Victoria Wilders	- Legal Services Manager

51 APOLOGY

An apology for absence was submitted on behalf of Councillor Beckett. It was noted that Councillor Dumont was substituting for Councillor Beckett.

52 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to

the meeting and introduced the Members and Officers who were present on Zoom.

At the invitation of the Chairman, the Head of Planning and Building Control referred to recent Member concern regarding the lack of pooled developer contributions towards healthcare provision. She said that Members had been particularly concerned about pooled contributions towards acute care, mental health and community care.

Members were reminded that it had not been possible to secure contributions without the appropriate justification. Officers had been investigating what could be done to improve the levels of provision by writing to contacts at the East and North Herts Clinical Commissioning Group (CCG).

The Committee was advised that a positive response had been received from the CCG in respect of working towards improving overall provision. The Leader had also raised this issue with the East of England Local Government Association (LGA) and the Hertfordshire Infrastructure Planning Partnership.

The Head of Planning and Building Control said that, as regards the Committee's decision to approve the planning application on Land to the East Herts of Stevenage in February 2020, the Secretary of State for Communities and Local Government had decided not to call in this application for a decision. Members were advised that the decision of the Secretary of State not to call in the application was very good news. The Chairman said it was very pleasing to know that the

approach of Officers in dealing with this application had been judged to be sound.

53 DECLARATIONS OF INTEREST

None.

54 MINUTES - 29 APRIL 2020

Councillor Huggins proposed and Councillor Buckmaster seconded, a motion that the Minutes of the meeting held on 29 April 2020 be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 394 – delete in last sentence, 12th paragraph – ‘weigh’.

Replace with ‘...outweigh’.

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

RESOLVED – that the Minutes of the meeting held on 29 April 2020, be confirmed as a correct record and signed by the Chairman, subject to the following amendment:

Minute 394 – delete in last sentence, 12th paragraph – ‘weigh’.

Replace with ‘...outweigh’.

- 55 3/19/0226/FUL - DEMOLITION OF DWELLING AT NO. 125 DUNMOW ROAD AND RELOCATION AND WIDENING OF THE EXISTING CROSSOVER TO CREATE A NEW ACCESS ROAD TO THE LAND TO THE REAR CONSISTING OF THE REAR SECTION OF GARDENS OF 123-127 DUNMOW ROAD TO ALLOW THE CONSTRUCTION OF 9 NEW HOUSES ON THE LAND TO THE REAR AND A RELOCATED REPLACEMENT DWELLING FOR NO. 125 DUNMOW ROAD AT 123 - 127 DUNMOW ROAD
-

The Head of Planning and Building Control recommended that in respect of application 3/19/0226/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, detailed a number of points that she intended to clarify for Members including the matter of a contribution towards sustainable transport in the form of a cycle route along Parsonage Lane.

Members were advised that the application had been amended at the request of Officers and the proposed development was now for the demolition of an existing dwelling and the erection of 9 terraced dwellings to the rear and 1 detached dwelling to the front of the site. The detached dwelling would replace the demolished dwelling resulting in 9 new dwellings on this site.

The Principal Planning Officer referred to the Community Infrastructure Levy (CIL) Regulations and

the tests that had to be met before contributions could be requested by a Council. She said that the tests were whether the application was acceptable in planning terms, whether the CIL or Section 106 contributions were directly related to the development and whether the contributions were related in scale and kind to the development.

Members were advised that these tests had not been met and there were therefore no Section 106 contributions included in the recommendation. The Officer said that the local validation list adopted in March 2019 stipulated that a sustainability appraisal was required for all planning applications.

The Principal Planning Officer said that this scheme was submitted before the local validation list had been adopted and the delay had been due to Officers working with the applicant to resolve issues that had arisen as the application was being assessed by the Authority.

The Principal Planning Officer said that a number of sustainability measures were proposed including sustainable drainage, permeable paving and water butts on the site. Members were advised that these and other measures were proposed in addition to the building regulations requirements for sustainability.

The Principal Planning Officer detailed the location of the site and summarised the nature of the nearby dwellings and their relationship to the proposed development. She also referred to landscaping and detailed the location of an electricity substation that

adjoined the site. A noise assessment had been submitted with the scheme and a proposed condition had been included in the report.

Members were advised that the noise assessment had suggested an increase in the boundary fence to 3 metres in order to overcome an issues with noise for the nearest adjoining property. It was worth noting that this property had no windows that faced the electricity substation.

The Officer detailed the access way and the proposed footpath from Dunmow Road. She also summarised the proposed layout and appearance of the proposed dwellings. Members were shown the site line visibility splays and were advised that, following a lot of work with Hertfordshire Highways, Officers were now satisfied with the proposals in that respect.

The Principal Planning Officer concluded by referred to paragraph 7.1 for the comments from neighbours and their concerns on the original application and the amended plans. Members were reminded that the application was recommended for approval subject to a number of conditions and some pre commencement conditions.

Mr Hoodless addressed the Committee in support of the application. Councillor Page commented on issues regarding the concerns of Hertfordshire Crime Prevention and referred to the comments of UK Power Networks in terms of whether their concerns related to noise from national grid equipment or other safety considerations.

Councillor Page said that the response from the Landscape Advisor on the planning portal was quite strongly negative and in the report this was only mentioned in terms of some concern rather than strongly negative. Councillor Dumont questioned whether the comments of the public speaker in respect of affordable housing were fact or an opinion.

Councillor Jones said that the electricity sub-station was 4 to 5 metres from the nearest residents with a proposed 3 metre or 6 foot fence. He expressed concerns regarding the proximity of the equipment to dwellings and asked for input from Officers as to whether this constituted back land development.

The Principal Planning Officer said that the access issue was the passage of the access way was adjoining the rear garden of the detached dwelling. She said that a condition had been applied for further information to be submitted in respect of methods to prevent fence jumping in order to break into a property.

Members were advised that the points raised in respect of the substation were in relation to a noise assessment and the views of Environmental Health and there were no issues in terms of safety. The Officer said that District Plan policy DES3 referred to compensatory planting where trees were to be removed. The new native trees would be replacing trees that were in a poor condition. She also confirmed that there was no affordable housing as no Section 106 agreement had been required due to there

being fewer than 10 new dwellings proposed.

The Principal Planning Officer said although two gardens were being lost and this scheme could be classed as back land development, when viewed from Dunmow Road it would not appear as such due to the generous access arrangements.

Councillor Huggins made a brief comment in respect his concerns regarding noise due to the distance between dwellings and the electricity equipment.

Councillor Crystall made a number of positive comments regarding this being a smart design. He expressed concerns regarding the lack of a safe permanent play area or a bike store. He commented on whether bird boxes for nesting could be provided until the newer trees reached maturity.

Councillor T Page expressed concerns that the landscaping proposals failed to allow sufficient space for the opening of car doors or space for the planting of trees. The Officer confirmed that she was not concerned based on the proposed development in terms of landscaping and she highlighted that the access was sufficiently wide for landscaping. Residents would also be able to enjoy the amenity of their front and rear gardens.

The Principal Planning Officer said that the kitchens of the proposed dwellings overlooked the potential shared space and she believed that the applicant would be amenable to the provision of bird boxes on the site. She reiterated that some trees were being

retained, particular to the rear of the site. Hedgerows and some landscaping also existed in the adjoining industrial areas.

Councillor Kemp suggested that the impact of the application would be modest and he was pleased to see that some trees would be retained. He referred to residents' concerns in respect of increased traffic. Following a further point from Councillor Page regarding noise attenuation, the Principal Planning Officer referred to condition 8 in terms of noise. She further stated that the noise consultant had been very thorough on this scheme.

Councillor Kemp proposed and Councillor Crystall seconded, a motion that application 3/19/0226/FUL be approved subject to the conditions detailed in the report now submitted. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that in respect of application 3/19/0226/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

56 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

(D) Planning Statistics.

The meeting closed at 7.59 pm

Chairman

Date

East Herts Council Report

Council/Executive/Committee

Development Management Committee

Date of Meeting:

15 July 2020

Report by: Sara Saunders, Head of Planning and Building Control

Report title: Planning Applications and Unauthorised Development for Consideration by the Committee

Ward(s) affected: All

Summary

- This report is 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.

RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.

1.0 Proposal(s)

1.1 The proposals are set out in detail in the individual reports.

2.0 Background

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

3.0 Reason(s)

3.1 No.

4.0 Options

4.1 As detailed separately in relation to each matter if any are appropriate.

5.0 Risks

5.1 As detailed separately in relation to each matter if any are appropriate.

6.0 Implications/Consultations

6.1 As detailed separately in relation to each matter if any are appropriate.

Community Safety

As detailed separately in relation to each matter if any are appropriate.

Data Protection

As detailed separately in relation to each matter if any are appropriate.

Equalities

As detailed separately in relation to each matter if any are appropriate.

Environmental Sustainability

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.

Health and Safety

As detailed separately in relation to each matter if any are appropriate.

Human Resources

As detailed separately in relation to each matter if any are appropriate.

Human Rights

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.

Specific Wards

As detailed separately in relation to each matter if any are appropriate.

7.0 Background papers, appendices and other relevant material

- 7.1 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.

7.2 Display of Plans

- 7.3 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.
- 7.4 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>
- 7.5 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.

Contact Member Councillor Jan Goodeve, Executive Member for Planning and Growth
jan.goodeve@eastherts.gov.uk

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
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DEVELOPMENT MANAGEMENT COMMITTEE – 15 JULY 2020

Application Number	3/19/2626/FUL
Proposal	Mixed use Western Neighbourhood Local Centre comprising a doctor's surgery (Class D1), children's nursery (Class D1), 78-bed care home (Class C2), 29 affordable apartments (Class C3) and flexible commercial floorspace within class A1 / A2 / A3 / A4 / D1 / D2. Proposal includes the provision of a substation, car parking, access, landscaping and other associated works.
Applicant	Frontier Estates Ltd
Location	Land at Stortford Fields, Bishop's Stortford North, Bishop's Stortford
Parish	Bishop's Stortford
Ward	Bishop's Stortford Silverleys

Date of Registration of Application	15 th January 2020
Target Determination Date	31 July 2020 (ETA)
Reason for Committee Report	Major Application
Case Officers	Stephen Tapper / Lucy Pateman

RECOMMENDATION

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

That delegated authority is given to the Head of Planning and Building Control to finalise conditions, the legal agreement and to append any informatives to the applicant that may be required.

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is for a mixed use local centre within the Western Neighbourhood of Stortford Fields, Bishop's Stortford North, comprising a doctor's surgery (Use Class D1), children's nursey (Class D1), 78-bed care home (Class C2), 29 affordable apartments,

(Class C3), flexible commercial floor space within Classes A1/A2/A3/A4/D1/D2 and the provision of a substation, car parking, access, landscaping and other associated works.

- 1.2 The main issues are whether the proposal comprises policy compliant land uses that will create a vibrant local centre providing relevant services to the community at Stortford Fields; and whether the proposal is policy compliant in respect of urban design and architecture, neighbour amenity, sustainable transport and climate change.

2.0 Site Description

- 2.1 Stortford Fields is a site of 130 hectares located within the wider Bishop's Stortford North (BSN) urban extension. The original hybrid permission 3/13/0804/OP granted on 02 April 2015 included outline planning permission for two mixed use local centres, one in the Western Neighbourhood and the other in the Eastern Neighbourhood. Condition 2 of the permission required that the reserved matters of the Western Neighbourhood Centre be submitted within 3 years of the date of the permission. A full planning application has therefore been submitted as the original outline permission for the neighbourhood centre has expired. Notwithstanding this, the original permission is a material consideration when assessing the proposed development, as is a Draft Design Principles document for the Centre.
- 2.2 The application site lies within what is referred to as the Western Neighbourhood. Once built out, the Western neighbourhood will comprise 968 dwellings, 857 under the original hybrid permission (3/13/0804/OP) and a further 111 redistributed from the Eastern to the Western neighbourhood under a variation of condition consent (3/18/1898/VAR). Together with the Eastern Neighbourhood, which currently has outline planning permission only, Stortford Fields will provide 2,200 dwellings. It is intended that the Western Neighbourhood Centre will provide for some of the everyday needs of the residents of Stortford Fields as well as the wider Bishop's Stortford community.

- 2.3 The site is approximately 1.5 hectares in area and the immediately surrounding area comprises a 2FE Primary School on Newland Avenue and residential dwellings on Rainbird Road to the north; more residential dwellings on the eastern boundary of the site; open fields and a water tower to the south; and the bridleway to Wickham Hall on the western boundary.

3.0 **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/13/0804/OP	Outline application for the construction of up to 2,200 dwellings. (See complete description below).*	Approved subject to conditions and a Section 106 agreement	02 April 2015

* The erection of up to 2,200 dwellings inclusive of affordable housing, green infrastructure, amenity and formal and informal recreation space; landscaping; development of 2 mixed use local centres on 4.1 hectares of land providing up to 21,000 sq.m (gross) commercial floorspace (Use Class B1 a, b and c) inclusive of (if required) a maximum of 3,000 sq.m (gross) for a healthcare facility (Use Class D1) together with retail floorspace (Use Classes A1; A2; A3; A4 and A5), up to a maximum of 1,200 sq.m (gross), residential development (Use Class C3) and the potential for other community/cultural/leisure (Use Class D1 and D2) if required (floorspace to be agreed); the potential for additional 0.5 hectares of land for up to 4,000 sq m (gross) commercial floorspace (Use Class B1 a; b and c) if required or for residential purposes (Use Class C3) if not; a primary school and associated facilities on 1.25 hectares of land; a further primary school on 2 hectares of land with the potential to extend by 1.08 hectares if required or for the expansion

land to be used for residential purposes if not; 4 new junctions (A120; Hadham Road; Rye Street and Farnham Road); estate roads and public transport route; footpaths/cycleways; site profiling/earthworks; a noise bund with barrier; a sustainable drainage system; utilities services including foul water pumping stations; 2 residential garden extensions and the demolition of 221 Rye Street and 164 and 166 Hadham Road.

4.0 Main Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework 2019 (NPPF), the adopted East Herts District Plan 2018 (DP) and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan 2015 (NP).

Main Issue	DP policy	NPPF	NP policy
Principle of a mixed use local centre and policy compliance of land uses	DPS1, DPS2, BISH1, BISH3, BISH11, BISH12, ED1, RTC5, CFLR1, CFLR7, CFLR10	Chapter 2	BP2, BP3, HDP7, HP1
Delivery of Housing	HOU1, HOU2, HOU3, HOU6, HOU7	Chapter 5	HDP1, HD4, HPD5, HDP6
Quality of design and landscaping	DES2, DES3, DES4, DES5	Chapter 12	HDP2, HDP3
Impacts on neighbour amenity and occupiers	DES4, EQ2, EQ3, EQ4	Chapter 12	
Highway, parking and transport impacts	TRA1, TRA2, TRA3	Chapter 9	TP1, TP2, TP3, TP4, TP7, TP8
Flood risk and drainage, Climate Change	WAT1, WAT3, WAT4, WAT5, WAT6, CC1, CC2	Chapter 14	

Other relevant issues are referred to below in section 8.0
Consideration of Issues.

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of planning permission, although recommends the inclusion of conditions relating to the site accesses, internal layout, travel plans, car parking management and maintenance as well as Advisory Notes in order to ensure compliance with the provisions of the Highways Act. They have also requested financial contributions towards their costs incurred in travel plan monitoring. The Highway Authority is content that the detailed land use mix of the neighbourhood centre may be satisfactorily accommodated on the adjoining local highway network.
- 5.2 EHDC Housing Strategy Officer Following discussion with the applicants regarding the size of some of the flats proposed and occupancy levels, revised proposals have been submitted, which are satisfactory. In a mixed tenure site the Council would normally seek a higher ratio of affordable rented properties to shared ownership but given the high proportion of flats for affordable rent on the development as a whole, in this instance the proposed tenure mix is acceptable.
- 5.3 Thames Water advises that if the developer follows the sequential approach to the disposal of surface water there would be no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. With regard to foul water, based on the information provided Thames Water has no objection.
- 5.4 Affinity Water states that the proposed development site is located near an Environment Agency defined groundwater Source Protection Zone 2 (SPZ 2) corresponding to Causeway and Sawbridgeworth Pumping Stations. This is a public water supply, comprising a number of chalk abstraction boreholes, operated by

Affinity Water Ltd and they consider conditions may be required to protect the source. However, the development drains into the main Stortford Fields development, which includes the necessary filtration and monitoring.

- 5.5 The Lead Local Flood Authority was concerned about the absence of above ground SuDS features such as swales and rain gardens and the reliance on below ground geocellular storage tanks, discharging to the local surface water drainage network and then to the ordinary watercourse at Hoggate's Wood. They required strong justification for the approach, and considered there should be more opportunities available for the use of permeable paving within the car park and access roads. A revised approach was required supported by revised calculations. They also required evidence as to how an existing ditch to the east of the site would be protected from run-off in terms of quantity and quality since it is part of the drainage system for the wider site. Following the receipt of revised proposals for permeable surfacing, supported by additional information and calculations, the LLFA has withdrawn its objection and recommends a number of conditions [to follow].
- 5.6 EHDC Conservation and Urban Design Advisor The appearance of the proposed development has been the subject of particular consideration with the Council's advice to the applicants being assisted by Essex Place Services Urban Design team, who, along with the Council's Conservation and Design Advisor, suggested measures which could be taken to improve the quality of the development. The EHDC Conservation and Urban Design Advisor has commented that the revised scheme has addressed many previous concerns. In particular the usability of the public open space has been improved, as has pedestrian permeability through the site and there is a confidence that the scheme will be successful in urban design terms. There are therefore no objections, subject to conditions.
- 5.7 HCC Historic Environment Unit has no comment to make on the application as the development site has been subject to archaeological investigation as part of the programme of

archaeological works in the Western Neighbourhood carried out between 2012 and 2015. The proposed development is therefore unlikely to have a significant impact on heritage assets of archaeological interest.

- 5.8 EHDC Landscape Advisor Whilst making a number of practical suggestions in respect of existing boundary trees and hedges and specimen trees throughout the site, the advice concludes that the general arrangement of built form appears to be well thought out, with pleasing geometry and simplicity given the shape of the site. The spaces between buildings and the external arrangement of space, including car parks and pedestrian areas, also work well and there is a sense of quality to the design in terms of site planning and layout.
- 5.9 HCC Minerals and Waste raises no objection to the application. The applicant's intention to produce a Site Waste Management Plan (SWMP) is welcomed and the County Council is pleased to see the applicant's statements of waste reduction and the intention to minimise waste sent to landfill. The County would like to encourage the opportunistic use of any deposits within the development, should they be found when creating the foundations/footings
- 5.10 EHDC Environmental Health Advisor raised concerns about the proposed layout, with residential dwellings above other planning use classes, which could give rise to noise nuisance. There are other sources of noise to consider that may adversely affect the residential amenity of existing and future residents, including noise associated with the nursery's outdoor play area and potential kitchen extraction systems from the proposed restaurant and café uses (Use Class A3) and drinking establishments (A4). The applicant has made a number of amendments to the scheme to address the concerns and has emphasised that the ground floor uses below the apartments will be subject to scrutiny regarding any potential adverse environmental impact. The Environmental Health Advisor has recommended the inclusion of a number of conditions to mitigate potential noise, including noise from fixed plant and machinery, external lighting and opening hours.

- 5.11 EHDC Waste Services initially raised concerns in regards to the kerb-to-kerb radius and how the freighter would reach the bins at the care home. Following amendments, the Waste Services Officer considers that the kerb-to-kerb radius has been resolved with new vehicle tracking and the access to the care home has been clarified.

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

6.0 Town/Parish Council Representations

- 6.1 Bishop's Stortford Town Council has no objection to the application, however there are concerns regarding the lack of amenity space for residents and children. Furthermore, it is noted that Housing Strategy Officer has suggested that there should be nine affordable rented dwellings as opposed to the seven proposed.

7.0 Summary of Other Representations

- 7.1 The application was advertised in the press and on site on 23rd January 2020 and a total 155 neighbour consultation letters were distributed over the course of the application process.
- 7.2 During the course of considering the application amendments have been made; the description of development has altered and amended plans and additional documents were submitted following the initial consultation. As a result of these changes a re-consultation has been undertaken with statutory consultees and the occupiers of dwellings surrounding the site.
- 7.3 Two responses have been received objecting to the proposals on the following grounds:
- A rise in anti-social behaviour outside of the proposed commercial ground floor units and an increased level of noise experienced along Rainbird Road

- Lack of electric car charging points

7.4 One response has been received supporting the proposals on the following grounds:

- Support the proposal for the nursery and care home

8.0 **Consideration of Issues**

Principle of a mixed use local centre

- 8.1 The original permission 3/13/0804/OP granted on 02 April 2015 included full details of the Western Neighbourhood apart from a mixed use local centre, which remained in outline because it was the BSN Consortium's intention to bring in a specialist developer of commercial sites. Condition 2 required full details (reserved matters) of the local centre to be submitted within three years of the date outline permission was granted but that has expired. This application has therefore been submitted as a full planning application.
- 8.2 District Plan Policy BISH1 *Development in Bishop's Stortford* includes provision for "two mixed-use local centres at Bishop's Stortford North providing 4.1ha of land comprising 21,000m² of commercial floor space (B1 a, b and c), up to 3,000m² for D1 uses and up to 1,200m² retail floor space. Further provision of up to 4,000m² of commercial floor space may also be delivered.' Policy BISH3 looks at the separate areas of the Bishop's Stortford site and with regards to land west of Hoggate's Wood, advises that proposals shall include the provision of 'a Neighbourhood Centre providing a range of local shops and services'.
- 8.3 The original planning permission for Stortford Fields included a *Design Code for the Western Neighbourhood Community Hub* (April 2013 and *Addendum* September 2013). It included the 2FE primary school in the Hub and stated that whilst the exact type of uses would be finalised at the detailed planning stage, the application provided land for retail (small scale convenience store, other shops,

cafes and restaurants), employment (offices, start-up and growing businesses), healthcare and “some” residential to encourage activity and surveillance. It said the main design principle for the Hub is to introduce distinct key note buildings of design merit that frame and enclose a market square and the design of the public realm would focus on creating safe and attractive spaces prioritising pedestrians and cyclists.

- 8.4 Seven years on the expectation of the Western Neighbourhood Centre is that priority will be given to sustainable and connected communities and that the Eastern and Western Neighbourhood Centres will be complementary in the range of services and employment opportunities offered. The office and start-up employment space will now be concentrated in one area of the Eastern Neighbourhood Centre, where businesses will benefit from scale, the proximity to one another, and occupying a prominent site adjacent to the A120. Plans for a new health facility have firmed up and it will be in the Western Centre.
- 8.5 Each Centre must offer a range of uses that will contribute to creating a vibrant local hub, which provides for the everyday needs of the community. The current application for the Western Centre therefore includes a Use Class D1 doctor’s surgery; day nursery (D1); 78-bed care home (C2); 29 affordable apartments (C3) with flexible commercial space below for: shops (A1), financial and professional services (A2), cafes and restaurants (A3), drinking establishments (A4), non-residential institutions (D1) and assembly and leisure (D2).

Policy compliance of the land uses

- 8.6 Doctor’s Surgery – The proposed NHS doctor’s surgery would provide a floor space of circa. 1360m² over three storeys. The proposed surgery has been designed to meet NHS requirements and incorporates consulting rooms, a minor operations room, a recovery room, treatment rooms, counsellor rooms and a large patient waiting room. South Street Surgery intends to transfer operations to the proposed surgery from their existing and nearby premises at Bishop’s Park.

- 8.7 District Plan Policy CFLR9 (Health and Wellbeing) requires new health facilities to be located where there is a choice of sustainable travel options and they are accessible to all members of the community. Neighbourhood Plan policy HP1 (Accessible GP Practices) also seeks to improve access to GP services. The location of the surgery is in close proximity to public transport services, including bus stops to the north of the site in connection with the new 311 Stortford Fields to Town Centre service and it is also accessible via pedestrian and cycle routes associated with the wider development.
- 8.8 Nursery – The Nursery would provide 108 spaces for children ranging from babies through to school age. Positioned to the east of the site, the 616.3m² two storey building would provide a more residential scale in response to the adjacent residential development. The intended operator has had an input into the design and layout of the proposed nursery to ensure it meets their operational requirements.
- 8.9 Policy CFLR10 (Education) requires proposals for new education facilities for all ages to be in an accessible location benefitting from a choice of sustainable travel options; to be of the highest design quality; and to provide appropriate outdoor and recreation space. As with the proposed surgery, the nursery will be situated in an accessible location with bus stops, walking and cycle routes in close proximity. A garden area is positioned to the south and east of the building providing opportunities for outdoor play and learning.
- 8.10 Flexible commercial units – At the centre of the site and located along Rainbird Road, a three- and part four-storey block would include on the ground floor uses within classes A1-A4, D1 and D2, as described above. It is situated between the main access to the site off Rainbird Road, to which it would have an active frontage, and the public square, to which it would also have active frontage. These flexible commercial units would include one of 256m² to accommodate a small convenience store and 5 smaller units

ranging from 56m² to 156m². This would provide a gross commercial/community use floor space of circa. 876m². There is a wide range of potential uses including shops, banks, cafés, restaurants, pubs, dry cleaners, pharmacies, gyms, hairdressers, beauty salons, community centres, day centres, libraries and places of worship.

- 8.11 There are no operators currently signed up for any of the commercial units, however this is not unusual before the grant of planning permission. Therefore, the flexible range of uses has been proposed to keep options open and to allow for a range of uses depending on interest from operators and avoid the premises being empty for long periods. For the same reason, it is proposed that the Section 106 agreement includes an obligation on the developer to use reasonable endeavours to allow suitable “meanwhile uses”¹ to occupy the commercial space if there is a delay in securing commercial lettings.
- 8.12 Neighbourhood Plan Policy BP2 (Local Retailing Facilities) requires that retail units within large scale residential development are occupied by an appropriate mix of A1 – A5 uses that do not detract from the retail offer in Bishop’s Stortford town centre. This is also a factor of the size of the units. District Plan Policy CFLR7 (Community Facilities) states that proposals for community use will be supported where they are in suitable locations and served by a choice of sustainable travel options; they must be of an appropriate scale to meet community needs and be of flexible design to accommodate a variety of different uses throughout the day.
- 8.13 The proposed local centre will be served by a number of sustainable travel options as previously mentioned and given the number and range of potential uses it is considered that this would meet the needs of the community as well as encouraging multiple uses

Note ¹ - The term ‘meanwhile use’ refers to the short-term use of temporarily empty buildings such as shops until they can be brought back into commercial use. It takes a potential problem and turns it into an opportunity and helps keep an area vibrant. The landlord will continue to look for a new commercial occupant for the space during the meanwhile use.

throughout the day. The relationship of the commercial units with the public square creates the opportunity for food and drink to be served on the square, encouraging social activity and integration within an attractively landscaped context and providing a link to social activity generated by the proposed primary school opposite the square.

- 8.14 Apartments – 29 affordable apartments are proposed at first, second and third floor level above the commercial units at ground floor level. The apartments will be provided in the form of 8 x 1-bed units and 21 x 2-bed units. The planning permission description of development for Stortford Fields includes residential development in the list of use classes permitted in the local centres, although it is not clear as to whether it would be in addition to the 2,200 dwellings specified in the first line of the description (Section 3.0 above). However, it was suggested in the Design Code for the Western Centre that if residential was included in the mix it would increase activity and provide surveillance. In practice, the applicants missed the window of opportunity to submit reserved matters and have submitted their own freestanding full application, which means the 29 apartments are in addition to the 2,200 in the earlier permission.
- 8.15 District Plan Policy HOU1 (Type and Mix of Housing) seeks to secure an appropriate mix of tenures, types and sizes of dwellings in order to create mixed and balanced communities. Policy HOU3 (Affordable Housing) seeks to secure 40% affordable housing on sites proposing more than 15 dwellings and states that the proposed mix of tenures will need to be determined in accordance with evidence on housing need. Neighbourhood Plan Policies HDP1 and HDP4 are also relevant, making reference to the latest Strategic Housing Market Assessment and requiring the submission of a Dwelling Mix Strategy.
- 8.16 The proposed 29 apartments would be 100% affordable housing and the proposed tenure split is 24% affordable rented and 76% shared ownership. The supporting text to District Plan Policy HOU3 and the East Herts Affordable Housing SPD Consultation Draft state that 84% affordable rented dwellings and 16% intermediate

dwellingings are required based on a provision of 40% affordable units. The proposed tenure split is therefore not policy compliant, as noted by the Town Council, which the applicant acknowledges. However, a material consideration is that the proposal would provide 100% affordable housing and a registered provider is already contracted to purchase the apartments.

Tenure	Beds/Persons	Number
Affordable Rent	1B 2P	2
Affordable Rent	2B 3P	4
Affordable Rent	2B 4P	1
Affordable Rent Total: 7 / 24%		
Shared Ownership	1B 2P	6
Shared Ownership	2B 3P	14
Shared Ownership	2B 4P	2
Shared Ownership Total: 22 / 76%		

- 8.17 District Plan Policy HOU7 (Accessible and Adaptable Homes) seeks to ensure that new homes are readily accessible and adaptable to meet the changing needs of occupants and to support independent living. All units are proposed to meet Building Regulations Requirement M4(2): Category 2 – Accessible and Adaptable Dwellings. Furthermore, two dwellings are proposed to meet Building Regulations Requirement M4(3) – Wheelchair User Dwellings.
- 8.18 The Town Council raised concern in regard to the lack of amenity space for residents and children occupying the apartments. It should be noted that 6 of the apartment would have access to modest sized south-facing terraces and the Public Square is located adjacent to the apartment block. Furthermore, Hoggate's Park, which will have a large play area, is just a short distance away and easily accessible by foot or bike. Occupiers will also be able to easily access the play areas approved as part of the wider Stortford Field's development and there are informal recreation opportunities in Ash Grove.

- 8.19 Stortford Fields residents will also benefit from the requirement in the existing Section 106 agreement that allotment gardens are laid out on land alongside Dane O'Coys Road. It is intended that they will include space and facilities for community gardening and the developer has been requested to consider making a financial contribution in accordance with the Council's SPD. Similarly, the developer's attention has been drawn to the need to fund new community buildings at Stortford Fields, perhaps to be located at Foxdells Farm.
- 8.20 Care home – The three-storey care home is located in a key position within the local centre and acts as a landmark building at the junction of Newland Avenue (the main thoroughfare through Stortford Fields) and Rainbird Road. It would have a capacity of 78-beds for the elderly and capability for all care needs to be met on site. The building has been designed with a particular care home operator in mind and it is intended that it would be dual registered for both nursing and residential needs. It is anticipated that the proposed care home would create around 70 jobs.
- 8.21 District Plan Policy HOU6 (Specialist Housing for Older and Vulnerable People) states that proposals will be supported if located in a sustainable location and within walking distance to shops and services as well as being well integrated into existing communities. The proposed care home would form part of the wider local centre and would therefore benefit from easy access to shops and services, including the proposed surgery.
- 8.22 A care home was not part of the original permission for the site and it has a significant footprint within the local centre, compromising to some extent the space available for the public square as compared with the layout in the Design Code Addendum. However, there has been an increasing demand for such accommodation in recent years to meet the needs of an ageing population and it is an important contributor to the overall viability of the Local Centre.
- 8.23 Otherwise, the proposal would deliver a Local Centre that provides for a policy-compliant range of everyday needs within the Bishop's

Stortford North community, including a nursery and a doctor's surgery, which is very welcome and will enormously improve the quality of primary care in Bishop's Stortford. The apartments are an important addition to the District's stock of affordable housing. Add to that the as-yet-unknown mix of retail, food and drink and community space and the Centre will very much fulfil planning objectives and expectations for it. In that context, the care home is perfectly acceptable and itself provides for important needs within the wider community. The Committee should therefore give positive weighting to the proposed land uses.

Quality of design and visual appearance

8.24 The NPPF and other Government guidance emphasises the importance of good design in place-making, creating functional places that are well-connected to their surroundings and that encourage sustainable travel. Urban design and architecture must create distinctive places in which to live and work and to visit. They should encourage social interaction and help to build harmony by taking into account the needs of diverse communities. Design and landscaping must take into account climate change and development must enhance biodiversity rather than cause harm. District Plan Policies DES3 and DES4 seek design quality that respects the constraints of a site and integrates landscaping into the design.

8.25 Negotiation with the applicants included:

- a review of the options for siting the various buildings, parking areas and public realm on the site;
- as regards the apartment buildings, the massing, storey heights and overlooking from balconies in proximity to and on the south side of two-storey residential development on Rainbird Road;
- the manner in which the care home addressed the primary frontage;
- the pedestrian/cycling connection to the Wickham Hall bridleway adjacent to the western boundary of the site;

- the quality of the public realm; and
- management and design of the car park;

- 8.26 The subsequent amendments and revisions, including amendments to the Design and Access Statement that explain better how the final layout was arrived at, have satisfactorily addressed these concerns.
- 8.27 The flat roof form of the buildings provides a strong identity in comparison to the existing, more traditional, residential development at Stortford Fields and, along with the schools, will be a landmark that helps to define the place. The step in height to the central building and the scale of the care home plays on key views of the centre, whilst there is a clear progression down to the nursery building at the eastern end of the site to draw back the height and scale back to be in keeping with the residential development.
- 8.28 The contemporary architectural approach is seen in the choice of a grid structure for the elevations, in the fenestration and in the choice of materials. There is consistency in the architectural language but subtle variety between the buildings. It is a well-balanced approach that provides a visual link between the various buildings in the local centre, which is an achievement in circumstances where the various uses of the buildings are all quite different.
- 8.29 The design and architecture of the care home and both its own private gardens and the surrounding public realm have created a striking gateway, which compensates for the home being a somewhat isolated use in an otherwise active public realm setting.
- 8.30 The public square itself is nicely detailed in terms of its hard and soft landscaping, with care being taken to screen out an otherwise intrusive sub-station. The only disappointment is that a turning head at the junction of Newland Avenue and Rainbird Road randomly eats into the square and reduces the space available to the public. The turning head is currently used by the 311 bus to turn and exit the Western Neighbourhood but in due course the bus will

carry on through to the Eastern Neighbourhood where it can be turned and, ultimately, when all the roads are in place, exit via the Rye Street access. The applicants have submitted a drawing that shows that if the turning head were to be removed when it is redundant and the highway became a simple curve a significant amount of space could be added to the square. Negotiations continue regarding the means of achieving such an improvement in the future.

- 8.31 The car parking layout has been improved and will be the arrival point for many customers, which has led to improvement in the rear elevations of the main buildings, including moving the proposed apartment balconies from the northern street elevation to the southern car park elevation. The car park is enhanced through additional soft landscaping and accessible routes for pedestrians, including the link to the Wickham Hall bridleway.
- 8.32 In summary, the applicants have been willing to collaborate with the Council on design matters and have produced a contemporary design that will create an attractive and highly visible landmark in the Western Neighbourhood. The layout, the architecture and the public realm create a development that is coherent and attractive across the whole of the site, and it should serve a positive social function in the Western Neighbourhood. Positive weight is attributed to the quality of urban design and visual appearance.

Neighbour amenity

- 8.33 District Plan Policy DES4 (Design of Development) requires that significant detrimental impact on the amenity of neighbouring occupiers is avoided, by ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution are also relevant matters and the subject of District Plan Policies EQ2 and EQ3 respectively.
- 8.34 The 29 residential units would be accessed via a central stair/lift core with internal corridors running east to west. Six of the units

would have access to private terraces on the rear elevation. The proposed residential units would be above the ground floor commercial and community uses and the Environmental Health Officer (EHO) raised concern regarding the potential mixes of commercial and residential uses. The applicant has stated that to ensure that residential units above will be protected from noise associated with the ground floor an appropriate separating floor system will be used. Furthermore, opening hours of the units could be conditioned to mitigate adverse impact on new and existing residents, which is recommended by the EHO.

- 8.35 The EHO also raised concerns relating to noise associated with kitchen extraction systems serving potential food and drink premises and the applicant has therefore requested a condition requiring a scheme for noise control measures.
- 8.36 Noise may also be associated with the outdoor play area at the nursery. In that regard, a noise barrier is proposed along the eastern boundary of the site and opening hours could again be conditioned to protect residential amenity.
- 8.37 One objection has been received from a resident of Rainbird Road, stating that the proposed commercial units would result in an increased level of noise on Rainbird Road. It is inevitable that there will be more noise than if the whole of the site were in residential use, but the neighbourhood centre has been identified on the Stortford Fields plans since 2013. It is expected that the recommended conditions will adequately mitigate noise experienced in the homes on Rainbird Road.
- 8.38 The Design and Access Statement for the original hybrid scheme indicated that on the secondary streets, separation distances of 15.5 metres were considered to be acceptable. It is good practice to increase the separation distance by 2m for every additional storey. Rainbird Road is a secondary road and the proposed separation distance is 24 metres on the first and second floors, increasing to 26 metres on the third and fourth floors. Therefore, this exceeds the minimum requirement and ensures that the proposals will not be

detrimental to neighbour amenity in terms of overlooking, overshadowing or overbearing impact.

- 8.39 It is considered that although there will inevitably be some noise emanating from activity at the Centre, including the car park, there will be a satisfactory residential environment for neighbouring properties, including those closest to the site. Overall, the neighbour amenity and noise impacts of the development are considered to be neutral, subject to conditions.

Highway, parking and transport impacts

- 8.40 The proposed Local Centre will benefit from two vehicle access points – the first access point will serve the proposed care home off Newland Avenue and the second access point will serve the proposed local centre off Rainbird Road. Vehicle tracking has been undertaken and demonstrates that both accesses are suitable and appropriate visibility splays of 2.4m x 25m are achievable in both directions. In terms of trip generation, the Highway Authority is satisfied that the proposed uses will not have a material impact over and above what has been agreed as part of the original hybrid permission. The Highway Authority has recommended the inclusion of planning conditions relating to the site accesses, internal layout and car parking management.
- 8.41 The Updated Vehicle Parking Standards suggest that 167 spaces should be provided for the proposed development and as the site lies within Zone 4, a reduction of up to 25% could be applied to recognise any sustainable travel arrangements such as cycleways, bus routes and travel plans. The proposed car parking provision is 163 parking spaces which is only 4 spaces fewer than the standards. It comprises 28 car parking spaces at the care home, including 2 disabled spaces; the main Centre car park would have accommodate 135 spaces, including 16 accessible parking bays assigned to all the facilities, two drop-off/pick-up spaces to serve the nursery and 16 electric vehicle charging points.

- 8.42 Neighbourhood Plan Policy TP7 (Cycle Parking) requires that secure cycle parking be provided at local centres in all new residential and commercial developments. It is proposed that 19 short stay and 39 long stay cycle parking spaces are proposed across the local centre, including bike stands and an internal cycle store for the care home, an internal cycle store for the residential apartments, bike stands for the doctor's surgery, a cycle store for the nursery; and bike stands for the flexible units.
- 8.43 Given the mix of uses that the car park has to provide for, the Highway Authority has requested a condition requiring the submission of a car park management plan, which will take into account the different peak times for the various uses so that spaces can be managed effectively. As previously noted, the County has also requested Section 106 financial contributions towards the cost of monitoring travel plans.
- 8.44 It is considered that the land use mix of the proposed neighbourhood centre could be satisfactorily accommodated on the adjoining local highway network and given the footpath and cycleway connections and proposed bus services offered by the wider development, the parking provision is considered satisfactory taking into account the flexible approach of the Council's Updated Vehicle Parking Standards. The Committee may therefore give neutral weight to the limited highways/transport impacts and the proposed parking provision.

Climate Change, Flood Risk and Drainage

- 8.45 In line with District Plan Policies CC1 and CC2, it is expected that all new development demonstrates how the design, materials, construction and operation of the development will minimise overheating in summer and reduce the need for heating in the winter, while integrating green infrastructure as well as demonstrating how carbon dioxide emissions will be minimised across the development site. The application is supported by a Sustainability Statement.

- 8.46 In terms of energy usage, the proposed development seeks to incorporate high performance fabric, lighting and other building services to minimise energy consumption and to achieve overall betterment of 15.4% beyond the minimum values of Part L of the Building Regulations. Moreover, water efficiency fittings such as water efficient WCs, the use of water meters to enable monitoring and leak detection/water shutoff systems are proposed to be incorporated throughout the development. The Sustainability Statement sets out that 106.5 litres per person per day will be achieved which will therefore better the target of 110 litres per person per day set out in the Building Regulations and District Plan Policy WAT4.
- 8.47 The proposed design of the facades of the buildings would limit solar gain and would be carefully balanced against the need to provide daylighting and avoid artificial lighting. The applicant has stated that U-values would be carefully selected in order to provide a balance of insulation against heat loss as well as to limit the impacts of overheating in buildings. Furthermore, the design of the public realm seeks to maximise green infrastructure around the site providing shading and evaporative cooling benefits to aid in reducing any issues from the urban heat island effect.
- 8.48 Policy WAT1 relates to flooding and is considered to be relevant in the determination of this application. It is noted that the site is located within Flood Zone 1 and is therefore at the lowest risk of flooding. A Flood Risk and Drainage Strategy has been submitted in support of the application. Due to a lack of large open space areas above ground storage is not proposed instead below ground geocellular attenuation is proposed which will discharge to the local surface water drainage network and then to the ordinary watercourse at Hoggate's Wood. The Local Lead Flood Authority considered that there should be more opportunities available for the use of permeable paving within the car park and access roads. Following amendments to the proposal, the LLFA has recommended that the full drainage design be secured by condition.

- 8.49 The proposed development adopts a fabric first approach, the utilization of energy and water efficiency measures and appropriate SuDS. It is considered that the information provided is sufficient to demonstrate that the proposals are in compliance with District Plan policies relating to climate change and surface water management and drainage. Therefore this carries neutral weight in the consideration of the application.

9.0 Planning Obligations

- 9.1 Financial contributions are sought in respect of the apartments towards social infrastructure that will benefit the residents. In addition, the County is seeking contributions towards the cost of monitoring the travel plans.
- 9.2 Non-financial obligations are being negotiated that will secure the affordable housing for the future; will encourage the introduction of meanwhile uses; and will seek the early provision of community space within the development.
- 9.3 It is considered that these obligations are directly related and proportionate to the nature of, and the social and environmental impacts of, the development and are necessary to make the development acceptable; they will therefore comply with the requirements of the NPPF and CIL Regulations.

10.0 Planning Balance and Conclusion

- 10.1 The proposal for a mixed use local centre within the Western Neighbourhood complies with local and national planning policy. It is considered that the proposed range of uses will create a vibrant local centre which provides for the everyday needs of the community, with valuable local services such as primary care for a growing and ageing population in an accessible and sustainable location.
- 10.2 The proposed tenure split of affordable housing is not quite policy compliant, however a material consideration is that the proposal

would provide 100% affordable housing and the 29 affordable apartments will contribute to the District's stock of affordable housing.

- 10.3 The proposed car parking provision is 163 parking spaces which is 4 spaces fewer than the Council's Updated Vehicle Parking Standards. However, this is offset by the sustainable location of the site offering proximity to public transport in the form of the new 311 Stortford Fields-Town Centre service; together with the inclusion of cycle parking facilities and pedestrian and cycle routes through the site, making connection with routes in the wider area.
- 10.4 Climate change adaptation and mitigation has been achieved through the layout and landscaping, SuDS and sustainable construction. The proposed development will achieve overall betterment of Building Regulations and Policy in terms of energy and water usage. The proposed drainage strategy provides for the use of good quality SuDS. Furthermore, the design and layout of the development will enable and encourage pedestrian and cycle access, promoting sustainable modes of transport.
- 10.5 As regards possible adverse impacts on the occupiers of nearby residential property, the layout of the development will help screen the car park and conditions will mitigate a number of other potential sources of disturbance.
- 10.6 Urban design considerations are a priority and the Design Code emphasised the importance of creating a lively community hub in the centre of the Western Neighbourhood with buildings designed to a high standard. Since 2013 there has been more emphasis in national and local policy on the importance of good design in place-making and it is considered that the application before the Committee will fully meet objectives by creating a landmark within the Neighbourhood that will also encourage social interaction and provide for everyday needs.
- 10.7 Overall, on the balance of considerations, the proposals are considered to provide a sustainable form of development in

accordance with planning policy. The application may therefore be viewed positively and granted planning permission subject to a legal agreement and the conditions set out at the end of this report.

RECOMMENDATION

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

Draft Legal Agreement - Heads of Terms

The following obligations have been requested but are not confirmed by the developer as negotiation continues:

1. Apartments restricted to affordable housing (EHDC)
2. Apartments - education financial contribution (HCC)
3. Apartments – library contribution (HCC)
4. Apartments – allotments contribution (EHDC)
5. Apartments – community buildings contribution (EHDC)
6. Ground floor commercial units – meanwhile uses (EHDC)
7. Ground floor commercial units – provision of office and meeting spaces for community based uses (EHDC)
8. Travel plan monitoring financial contribution (HCC)
9. Payment in full of the Councils’ reasonable legal and other professional costs incurred preparing and completing the Legal Agreement (EHDC/HCC)

Draft Conditions

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

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

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

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

3. No development shall commence until a Construction Traffic 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 Traffic Management Plan shall include details of:

- a. construction vehicle numbers, type, routeing;
- b. access arrangements to the site;
- c. traffic management requirements;
- d. construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. siting and details of wheel washing facilities;
- f. cleaning of site entrances, site tracks and the adjacent public highway;
- g. timing of construction activities, including deliveries and the removal of waste, avoiding school pick up/drop off times as may be appropriate.
- h. provision of sufficient on-site parking to meet the needs of construction workers prior to commencement of construction activities;
- i. post construction restoration / reinstatement of the working areas and temporary access to the public highway; and

- j. where works cannot be contained wholly within the site, a plan shall be submitted showing the site layout on the highway including the extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

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 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan 2018 and TRA2, CFLR3, EQ2, EQ3 and EQ4 of the East Herts District Plan 2018.

4. Occupiers of the buildings hereby permitted shall implement the travel plan action plans and timetables that apply to them, including the submission of monitoring reports, as set out in the following documents, all dated 29 April 2020:
- Framework Plan (all occupiers) ref. PB9242-RHD-ZZ-XX-RP-R-0002 Rev S3/P01
 - Nursery Plan ref. PB9242-RHD-ZZ-XX-RP-R-0003 Rev S2/PO1
 - Care Home Plan ref. T&PPB8955R001F0.3 Rev 0.4/Final.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan 2018.

5. Prior to the above ground construction works being commenced in respect of each of the buildings 1, 2/3, 4 and 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) the external materials of construction for that building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

6. Prior to the commencement of development, tree and hedge protection measures, including the “no dig” areas, shall be implemented, all as described in the Tree Survey Report *Arboricultural Impact Assessment and Arboricultural Method Statement* prepared by The Landscape Partnership and dated December 2019. The fencing shall be 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. The 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 areas. In the event that any tree or hedgerow 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 and hedges of such size, species and in such number and positions as may be first agreed in writing with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

7. No removal of hedgerows, trees, or bramble scrub shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds’ nests immediately before the vegetation is cleared and provided written confirmation to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To ensure that no harm is caused to the interests of nesting birds in accordance with Appendix D of BS42020:2013.

8. Prior to the commencement of construction of the development hereby approved, a schedule of the ecological mitigation and enhancement measures described in sections 6.2 and 6.3 of the Preliminary Ecological Appraisal prepared by The Landscape Partnership and dated November 2019 shall be submitted to the

local planning authority for approval. The approved measures shall be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure the implementation of mitigation and enhancement in accordance with Policy NE3 of the East Herts District Plan 2018.

9. Prior to first occupation or use of any one of Buildings 1 - 4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), a visibility splay measuring 2.4 x 43 metres shall be provided at the eastern access where it meets the highway, in accordance with drawing PB9242-RHD-GE-SW-DR-R-0001 Rev P02, dated 04 May 2020, *Visibility splays*. 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 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and policy TRA2 of the East Herts District Plan 2018.

10. Prior to the first occupation or first use of any one of Buildings 1-4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), a Car Park Management and Maintenance Plan (CPMMP) shall be submitted to the Local Planning Authority for approval in writing. This shall include details of:
 - a) the allocation of any parking spaces to specific uses as may be required;
 - b) provision of disabled parking spaces;
 - c) provision of car parking spaces designated for plug in Electric Vehicles (EV);
 - d) provision of drop off spaces as may be required;
 - e) provision of cycle stands and shelters;
 - e) the means of lighting the car park; and
 - f) the means of managing and maintaining the car park in perpetuity.

The car park shall thereafter be managed and maintained in accordance with the approved CPMMP.

Reason: To ensure that parking provision meets the customer and visitor needs of all the approved uses within the development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and Policy TRA2 of the East Herts District Plan 2018.

11. Prior to the first occupation or use of any one of Buildings 1 – 4, (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), a Landscaping Plan shall be submitted to the Local Planning Authority for approval in writing. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

12. Prior to above ground construction works being commenced in respect of any one of Buildings 1 - 4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) the construction materials for hard surfaced areas including roads, driveways and car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be implemented in accordance with the approved details

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018 and in the interests of highways safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

13. Prior to first occupation of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), a visibility splay measuring 2.4 x 43 metres shall be provided to the care home access where it meets the highway in accordance with drawing PB9242-RHD-GE-SW-DR-R-0062 Rev P02, dated 04 May 2020, *Western access visibility splays with bus shelter*. 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 in accordance with Policy 5 of Hertfordshire's Local Transport Plan 2018 and policy TRA2 of the East Herts District Plan 2018.

14. Prior to first occupation or use of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), further details of the circulation route for refuse collection vehicles shall be submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. The approved refuse vehicle circulation route shall be laid out and constructed in accordance with the approved details and retained thereafter.

Reason: To facilitate refuse and recycling collections.

15. Prior to any above ground construction works being commenced on Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), details of any external lighting proposed in connection with Building 5 shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the visual amenities of the area, and in order to ensure an adequate level of amenity for residents of the

new / existing dwellings in accordance with policy EQ3 of the adopted East Herts District Plan 2018.

16. Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), shall be used as a care home within Use Class C2 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 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 and a school.

17. Prior to first occupation of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that there is adequate provision for secure cycle accommodation for Building 5 in accordance with TRA1 and TRA3 of the East Herts District Plan 2018 and the Vehicle Parking Standards SPD 2008.

18. Prior to the first occupation or first use of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), full details of the proposed arrangements for the management and maintenance in perpetuity of the proposed access, car park and grounds within the development site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be maintained in accordance with the approved details.

Reason: To ensure a satisfactory development in respect of highway safety and to ensure the site is well maintained in the interests of environment and amenity in accordance with Policy 5 of

Hertfordshire's Local Transport Plan 2018 and Policy TRA2 of the East Herts District Plan 2018.

19. Prior to the first occupation or first use of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), the car parking spaces designated for plug-in Electric Vehicles (EV) and served by EV ready (domestic and/or fast) charging points as shown on the approved site plan (ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) shall be provided and retained thereafter.

Reason: To ensure that the development offers a wide range of travel choices to reduce the impact of travel and transport on the environment in accordance with TRA1 of the East Herts District Plan 2018.

20. Prior to the first occupation or use of Building 5, (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), a Landscaping Plan shall be submitted to the Local Planning Authority for approval in writing. All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

21. Prior to above ground construction works being commenced in respect of Building 5 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) the construction materials for hard surfaced areas including roads, driveways and car parking areas shall be submitted to and approved in writing by the Local

Planning Authority. The site shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018 and in the interests of highways safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan.

22. Prior to the construction of the car park, further details of the circulation route for refuse collection vehicles servicing Buildings 1-4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) shall be submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. The approved refuse vehicle circulation route shall be laid out and constructed in accordance with the approved details and retained thereafter.

Reason: To facilitate refuse and recycling collections.

23. Prior to any above ground construction works being commenced on Building 4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), details of any external lighting proposed in connection with Building 4 shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the visual amenities of the area, and in order to ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ3 of the adopted East Herts District Plan 2018.

24. Prior to first occupation of Building 4 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), full details of a scheme for the provision of covered and secure cycle parking

facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that there is adequate provision for secure cycle accommodation for Building 4 in accordance with TRA1 and TRA3 of the East Herts District Plan 2018 and the Vehicle Parking Standards SPD 2008.

25. Prior to any above ground construction works being commenced on Building 2 / 3 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), details of any external lighting proposed in connection with Building 2 / 3 shall be submitted to and approved In writing by the Local Planning Authority. No external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the visual amenities of the area, and in order to ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ3 of the adopted East Herts District Plan 2018.

26. Prior to the first occupation of the ground floor flexible commercial units within Building 2 / 3 (as shown on Ground Floor General Arrangement Plan ref. 2462-HIA-04-00-DR-A-0200 rev. P11, dated 14/05/2020), full details of a scheme for the provision of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that there is adequate provision for secure cycle accommodation for the flexible commercial units in accordance with TRA1 and TRA3 of the East Herts District Plan 2018 and the Vehicle Parking Standards SPD 2008.

27. The ground floor commercial units hereby permitted (shown as Building 2 / 3 on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020 and on Ground Floor General Arrangement Plan ref. 2462-HIA-04-00-DR-A-0200 rev. P11, dated 14/05/2020) shall be open to members of the public only between the hours of 0700 - 2200 on any day.

Reason: To ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

28. Prior to the first use of each of the ground floor commercial units hereby permitted (shown as Building 2 / 3 on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020 and on Ground Floor General Arrangement Plan ref. 2462-HIA-04-00-DR-A-0200 rev. P11, dated 14/05/2020), a scheme including noise control measures for each unit shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall demonstrate that the rating noise level of plant shall not exceed the existing background noise level at the nearest noise-sensitive premises. Background noise levels shall be determined in accordance with BS 4142: 2014. The approved plant shall be installed and retained thereafter in accordance with the approved detail.

Reason: To protect the amenity of occupiers of the apartments within the development.

29. The ground floor commercial units within Building 2 / 3 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020 and on Ground Floor General Arrangement Plan ref. 2462-HIA-04-00-DR-A-0200 rev. P11, dated 14/05/2020), shall be limited to those contained within Use Classes A1 / A2 / A3 / A4 / D1 / D2 of the Town and Country Planning (Use Classes) Order 2005 (as amended).

Reason: To protect the amenity of occupiers of the apartments within the development and of nearby residential properties.

30. Prior to the first occupation of the first, second and third floor residential apartments within Building 2/3 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that there is adequate provision for secure cycle accommodation for the flexible commercial units in accordance with TRA1 and TRA3 of the East Herts District Plan 2018 and the Vehicle Parking Standards SPD 2008.

31. Prior to any above ground construction works being commenced on Building 1 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), details of any external lighting proposed in connection with Building 1 shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details and retained thereafter.

Reason: In the interests of the visual amenities of the area, and in order to ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ3 of the adopted East Herts District Plan 2018.

32. Prior to any first occupation of Building 1 (as shown on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), full details of a scheme for the provision of covered and secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details and retained thereafter.

Reason: To ensure that there is adequate provision for secure cycle accommodation for Building 1 in accordance with TRA1 and TRA3 of

the East Herts District Plan 2018 and the Vehicle Parking Standards SPD 2008.

33. Opening hours for users of the D1 use hereby permitted (shown as Building 1 on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020) shall be between the hours of:

0700 and 1930 Monday to Friday

0900 and 1500 Saturday

Reason: To ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

34. Prior to occupation of the D1 use hereby permitted (shown as Building 1 on site plan ref. 2462-HIA-05-00-DR-A-1001 rev. P11, dated 12/05/2020), details of the noise attenuation barrier along the eastern boundary of the nursery (as shown on the Landscape Masterplan ref. 101F and dated 11/05/20 and as detailed within the *Noise Assessment – Bishops Stortford North – Western Neighbourhood Local Centre Report* ref. H2863 version 3 dated 17th December 2019 by Hawkins Environmental) shall be submitted to and approved in writing by the Local Planning Authority. The noise attenuation barrier shall be installed and retained thereafter in accordance with the approved detail.

Reason: To ensure an adequate level of amenity for residents of the new / existing dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

35. The proposed development shall be carried out in accordance with a phased programme of works above ground level, including accesses, internal roads, parking areas, public realm, landscaping and buildings, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works taking place.

Reason: To ensure that the phasing of the development meets planning and highways requirements of the site and does not give rise to any conflicts, in accordance with Policy BISH3II(b) of the East Herts District Plan 2018 and Policy 5 of the Hertfordshire Local Transport Plan 2018

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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

KEY DATA**Residential Development**

Residential density		
	Bed spaces	Number of units
Number of new flat units	1	8
	2	21
Total		29

Affordable Housing

Number of units	Percentage
29	100%

Non-Residential Development

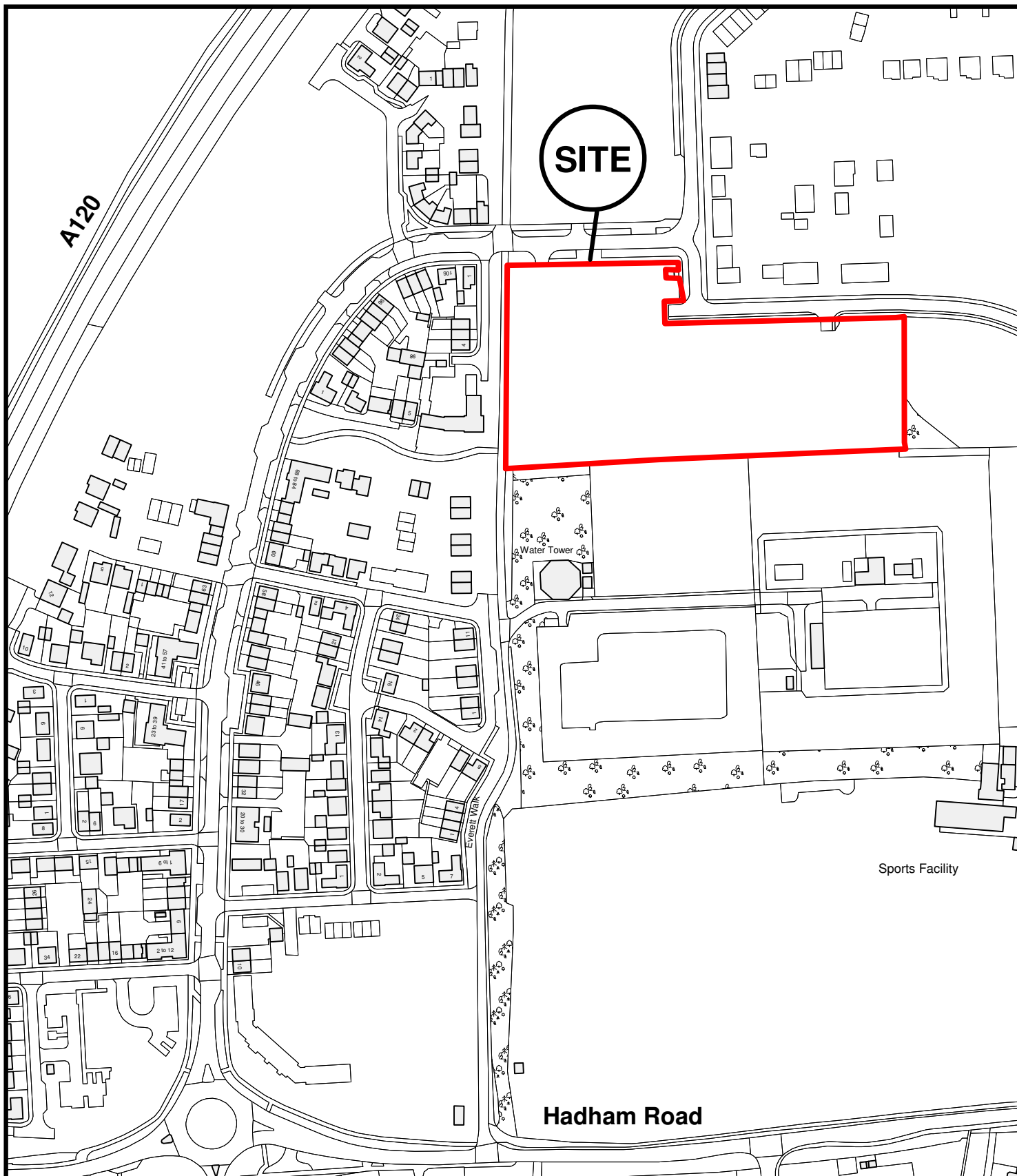
Use Type	Floorspace (sqm)
D1 Nursery	616.3
Flexible A1, A2, A3, A4, D1, D2	878
C3 Residential	2604
D1 Surgery	1360
C2 Care Home	3985.3

Vehicle Parking Provision

Current Parking Policy Standards (East Herts District Plan 2018)

Use Class	Description	Car Parking Standards	Required provision
A1 Retail foodstores	Small food shops up to 500 m ² gfa	1 space per 30 m ² gfa	29 spaces (assumes 878 sqm)
A1 Non-food retail	Other shops		
A2 Financial and professional services	Banks, building societies, estate agencies		
C2 Residential institutions	Elderly persons residential and nursing homes	0.25 spaces per resident bed space	20 spaces
C3 Residential	1 bedroom dwellings/studios	1.50 spaces per dwelling	12 spaces
	2 bedroom dwellings	2 spaces per dwelling	42 spaces
D1 Non-residential institution	Surgeries and clinics	3 spaces per consulting room plus 1 space per employee other than consulting doctors/dentists/vets	35 spaces
	Nursery school/playgroups	1 space per 4 students	29 spaces
D2 Assembly and leisure	Places of entertainment/leisure parks for use when individual land use components are known	To be decided in each case on individual merits	On merit depending on mix of uses

Total required	167 spaces
Proposed provision	163 spaces



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Scale: 1:2500

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DEVELOPMENT MANAGEMENT COMMITTEE – 15 JULY 2020

Application Number	3/20/0413/FUL
Proposal	Demolition of existing science building and the erection of a new 2-storey teaching block (Use Class D1) with associated landscaping and the installation of an additional block of interim temporary classrooms during construction (Approximately 1068 m2 GEA) alongside the retention of temporary units approved under planning consent 3/18/2098/FUL.
Location	The Leventhorpe School, Cambridge Road, Sawbridgeworth
Parish	Sawbridgeworth Town Council
Ward	Sawbridgeworth

Date of Registration of Application	26 March 2020
Target Determination Date	26 June 2020
Reason for Committee Report	Major Planning Application
Case Officer	Rachael Collard

RECOMMENDATION

That planning permission be **Granted**, subject to the conditions detailed at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1 The application is for the demolition of the existing science building and the erection of a new 2-storey teaching block (Use Class D1) with associated landscaping. In addition the installation of an additional block of interim temporary classrooms during construction (Approximately 1068 m2 GEA) alongside the retention of temporary units.

- 1.2 The new school building is to be located within the footprint of the existing teaching block. In order to allow the school to continue to operate during construction, temporary classrooms are to be erected on site. These temporary classrooms will be located to the west of the existing school buildings on the existing tennis courts and adjacent to the existing temporary classrooms that are to be retained throughout construction.
- 1.3 The main issues for consideration are:
- Principle of Development;
 - Design and layout;
 - Impact on Residential Amenity;
 - Highway impact and parking provision;
 - Flood risk management, including climate change.
- 1.4 During the course of the application amendments were made. The applicant has stated that originally the 8 single storey temporary general teaching classrooms previously granted under a previous consent (3/18/2098/FUL) would be removed to allow for the erection of a new two storey temporary classroom block. However, in light of the Covid-19 pandemic, the supplier of the temporary classrooms has supply issues. Therefore the applicant seeks to retain the existing 8 single storey temporary classrooms and supplement these with an additional two storey block of science classrooms. These will be located to the south of the existing temporary classrooms on the remaining tennis court area. As a result of these changes the description of development has altered and a full formal re-consultation has been undertaken.

2.0 Site Description

- 2.1 The application site is occupied by Leventhorpe School an 8FE school with 1269 pupils. The site is approximately 10.9 hectares and also incorporates Leventhorpe Leisure Centre and sporting facilities.

- 2.2 The site is bounded by Cambridge Road to the east, a residential development to the south and a large area of agricultural land to the north and west which is located within the Green Belt. The sporting facilities associated with the school are also located within the Green Belt. The wider site is designated Open Space. The school buildings are located within the built up settlement of Sawbridgeworth.
- 2.3 The main school buildings are situated on the eastern half of the site, whilst the leisure centre is located to the north of the main school buildings and the swimming pool and gym is to the south, a Multi-use Games Area (MUGA) can also be seen to the west.

3.0 **Planning History**

3/18/2098/FUL	Provision of 8 single storey temporary general teaching classrooms on an existing area of hard play surface.	Granted 10 th December 2018
3/16/2817/FUL	Demolition of three classroom blocks and the creation of new block to house 17 classrooms with 6 temporary classrooms	Granted 5 th April 2017
3/15/2483/FUL	Shed for use by cricket club.	Granted 10 th February 2016
3/14/0821/FP	Demolition of single storey building, containing redundant changing room facilities and classroom, including adjacent shed. Replacement by two storey classroom block.	Granted 3 rd July 2014

3/12/0862/FP	Internal alterations to convert existing gymnasium into new learning resource centre with additional mezzanine accommodation. Associated new plant located at roof level. Widening of existing internal corridor to provide break out space. 7 No. flat modular rooflights positioned over foyer and corridor spaces.	Granted 24 th August 2012
3/11/1850/FP	Erection of single storey brick building to house electrical sub-station.	Granted 9 th December 2011
3/10/0011/FP	Extension of existing car park and erection of railings to the front of the Leventhorpe Swimming Pool	Granted 6 th April 2010
3/09/2095/FP	Extension of existing building to create two single storey stores / preparation areas	Granted 11 th March 2010
3/09/0918/FP	Floodlit all weather pitch, 3 floodlit replacement tennis courts and 2 tennis courts (not floodlit)	Granted 2 nd September 2009

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework 2018 (NPPF).

Key Issue	District Plan	NPPF
Principle of	GBR1, CFLR1,	Sections 13

development	CFLR10	and 8
Design Quality/ Residential Amenity	DES3, DES4,	Section 12
Highway impact and parking provision	TRA1, TRA2, TRA3	Section 9
Flood risk management, including climate change	WAT1, WAT2, WAT3, WAT4, WAT5, CC1, CC2.	Section 14

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

5.0 Summary of Consultee Responses

- 5.1 Consultees as set out below have provided feedback received in relation to the proposals as follows.
- 5.2 Hertfordshire County Council Highways – No objections subject to conditions.
- 5.3 HCC Minerals and Waste – The development would lead to a large amount of demolition waste, therefore a SWMP will be necessary to record and make the best use of these materials. In addition, space should be allocated for the storage and separation of construction waste. There is the potential for hazardous material to be present at the site.
- 5.4 HCC Growth and Infrastructure Unit – No financial contributions sought and therefore no further comments on the application.
- 5.5 EHDC Environmental Health - No objection subject to conditions.
- 5.6 Sport England – No objection.
- 5.7 Lead Local Flood Authority – No objection subject to conditions.

5.8 EHDC Landscape Officer – No objection subject to conditions.

5.9 Herts Ecology – No objection subject to condition.

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

6.0 **Town Council Representations**

6.1 Sawbridgeworth Town Council – No objection.

7.0 **Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation letters, by press and site notices. 1 neighbour objection has been received.

- The building would block daylight, view and openness and would appear resulting in overshadowing.
- Devalue property.
- Loss of privacy and the school building would overlook property.

8.0 **Consideration of Relevant Issues**

Principle of Development

8.1 In terms of the principle of development, there are two elements to consider.

8.2 Firstly, the existing single storey science building is to be replaced with a two storey science building; which will be constructed within the footprint of the existing building. The location of the building is located within the built up area of the school and also falls within the settlement of Sawbridgeworth. Therefore there is no objection in principle to the location of the new two storey science building.

Policy CFLR10 is also relevant and sets out at part III a number of criteria in which extended education facilities should meet. This criterion includes: an accessible location, quality design, and retention or suitable outdoor recreation space and playing fields and be designed to facilitate the community use of facilities. It is considered that in this instance the proposal is in compliance with this policy. The provision of enhanced education facilities should be attributed significant positive weight.

- 8.3 In order for teaching to continue during construction of the new block, temporary teaching accommodation is required to accommodate the loss of teaching space and will be located on the existing tennis courts which are west of the existing school buildings. This part of the site is located within the Green Belt and is designated as open space.
- 8.4 Policy GBR1 of the District Plan 2018 is relevant and sets out that applications will be considered in line with the NPPF. The proposed buildings would amount to inappropriate development in the Green Belt which is by definition harmful and it should not be approved except in very special circumstances that outweigh the harm by reason of inappropriateness, and any other harm.
- 8.5 The NPPF states that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belt being its openness and permanence'.
- 8.6 While the impact is apparent and discernible on the openness of the Green Belt within this part of the school grounds, the development cannot be considered to cause permanent harm to the openness of the Green Belt as they are temporary structures. The proposal is considered acceptable in this regard. The negative impact on the Green Belt is therefore limited.
- 8.7 In addition as the temporary buildings are located on designated open space, policy CFLR1 is relevant and seeks to protect the loss of

playing fields and recreation space. The temporary buildings would prejudice the use of land that is used for sport.

- 8.8 The applicant has confirmed that the build programme is expected to take one year and the temporary classrooms will be located on site for the duration of the build. There are already temporary classrooms on site which are required to be removed by 10th December 2021 and it is intended that the additional temporary classrooms would be removed at the same time. Whilst the tennis courts would not be able to be used, it has been confirmed that the school uses Leventhorpe Pool and Gym during term time ensuring the schools sporting needs are met, as was the case during the construction of the arts block. The school's needs remain unchanged and the facilities will be available on the wider site throughout the construction meeting the needs of the school and the community.
- 8.9 Sport England have commented on the application and note that the development would reduce the sporting capability of the site but the impact would be short term and temporary in nature and therefore are satisfied that the development meets the Sport England Policy exception. Therefore no objection is raised subject to a condition requiring the removal of the temporary classrooms and the games courts reinstated to their original condition within a defined period. It is considered necessary and reasonable for such a condition to be imposed on any grant of permission and seems reasonable for it to align with the condition approved on application 3/18/2098/FUL requiring the removal of the temporary buildings on or before 10th December 2021.

- 8.10 The negative impact on open space and sport is therefore limited.

Design, layout

- 8.11 The National Planning Policy Framework (NPPF) sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can

contribute positively to making places better for people. In particular paragraph 124 of the NPPF sets out that, amongst other things, *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.

- 8.12 Policies DES3 and DES4 seek design quality that respects the constraints of a site and integrates landscaping into the design.
- 8.13 The proposed science block would be broadly rectangular in shape and would be two storeys in height. It is to be sited within the footprint of the existing single storey building. The building would have dimensions of approximately 58.2m in width, 22.4m in depth and an overall height of 8.6m. A number of windows and doors would be seen on the north and south elevations at both ground and first floor levels, with limited fenestration to the flank walls. The materials annotated on the submitted plans show a facing blue brick to the ground floor and an off white warm wall render to the upper part of the buildings. The windows and doors would be aluminium PPC in a dark grey. Whilst details have been provided, there is some uncertainty in relation to the types of bricks that would be used and therefore it is considered necessary to impose a condition requiring samples of materials to be submitted.
- 8.14 The overall design of the proposed science block is considered to be acceptable and would be similar to the design approach taken to a building adjacent.
- 8.15 The proposal also seeks the retention of existing temporary classrooms that have permission under application 3/18/2098/FUL. No changes are proposed to these buildings.
- 8.16 Eight temporary science laboratories would be constructed and associated preparation space, staff office space and toilet facilities. The two storey temporary building will have dimensions of approximately 36m in width, 19.2m in depth and a height of 6.9m. Various window and door openings would be seen throughout. Due

to the temporary nature of these buildings and the type of structures no concerns are raised in relation to design. However it should be noted that as these buildings would not be acceptable long term on the site, it is reasonable and necessary to impose a condition requiring that all the temporary buildings to be removed from the site. The applicant has set out in the Planning Statement that they anticipate that following a 1 year build programme all existing and proposed temporary classrooms can be removed from the site in line with the condition set out on application 3/18/2098/FUL for removal in December 2021.

- 8.17 The proposed layout also includes areas of landscaping including areas of hard surfacing for informal social space with areas of grass and amenity planting. As limited information has been provided it is considered reasonable for a condition to be imposed required specific landscaping details to be submitted.

Impact on Residential Amenity

- 8.18 The proposed development whilst adjacent to the existing school buildings, immediately to the south of the site is the cul-de sac development of School Lane.
- 8.19 The proposed science block would be set over two storeys and would be set approximately 15.3m from the boundary (at its closest point) with School Lane. It should be noted that the proposed science building would face the 'balancing pond' which forms part of the sustainable drainage for the residential development of School Lane and provides public amenity. However, there are several properties that are considered to be most impacted by the proposed building as they lie directly on the boundary. These properties are No's 41 and 42 School Lane.
- 8.20 A neighbour objection has been received, citing concerns over the design of the building, loss of light and loss of privacy. Due to the slight drop in land levels within the school site and the separation distance maintained it is not considered that the proposed block

would have an unacceptable impact to justify a refusal. Whilst views towards properties in particular No. 42 would be possible, these views would primarily be towards the rear elevation of the garage which lies along the boundary with the school site and the area in front of the dwelling which is within the public realm. Therefore, it is not considered that the proposed science block would have such an impact to justify a reason for refusal of the application.

- 8.21 In relation to the two storey temporary classrooms, these structures are sited approximately 18.7m from the rear boundaries of the properties 31-34 School Lane. Whilst a degree of overlooking would result, as these structures are temporary in nature and there are limited openings towards the residential dwellings, however a condition has been imposed requiring any first floor windows facing the residential dwellings to be obscured for the duration of the use of the classrooms to ensure that no direct overlooking result. It is considered that on balance this relationship is acceptable, however as stated previously a condition requiring these structures to be removed from the site is to be imposed.
- 8.22 The impact of the proposal on residential amenity is therefore regarded as neutral.

Highway Impacts and parking

- 8.23 Policy TRA1 relates to sustainable transport measures and sets out that development proposals should primarily be located in places which enable sustainable journeys to be made, ensuring that a range of sustainable options are available and ensure that site layouts prioritise the provision of modes of transport other than the car. Policies TRA2 and TRA3 require proposals to ensure safe and suitable access and suitable parking provision. The NPPF (2019) places emphasis on the importance of sustainable travel, as seen within paragraphs 108 and 110. Hertfordshire County Council's Local Transport Plan 4 (2018) also places a much greater emphasis on the importance of sustainability/accessibility.

- 8.24 The Highway Authority has been consulted on the application, the re-development proposals are to operate with the same quantum of students and staff. The existing school access for vehicles from Cambridge Road remains unchanged. Similarly the existing pedestrian access point will be retained and the existing operation of school bus drop off/pick up will be unaffected by the proposals. There will be no changes to existing on-site vehicular and cycle parking arrangements. The Travel Plan will continue to be promoted which targets reducing the number of trips made to the school by single-occupancy car, in favour of other modes. Whilst some elements of construction have been included in the Transport Statement, a construction Traffic Management Plan is required to agree specific details, it is considered reasonable and necessary to impose a condition on any planning consent.
- 8.25 With regards to parking provision on the site, 166 allocated parking spaces are provided and will remain unchanged. It is noted that the proposed building would have an increase in floorspace of 516.4m². As the proposals will not increase the number of students or members of staff it is not considered necessary for any increase in parking provision to be made at the site.
- 8.26 The highway and parking impacts of the development are therefore regarded as neutral.

Flood risk management, including climate change

- 8.27 The site lies within Flood Zone 1 and therefore at no risk from fluvial flooding.
- 8.28 The applicant submitted a Flood Risk Assessment and Drainage Strategy alongside the planning application. The Lead Local Flood Authority (LLFA) has been consulted on the application and does not wish to object to the proposal on flood risk grounds. However the LLFA have requested a number of conditions be imposed should planning permission be granted as further details are required, these conditions are considered to be necessary and reasonable.

- 8.29 Having regard to climate change adaptation and mitigation (Policies CC1 and CC2) and the building design requirements of Policy DES4. The Planning Statement sets out that the building has been designed in line with the ethos of 'Be Lean, Be Clean, Be Green' Energy Hierarchy, with a focus on a fabric first strategy. This approach is one that is in line with the Council's policy approach and energy hierarchy. This approach means that the design achieves consistently high energy efficiency in order to achieve low CO2 emission rates.
- 8.30 A mixed-mode ventilation system is to be provided, ensuring Oxygen and CO2 are at an optimum level to maximise classroom productivity. A key design feature in reducing energy consumption of the building is to take advantage of natural daylight by utilising daylight-dimming lighting controls to occupied spaces. The agent has confirmed via email that the CO2 emissions would be compliant with building regulations and therefore is in accordance with policy CC2.
- 8.31 In terms of efficiency of water, the agent has confirmed that low flow outlets are proposed restricting WHBs to 2l/min and showers to 6l/min.
- 8.32 The sustainability of the building is therefore afforded positive weight.

Other considerations

- 8.33 Part of the proposal (the temporary Buildings) amount to inappropriate development in the Green Belt and they will also impact on the openness of the Green Belt. However as they are temporary in nature and will be removed from the site following the completion of the science block in this instance this part of the development is acceptable.

9.0 Planning Balance and Conclusion

- 9.1 The proposal will provide a modern science block and will be constructed within an area of the school site that is located within the built up area of Sawbridgeworth. Whilst there is further intrusion into the Green Belt with the provision of additional temporary buildings on the undeveloped part of the existing tennis courts and the existing temporary classrooms are to be retained, as these structures are all temporary, the tennis courts will be returned to their former use once construction has been completed.
- 9.2 Accordingly, on the balance of considerations the proposal is considered to be acceptable.

RECOMMENDATION

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

1. Three year time limit (LT12)
2. Approved Plans (2E10)
3. Notwithstanding the approved plans, prior to any building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy DES4 of the East Herts District Plan 2018.

4. The temporary structures hereby permitted shall be removed on or before 10th December 2021 and the land shall be reinstated to its former condition and use in accordance with details to be submitted and approved in writing by the Local Planning Authority.

Reason: The development is a temporary and expedient only having regard to the specific circumstances of the application and in the interests of the character and appearance of the area, the openness of the Metropolitan Green Belt and to ensure that adequate sports provision is available within the site in accordance with policies GBR1 and CFLR1 of the East Herts District Plan 2018.

5. Prior to the commencement of development hereby approved a Landscape and Ecology Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The developer shall thereafter secure and implement the measures identified in the approved Landscape and Ecology Management Plan in accordance with the requirements of the approved Plan. The Plan shall include full details of both hard and soft landscaping and ecology management for that Phase including at least the following:
 1. Proposed finished levels and contours;
 2. Means of enclosure;
 3. Description and evaluation of existing soft landscaping features to be retained;
 4. Schedules of plants, noting species, planting sizes and proposed numbers/ densities where appropriate;
 5. Implementation planting timetables;
 6. Details within the existing redline boundary and within the wider site, of the number, type and location of native-species planting, or any areas to be sown or planted with specific seed mixes for biodiversity value;
 7. Location and type of any habitat boxes/structures to be installed in line with the recommendations within the report by Ecus Environmental Consultants June 2020 section 2.4.4;

8. These should be shown on appropriate scale maps and plans and include details of initial aftercare and long-term maintenance to ensure their sustained value to biodiversity;
9. These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: This Management Plan is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE1, NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design, in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

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

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

7. A detailed Modeshift STARS School Travel Plan should be prepared and submitted to the Local Planning Authority within three months of the first occupation of the development. Thereafter the Travel Plan shall be implemented in full in accordance with the approved details.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy TRA1 of the East Herts District Plan 2018 and Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018).

8. 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;
 - 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;
 - h. Site Waste Management Plan

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 TRA1 and TRA2 of the East Herts District Plan 2018 and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

9. The building and associated plant shall be designed, constructed and maintained to be 5dB below background noise levels in order to protect the residents of nearby dwellings from noise disturbance and to ensure that the indoor ambient noise levels do not exceed the values detailed in Table 4 of BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings".

Reason: To protect the occupants of nearby residential properties from noise disturbance in accordance with Policy in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

10. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 08.00 – 18:00 hrs Monday to Friday and 08:00 – 13:00 hrs on a Saturday. No work to take place on Sundays or Public Holidays.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policy EQ2 of the adopted East Herts District Plan 2018.

11. Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: In the interests of protecting against light pollution in accordance with Policy EQ3 of the East Herts District Plan 2018.

12. The development hereby permitted shall be carried out in accordance with the approved Drainage Layout reference 137156-BWB-ZZ-XX-DR-C-5201 P6 dated May 2019 Surface Water Drainage Design carried out by BWB Consulting Ltd, reference 137156-BWB-XX-CA-D-0001-SW Assessment, dated April 2020 and the following mitigation measures:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 90 m³ (or such storage volume agreed with the LLFA) of attenuation storage within attenuation tank.
3. Discharge of surface water from the private network into the ground.

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

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

13. Within three weeks of commencement of the development hereby approved, the final design of the drainage scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The surface water drainage scheme should include:
 1. Detailed tests appropriate for the infiltration proposed at the exact locations and depths where deep bore soakaways are proposed to be used. Also to include detailed condition surveys of all existing soakaways to be reused. If infiltration is not

feasible on site, the applicant should submit a feasible alternative strategy to the LPA.

2. Final detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Full, detailed post-development calculations for all rainfall events up to and including the 1 in 100 year + 40% climate change event including half drain down times and modelling of all drainage currently discharging via the existing deep bore soakaways to be reused.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

14. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangements, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Provision of a complete set of as built drawings for site drainage.
 2. Confirmation of the installed system.
 3. A photo record demonstrating the installation of the SuDS features.
 4. Maintenance and operational activities.
 5. 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 in accordance with policy WAT5 of the East Herts District Plan 2018.

15. Prior to the use of the two storey temporary classrooms hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating how all windows at first floor level on the eastern elevation (facing the residential properties on School Lane) are to be obscured. Once these details are agreed, they shall be permanently retained in that condition until those units are removed from site.

Reason: In the interests of neighbour amenity in accordance with Policy DES4 of the East Herts District Plan 2018.

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The developer shall ensure that there are appropriate provisions made for the control of dust emanating from the site, so as not to cause undue disturbance to the occupants of nearby residential properties.
3. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.

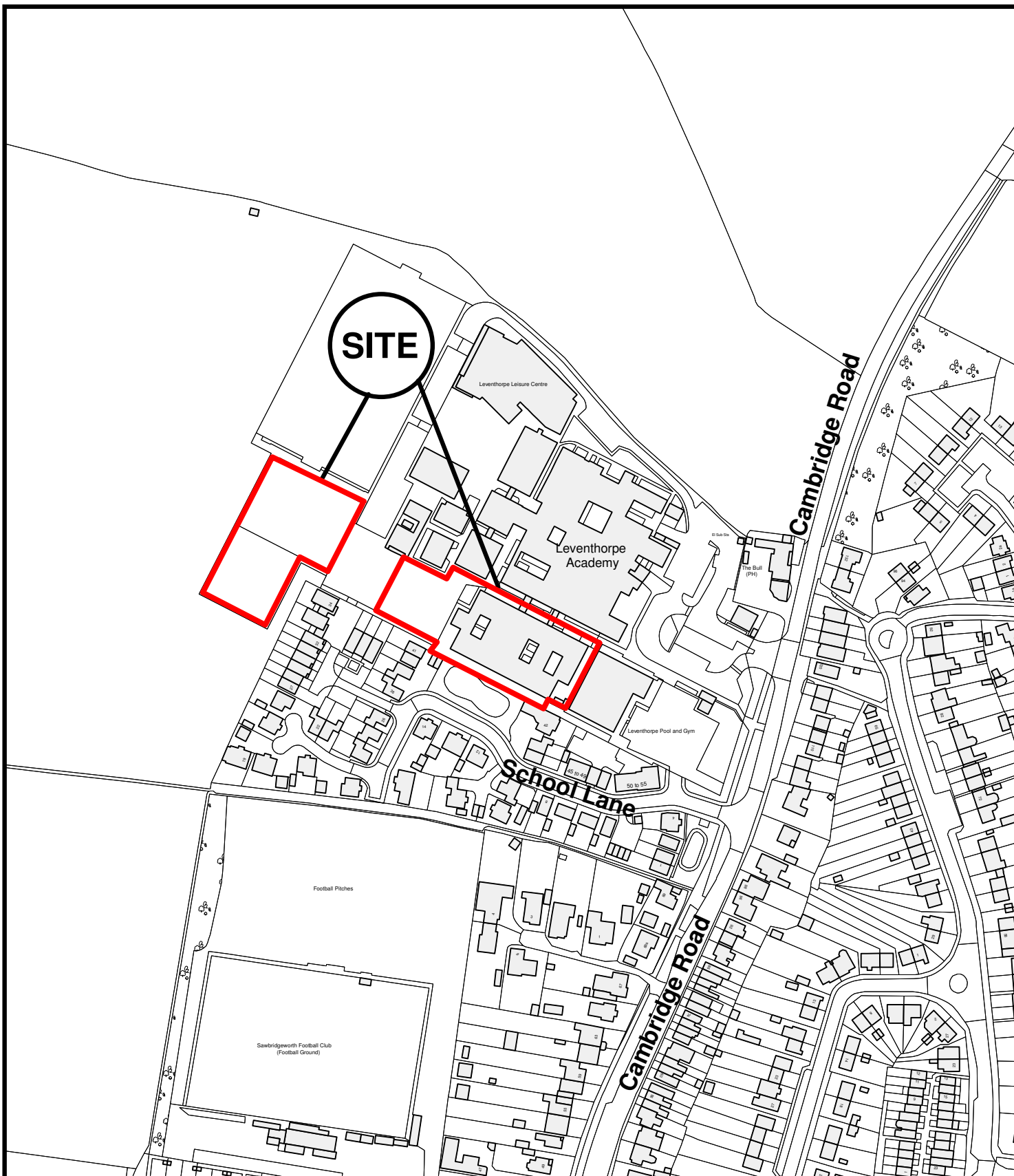
4. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway 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/highways-roads-and-pavements.aspx> telephoning 0300 1234047.
5. 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/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
6. Any vegetation clearance should be undertaken outside the nesting bird season (March to August inclusive) 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 two days in advance of vegetation clearance by a competent Ecologist and if active nests are found, works should stop until the birds have left the nest.

7. Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering/becoming trapped.

Summary of Reasons for the 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 and any relevant material considerations. The balance of the considerations is that permission should be granted.

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DEVELOPMENT MANAGEMENT COMMITTEE – 15 JULY 2020

Application Number	3/18/2764/OUT
Proposal	Outline application for the erection of 14 residential units and 26 proposed car parking spaces (all matters reserved except access)
Location	Hertfordshire County Council Depot, Station Road, Watton At Stone, SG14 3SH
Parish	Watton-at-Stone
Ward	Watton-at-Stone

Date of Registration of Application	8 th January 2019
Target Determination Date	9th April 2019
Reason for Committee Report	Major application
Case Officer	Eilis Edmonds

RECOMMENDATION

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

Delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks outline planning permission, with all matters reserved except access, for the erection of 14 dwellings on a former Hertfordshire County Council (HCC) Depot site in Watton-at-Stone. The proposal includes the provision of a new access from Moorymead Close, whilst also seeking to retain the existing access for a single dwelling from Station Road.

1.2 The main issue for consideration is whether the proposed development is acceptable in-principle and meets the aims of Policy

VILL1, with regard to development in Group 1 villages within the District. Other matters for consideration relate to surface water flooding and the provision of housing.

2.0 Site Description

- 2.1 The site lies within the village boundary of the Group 1 Village of Watton-at-Stone and comprises a former HCC highway maintenance depot site. The site was used for the storage of road materials and winter maintenance materials, and was then, according the planning statement, used for the storage, maintenance and repair of portacabins by a private company. The site is currently covered in hardstanding, and there are a number of single storey buildings on the site in a poor state of repair.
- 2.2 There is existing vegetation on the boundaries of the site, and the land levels are slightly lower than the surrounding land, with low embankments and retaining walls. The existing access to the site lies on the southern side of the site, with a bell-mouth from Station Road. There is also an existing culvert which runs centrally underneath the site from south-west to north-east.
- 2.3 The site area is approximately 0.48 hectares and it is bounded by existing residential development.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/91/0731/OP	Outline application: Residential development together with provision for increased car parking (totalling 40 car spaces) to serve railway commuters	Granted with Conditions	11 th September 1991

3/94/0058/FP	Residential development to provide 34 houses and 44 apartments, together with an access road, commuters car park (20 places), amenity areas, landscaping and ancillary works (amended scheme)	Granted with Conditions	4 th November 1994
3/94/0059/FP	Residential development to provide 34 houses and 44 apartments, together with an access road, commuters car park (20 places), amenity areas, landscaping and ancillary works (amended scheme)	Withdrawn	24 th June 1994

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018 (DP).

Main Issue	NPPF	DP policy
Principle of housing development	Chapter 2	DPS1, DPS2, VILL1
Loss of employment	Chapter 6	ED1
Quality of design and landscaping	Chapter 12	DES2, DES3, DES4, DES5
Delivery of housing	Chapter 5	HOU1, HOU2, HOU3, HOU7
Neighbour amenity and amenities of future occupiers	Chapter 12	DES4, EQ2, EQ3 and EQ4
Highways and parking	Chapter 9	TRA1, TRA2, TRA3
Flood risk, drainage and	Chapter 12	WAT1, WAT2, WAT3,

climate change		WAT4, WAT5, WAT6, CC1
Delivery of Infrastructure		DEL2

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the grant of planning permission, subject to conditions. The Highway Authority are content with the principle of narrowing the existing access from Station Road in order to provide access to a single residential dwelling. With regard to the proposed access for the remaining 13 dwellings from Moorymead Close, Highways require changes to the geometry of the proposed access to accommodate junction radii of 8m, and the internal site access road to have a minimum width of 5m, whilst also recommending that a 12.2m refuse vehicle should be able to be used within the site. They also state that a Section 278 agreement will be required for the proposed accesses, and the footway extension should be implemented in accordance with the submitted drawing. These matters can be conditioned upon the grant of permission.
- 5.2 Lead Local Flood Authority commented that concerns were previously raised regarding the condition of the disputed private culvert which crosses the site and continues down Hazeldell towards the High Street. The culvert has significant blockages and is not a suitable surface water discharge point for the site. As such, following discussions with Thames Water, an alternative discharge location was proposed to manhole MH6306, at Great Innings North. A connection to manhole MH7250 was also considered by the applicant, but is deemed to be unacceptable. The drainage strategy therefore needed to illustrate that the discharge location is to be to manhole MH6306. Otherwise, it is deemed that surface water run-off rates should not exceed 2.5l/s including the 1 in 100 year+

climate change event, that attenuation to ensure no increase beyond this should be provided, and that the drainage strategy should utilise lined permeable paving, geocellular attenuation tank and a flow control, with discharge into manhole MH6306.

- 5.3 Environment Agency commented that the all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. In order to protect groundwater quality from further deterioration, no infiltration-based drainage systems should be constructed on land affected by contamination; piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution; decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies.
- 5.4 Thames Water commented that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developed proposed to discharge to a public sewer, then prior approval from Thames Water will be required. They also would expect the developed to demonstrate what measures they will undertake to minimise groundwater discharged into the public sewer. Groundwater discharges typically result from construction, and any discharge made without a permitted is deemed illegal, and therefore they recommend the inclusion of an informative. They also note that there are public sewers crossing or adjacent to the site, and that it is important that the developer minimises the risk of damage, and Thames Water will need to check that the development does not reduce capacity, limit repairs or maintenance, or inhibit their services. They raise no objection to the waste water network and waste water process infrastructure capacity based on the information provided.
- 5.5 EHDC Housing Development Advisor commented that the scheme proposed 14 units which required an affordable housing contribution of 35% (5 units) and the tenure split should be 84% rent and 16% shared ownership.

- 5.6 HCC Historic Environment Unit commented that the proposed development is located adjacent to two Areas of Archaeological Significance, nos 189 and 230, the latter of which is likely to be of more relevance to the archaeological potential of the site. A number of ring-ditches, linear trackways and possible boundary/enclosure ditches are apparent in the field to the west, and archaeological excavation works took place between 2008 and 2011 on a site to the south of the site which revealed multi-phase archaeological remains, including Neolithic and Early Iron Age pits, a prehistoric structure, a curvilinear ditch complex containing Early to Middle Saxon pottery, and some Romano-British ditches. It is not considered that the potential to harm is high enough to recommend pre-determination investigation, however, it is considered that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a pre-commencement condition is therefore recommended if permission is to be granted.
- 5.7 Herts Ecology commented that the Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site. They note that an Ecological Appraisal has been submitted with the application, which outlines that the habitats are considered to be of negligible to limited ecological value, and the main interest is the boundary trees and shrubs, which are generally proposed for retention. Protected species are not considered to be at risk, however an informative is recommended for any pruning of trees and shrubs to be avoided during the nesting bird season and that any external lighting should be designed to minimise lightspill. Otherwise, Ecology raise no objections, and welcome the simple biodiversity enhancements outlined, and suggest that any new landscaping is native and a Landscape and Biodiversity Plan should be submitted showing the location of habitat boxes and tree species.
- 5.8 EHDC Environmental Health Advisor does not wish to restrict the grant of permission, but advises that any permission which the Planning Authority may give shall include conditions with regard to

the submission of contamination surveys, remediation and validation reports; noise attenuation for protecting the proposed development from noise and rail traffic; and the submission of a Construction Management Plan to ensure an adequate level of amenity for nearby residents.

- 5.9 Herts Police Crime Prevention Advisor commented that they support this application. They note that the application is at the outline stage, however they have no concerns with the application but would advise that prior to submitting any further application the agent should contact the Police Crime Prevention Design Service with a view to achieving the Police preferred minimum security standard that is Secured by Design, to satisfy the requirements of both Building Regulations and National and Local Planning Policy and Guidance.
- 5.10 HCC Growth and Infrastructure Unit comment that based on the information for the development they would be seeking financial contributions towards Ware Library (£2,654) and towards the New Young People's Centre in Hertford (£628) based on Table 2 of HCC's planning obligations toolkit Table 2, based off the number of bedrooms proposed. An obligation to provide fire hydrants is also requested.

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

6.0 Parish Council Representations

- 6.1 Watton-at-Stone Parish Council support the application, stating that they consider that this brownfield site is very suitable for redevelopment, having been left unused for some considerable time. They note that this is the only large brownfield site within the village boundary which could be used for residential development, and they therefore welcome the material contribution which it would make to the housing development targets allocated to the village by the East Herts District Plan.

7.0 Summary of Other Representations

7.1 2 responses have been received objecting to the proposals on the following grounds:

- Traffic coming out of the site would make the area very busy
- An entrance onto Station Road with a roundabout would be more suitable and would allow all traffic to slow down
- The proposed development would result in a loss of sunlight to No 117 Hazeldell if the dwellings are 2.5 storeys; No 117 is at a lower land level than the application site, and therefore a 2.5 storey dwelling will present as a 3.5 storey building, contrary to Policy VILL1

7.2 1 response has been received supporting the proposals, however no comments were provided.

7.3 1 response has been received neither objecting to nor supporting the proposals on the following grounds:

- Vehicles are usually parked the length of the border of Moorymead Close, which are mainly users of the train services, when restrictions concluded parking on now unrestricted side roads has led to difficult navigating in and out of Moorymead
- An additional 26 vehicles using this road would impact on the safety of road users
- The difference in land levels suggests some kind of ramp into Moorymead, which could result in increased vehicle speeds and therefore risk
- An entrance onto Station Road would be more suitable

8.0 Consideration of Issues

Principle of development

- 8.1 Policy DPS2 sets out that the strategy of the District Plan is to deliver sustainable development in accordance with a hierarchy, which seeks to direct development towards sustainable brownfield sites, sites within and extensions to the towns and limited development within the villages. The application site is a brownfield site which lies within the designated village boundary of the Group 1 Village of Watton-at-Stone. The District Plan development strategy outlines that Group 1 villages are the most sustainable villages in the district and that Watton-at-Stone will need to accommodate at least a 10% increase in housing stock prior to March 2033 amounting to 92 dwellings. Prior to the adoption of a Neighbourhood Plan, development within Group 1 villages will be limited to the built-up area as defined on the policies map, and should accord with the criteria as outlined in VII. of Policy VILL1.
- 8.2 As the application is an Outline application, it is not possible to fully assess the application against the criteria of VII, however, the application site is previously developed and lies within the boundary of a Group 1 village, and therefore residential development in this location is acceptable in principle, and it will assist in the delivery of housing required as set out in Policy VILL1. Furthermore, the site is considered to be highly sustainable, with Watton-at-Stone train station within 150m walking distance of the main access of the site, and within walking distance of services and facilities, including the village primary school.

Loss of Employment

- 8.3 As previously noted, the site is previously developed land. The Planning Statement sets out that the site was used as the HCC highway maintenance depot site prior to 1996, and for the storage, maintenance and repair of portacabins by a private company between 1996 and 2011. The site is currently vacant.

- 8.4 Policy ED1 outlines that development which would cause the loss of an existing site which is currently or was last in employment use will only be permitted where the retention of the site has been fully explored without success. However, the Policy sets out that for non-designated employment sites, a proportionate approach should be taken.
- 8.5 A market report was submitted with the application outlining that whilst there is a short supply of storage sites across Hertfordshire, the existing site is not well located, with the road network in the locality considered to be poor. To keep the site in storage use would not result in high employment levels, whereby a site of this size is likely to employ 3/4 people. If the site was to be converted to another commercial use, it could provide greater employment, however it would result in greater vehicle movements, including lorries and light vans, and would require 50/60 parking spaces. Whilst there may be a greater demand for B1, B2 and B8 spaces, it is considered likely that investors would raise concerns as to neighbouring residential uses.
- 8.6 Whilst it is considered that the proposed development would result in the loss of an employment site, the current use provides low employment levels, and changes to more intensive uses could result in harmful impacts upon the neighbouring residential properties. Therefore, it is considered that very limited weight should be attributed to the loss of this employment site.

Quality of Design

- 8.7 As the application is submitted in outline, whereby all matters are reserved except for access, it is not possible to assess the acceptability of the proposed development in terms of its quality of design, with reference to Policies VILL1 and DES4 at this stage of the planning process.
- 8.8 The surrounding area is mainly residential. Moorymead Close, which will provide the main access for the proposed development, is a 90s housing development which was built following permission

being granted in 1994. Moorymead Close consists of semi-detached and terraced dwellings and a number of apartments. Hazeldell and Great Innings lie to the east and north of the site, respectively, and are of various designs, size and building years. A more recent residential development lies to the south (granted in 2011 under LPA ref 3/11/0872/RP), on the opposite side of Station Road, is more densely populated.

- 8.9 An indicative layout (plan ref 211 Rev F) has been submitted and it is considered that the site is capable of accommodating a density of development which is reflective of the surrounding residential area, having regard to the types and sizes of dwellings on the neighbouring roads, as set out above. The proposed formation of a cul-de-sac is also consistent with developments in the surrounding area. Plot 14, whilst not reflective of the orientation of the dwellings on Hazeldell to the east of this plot, is considered to be consistent with the design principles of other residential development in the locality, including the dwellings on the opposite side of Station Road, which, whilst not having individual drives, do provide a principle elevation which fronts onto this road. That said, it is considered that the building line illustrated should have greater regard to that of the rear elevations of Nos 11-15 Hazeldell at the Reserved Matters submissions stage.
- 8.10 Policy DES3 sets out that development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creating will be sought.
- 8.11 The existing site has mature vegetation on the boundaries, and it is considered that it provides some amenity value to the surrounding area and street scene. That said, it is noted that the tree report submitted with the application advises that most of this vegetation is of poor or moderate quality, and the conclusion of the tree survey is that existing planting is generally of limited value. There are no protected trees on or adjacent to the site.

- 8.12 The indicative layout illustrates that much of the existing vegetation is to be retained, with a section removed for the proposed access from Moorymead Close. With reference to Policy DES3, the indicative layout plan also suggests that further trees are proposed to be planted on the boundaries of the site, including adjacent to the proposed access, where vegetation will be required to be removed. Whilst landscaping is a reserved matter, this approach is welcomed.

Delivery of Housing

- 8.13 The proposal will provide 14 residential dwellings. As previously noted, Policy VILL1 outlines that there is a requirement for Group 1 Villages to accommodate at least a 10% increase of housing prior to March 2033. With regard to Watton-at-Stone, there is a need to increase housing stock by 92 dwellings. As such, the proposed dwellings will assist in delivering housing in the village. This carries significant positive weight.
- 8.14 Developments which seek to provide 5 or more gross additional dwelling will be expected to provide an appropriate mix of housing tenures, types and sizes, in order to create mixed and balanced communities, in accordance with Policy HOU1, having regard to the latest Strategic Housing Market Assessment, and any other up-to-date evidence.
- 8.15 Policy HOU3 sets out the Council's affordable Housing policy, whereby applications for dwellings which provide 11 to 14 dwellings should seek to provide 35% units of affordable housing. The planning statement submitted with the application sets out that the acknowledgement that affordable housing of 35% of the total number of units will need to be included through a Section 106 agreement.
- 8.16 The indicative layout plan illustrates the provision of 4No 2 bedroom homes, 8No 3 bedroom homes, and 2No 4 bedroom homes. However, as the proposal is submitted in outline planning

details as to the size and types of housing are not required at this stage.

Neighbour amenity and amenities of future occupiers

- 8.17 Having regard to the indicative layout provided, it is considered that sufficient distances can be obtained to ensure that the proposed development would not result in unacceptable levels of loss of light, overbearing impacts, or loss of privacy. This matter can be assessed in full at Reserved Matters stage, to ensure that the development accords with Policy DES4 (c).
- 8.18 Due to the adjacent neighbouring properties, Environmental Health have recommended the inclusion of a pre-commencement Construction Management Plan condition, whereby details should be provided on construction phasing; hours of operation; mechanisms to deal with environmental impacts such as noise, vibration, air quality and dust, light and odour; and any details on piling operations; amongst other matters.
- 8.19 With regard to the amenities of any future occupants, it is noted that the application site lies some 70m east of the existing railway line which runs between Stevenage and Hertford. Policy EQ2 sets out that noise sensitive development should be located away from existing noise generating sources to prevent prejudicing the continued existing operations; otherwise, the use of design, layout, landscaping tools and construction methods should be employed to reduce impacts. Noise source is not considered to be a barrier to the proposed development of the site for residential purposes, but it is important to ensure that noise from the railway line is properly considered in the design, layout and orientation of the dwellings, as well as physical noise mitigation measures, to ensure that a good standard of internal and external acoustic environment can be enjoyed by future occupiers of the development. A pre-occupation condition is therefore recommended, whereby dwellings should not be occupied until a scheme for protecting the proposed dwellings from noise from rail traffic has been implemented.

Highways and parking

- 8.20 This application does not seek to include access as a reserved matter, with the proposal setting out to provide a new access to 13 of the 14 proposed dwellings from Moorymead Close, and to amend the existing access from Station Road for the 14th dwelling, narrowing the access.
- 8.21 Policy TRA2 sets out that development proposals should ensure that safe and suitable access can be achieved for all users, whilst Policy TRA3 outlines the parking requirements for new developments.
- 8.22 The Highways Authority have outlined that Station Road, whereby the existing access is proposed to remain, is an unnumbered C classified road, a local distributor road in the Hertfordshire roads hierarchy, and Moorymead Close is an unclassified road and is designated as a local access road.
- 8.23 The Highway Authority are content with the principle of narrowing the existing access from Station Road in order to provide access for a single residential dwelling, and raise no further comments on this part of the proposal. The proposed access is consider it to be acceptable in principle in this location, however the Authority state that they would require some changes to the geometry of the access to accommodate junction radii of 8m and an internal site minimum width of 5m. They also recommend that the future layout at reserved matters stage is tested with a refuse vehicle tracking. The Authority also consider that the footway extension and pedestrian crossing points should be implemented in accordance with the submitted plan, and incorporate a total footway width of 2m.
- 8.24 Subject to conditions, it is considered that the proposed development provides safe and suitable accesses, and the proposal therefore accords with Policy TRA2.

- 8.25 With reference to parking provision, the proposed development seeks to provide 4No 2 bedroom homes, 8No 3 bedroom homes, and 2No 4 bedroom homes. The parking SPD advises that 2 bedroom homes should provide 2 parking spaces, 3 bedroom homes should provide 2.5 spaces (rounded up) and 4 bedroom dwellings should provide 3 parking spaces. The proposed development should seek to provide a maximum of 34 parking spaces. But regard may be had to a 25% Zone 4 reduction. Details of parking provision fall to be considered under reserve matters but having regard to the development density and indicative layout there is no reason to conclude that the required car and cycle parking provision cannot be provided.
- 8.26 The highway impact and parking aspects of the proposal are in accordance with policy requirements and therefore carry neutral weight.

Flood risk, drainage and climate change

- 8.27 The application site lies within Flood Zone 1 and therefore is not at risk of fluvial flooding. The proposal is supported by a drainage strategy, and subject to conditions, the Lead Local Flood Authority (LLFA), the Environment Agency and Thames Water have no objection to the grant of permission.
- 8.28 The LLFA previously raised concerns regarding the condition of the disputed private culvert which crosses the site and continues down Hazeldell towards the High Street. Following the comments from the LLFA during the course of the application, whereby the culvert was considered to have significant blockages, and therefore was not suitable for surface water drainage, it was considered, following discussions with Thames Water, that the most suitable option for drainage is from manhole MH6306, as shown as Option A on plan ref ST-2281-11-B. A condition has been recommended by the LLFA that no development should take place until a surface water drainage scheme for the site has been submitted and approved, and should demonstrate that surface water run-off rates should not exceed 2.5l/s including the 1 in 100 year+ climate change event, that

attenuation to ensure no increase beyond this should be provided, and that the drainage strategy should utilise lined permeable paving, geocellular attenuation tank and a flow control, with discharge into manhole MH6306.

- 8.29 In terms of foul water, it is proposed that a pumped connection be established to the existing public foul water sewer network in Moorymead Close. Thames Water commented that they will need to check that the development does not reduce capacity, limit repairs or maintenance, or inhibit their services. However, they raise no objection to the waste water network and waste water process infrastructure capacity based on the information provided.
- 8.30 In terms of water efficiency, Policy WAT4 of the District Plan requires that developments achieve a target consumption rate of 110 litres per person per day and should minimise the use of mains water. No information has been provided with this application, however the statement advises that water saving measures can be introduced at the reserved matters stage.
- 8.31 Policies CC1 and CC2 refer to climate change, and set out how development should demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in summer, that green infrastructure should be integrated, and that carbon dioxide emissions should be minimised. Again, the planning statement advises that these matters will be addressed at the reserved matters stage.

Other Matters

- 8.32 Whilst the application site does not lie within an Area of Archaeological Significance, as set out by Hertfordshire County Council's Historic Environment Unit, the proposed development is located adjacent to two Areas of Archaeological Significance, nos 189 and 230, the latter of which is likely to be of more relevance to the archaeological potential of the site. Whilst it is not considered that the potential to harm heritage assets of archaeological interest

is high enough to recommend pre-determination investigation, it is considered that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a pre-commencement condition for archaeological works will be included.

- 8.33 The application included the submission of an Ecological Appraisal. As set out by Hertfordshire Ecology, the application site was found to be of low biodiversity value, and any common bird nesting habitat is generally located amongst the scrub on the south-western side of the site, and it is proposed that most of this scrub will be retained. The bat surveys indicate that there is very limited bat activity on the site, and no roosting in the buildings on the site. The removal of any scrub in order to provide the proposed access from Moorymead is not considered to be significant, and Ecology recommend that this should occur outside of the bird breeding season. The NPPF and Policy NE3 outline that development should seek to enhance biodiversity. The submitted appraisal states that whilst the site is considered to be of low biodiversity value, it is considered appropriate to recommend a number of biodiversity enhancement measures, and the appraisal recommends the inclusion of bat boxes and hedgehog domes. Policy NE3 sets out that integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat. As such, having regard to the comments provided by Ecology, and the recommendations of the Ecology Appraisal, a condition will be included for the submission of details on the siting of bird and bat boxes and hedgehog domes prior to the occupation of dwellings.
- 8.34 Due to the site being previously developed, as Phase 1 Desk Study was submitted as part of the application, which makes recommendations for further intrusive site investigations to be undertaken. Environmental Health therefore advise that prior to development a Phase 2 investigation report should be submitted, and where found to be necessary, a remediation strategy to deal with risk associated with contamination of the site shall also be submitted to and approved by the LPA. Furthermore, Environment Health advise that prior to occupation, a validation report shall be

submitted to demonstrate the effectiveness of any agreed remediation strategy. These matters will therefore be conditioned.

9.0 Planning Obligations

- 9.1 With regard to the provision of financial support for the delivery of services and infrastructure, as the application is for the provision of 14 residential units, the need for financial contributions is required under Policy DEL2.
- 9.2 Hertfordshire County Council has confirmed that they will require contributions based on Table 2 of HCC's Planning Obligations toolkit:
- 9.3 Youth Services - £628 (to be indexed linked to PUBSEC175)
Library Services - £2,654 (to be indexed linked to PUBSEC175)
- 9.4 On considering the comments from the County Council, the contributions requested are considered to be necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 9.5 However, as the application is an Outline application, whereby the size of the proposed dwellings could be subject to change, it is noted that Table 2 of the obligation's toolkit allows for flexibility to amend a dwelling mix at a later stage and the financial contribution to be calculated accordingly, which allows the contributions to remain appropriate to the development and thereby meet the third test of regulation 122 of the CIL Regulations 2010.

10.0 Planning Balance and Conclusion

- 10.1 The proposed development is acceptable in principle, as it would result in the redeveloped of a brownfield site in the built up area of a Group 1 Village, and as such would be in accordance with the Council's strategic hierarchy as set out in Policy DPS2, and Policy

VILL1. The provision of housing on this sustainable brownfield village site carries significant positive weight.

- 10.2 Whilst the proposed development would result in the loss of a non-designated employment site, contrary to Policy ED1, the evidence submitted outlines the unsuitability of the site. It is therefore considered that the negative attributable to this matter is limited.
- 10.3 As the application is an outline application, all matters are reserved except for access. The proposed accesses from Moorymead Close and Station Road are considered to be acceptable, subject to conditions, and will provide safe and suitable accesses, in accordance with Policy TRA2. The highway impact is therefore neutral.
- 10.4 Other considerations including contamination, ecological impact and drainage are addressed by recommended conditions.
- 10.5 The remaining reserved matters will need to be assessed in full at the Reserved Matters stage.
- 10.6 On the balance of considerations the application is recommended for approval.

RECOMMENDATION

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

Legal Agreement

- The provision of 5 units of affordable housing (84% affordable rent and 16% shared ownership)
- Youth Services - £628 (to be indexed linked to PUBSEC175)
- Library Services - £2,654 (to be indexed linked to PUBSEC175)

- The provision of fire hydrants

Conditions

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

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

2. (a) Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As Amended).

3. No development or groundworks shall take place 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 and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are

submitted to and approved in writing by the Local Planning Authority.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

4. No development shall commence until a Phase 2 investigation report, as recommended by the previously submitted Brown2Green Consultants Phase 1 Geo-Environmental Desk Study Report dated June 2016 Ref: 1646/Rpt 1v1), 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 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 NPPF and in order to protect human health and the environment in accordance with Policy EQ1 of the East Herts District Plan 2018.

5. Prior to the commencement of the development, a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Statement shall identify details of: Phasing for the development of the site; Methods for accessing the site; Working hours; Dust suppression and wheel washing; Associated parking areas and storage of materials clear of the public highway; Details of hoarding; Details of consultation and

complain management with local businesses and neighbours; Waste management proposals; Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Reason: To ensure the impact of construction vehicles on the local road network is minimised and to ensure an adequate level of amenity for nearby residents in accordance with Policies EQ2, EQ3 and EQ4 of the East Herts District Plan 2018

6. Prior to commencement of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved in principle drawing number ST-2281-3-B. The kerb radii shall be 8 metres at the site entrance. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

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 2018.

7. No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: Roads, footways, cycleways, foul and on-site water drainage; Foul and surface water drainage; visibility splays; access arrangements; parking provision in accordance with adopted standards; loading areas; and turning areas.

Reason: To ensure that adequate vehicular and pedestrian access and parking is provided to serve the development in accordance with Policies TRA2 and TRA3 of the East Herts District Plan 2018.

8. Prior to occupation details of the location of bird and bat boxes and hedgehog domes within the site shall be submitted and agreed in writing by the Local Planning Authority, and shall be carried out in accordance with those details.

Reason: In the interests in enhancing biodiversity and to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

9. Prior to any permitted dwelling being occupied a validation report shall be submitted to an 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 in accordance with National Planning Policy Guidance set out in Section 11 of the NPPF and in order to protect human health and the environment in accordance with Policies EQ1 and WAT3 of the East Herts District Plan 2018.

10. No occupation of the development shall take place until a scheme for protecting the proposed dwellings from noise from all rail traffic has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and 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 DES4 and EQ2 of the District Plan 2018

11. No occupation of the development shall be commenced until the vehicle parking has been laid out, surface and drained in accordance with details first submitted to, and approved in writing, by the Local Planning Authority and shall be maintained thereafter to the Authority's satisfaction.

Reason: To ensure that adequate and satisfactory provision is made for parking of vehicle within the curtilage of the site, in accordance with Policy TRA3 of the East Herts District Plan 2018.

12. The gradient of the access way shall not be steeper than 1:10 for the first 5 metres from the edge of the carriageway.

Reason: So that vehicles may enter and leave the site within the minimum of interference to the free flow and safety of other traffic on the highway, in accordance with Policy TRA2 of the East Herts District Plan 2018

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
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 applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.
4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

The development should demonstrate what measures they will undertake to minimise groundwater discharged into the public sewer. Public enquiries should be directed to Thames Water's Risk Management Team 02035779483 or by emailing www.riskmanagement@thameswater.co.uk

5. Section 278 Agreement: The applicant will be required to enter into a Section 278 to agree any alternations or improvements to the public highway. This includes the proposed new access arrangements and any off site works.
6. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

KEY DATA**Residential Development**

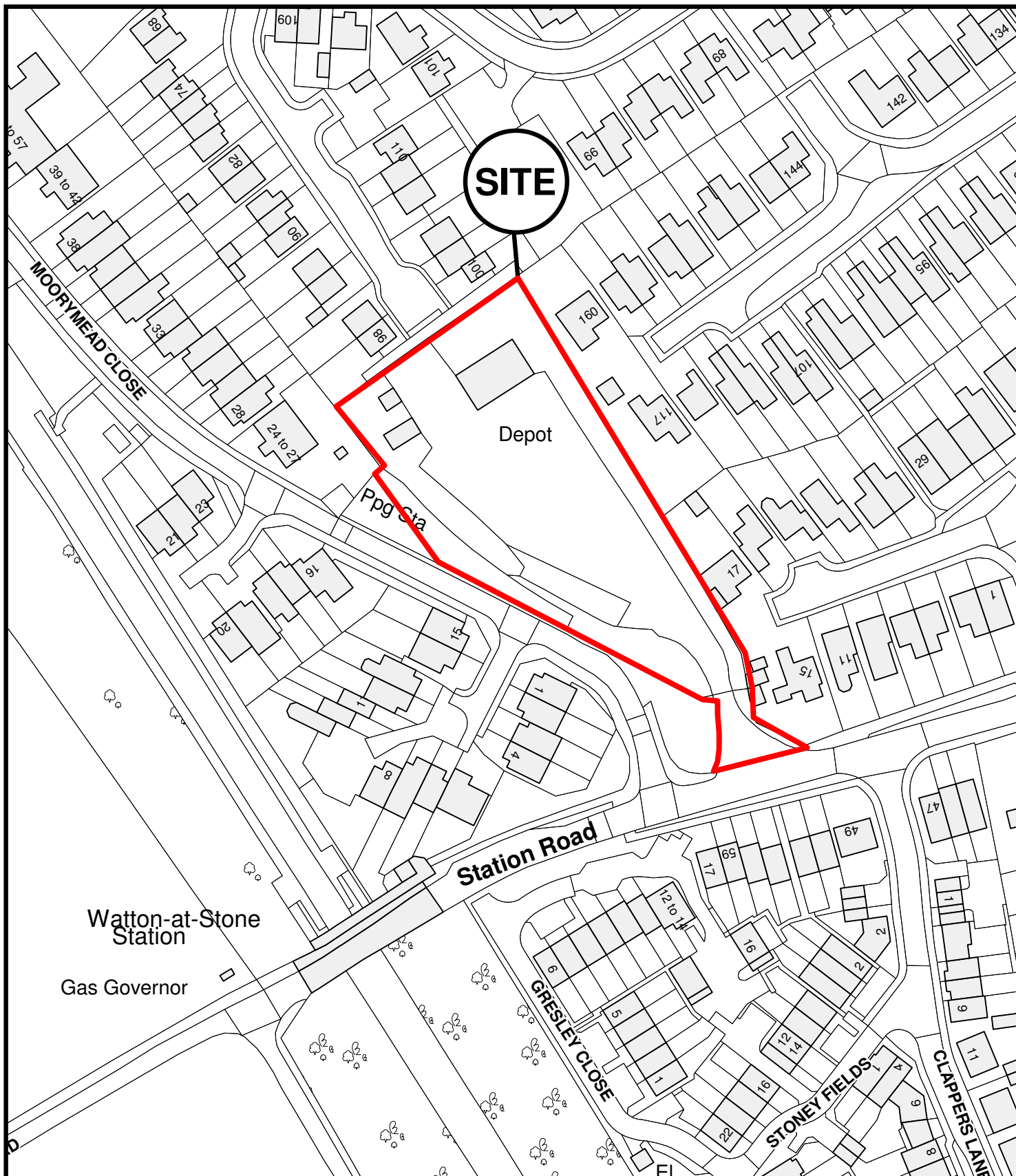
Residential density	28 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	4
	3	8
	4+	2
Total		14

Affordable Housing

Number of units	Percentage
5	35%

Parking

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0
2	2.00	8
3	2.50	20
4+	3.00	6
Total required		34
Accessibility reduction	Zone 4 25%	
Resulting requirement		26
Proposed provision		26



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Scale: 1:1250

O.S Sheet: TL2919

Date of Print: 01 July 2020

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DEVELOPMENT MANAGEMENT COMMITTEE – 15 JULY 2020

Application Number	3/20/1075/HH
Proposal	Insertion of window to flank elevation
Location	8 Cresset Close, Stanstead Abbots, Ware
Parish	Stanstead St. Margarets
Ward	Stanstead Abbots

Date of Registration of Application	10 June 2020
Target Determination Date	05 August 2020
Reason for Committee Report	Member application
Case Officer	Femi Nwanze

RECOMMENDATION

That planning permission be **Granted**, subject to the conditions detailed at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks planning permission for the insertion of a window in the right hand flank elevation of the property at ground floor level in order to convert an existing internal room into a study.

1.2 The main issues for consideration are:

- Principle of Development;
- Design and layout;

2.0 Site Description

2.1 The subject site is a two storey detached dwellinghouse which is situated on the south - western side of Cresset Close, an existing small cul-de-sac development ; comprising of detached houses with integral garages.

3.0 **Planning History**

3.1 There is no recent planning history related to this site.

4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework 2019 (NPPF).

Key Issue	District Plan	NPPF
Principle of development	VILL1	Section 2
Design Quality/ Residential Amenity	VILL1, DES4, HOU11	Section 12

Other relevant issues are whether the proposal is likely to be detrimental to neighbour amenity.

5.0 **Summary of Consultee Responses**

5.1 No consultations required.

6.0 **Town Council Representations**

6.1 Stanstead St. Margarets Parish Council – No response.

7.0 **Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation letters. No responses have been received.

8.0 **Consideration of Relevant Issues**

Principle of Development

8.1 The application relates to a domestic property which is situated within the Group 1 Village of Stanstead Abbots and St Margarets.

The property forms part of a development of residential properties in Cresset Close that had permitted development rights removed for development falling within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order at the time that planning permission was granted. Planning permission is therefore required for the enlargement, improvement or other (external) alteration of the property.

Design, layout and Impact on Residential Amenity

- 8.2 The application seeks planning permission to provide an external window for an internal space/room in the former garage area that currently has no window. The window will be positioned in the right hand flank wall of the building; close to an existing flank window. The proposed window will be modest in size and appropriately designed to match those existing. The window will feature obscured glazing to ensure that there is no adverse impact on the neighbouring property; despite the presence of a boundary fence.
- 8.3 The overall design of the proposed flank window is considered to be acceptable and it is appropriate to appearance of the subject property. The proposal would enable the occupier to maximise the use of the property without detriment to the appearance of the property or neighbouring amenity. In this regard it is considered that the proposal accords with Policies VILL 1, DES4 and HOU11 of the East Herts District Plan 2018.
- 8.4 Accordingly, on the balance of considerations as outlined above, the proposal is considered to be acceptable and it is recommended for conditional approval.

RECOMMENDATION

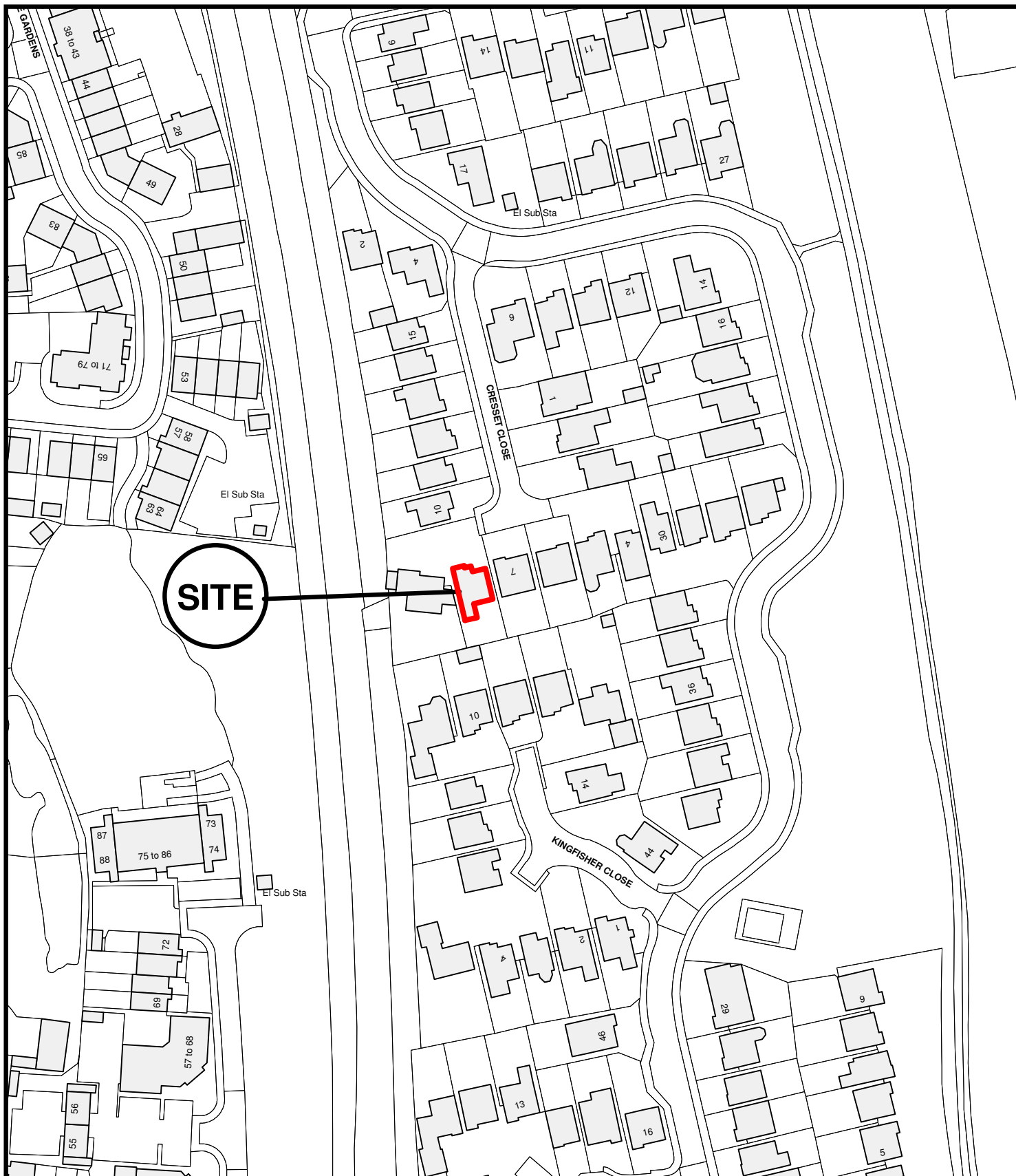
That planning permission be **GRANTED** subject to the conditions:

1. Three year time limit (1T121)

2. Approved Plans (2E101)
3. Matching Materials (2E132)

Informatives

1. Justification – Grant (JG4)
2. Other Legislation - (01OL1)



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O.S Sheet: TL3811

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EAST HERTS DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
May 2020

Application Number	3/19/1897/HH
Decsn	Refused
Level of Decision	Delegated
Address	56 Tamworth RoadHertfordHertfordshireSG13 7DN
Appellant	Mr P Shipp
Proposal	Retention of works: Loft conversion comprising of rear dormer window and 3 rooflights.
Appeal Decision	Allowed

Application Number	3/19/2376/HH
Decsn	Refused
Level of Decision	Delegated
Address	17 Burnham Green RoadDatchworthKnebworthHertfordshireSG3 6SE
Appellant	Mr And Mrs D And K Feldman
Proposal	Erection of front entrance door canopy roof.
Appeal Decision	Allowed

Background Papers

Correspondence at Essential Reference Paper 'A'

Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656

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Appeal Decision

Site visit made on 15 May 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 20th May 2020

Appeal Ref: APP/J1915/D/20/3245445

56 Tamworth Road, Hertford, Herts SG13 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Patrick Shipp against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1897/HH, dated 16 September 2019, was refused by notice dated 12 November 2019.
 - The development is described as, 'retrospective application for a loft conversion'.
-

Decision

1. The appeal is allowed and planning permission is granted for a loft conversion comprising of rear dormer window and 3 rooflights at 56 Tamworth Road, Hertford, Herts SG13 7DN in accordance with the terms of the application, Ref 3/19/1897/HH, dated 16 September 2019, and the drawing numbered TW/19/1/A.

Procedural Matters

2. The loft conversion has been carried out and appears to be in line with the submitted drawings. I have assessed the appeal accordingly.
3. I have used the description of development from the decision notice in my decision above as it is more precise than that stated in the application form.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the host dwelling and Hertford Conservation Area (HCA).

Reasons

5. Tamworth Road is largely characterised by two storey traditional semi-detached and detached dwellings, though there are a number of commercial units opposite the site. The significance of HCA lies in the evidence of historic vernacular architecture which are of a range of ages, forms and materials.
6. No 56 Tamworth Road (No 56) forms part of a pair of semi-detached properties along with No 54 Tamworth Road (No 54). No 54 has a dormer extension above the main part of the house as well as above the outrigger to the rear. While I acknowledge that that extension was constructed prior to the change to the boundary of HCA, it nevertheless forms part of the pair of dwellings and contributes significantly to their character and appearance.

7. The dormer extension subject of this appeal extends over the main part of the house only and is therefore smaller in massing and scale to the roof extensions of No 54. The side of the extension is set in from the flank wall of the host building and while I note the height of the extension, it generally appears subservient to the host building particularly given that it is viewed in the context of the larger extension of the adjacent property.
8. Furthermore, given the location of the property near the varied roofs of Fairfax Road, the extension does not appear incongruous when viewed against the roofscape of the surrounding properties. There are views of the extension from Tamworth Road and Fairfax Road where it is only partially visible or viewed against the adjacent dormer such that there is no harm to the character and appearance of the street scene or HCA. In addition, its cladding is in keeping with the materials of the host building, adjacent extension and surrounding roofs.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Given my findings above that the proposal would reflect the character and appearance of the host property, the pair of semi-detached dwellings of which it forms part and the area in general; I conclude that the development preserves the character or appearance of the host dwelling and HCA.
10. Accordingly, it does not conflict with Policies HA1, HA4 of the adopted East Herts District Plan (2018) (DP) which together require extensions to buildings in conservation areas to preserve or enhance the historic environment, special interest, character and appearance of the area. It would also not conflict with DP Policies DES4 and HOU11(d) which among other things require developments to respect the character of the site and surrounding area and that dormers should not dominate the existing roof form. The proposal would sustain the significance of the conservation area as a heritage asset, as required by paragraph 185 of the National Planning Policy Framework.

Conditions

11. While I note the conditions suggested by the Council, since the development has taken place, the standard time related condition and the condition relating to materials are not necessary. A condition specifying plans has also been suggested, however, given that my formal decision links the permission to the approved plan, that condition is unnecessary.

Conclusion

12. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR



Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/J1915/D/20/3247086

17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs D & K Feldman against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2376/HH, dated 20 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is the erection of front entrance door canopy roof.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of front entrance door canopy roof at 17 Burnham Green Road, Datchworth, Knebworth, Hertfordshire SG3 6SE in accordance with the terms of the application, Ref 3/19/2376/HH, dated 20 November 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved plan 13887-P001-1st.

Procedural Matter

2. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available.

Main Issue

3. The main issue is whether the proposal would be inappropriate development in the Green Belt, including the effect on the openness of the Green Belt.

Reasons

4. Paragraph 133 of the National Planning Policy Framework (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
5. Policy GBR1 of the East Herts District Plan (2018) (DP) sets out that planning applications within the Green Belt will be considered in line with the provisions

of the Framework. The Framework, at paragraphs 145 and 146, set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions.

6. The Appellant considers that the exemption as set out in paragraph 145c) of the Framework should apply. This states that new buildings within the Green Belt are inappropriate unless any extension or alteration of a building is such that it does not result in disproportionate additions over and above the size of the original building.
7. From the evidence before me, the current dwelling results from a planning permission granted in June 2000¹. It is further understood that permitted development rights for extensions and roof alterations were removed from that permission, although such rights were not removed in respect of the erection of porches.
8. The Framework defines the 'original building' as "A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally". The replacement dwelling granted permission in 2000 (which was subsequently implemented) must therefore be considered to be the original building and should form the baseline for any consideration of the exemptions outlined at paragraph 145.
9. With that in mind, the additional of a small porch roof is a very modest alteration to the existing dwelling. To my mind, it would not therefore be a disproportionate addition and would accord with the exemption to inappropriate development as outlined at paragraph 145c) of the Framework.
10. In coming to the above views I acknowledge that the replacement dwelling was larger than the previous dwelling at the site. However, as set out by the Appellant, the new dwelling effectively began a new chapter in the life of the property known as 17 Burnham Green Road.
11. In considering the effect on openness, I have had regard to the Lea Valley Regional Park judgement². This sets out that, where development is considered to be not inappropriate in the Green Belt, such development is not to be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Consequently, it is not necessary to assess the effect of the development on the openness of the Green Belt any further.
12. For the above reasons the development would not be inappropriate development in the Green Belt and would be consistent with Policy GBR1 of the DP and the aims and objectives of the Framework.

Conditions

13. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty.

¹ Reference 3/00/0495/FP

² Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

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PLANNING APPEALS LODGED MAY 2020
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/19/0475/CLXU	Use of the caretaker's flat as a single dwelling.	Caretakers FlatSt Augustine CourtWharf RoadBishops Stortford CM23 3GE	Refused Delegated	18/05/2020	Hearing
3/19/2558/CLPO	Erection of a garage extension	40 Maze Green RoadBishops Stortford CM23 2PJ	Refused Delegated	13/05/2020	Written Representation

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

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Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Date
3/19/0049/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	To confirm the lawful use of buildings for employment purposes, comprised of: Building A2 for commercial storage (Use Class B8); Building A3 for furniture restoration (Use Class B1(c)); Building A4 for commercial storage (Use Class B8); Building B1 for auto repairs business (sui generis); Building B2 for commercial storage (Use Class B8); Building D for the use as music studio (Use Class B1); Building F for the storage of vehicles in connection with auto repairs (sui generis); Building G for commercial storage (Use Class B8); Building H for commercial storage (Use Class B8) and Building I for commercial storage (Use Class B8).	VALID	Hearing	TBA
3/19/0475/CLXU	Bruce O'Brien	Caretakers FlatSt Augustine CourtWharf RoadBishops Stortford CM23 3GE	Use of the caretaker's flat as a single dwelling.	INPROG	Hearing	TBA
3/19/1148/FUL	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings, together with the construction of 4no. three bedroom dwellings with associated parking.	INPROG	Hearing	TBA
3/19/1149/LBC	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings.	INPROG	Hearing	TBA
3/19/2002/FUL	Bruce O'Brien	St Michael's Masonic HallSpringfield CourtBishops Stortford	Demolition of a non-designated heritage asset. Erection of a two storey building containing 4, one bed apartments and 2, two bed apartments. To include 2 rear juliet balconies, creation of bin store, drying area, bike store and 10 designated parking spaces.	VALID	Hearing	TBA
3/19/2099/FUL	Nick Reed	Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG	Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).	VALID	Hearing	TBA
3/19/2619/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	Established B8 employment use within Building H at Home Farm for a period exceeding 10 years.	VALID	Hearing	TBA
3/19/2620/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	Established use of Building I for B8 use over a period exceeding 10 years.	VALID	Hearing	TBA

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DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2020)

	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
<i>Total Applications Received</i>	143	298										

<i>Percentage achieved against Local and National Targets</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21		Targets for Local Performance (set by East Herts)	National Targets (set by Government)
Major %	100%	100%											Major %	60%	60%
Minor %	92%	93%											Minor %	80%	65%
Other %	92%	92%											Other %	90%	80%

Appeals	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
Total number of appeal decisions (Monthly)	4	6										
Number Allowed against our refusal (Monthly)	1	6										

Total number of appeal decisions (Cumulative)	4	10										
Number Allowed against our refusal (Cumulative)	1	7										

AGENDA ITEM NO. 6D

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