



James Ellis
Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : PLEASE NOTE THAT THIS MEETING WILL BE HELD
VIRTUALLY ON ZOOM
DATE : WEDNESDAY 9 SEPTEMBER 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, R Fernando,
J Kaye, I Kemp, T Page, C Redfern, P Ruffles and T Stowe (Vice-Chairman)

Substitutes

Conservative Group: Councillors S Bull, I Devonshire and S Newton

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.)

CONTACT OFFICER: PETER MANNINGS

01279 502174

peter.mannings@eastherts.gov.uk

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

- fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register;
- fail to notify the Monitoring Officer, within 28 days, of a DPI that is not on the register that a Member disclosed to a meeting;
- participate in any discussion or vote on a matter in which a Member has a DPI;
- knowingly or recklessly provide information that is false or misleading in notifying the Monitoring Officer of a DPI or in disclosing such interest to a meeting.

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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 - 15 July and 12 August 2020 (Pages 7 - 44)

To confirm the Minutes of the meetings of the Committee held on:

Wednesday 15 July 2020

Wednesday 12 August 2020

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 45 - 48)

(A) 3/20/0245/FUL - Erection of 61 dwellings (including 24 affordable dwellings) accessed from Manor Links, together with associated highway works, landscaping, ecological enhancement works, utilities, drainage infrastructure and parking at Land East of Manor Links (BISH9), Bishop's Stortford, Hertfordshire (Pages 49 - 100)

Recommended for Approval

- (B) 3/18/2735/FUL - Hybrid planning application comprising: Full planning permission for 85 dwellings along with a new access onto Cambridge Road, provision of new spine road, landscaping, associated infrastructure and the demolition of existing dwelling; and Outline planning permission for up to 99 dwellings with associated open space, landscape and infrastructure with all matters reserved except access at Land at Cambridge Road, Sawbridgeworth_(Pages 101 - 170)

Recommended for Approval

6. Items for Reporting and Noting (Pages 171 - 208)

- (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.

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD VIRTUALLY VIA ZOOM
ON WEDNESDAY 15 JULY 2020, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, R Fernando,
J Jones, J Kaye, I Kemp, T Page, C Redfern
and T Stowe

OFFICERS IN ATTENDANCE:

Eilis Edmonds	- Planning Officer
Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
David Snell	- Service Manager (Development Management)
Stephen Tapper	- Principal Planning Officer
William Troop	- Democratic Services Officer
Victoria Wilders	- Legal Services Manager

74 APOLOGIES

Apologies for absence were submitted on behalf of
Councillors Huggins and Ruffles. It was noted that
Councillors Fernando and Kaye were substituting for

Councillors Huggins and Ruffles respectively.

75 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting and detailed the categories of attendee that were present on Zoom. The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman introduced each Member and Officer in attendance at the meeting. The Head of Planning and Building Control commented on the experiences of other local authorities in respect of conducting virtual meetings. She said that East Herts Council's approach to virtual meetings of the Development Management Committee was sound and had been very successful to date.

76 DECLARATIONS OF INTEREST

Councillors Deering, Jones and Kaye declared Non Pecuniary Interests in application 3/18/2764/OUT, on the grounds that they were elected Members of the Authority

that was the applicant.

77 MINUTES - 17 JUNE 2020

Councillor Beckett proposed and Councillor Jones seconded, a motion that the Minutes of the meeting held on 17 June 2020 be confirmed as a correct record and signed by the Chairman.

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

RESOLVED – that the Minutes of the meeting held on 17 June 2020, be confirmed as a correct record and signed by the Chairman.

78 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 FLOORSFACE 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

The Head of Planning and Building Control recommended that in respect of application 3/19/2626/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

It was also recommended that delegated authority be

given to the Head of Planning and Building Control to finalise conditions and the legal agreement and to append any informatives to the application that might be required.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, said that it was his pleasure to be able to present this application to Members. He referred to the vagaries of the commercial property market and the overriding need for the proposed development.

The Principal Planning Officer explained that this was the first of two Neighbourhood Centres. He said that another neighbourhood centre was due to be brought forward for the eastern neighbourhood. He also explained that the main issues were summarised in the report and he would be focussing on these in his commentary to Members.

The Committee was reminded of the importance of policy compliance in terms of land uses and of the benefits of securing a vibrant local centre which would provide all of the relevant services. The Officer referred to urban design, layout and connectivity to the other areas of the Stortford Fields development and beyond in Bishop's Stortford.

The Principal Planning Officer said that another key issue was neighbour amenity in terms of noise and general disturbance. He also drew Members' attention to sustainable transport and the issue of climate change. He referred to the 2FE primary school site on the opposite side of Newlands Avenue and reminded

Members that priority had been given to the new primary school site at Farnham Road to the east.

The Principal Planning Officer said that the site was surrounded by a dense urban area and would benefit from good access to green ways and to sports and play facilities. He said that a dense area of trees would screen the water tower and other utilities and this development would ultimately be well shielded by boundary landscaping.

The Principal Planning Officer said that a design code for the neighbourhood centre had been included in the original permission for Stortford Fields. This had covered the attributes that should be included to ensure that this development performed well as a neighbourhood centre. The document covered the design and architecture and the connectivity of the centre and much of the content had been incorporated into the application.

The Committee was advised that the proposed car parking was well hidden behind the buildings and there would be plenty of landscaping. Members were also advised of a slightly revised configuration due to the care home which took up a lot of footprint within the overall site. The Principal Planning Officer confirmed that the submitted design was the best fit in terms of balancing the needs of the various operators of this site as well as securing an attractive frontage and public space.

The Principal Planning Officer confirmed that the bus turning head would occupy a proportion of the plaza

until the 311 bus was able to go on to the Eastern Neighbourhood, thus no longer requiring the turning area. . He said that a sub-station would also reduce the size of the plaza. Members were advised that the key point was how the plaza was used and Officers expected a range of shops including a café and there should be plenty of pedestrian traffic due to the proposed South Street Surgery practice.

The Committee was advised that the 3 to 4 storey neighbourhood centre would include a variety of shops and services at ground floor level. Members were given a detailed breakdown of some of the key design features of the proposed development.

The Principal Planning Officer commented on District Plan policies and expectations as regards neighbourhood centres at Bishop's Stortford North. He referred in particular to the policy requirements of policy BISH1 and the requirement for a range of local shops and services plus some employment space.

Members were advised that the 29 apartments were particularly welcome as these had not been included in the wider plan for 2,200 dwellings at Stortford Fields. The Officer stated that usually the tenure split was expected to be 84% affordable rent and 16% shared ownership. This application proposed 24% rented but it was 100% affordable, so although not strictly policy compliant the apartments made a welcome contribution to meeting affordable housing needs.

The Principal Planning Officer said that although the care home did have a substantial footprint, this was

meeting a significant local need due to a shortfall of care home places in the local catchment area. He said that the merits of this provision had to be considered in terms of the benefits to the local community and the care home would be a valuable part of the proposed development.

Members were advised that the nature of the use of a neighbourhood centre would result in some noise nuisance and conditions would be in place in respect of opening hours for the ground floor units. A noise mitigating fence was proposed along the eastern boundary of the day care centre.

Regarding the accessibility of the Centre, the Officer said that a lot of work had gone into the permeability of Stortford Fields in terms of cycleways and footpaths plus the 311 bus serving this locality.

The Committee was advised that parking was satisfactory and cycle parking would be available on site. Officers had also stipulated a requirement for electric vehicle charging points and the associated cabling infrastructure and power supply. He drew Members' attention to paragraph 8.46 of the report regarding climate change mitigation and the exceeding of the minimum standards set down by building regulations in terms of energy and water consumption.

The Principal Planning Officer concluded that, on balance, the application was policy compliant and was recommended for approval. He said he had circulated a much revised list of conditions to Members since the report was publicised but he also stated that the

Heads of Terms of the Section 106 legal agreement had not progressed much since the report was made public.

The Principal Planning Officer concluded that Officers would work with the applicant over the coming weeks on the Section 106 agreements should this application be approved. He said that this was a sustainable development that would bring great benefit to the local community.

Laura Grimason addressed the Committee in support of the application.

Councillor Page said that he was pleased that another piece of the jigsaw was close to becoming reality at Bishop's Stortford North. He pointed out the 2 references that had been made to the impact of the care home and the turning head on the public square and he expressed his disappointment in respect of this impact. He also expressed concerns in respect of the responsibility being placed upon the developer to find occupiers for the commercial premises, all of which were unoccupied at present.

Councillor Page expressed a further concern that some of the commercial uses could blight an otherwise attractive neighbourhood centre. He said that he was also concerned in respect of the ratio of affordable rented apartments.

Councillor Jones praised the plans for a very well equipped neighbourhood centre. He referred to the disappointingly small plaza but was very pleased to see

the amendment work that had taken place between Officers and the applicant on the original plans. He sought clarification regarding the tenure split and expressed concerns regarding the policy compliance of the tenure split.

Councillor Crystall said that the Bishop's Stortford circular ride passed close by or near to this site. He sought clarification in terms of cycle linkages and whether there were specific cycle ways on or to this site. He said he was pleased to see the energy efficiency standard of the care home and the doctor's surgery were well above building regulation standards.

The Principal Planning Officer said that the turning head was outside of the control of the developer and Officers as it was not within the application site. He said that he would continue to liaise with all the parties to secure a commitment to bringing the turning head into the scheme in due course.

He said that the policy regarding affordable housing ratios was very broad in the District Plan and developers had commercial considerations to take into account. Members were advised that affordable housing ratios evened out across the District as developments such as the Bishop's Stortford Goods Yard and rural developments evened each other out in terms of affordable housing. Officers felt that this proposal added value to the affordable housing mix in East Hertfordshire.

The Officer commented on the benefits of "meanwhile uses", likely to be small and discrete businesses in the

neighbourhood centre. He said that the Section 106 legal agreement would have an obligation to cover meanwhile uses on this site.

The Principal Planning Officer said he anticipated a high standard of landscaping, lighting, tree planting and seating in the public plaza. He picked up on the point of Councillor Crystall by stating that the greenways and cycle links in the western neighbourhood would be very good. He said this would be a very green development in terms of open space and it would be a pleasant place to cycle or walk.

Councillor Kaye commented on the perceived demand for care homes for an ageing population. He said that it could be argued that this might not be the case as he believed there was an increasing trend for care solutions in the home meaning that demand for care homes was not as high.

Councillor Andrews sought some assurance that the turning head could be conditioned by Officers to ensure it was returned to the plaza in the future. He said that care should be taken to ensure it was not used for other uses.

Councillor Kemp said that he was pleased to see a neighbourhood centre coming forward promptly. He spoke favourably in respect of the care home, electric car charging points and the fact that this was an ideal local for a care home due to the proximity of a doctor's surgery, shops and the amount of car parking nearby for visitors. He was disappointed that the affordable housing was almost completely for purchase.

The Principal Planning Officer confirmed that the success of the proposed public space was dependent on the quality of the plaza, footfall and the quality of the facilities on offer. He said the turning head could not be conditioned as it was not within the control of the applicant and they would need the cooperation of Hertfordshire Highways. He also said that he believed the care home would offer the very best of care and the high quality service would allow easy control of any disease outbreaks as wings could easily be isolated.

Councillor Beckett commented on the energy efficiency of the proposed flats and whether this could be looked at. He said that the amount of parking available could cause a problem in terms of whether airport parking would deny parking for the actual users of the centre.

Councillor Page commented on the conditions regarding construction traffic management and the fact that there was evidence that the management of flats by a construction management company had not worked well elsewhere in the western neighbourhood. He also commented on the lack of balance in the report in terms of the viability of the proposed residential development.

The Principal Planning Officer confirmed that he would seek some clarity regarding the energy efficiency of the apartment , block with the retail below. He said that the management of parking would be conditioned so that it was clear how the site could be made controllable in terms of motorists not exceeding the maximum permissible stay.

Councillor Stowe said that within elements of development such as schools and care homes, it was very important to secure the use of grey water systems for toilet systems in order to reduce water usage. The Principal Planning Officer explained that grey water sanitation systems were not an option for care homes, perhaps due to regulations or licensing laws.

Councillor Kemp said that if the apartment block met the fabric first standards then the apartments would not be expected to have poor levels of energy efficiency. He asked whether solar panels could be considered for inclusion on the roofing of this element of the proposed development.

Councillor Crystall said the he would like to see a car club as part of this scheme. The Principal Planning Officer said that Officers were eager to secure a car club or a branch of another car club at the Western Neighbourhood Centre as this would be a very appropriate place for such provision and the applicant was happy to explore this option with Officers.

The Principal Planning Officer confirmed that fabric first was the usual approach that was adopted today in order to achieve a good level of efficiency and he would pick up this point along with the matter of the solar panels on the roof.

Councillor Kemp said that the number of affordable housing units for rent should be increased slightly from 7 units to 9 or 10 units out of the 29, to match the usual East Herts criteria of 78% of 40% affordable

units, equating to approximately 32% of the total units. He said that this proposal had merit and should be discussed further with the developers.

Councillor Page expressed a concern that leaving the matter of the legal agreement open for the Head of Planning and Building Control to finalise took the edge off the scrutiny powers of the Development Management Committee. The Legal Services Manager said that giving delegated authority to the Head of Planning and Building Control to fine tune the detail of the conditions and the legal agreement was a sound process.

Councillor Beckett proposed and Councillor Page seconded, a motion that application 3/19/2626/FUL be granted subject to a legal agreement and the conditions set out at the end of the report and delegated authority be given to the Head of Planning and Building Control to finalise conditions and the legal agreement and to append informatives to the application that might be required.

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

RESOLVED –that (A) planning permission be granted subject to a legal agreement and the conditions set out at the end of this report.

(B) delegated authority be given to the Head of Planning and Building Control to finalise conditions and the legal agreement and to append any informatives to the application that

might be required.

- 79 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
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The Head of Planning and Building Control recommended that in respect of application 3/20/0413/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control, said that the proposed development would be located within the footprint of the existing teaching block so that the school could continue to operate during construction.

Members were advised that temporary classrooms would be located to the west of existing school buildings on the existing tennis courts and adjacent to existing temporary classrooms that would be retained during construction.

The Service Manager said that the main issues for consideration were the principle of the development,

design, the impact on residential amenity, highways impact and the management of flood risk.

Members were referred to paragraph 8.14 for design matters. The Service Manager explained that the design very much reflected the existing school buildings and said that the Landscape Officer had raised no objections.

The Committee was advised that strategy and indicative layout plans for the landscaping surrounding the site were submitted as part of the application and the detail of that landscaping was the subject of condition 5, and condition 6 covered the maintenance of approved landscaping details.

The Service Manager said that paragraphs 8.39 to 8.32 of the report addressed the sustainability of the building as he was aware that this was a concern of Members regarding school buildings. He said that the fabric first approach had been adopted and this included high levels of efficiency and measures to control Carbon Dioxide emissions, in line with policies CC1 and CC2. The matter of water supply was restricted by the various efficiency measures in the building as per the WAT4 policy.

Members were advised that condition 4 required the removal of existing and proposed temporary buildings on the site by the 21 December 2021, to reflect the expected period of construction. This was of particular importance due to the location of the site within the Green Belt and it was important that openness was maintained.

The Service Manager concluded by stating that no additional parking was proposed as there would be no additional pupils or staff on the site. Mr Robinson addressed the Committee in support of the application.

Councillor Buckmaster explained that, as the local ward Member, she had watched this school grow over a number of years and she would like this application to be approved. She said that with the 600 extra homes due in Sawbridgeworth, this application would future proof the school.

Councillor Buckmaster said that this was a very good school and she referred to the temporary blocks on the site. She mentioned the concerns of a resident of school lane and potential overlooking from classroom windows. She asked whether the windows of the proposed development would be obscured as was the case with the temporary classroom blocks.

Councillor Crystall said that the proposed development ought to meet exemplar standards but there was no information as to how far beyond Part L the energy standards were expected to be. He commented on the difference of 1.7 % between the target emission rate and the building emission rate and whether this was performance over and above the Part L standard.

Councillor Kaye sought clarification that the temporary classrooms would be on site for 18 months. The Service Manager stated that he did not believe that the new school building would have obscured glazing. He

said that adopted District Plan policies CC1 and CC2 encouraged but did not insist upon energy performance beyond building regulation standards.

Councillor Jones commented on whether the target for completion by 10 December 2021 was enough time in light of the potential for future Covid-19 lockdowns. He said that energy efficiency was a consideration and he questioned how the proposed development performed in comparison to another similar school development he was aware of that was net carbon zero.

The Service Manager said that if construction was going to be delayed, a variation application to extend the condition deadline would have to be submitted. He referred Members to paragraph 8.31 of the report in that this said that the building design would reduce heat in the summer and reduce the need for heating in the winter. He said that policies encouraged but did not insist on this approach and the proposed development would be pretty good in terms of efficiency.

Councillor Jones referred to paragraph 8.29 and asked whether photovoltaic cells would be placed on the roof of the proposed development. The Service Manager explained that the fabric first approach did not include cells on this application.

Councillor Crystall sought further clarification on the green performance of the building including the potential use of grey water. The Service Manager said that details of green performance could get very

technical in terms of how they were presented. He said that Officers would include comparisons in future reports for Members to consider.

Councillor Buckmaster proposed and Councillor Jones seconded, a motion that application 3/20/0413/FUL be granted 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 3/20/0413/FUL, planning permission be granted subject to the conditions set out at the end of the report.

- 80 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 _____

The Head of Planning and Building Control recommended that in respect of application 3/18/2764/OUT, 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, said that this was an outline application and therefore all matters were reserved aside from the access. Members were reminded that the site was located close to the train

station in Watton at Stone, which was a category 1 village.

The Committee was advised that this site was previously used by Hertfordshire County Council for the storage of maintenance vehicles and associated materials. The Principal Planning Officer explained that main issues for Members to consider were access, the principle of the development and issues around the loss of employment.

Members were also advised that other matters to briefly consider including indicative design and neighbour amenity. As Watton at Stone was a group 1 village, it was expected to provide housing for the District up until 2033. As such, the application was policy compliant as the site lay within the boundary of the village.

The Principal Planning Officer said that as this was a sustainable brownfield site, it was policy compliant in respect of policy DPS2. She said all other matters in policy VILL1 regarding the character or the village could not be considered on an outline application.

Members were advised that the applicant had indicated that the site was not suitable for storage due to poor road access and due to the likely impact on nearby residential occupiers. She said that the loss of employment could not carry much weight as the traffic impact of an Office use did not make this an attractive office location. Hertfordshire County Council was content with the access off Station Road and there were 34 spaces proposed, which was over and above

what was required given the situation of the site and the 25% reduction that could be applied.

The Principal Planning explained that the indicative design was in keeping with a group 1 village and the application was policy compliant in terms of the potential housing delivery. She summarised a number of issues regarding Hazeldell, Great Innings South and Great Innings North.

Members were advised that discussions had taken place between the Lead Local Flood Authority (LLFA) regarding climate change, run off rates and the management of a private culvert via a planning condition. Mr Aknai addressed the Committee in objection to the application.

Councillor Beckett spoke in relation to his concerns regarding a very narrow access to this site. He asked for clarification that all access for construction traffic would be off Station Road. Councillor Kemp asked whether anything could be done as to the points made by the public speaker regarding building height to the east side of the proposed development. He referred to the sustainability of the site due to its proximity to the railway station.

Councillor Kemp said that there were narrow pavements in Watton at Stone and footpaths in this area were not well connected. He said that there could be an opportunity to improve this situation and provide shorter walking routes through Watton at Stone to support sustainable green transport.

Councillor Stowe asked whether Morymead Close was new and not an adopted road. He asked whether the application could reasonably go ahead if this road was not adopted.

The Principal Planning Officer referred to the highways expertise that had been sought in relation to the proposed access. She said that amenity and the height of the buildings would be assessed at the reserved matters stage. She also stated that the matter of footpaths could be covered by the reserved matters stage of this development.

The Service Manager (Development Management) said that the issue of building heights should not be considered unless at the full or reserved matters stage of this development.

Councillor Beckett proposed and Councillor Buckmaster seconded, a motion that application 3/18/2764/OUT be granted 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 3/18/2764/OUT, planning permission be granted subject to the conditions set out at the end of the report.

81 3/20/1075/HH - INSERTION OF WINDOW TO FLANK
ELEVATION AT 8 CRESSET CLOSE, STANSTEAD ABBOTTS,
WARE

The Head of Planning and Building Control recommended that in respect of application 3/20/1075/HH, planning permission be granted subject to the conditions detailed in the report now submitted.

Councillor Redfern proposed and Councillor Fernando seconded, a motion that application 3/20/1075/HH be granted 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 3/20/1075/HH, planning permission be granted subject to the conditions set out at the end of the report.

82 ITEMS FOR REPORTING AND NOTING

Councillor Jones commented on appeal decisions that had been allowed where applications had been refused by the Authority.

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.

At the invitation of the Chairman, the Head of Planning and Building Control said that she had some information to pass on to the Committee regarding virtual planning meetings. She advised that the feedback she had received was that virtual meetings were working really well at a number of local authorities in London and the South East and also the East of England.

Members were advised that East Herts Council had adopted a very sound approach to conducting virtual meetings of the Development Management Committee and these meetings had been very successful to date.

The meeting closed at 9.48 pm

Chairman

Date

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MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD VIRTUALLY ON ZOOM
ON WEDNESDAY 12 AUGUST 2020, AT 7.00
PM

PRESENT: Councillor B Deering (Chairman)
Councillors T Beckett, R Buckmaster, S Bull,
R Fernando, J Kaye, I Kemp, T Page,
C Redfern, P Ruffles and T Stowe

ALSO PRESENT:

Councillor A Huggins

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Steven King	- Finance Management Trainee
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager

136 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Andrews and Crystall. It was noted that Councillor Bull was substituting for Councillor Andrews.

137 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Members and the Public to the meeting and detailed the categories of attendee that were present on Zoom. He introduced each Member and Officer in attendance at the meeting.

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that Councillor Jones had stepped down from the Committee and had been a valuable and long standing colleague on the Committee. He paid tribute to the diligence of Councillor Jones and extended his gratitude to Councillor Jones for his service on the Committee.

138 DECLARATIONS OF INTEREST

There were no declarations of interest.

139 MINUTES - 25 JUNE 2020

Councillor Ruffles proposed, and Councillor Beckett seconded, a motion that the Minutes of the meeting held on 25 June 2020 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, this motion was declared CARRIED. Councillor Bull abstained from voting as he was not present at the meeting on 25 June 2020.

RESOLVED – that the Minutes of the meeting held on 25 June 2020, be confirmed as a correct record and signed by the Chairman.

140 3/19/2211/FUL - PART CONVERSION AND PART DEMOLITION OF EXISTING BUILDINGS. PROVISION OF MIXED USE DEVELOPMENT FOR B1 USE (BUSINESS) AND RETENTION OF EXISTING AGRICULTURAL BUILDINGS. ERECTION OF 26 DWELLINGS, 10 TO BE AFFORDABLE HOUSING. WORKS TO INCLUDE ACCESS, LANDSCAPING, ENGINEERING AND ASSOCIATED WORKS. PROVISION OF CAR PARKING SPACES AND CYCLE SPACES AT LAND AT HOME FARM, MUNDEN ROAD, DANE END

The Head of Planning and Building Control recommended that in respect of application 3/19/2211/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Service Manager (Development Management), on behalf of the Head of Planning and Building Control,

said that this application had been substantially amended since the original submission in 2019. The layout had changed and there had been a reduction in the number of dwellings from 38 to 26. He said that the reduction in the number of dwellings was important when considering whether the scale of development was sustainable in this location.

The Service Manager said that the site was outside the Datchworth village boundary and policy GBR2 was therefore the main policy consideration for a development in a rural area. He said that although many representations had referred to policy Vill2, this was only relevant regarding the sustainability of the location in respect of village facilities.

Members were advised that Officers had worked with the applicant to achieve a scale of development that was appropriate in this location. The Service Manager said that this was a brownfield site that already accommodated a number of existing established commercial uses, which were not subject to any planning control.

The Committee was advised that the general environmental quality of the site could not be regarded as good. The Service Manager said that GBR2 permitted the development of brownfield sites and District Plan strategic policy DPS2 directed development to sustainable brownfield sites.

The Service Manager said that the application proposed 40% affordable housing and a potentially high standard of internal sustainability, subject to

conditions. He stated that good quality employment space was proposed to support the rural economy and this was a policy consideration.

Members were advised that the figures at paragraph 9.2 were incorrect as regards planning obligations. The County Council secondary education figure was now £305,748 and the libraries figure was now £4,526. The youth figure was correctly detailed in the report as £1,118.

The Service Manager said that the application did not need to provide a viability review as the scheme did propose 40% affordable housing. Officers had made a judgement as to what was reasonable in terms of contributions based upon the regulations. Members were reminded that specific projects had to be identified for Section 106 contributions to pass the tests and no projects had been identified regarding the proposed development.

The Committee was advised that 8 objections had been received along with 1 representation in support plus 1 neutral representation. The Service Manager said that the window to window distance of 35 metres was considered to be sufficient to address the issue of overlooking. He stated that the wall on the southern boundary was to be retained and no works were proposed to it.

Members should be aware that there was no gas supply to this site and the Service Manager said that this was significant in terms of the sustainability of the application. He said that condition 24 was to be

amended as follows:

“The construction of the development hereby approved shall be carried out in accordance with the provisions for CO2 emissions and energy and water savings identified in the Energy Strategy by Sadler Energy, the Sustainability Statement and other supporting documents in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall include details of how the development is to achieve a minimum of 20% reduction in CO2 emissions in comparison to the Building Regulations and 110 litres per person per day in water consumption, and details of the renewable energy measures identified. The approved detail shall thereafter be implemented and maintained.”

The Service Manager concluded his submission by taking Members through the layout plan and elevation slides. He confirmed to the Chairman that the approximate minimum 35 metre window to window separation distance was reasonable and fairly normal for a new development. He said that this would address the concerns of one neighbour who had written to Officers regarding this application.

Mrs Cowler addressed the Committee in objection to the application. Mr Collins spoke for the application. Mr Griffiths addressed the Committee on behalf of Little Munden Parish Council. Councillor Huggins addressed the Committee as the local ward Member.

Councillor Beckett sought clarification regarding the impact of land height differences in respect of loss of

privacy. He asked for clarification regarding the acceptability of the 35 metre separation distance between windows. He also commented on whether the dwellings would have home office space and sufficient lighting, power sockets and ventilation in light of the current levels of home working.

Councillor Redfern said that she was concerned regarding the loss of employment and the impact of this on the rural economy. She asked for some clarity around the meaning of the phrase low employment use and expressed a concern that the replacement jobs might not be open to the people that might have lost jobs in this location.

Councillor Kaye asked for clarity about the improvements requested by Thames Water at paragraph 5.4 of the report. He also said he would like some clarity around paragraph 5.6 and the assets of value highlighted by the Hertfordshire County Council Historical Environment Unit. He asked for some advice regarding the parking concerns of the Hertfordshire Police Crime Prevention Advisor in respect of the parking layout. He said that it was important to be sure that the matter of overlooking could be overcome.

The Service Manager confirmed that there was a perceptible change in ground level on this site. He said that the window to window and window to garden relationship was fairly normal and he did not believe there would be any issues regarding overlooking. He said that the employment uses were not within the planning controls as certificates of lawfulness were already in place.

The Committee was advised that a balance of the considerations had to be made and it was the view of Officers that the benefits of the application outweighed the loss of employment.

The Service Manager said that the Thames Water works related to network capacity to accommodate the proposed development. He stated that archaeological survey work was always a pre-commencement condition and a report on the findings would be produced and a separate submission would be produced on their significance and also setting out what further action was necessary for the documentation or retention of any such findings.

The Service Manager said that the concerns of Hertfordshire Constabulary regarding the overlooking of the parking area were a standard and normal issue of concern for them. He said the reduction in the number of dwellings to 26 meant that the situation regarding parking was much improved in that regard.

Councillor Bull said that the issue of overlooking was not necessarily to do with the 35 metre distance between windows but was more a question of ground levels and an overbearing impact. He asked whether Officers had taken the matter of footpaths in this area into consideration.

Councillor Stowe commented on the matter of bats and said that bat boxes should be provided if bats were found to be present. He asked for some surety around the provision of affordable housing and sought

some clarity around drainage from the site entering the local river. He mentioned whether a condition for the provision of a water butt at each house could be applied to save tap water.

Councillor Kemp said that properties at this end of the village did not benefit from easy access to footpaths. He asked for some clarity around the matter of virtual footpaths and the benefits of these to this application and to other developments. Councillor Kemp asked about the standard of windows for the provision of light for residents. He commented on the sustainability of the site in terms of alternatives to gas for heating and the reductions in water usage to the 110 litre limit if rainwater harvesting and other water saving measures could be achieved.

The Service Manager said that there was a ground levels condition for this application and this would set the base level for the land and adjoining buildings. He said that Officers would look at these details in terms of cross sections and the acceptability of base land levels.

Members were advised that affordable housing and the matter of local occupation was very desirable but could not be achieved in terms of current national policy regarding affordable housing. The Service Manager said that there was no guarantee that the provision of a business space would result in this being taken up by a business tenant.

The Committee was advised that a virtual footpath was a new form of provision as a form of mitigation. The

Service Manager said that this provision would take the form of a demarcation between the road and an area for cyclists which would be covered by a Section 278 agreement as it would not form part of the proposed development site.

The Service Manager said that both drainage solutions offered by the applicant were sustainable forms of drainage. He advised that survey work would reveal which of the solutions proved to be the most feasible.

The Committee was advised that water butts were featured in the application. The Service Manager said that they were not conditioned directly but were mentioned in the overall design strategy. He confirmed that the minimum requirement for windows was covered in building regulations, which were imminently due to be toughened.

Councillor Buckmaster expressed an interest in the design and landscaping plan. She asked about the planned varieties of trees and where these would be located and also what were the planned maintenance arrangements. Councillor Stowe referred to the former use on the site and whether there would be contaminated soil which could be removed to resolve the matter of land levels. He said that a removal of contaminated soil could equalise land levels.

The Service Manager said that a landscaping condition was included covering the type, density and size of planting. He confirmed that an orchard was proposed as part of the green infrastructure. Members were advised that the matter of maintenance of the green

infrastructure was a Section 106 issue. The Manager confirmed that he had sought delegated authority to amend the Section 106 agreement and conditions.

The Service Manager explained that although bats were present on the site, boxes for the bats had not been recommended by Hertfordshire Ecology. He said that he was happy to review the matter of bat boxes on this site. He confirmed that bats were protected in law outside of the planning process and a condition regarding biodiversity gain could be added if planning permission was approved.

The Service Manager said that the 2 part contamination condition included a survey involving sampling and should any contamination be found, an amelioration strategy would be required. He said this might very well involve the removal of soil and an adjustment of land levels and Environmental Health would be consulted on this.

The Service Manager confirmed that on this application, Officers had not had to seek an improvement in the offer of affordable housing as the full 40% had been submitted as part of this application. He said that anything less than 40% would require a viability assessment and a variation of permission application.

Councillor Page asked whether there would be any lighting for the virtual footway. He referred to paragraph 8.22 of the report and asked about the impact on current provision of the narrowing of an access to pedestrian only. He asked the Officer if there

were any planned incentives for sustainable transport.

The Service Manager said that the virtual footway was outside of planning control and any requirement for lighting would form part the Section 278 agreement. He said, in terms of sustainable transport, the highway authority considered that the mitigation was covered by sustainable transport provision, as this sought to enhance footpath access to village facilities and to the school.

Councillor Page asked about the implications of changing the access movements towards the north on Munden Road regarding the existing use. The Service Manager advised that one reason was to separate the employment traffic from residential traffic.

The Service Manager said that the closing of the access to pedestrian only was required by the highway authority and this also formed part of the plan to improve pedestrian access to the village and onto the virtual footpath.

The Service Manager confirmed to the Chairman that a condition regarding bat boxes could be added and the matter of water butts was covered under the amended condition 24.

Councillor Ruffles proposed, and Councillor Kemp seconded, a motion that application 3/19/2211/FUL be granted subject to a legal agreement and the conditions set out at the end of the report and delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 legal agreement and conditions.

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

RESOLVED –that (A) planning permission be granted subject to a legal agreement and the conditions set out at the end of this report; and

(B) authority be delegated to the Head of Planning and Building Control to finalise the Section 106 Legal Agreement and conditions.

141 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 8.40 pm

Chairman

Date

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East Herts Council Report

Council/Executive/Committee

Development Management Committee

Date of Meeting: 09 September 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 sara.saunders@eastherts.gov.uk
Report Author	Peter Mannings, Democratic Services Officer, Tel: 01279 502174 peter.mannings@eastherts.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE – 9 SEPTEMBER 2020

Application Number	3/20/0245/FUL
Proposal	Erection of 61 dwellings (including 24 affordable dwellings) accessed from Manor Links, together with associated highway works, landscaping, ecological enhancement works, utilities, drainage infrastructure and parking.
Location	Land East of Manor Links (BISH9), Bishop's Stortford Hertfordshire
Parish	Bishop's Stortford Town Council
Ward	Bishop's Stortford All Saints

Date of Registration of Application	27 February 2020
Target Determination Date	28 May 2020
Reason for Committee Report	Major Planning Application
Case Officer	Rachael Collard

RECOMMENDATION

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

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

1.0 Summary of Proposal and Main Issues

- 1.1 The site forms part of the development strategy in the East Herts District Plan 2018 as detailed in Policies DPS1, DPS2 and DPS3, and Hertford Policies BISH1 and BISH9.
- 1.2 The site subject of this report comprises land to the east of Manor Links a strategic allocation within the District Plan allocated for a residential development of around 50 homes.

- 1.3 This is a detailed planning application that proposes 61 residential dwellings accessed from Manor Links with associated highway works, landscaping, ecological enhancement works, utilities, drainage and infrastructure.
- 1.4 The application submission follows from the decision of the Council on 29th January 2020 to endorse the Masterplan Framework as a material consideration for development management purposes.
- 1.5 The main issues for consideration are:
- Principle of Development;
 - Compatibility with the Masterplan Framework;
 - Design and layout;
 - Climate Change;
 - Housing mix, density and affordable housing provision;
 - Highway impact mitigation and parking provision;
 - Flood risk management;
 - Infrastructure delivery.
- 1.6 Members will need to consider the overall planning balance and whether the development will result in a sustainable form of development having regard to the above considerations.

2.0 Site Description

- 2.1 The application site comprises of 2.14 hectares of undeveloped land which lies on the eastern side of Bishop Stortford. The land itself is relatively flat with a slight fall from north to south and features scrubland and trees. Two points of access exist from Manor Links, between the existing residential dwellings.
- 2.2 Prior to the submission of the application clearance of shrubs and trees was undertaken.

- 2.3 The site is bound to the north and west by residential properties located on Cecil Close and Manor Links, the properties located on Manor Links are bungalows with two storey houses also seen adjacent on the south west corner of Manor Links and along the northern boundary of Cecil Close. To the south and east, the site is bounded by Bishop's Stortford golf club. It should be noted that the site lies on the edge of the settlement of Bishop's Stortford with the golf course located within the Green Belt.
- 2.4 During the course of the application amended plans have been submitted with neighbours and consultees re-consulted on the amendments.

3.0 Planning History

- 3.1 There is no relevant planning history for the site, however it should be noted that an application has been submitted at Bishop Stortford Golf Club, which is of relevance.

3/20/0747/FUL -Upgraded members' practice facilities, including removal of existing 9 practice bays, construction of a purpose-built single storey building containing 10 practice bays and pro's teaching studio, proposed ball catch netting 8 metres in height along eastern boundary and 10 metres in height along the southern boundary, proposed fencing with trellis 2.4 metres in height along the western boundary, proposed 2 metre high earth bund adjacent to the west of the proposed building, new practice green area and soft landscaping including 0.63 hectare planted ecology area – Pending consideration.

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) and the adopted Bishop's Stortford All Saints, Central, South and part of Thorley Neighbourhood Plan 2017-2032.

Key Issue	District Plan	Neighbourhood Plan	NPPF
Principle of development	INT1, DPS1, DPS2, DPS3, DPS4, BISH1, BISH9, DEL1, DEL2, CC1, CC2	HDP1, BSEM2	Chapter 5
Delivery of Housing	BISH9, HOU1, HOU2, HOU3, HOU7.	HDP1	Chapter 12
Design Quality	BISH9, DES1, DES2, DES3, DES4, DES5, DES6	HDP2, HDP3, HDP4, HDP9, GIP4	Section 12
Highway, parking and transport impacts	TRA1, TRA2, TRA3	TP1, TP2, TP3, TP4, TP7, TP8, TP10, GY5	Section 9
Flood risk, drainage and Climate Change	WAT1, WAT2, WAT3, WAT4, WAT5, CC1, CC2	GIP7	Section 14
Viability and delivery of Infrastructure	DEL1, DEL2	CI, GIP6, HP1, SLCP1, SLCP3	Sections 2 and 4

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 Hertfordshire Constabulary – Supports the application.

- 5.4 EHDC Housing – The applicant is proposing to deliver 24 affordable homes which is policy compliant and the mix of affordable property types is acceptable.
- 5.5 EHDC Conservation and Urban Design– No objections
- 5.6 Thames Water – With regards to surface water, it is advised that the developer follows the sequential approach to the disposal of surface water no objection is raised. No objection is raised in relation to foul water sewerage network capacity.
- 5.7 Lead Local Flood Authority – No objections subject to conditions.
- 5.8 Natural England – No objection subject to appropriate mitigation.
- 5.9 National Trust - The impacts of the development on Hatfield Forest should be addressed. New housing development within the ZOI will contribute further (both individually and cumulatively) towards recreational pressure on the Forest. Request on-site and off-site mitigation.
- 5.10 EHDC Environmental Health – No objections subject to conditions
- 5.11 EHDC Waste Services – No objection subject to conditions.
- 5.12 HCC Obligations – No objections subject to contributions.
- 5.13 EHDC Landscape Advisor – The Landscape Officer comments that the retention of trees a positive aspect of the development. However, the proposal is an over development of the site in landscape terms. A reduction from 61 to 50 dwellings as recommended in Policy BISH9 of the Development Plan should be able to resolve this without unavoidably making major alterations to the general arrangement as currently proposed.
- 5.14 Hertfordshire Ecology – No objections subject to conditions.

- 5.15 Herts and Middlesex Wildlife Trust – Objects to the application.
- 5.16 East and North Hertfordshire CCG – No objection subject to financial contributions
- 5.17 HCC Minerals and Waste – Would like to encourage the opportunistic use of any deposits within the developments, should they be found when creating the foundations/footings. Request a condition for a SWMP.
- 5.18 CPRE - Policy DPS3 envisages around 50 dwellings on this site. The 61 dwellings proposed is 22% higher than that envisaged. This is not insignificant and is demonstrated by a series of pinch points in the submitted layout.
- 5.19 HCC Archaeology – The proposed development is likely to have an impact on heritage assets with archaeological interest. I recommend that provisions for archaeological field evaluation/trenching, mitigation measures and analysis of the results of the archaeological work. A condition is recommended.
- 5.20 Bishop's Stortford Civic Federation – Generally we believe the proposals have been framed so as to be sympathetic to the existing development area and pleased to see bungalows which are a form of residential development in short supply in Bishop's Stortford. Concerned by the number of dwellings proposed which represent a 22% increase on the allocation for the site included in the recently adopted District Plan. East Herts Council has more than a 5 year land supply for housing most of it being provided in Bishop's Stortford. We estimate that planning permissions granted and outstanding would lead to an extra 650 dwellings in Bishop's Stortford.

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

6.0 Town Council Representations

- 6.1 Bishop's Stortford Town Council –Objects to this application due to concerns of it being on a floodplain. Furthermore there were traffic concerns on an already busy road that is on the Bishop's Stortford Air Quality corridor to Hockerill. The application has had numerous concerns from residents and councillors regarding the 20% increase in the number of houses being developed from 50 to 61. This contravenes BISH9 of the District Plan.

7.0 Summary of Other Representations

- 7.1 The application has been advertised by neighbour consultation to local residents and businesses, by press and site notices. 43 responses have been received objecting to the proposal on grounds summarised as:

- Do not agree that more houses should be built within this area.
- Is there provision of visitor parking spaces? If not there should be otherwise the only option will be on Manor Links. How will properties (1 bedroom flats) with 2 car owners be accommodated in the new development?
- This proposal will have a detrimental impact to my family.
- The house is in the cul de sac which makes it peaceful and private but will be ruined by the development and will have total loss of privacy.
- It will have a negative impact on house prices.
- The amount of traffic generated by the development will be unbearable.
- Good to see new bungalows being constructed in Bishop Stortford, ideal for those looking to downsize.
- The development exceeds by some 20% the number of houses anticipated in 'East of Manor Links' after the Inspector issued her Final Report on the East Herts District Plan Consultation.

- The total was 'around 50', 48-52 houses would meet that stipulation whereas 61 is clearly 'around 60'.
- The effect on drainage, or the present lack of it, across the proposed site. We live at the bottom of a slope and after recent rains we have never in 17 years had such sodden, squelching gardens.
- I assume East Herts will not adopt the inner shared paved areas that are proposed but what is intended for the two access roads.
- More residential roads without permits will encourage airport travellers to park as currently occurs on nearby roads.
- Plant and wildlife will be impacted. We have sightings of newts, slow worms, deer, squirrels, badgers, foxes and a variety of birds. The plans will destroy habitat for insects and smaller animals such as squirrels and birds and larger animals. I object to any development that removes mature trees.
- The current plan, positions several new properties very close to our existing back garden boundary. This will impact our privacy and light. The dwellings are not in keeping with the current type erected in Manor Links thus potentially changing the aesthetic value of existing properties.
- Too many dwellings will have 2 cars per dwelling and will negatively impact traffic flow and increase air pollution to the access roads.
- Increasing the number of roads will increase traffic, potentially endangering the children.
- More houses will cause a greater burden on schools, medical centres and train links to London and Cambridge.
- The site is adjacent to the golf course driving range, there is no evidence that the golf course is formally required or has even agreed to relocate the driving range. If the driving range is not moved I assume there will be a requirement to erect a very tall and dense protective mesh barrier.
- The proposed tenure plan shows affordable properties are concentrated at the two extreme ends of the development site. This violates the EHDC planning requirements which is for tenure blind and pepper potted.

- Policy SP6 of the East Herts Air Quality Strategy. Irrespective of any traffic modelling, a greater number of dwellings in a road that is adjacent to one of the main thoroughfares that leads into the Hockerill Crossroads (an AQMA area) means the potential for a greater number of polluting vehicles to be present in that area.
- Any mitigation measures to encourage modal shift in this development are compromised by the problematic proposed cycle route through a private road.
- Failure to adopt the new road in this development. We need to have the full capacity to decide on what happens with all roads (or as many as possible) in the District so that we can control methods of making the modal shift we all need.
- Development is too dense. The development is too close to existing properties causing invasion of privacy.
- Flats in an area where only houses and bungalows are, is out of place.
- The roundabout at Dunmow Road is dangerous and with increased traffic can only get worse.
- Builders have already destroyed the habitat of endangered species.
- Clearance of trees has now caused noise from the motorway being more audible. The development should incorporate landscaping particularly trees and hedges between houses and the existing bungalows.
- Concerns that a suggested cycle track to be put through Norris Close.
- Policies omitted from the supporting planning statement.
- Layout not suitable for refuse collection, emergency and delivery vehicle access;
- Insufficient car parking available for dwellings.
- Unacceptable overlooking of Manor Links dwellings.
- Proposal does not meet policy HOU3 which requires tenure blind and pepper potted affordable housing across the site. Proposal is concentrate in two ends of the site.

- Object to East Herts/Highways not adopting the inlet roads. Lack of bollards along inlet road. Lack of boundary fencing and lack of brick wall along the inlet road.
- Waterlogging of land.
- The biodiversity reports commissioned does not indicate existence of newts and grass snakes/slow worms, which have been seen. The clearance of the land has destroyed habitats for all species.
- Concerns of proximity of new properties to rear boundaries meaning that light and privacy will be reduced.
- Concern of proximity of new properties to the golf course driving range. I believe the noise will not be acceptable for new residents.
- Lack of visitor parking which will result in parking on Manor Links.
- Newts have been found on the site and should be investigated before planning permission is given.
- Object to location of bin store to rear boundary.
- Inadequate play space on site.
- Proximity of dwellings to rear boundary with light and privacy reduced.
- Proximity of houses to golf course and the numbers of stray golf balls on the land.
- Stonebond has not considered the existing low frequency noise issue that emanates from M11 service station lorry park. This may have repercussions for future property purchasers if they are not made aware.

7.2 9 comments have been received in support of the application:

- The development promotes bungalows which helps the elderly community. The area is well connected to the town centre.

8.0 Consideration of Relevant Issues

Principle of Development

- 8.1 The application site forms a strategic allocated site under policies BISH1 and BISH9 of the District Plan and the development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3. Policy BISH9 sets out that this allocation (BISH9) is allocated for around 50 homes between 2017 and 2022.
- 8.2 Given the above details of the submission and the designation of the site for this form of development within the District Plan, it is considered that the principle of residential development is acceptable; however this is subject to the discussions that form part of this Officer report. Bringing the site forward for development has the ability to deliver a number of new homes, both for the market and subsidised. The NPPF continues to place a requirement on the Council to identify sufficient land in this way.

The Masterplan Framework

- 8.3 Policy DES1 of the District Plan requires that all significant proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and other relevant matters, The Masterplan has been prepared collaboratively with the Council, town and parish councils and other relevant stakeholders.
- 8.4 The Masterplan Framework was developed in consultation with Officers though pre-application discussions. A Steering Group was set up and comprised Officers, Local Ward Members and representatives from the Town Council and other relevant stakeholders.
- 8.5 The Masterplan Framework sets out key masterplanning principles that the site as a whole will meet and was endorsed by full council on 29th January 2020 as a material consideration for development management purposes. The application proposals are considered

to be in accordance with the development design concept outlined in the Masterplan Framework.

Housing

- 8.6 Policy BISH9 requires the development to address affordable housing as set out in policy HOU3. The proposals include the provision of 40% affordable housing in accordance with policy.
- 8.7 The proposal seeks to provide 24 affordable housing units comprising a mix of 10 x one bedroom flats, 2 x two bed bungalows, 5 x two bedroom houses, 7 x 3 bedroom houses. The Council's Housing Officer does not object to the application and considers the tenure mix to be acceptable, as the applicant is proposing 14 units for affordable rent of which 2 of those units would be wheelchair accessible bungalows and 10 for shared ownership. In accordance with Policy HOU3 and the Affordable Housing SPD, the Section 106 will secure the affordable housing. In addition it is considered that the locations of the affordable units are acceptable, whilst it is noted that dwellings are concentrated in to the north and south of the site, several units are 'pepper potted' through the site.
- 8.8 Policy HOU2 refers to housing density, It is noted that objections have been received raising concerns regarding the number of dwellings in that this exceeds the number set out in Policy BISH9 by 11 units. However, Policy BISH9 provides that the site will accommodate 'around 50 units' and the actual number is therefore not prescribed. Members will be aware that modest increases over the number stated in strategic site policies have been accepted in approvals on a number of strategic sites wherein the density of the proposed development has been considered to be acceptable. The density of development proposed is approximately 29 dwellings per hectare. Whilst it is acknowledged that this is denser than Manor Links itself, as this area is generally characterised by spacious plots with large bungalows. Nevertheless this development is a modern development with its own character and

appearance and the proposed density is considered to be acceptable.

- 8.9 The provision of housing, bungalows and the provision of 40% affordable housing carries significant positive weight in the determination of this application.

Design, Layout and Appearance

- 8.10 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”*.
- 8.11 Policies DES2, DES3, DES4 and DES5 seek design quality that respects the constraints of a site and integrates landscaping into the design to minimise impacts on the landscape character. An assessment of the design and layout will be provided below.
- 8.12 The site consists of the provision of 61 units comprising a mix of house types and includes bungalows, houses and flats. The layout features an area of green space and soft landscaping located centrally. As such the development would be in two halves with a proportion of the total number of dwellings being served from each of the two accesses created from Manor Links, resulting in two cul-de sacs with no ability for vehicles to pass through the site but pedestrian links would be provided.
- 8.13 The development proposes single storey bungalows (two of those bungalows would have rooms within the roof), two storey dwellings and two storey flatted buildings. The location of the bungalows would back onto the existing bungalows seen within Manor Links, this accord's with the requirement of part (a) of the

BISH9 policy. The bungalows would be a mix of semi-detached and detached and would appear traditional in character with pitched roofs and gable features presented towards the street. Brick plinths and detailing around the windows adds interest to the appearance of the buildings. Concerns were previously raised regarding the potential for the roof spaces to be converted into habitable accommodation. As a result amendments have been made with the ridge heights having been reduced. In addition it is considered reasonable to impose a condition removing the ability for roof alterations to take place ensuring this relationship with the properties on Manor Links is maintained.

- 8.14 The two storey dwellinghouses would be a mix of detached, semi-detached and one row of terraces. The two storey dwellings would be sited away from the bungalows located on Manor Links, with the closest two storey dwellings located in the north-eastern part of the site closest to properties on Cecil Close and a two storey flatted block located to the southern part of the site that would back onto two storey dwellings located on Manor Links.
- 8.15 The two storey properties vary in terms of their style and design, with dwellings featuring bay windows, gable projections, porches and window detailing adding interest to the buildings. The overall appearances of these properties are considered to be traditional in design and would be of a high quality design in accordance with policy DES4.
- 8.16 In terms of garden sizes, the District Plan policy does not provide specific requirements, however gardens should be of a suitable size commensurate to the dwelling they would serve and be useable. It is considered that whilst the overall size of gardens are acceptable, the removal of permitted development rights for extensions and outbuildings is considered to be appropriate due to the shallow garden depths.
- 8.17 The overall layout of the scheme is considered to be acceptable with dwellings fronting the roads proposed and dwellings

maintaining suitable separation distances with driveways/garages located between dwellings, as such these distances ensure that the street scene does not appear cramped and provides relief about the buildings. The garages would be single storey and are considered to be of an appropriate design. Overall, it is considered that the design and layout of development is of a good quality and in accordance with Policies BISH9 and DES4 of the District Plan and carries positive weight.

8.18 The information submitted alongside the application details that all the dwellings will comply with Building Regulations M4(2) (Accessible and Adaptable Dwellings) and a proportion of the units will comply with Building Regulations M4(3) (Wheelchair User Dwellings) this is considered to be in accordance with policy HOU7 of the District Plan.

8.19 In terms of landscaping, whilst the majority of the site has been cleared of shrubs and vegetation, some trees have been retained which are located centrally within the site and will form part of the soft landscaped area, a condition has been imposed requiring the development to be carried out in accordance with the arboricultural report. The Landscape Officer has not raised any concerns in terms of the proposal having an adverse impact on these trees, however the Landscape Officer considers that there are features of the scheme that suggest overdevelopment. However the Landscape Officer notes that the site layout is improved with the parking courts to plots 49-56 as much improved and generally there is more space for soft landscaping to house frontages and access roads are not as close to the eastern boundary. Whilst these comments are weighed in the balance of the application, overall it is considered that the site will maintain suitable separation distances between dwellings and there is suitable space for soft landscaping to be provided in order to soften the development and create a pleasant public realm. As such the proposal is considered to accord with policy DES3 of the East Herts District Plan. A condition would be included on any grant

of permission requiring details of the soft landscaping to be submitted and approved.

- 8.20 Two parking courts proposed within the development. Following initial concerns raised, alterations to dwellings have resulted in additional fenestration to ensure that the parking courts are overlooked by neighbouring properties providing natural surveillance.
- 8.21 The Hertfordshire police Crime and Prevention Advisor has no concerns regarding the development and is satisfied that the development will achieve the Police Preferred minimum security standard that is Secured by Design. The proposal therefore complies with policy DES5 of the East Herts District Plan 2018.

Climate Change and Water Efficiency

- 8.22 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.
- 8.23 Having regard to climate change adaptation and mitigation (Policies CC1 and CC2) and the building design requirements of Policy DES4, the application is supported by a Sustainable Construction, Energy and Water Statement. The Statement assesses the use of different renewable energy solutions. The applicant's preferred approach, and one that is in line with the Council's policy approach and energy hierarchy, is to employ what is known as a 'fabric-first' approach. This means that the design of new homes achieves consistently high energy efficiency in order to achieve low CO2 emission rates. This is achieved through the choice of construction materials, levels of insulation and internal design to reduce the need for mechanical heating and cooling, rather than relying on the use of bolt-on renewable energy

technologies. However in addition, the proposal would include 48 photovoltaic solar panels producing a total of 12 kWp, all facing south-east/southwest. The proposal demonstrates that all units will achieve a reduction in dwelling emission rates of 10.74% better than Building Regulations Part L1A 2013 baseline. The photovoltaic cells will be introduced and placed on select plots across the site. Therefore the total reduction in carbon emissions including fabric and renewables equates to 15.65% over the Building Regulations base and is in compliance with policies CC1 and CC2 of the District Plan.

- 8.24 In terms of water efficiency, policy WAT4 requires that residential developments achieve a target consumption rate of 110 litres per person per day. The details submitted, state that water efficient taps, cisterns, low output showers and flow restrictors will be incorporated into each home to ensure that water use is reduced to a maximum of 110 litres per head per day in accordance with policy WAT4. It is considered reasonable to impose a condition requiring the development achieves at least the target consumption rate set out in policy.

Neighbour impact

- 8.25 Policy DES4 requires a high standard of design, avoiding significant detrimental impact on the amenity of neighbouring occupiers, ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution is the subject of policies EQ2 and EQ3 respectively. A good relationship between new and existing development is one of the themes underlying the well-designed places guidance in the NPPF.
- 8.26 It is important to assess the impact the proposed development will have on the occupiers who reside in properties within Manor Links and Cecil Close as these properties directly adjoin the application site.

- 8.27 Objections have been received from residents and raise concerns regarding the siting of buildings and loss of privacy.
- 8.28 As stated above, bungalows would be immediately to the rear of the existing bungalows on Manor Links. The nature of these dwellings would alleviate concerns regarding overlooking and loss of privacy of the existing dwellings, due to accommodation being at ground floor level and the boundary treatments proposed this would ensure that there is no direct overlooking into the private rear gardens and the windows of those properties on Manor Links. In addition due to the generous rear garden depths of those properties on Manor Links the distances maintained would be approximately 29m at the shortest distance with many properties achieving in excess of 30m.
- 8.29 It is noted that a two storey flatted block can be seen to the south of the site. The flatted block would be adjacent to the two, two storey dwellinghouses located on Manor Links. At its closest point the building would be approximately 2 metres from boundary with these dwellings. It should be noted that following amendments to the scheme this building has been reduced in overall height and changes to the floorplan have been made. Whilst there are no concerns regarding the ground floor windows, the first floor rear windows would serve bathrooms (to be obscure glazed as per the plans) and bedroom windows. Whilst views from the first floor bedroom windows would enable some overlooking of the latter part of the garden of No.37 Manor Links, vegetation can be seen along the boundary and it is not considered that the level of overlooking is such to justify a reason for refusal.
- 8.30 In relation to overlooking and loss of privacy to properties located on Cecil Close, plots 59-61 would be bungalows and therefore no concerns are raised, in addition the separation distances between these properties are significant. The flatted block would be located approximately 7.2m (at its closest point) from the boundary with No.13 Cecil Close and a small substation would be located on the boundary and would be approximately 4.1m in height. Due to the

separation distance achieved no concerns are raised, whilst some views would be possible of the rear gardens of those properties within Cecil Close, this would be of the latter parts of the gardens and as they too are two storey dwellings, there is already a degree of overlooking between dwellings and this relationship is not unusual within a built up area. Therefore the proposed development is considered to be in accordance with policy DES4 (c).

- 8.31 It is noted that a concern has been raised from a neighbour regarding the location of a communal bin store for the flatted building, as this could attract vermin along their boundary. The submission shows that the bin stores would be enclosed brick built bin stores and due to the arrangement of the bin store and cycle store, the refuse side would be located on the side closest to the flatted block itself and would not be immediately on the boundary. As such it is not considered to be unacceptable.
- 8.32 Consideration also needs to be made regarding the neighbouring amenity within the site itself, it is considered that the proposed development would maintain suitable separation distances between dwellings. Whilst some side facing windows can be seen it is not considered that this would result in overlooking to justify a reason for refusal. It is however considered reasonable that any side facing windows that result in direct overlooking towards neighbouring dwellings should have a condition requiring windows to be obscure glazed.

Highway Impacts and parking

- 8.33 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.

- 8.34 Hertfordshire County Council's Local Transport Plan 4 (2018) also places a much greater emphasis on the importance of sustainability/accessibility. Policy 1 states that the first step to consider is that 'opportunities to reduce travel demand and the need to travel' are identified. After that, the needs of vulnerable road users (such as pedestrians and cyclists), then passenger transport users, must come ahead of those who use motorised forms of travel.
- 8.35 A number of neighbour objections have been submitted raising concerns over the increase in traffic in the area and the impact that the development will have on the Dunmow roundabout junction. The highway authority has been consulted on the application and does not wish to raise any objections to the scheme subject to conditions and on the basis of the agreed highway obligations and mitigation measures. These will be explained in more detail below.
- 8.36 Two new accesses will be taken from Manor Links, in accordance with the details submitted; both accesses are considered to be acceptable to the highway authority. The on-site road layout for the southern side is proposed in the form of a shared use roadway and would not be adopted by the County Council.
- 8.37 The transport statement presents trip generation rates from the TRICS database relating to the existing and proposed uses of the site. The predicted increase in the number of car-based trips generated by the proposed residential development during the peak travel periods will not be significant. The Highway authority considers that the trip rates identified in the Transport Statement are appropriate for the location of the site and the conclusions reported in terms of the predicted increase in vehicle trips.
- 8.38 Modelling undertaken has shown that the capacity for the roundabout junction is acceptable and the modelling for the

development is not expected to have a significantly detrimental effect on the flow of traffic, although some delays are expected on the eastern arm of the Dunmow Road in the morning peak. These can be mitigated by Section 278 works and Section 106 contributions to encourage use of sustainable modes of travel.

8.39 The collision analysis found that there were 2 slight collisions in the vicinity of the development site, however there were no clusters evident or clear evidence that the highway arrangements contributed to the collisions. Therefore, due to the nature of the proposed development, it is not expected that the proposal will impact the safety of the highway.

8.40 In accordance with the HCC Planning Obligation Guidance, the highway authority will seek to secure highway works via condition and Section 278 agreement. The works to be undertaken under the Section 278 are:

- Site access works.
- Provision of tactile paving in places where it is missing at the pedestrian crossings between Manor Links and Dunmow Road.
- Provision of the new pedestrian crossing point on Dunmow Road together with a new 3m wide shared foot/cycle route from Manor Links on the south side of Dunmow Road to the proposed crossing point, with a new 2m wide footway on the north side of the road linking to the bus stop.
- Provision of 1 x Kassel kerb, 3 x shelters and 3 x real time information screens at the bus stops (on the eastern side of the development along).

8.41 In addition contributions of £60,375 which increases by 47.22% to take into account SPONS indexation, resulting in a final Sustainable Transport contribution of £88,884.07. As the applicant is to undertake by planning condition some sustainable travel improvements which have a wider public benefit the cost of those works can be deducted from the final headline Section 106 figure

by circa 70% to £26,665.22 The following projects have been identified:

- Formation of a cycle route linking Bishop's Stortford and Stansted Airport along Dunmow Road to facilitate journeys towards the centre of Bishop's Stortford and Stansted.
- Examining a 20mph speed limit to Parsonage Lane to create more suitable, safe and attractive conditions to attract more people to walk and cycle.
- Provision of cycle routes along Parsonage Lane and onward cycle connections along the River Stort towpath and A1250 Dunmow Road.
- Provision of an off-road cycle route alongside the A1250 Dunmow Road between the junction with Haymeads Lane and the junction with Parsonage Lane.

Parking Provision

8.42 With regards to parking provision, 126 allocated parking spaces are proposed. The submitted parking strategy shows all dwellings would have access to parking; the majority of the dwellings have access to on plot parking in a tandem formation, with many dwellings having access to a garage or car port. Those dwellings that do not have on plot parking have access to a shared parking court. The Council's updated parking standards sets out the amount of car parking that should be provided on the site, which equates to the following:

1 bed - 1.5 spaces = 18
2 bed – 2 spaces = 34
3 bed – 2.5 spaces = 53
4 bed – 3 spaces = 33

8.43 In accordance with the updated parking standards 138 parking spaces would be required. Whilst the parking standards zonal maps show the application site to be beyond the settlement boundary this document predates the current District Plan. As the

site is an allocated site it is considered logical that the site (like the surrounding areas) is within zone 4 and therefore up to a 25% reduction in maximum parking levels can be applied. It is noted that the response of the highway authority did not consider the level of on-site provision to result in additional demand for on-street parking in the local area. As such whilst the proposal would result in an under provision of parking spaces, the site is located close to main public transport routes and it is not considered reasonable to justify a reason for refusal on this basis.

- 8.44 Garages and a car port are proposed across the site, in order for garages to be counted as parking standards they should achieve internal dimensions of 5.6m x 2.6m or 3.2m x 5m. Car ports should have minimum internal dimensions of 2.4m x 4.8m. The submitted plans show that all garages would be in excess of these dimensions with internal dimensions of 3m x 7m and therefore can be counted as parking spaces. It is considered reasonable to remove permitted development rights in order to ensure that these spaces are retained for the parking of vehicles.
- 8.45 The information submitted states that vehicle charging points will be provided to all houses across the development, it is considered reasonable for a condition to be imposed requiring further details of the charging points to be installed and their locations to be submitted to and agreed in writing.
- 8.46 The proposal seeks to provide all flatted units with secure cycle storage within structures adjacent to the flatted buildings. With regards to the dwelling houses, each property will have a shed in the rear garden or suitable storage within the garage or car port. The total numbers of cycle parking provision is considered to be acceptable.

Drainage/ Flood risk

- 8.47 Policy WAT1 relates to flooding and is considered to be relevant in the determination of this application. The site lies within Flood Zone 1 and therefore at no risk from fluvial flooding.
- 8.48 The applicant submitted a Flood Risk Assessment and Drainage Strategy alongside the planning application. The Lead Local Flood Authority has been consulted on the application and does not wish to object to the proposal on flood risk grounds. The details provided demonstrate that the proposed development site can be adequately drained and can mitigate any potential existing surface water flood risk, provided it is carried out in accordance with the submitted drainage strategy. The LLFA have requested that conditions are imposed on any grant of consent; these conditions are considered to be necessary and reasonable.

Other Planning Considerations

Archaeology

- 8.49 The application lies approximately 150m to the east of the nearest Area of Archaeological Significance, the site and grounds of a 16th century houses known as The Villa. An archaeological desk based assessment has been submitted supporting the application.
- 8.50 The County Council Archaeologist has been consulted on the application, the main archaeological potential of the site comes from its proximity to Stane Street Roman Road and its prominent topographic position. It is also relatively close to prehistoric and Roman remains, discovered at Woodside Industrial estate in the 1990s, and possible prehistoric features found at Stortford Hall Industrial Park in 1992.
- 8.51 The county archaeologist considers that the development is likely to have an impact on heritage assets and therefore provisions are required and include: Archaeological field evaluation, via trial trenching, mitigation measures necessary by this evaluation and analysis of the results. Therefore it is considered reasonable and

necessary for a condition to be imposed requiring a programme of archaeological work in accordance with a written scheme of investigation.

Contaminated Land, Air Quality, Noise impacts

- 8.52 The application site is an undeveloped site that previously was overgrown with trees and shrubs. Policy EQ1 encourages the remediation of contaminated land to ensure that land is brought back into use. Part II of this policy requires evidence to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation. The submitted report accompanying the application is acceptable and as no elevated levels of contaminants were found, remediation of the site is not required. However a condition is considered reasonable should any contamination be encountered.
- 8.53 Policy EQ2 requires development to be designed and operated in a way that minimises direct and cumulative impact of noise on the surrounding environment. The proposed development is not considered to have a detrimental impact on neighbouring occupiers to justify a reason for refusal. However the Environmental Health Officer has requested that a suitable boundary treatment will be seen along the boundaries of the dwellings along the access roads, this is considered to be reasonable and a condition will be imposed accordingly.
- 8.54 In relation to air quality an assessment has been submitted and no objections have been raised by the Environmental Health Officer as such the proposal is not considered to be in conflict with policy EQ4 of the District Plan.

Ecology

- 8.55 Policy NE2 requires all proposals to achieve a net gain in biodiversity and policy NE3 requires that a development should always seek to enhance biodiversity. A mitigation area is proposed

to the east of the application site on land owned by Bishop Stortford Golf Club, where a range of new habitats would be created and managed. The long term maintenance of this area will be included as an obligation within any Section 106 agreement of which the Golf Club would be party to. The submitted Biodiversity net gain report demonstrates a biodiversity net gain of 0.85%. Whilst Members will note that Herts Middlesex Wildlife Trust (HMWT) raised an objection to the application. The applicant has provided additional information and a biodiversity net gain will be achieved. Whilst HMWT are seeking a 10% net gain, this is not mandatory and the proposal is considered to be compliant with policy.

- 8.56 Hertfordshire Ecology notes a mitigation area is proposed to the east of the application site and considers the proposed habitat created, allied with a long term management programme to provide adequate mitigation/compensation for the loss of biodiversity value in the application site. A condition requiring an ecological management plan is required to provide detail that will facilitate the new habitat creation, management, monitoring and future surveys.
- 8.57 During the course of the application, comments were received from members of the public stating that a population of great crested newts had been found within a body of water on the site. As Great crested newts are a European Protected Species afforded special protection via the Habitats Regulations 2017, it was recommended that the developer establishes the status of the population. As we are outside the ideal survey period, an eDNA analysis was suggested by Hertfordshire Ecology. The eDNA survey has been undertaken of water samples collected from the site. The analysis provided a negative result meaning that there are no great crested newts. As their absence has been shown there can be no conflict with relevant legislation. However visual observations during the survey suggested the visible newt larvae resembled those of smooth newts, these are the most widespread of all British newts and are not afforded the same degree of protection

as great crested newts. The applicant proposes to design a pond in the proposed mitigation area to ensure it remains suitable for smooth newts and is considered to be appropriate.

- 8.58 Concerns were also raised regarding the presence of badgers and reptiles, the county ecologist considers that the PEA and the subsequent reptile survey addresses this satisfactorily. As such the mitigation measures proposed are considered reasonable and well-practised and would not conflict with legislation. The application is not considered to be in conflict with policy or legislation.

Infrastructure Delivery and Planning Obligations

- 8.59 This section of the report will consider the planning obligations heads of terms for the Section 106 Agreement and other planning gain from the development. Policies DEL1 and DEL2 of the East Herts District Plan are relevant and require developers to demonstrate adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development.
- 8.60 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms
 - Directly related to the development, and
 - Fairly and reasonably related in scale and kind to the development
- 8.61 With regard to development viability, developers will normally be expected to pay all of the planning obligations identified as being

required and meeting these three tests, and to deliver a policy compliant proportion of affordable housing, in this case 40%.

- 8.62 The NPPG advises that: “in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability”
- 8.63 The applicant will provide 40% affordable housing in accordance with the Council’s HOU3 policy. The proposal seeks to provide 24 affordable housing units comprising of a mix of 10 x one bedroom flats, 2 x two bed bungalows, 5 x two bedroom houses and 7 x 3 bedroom houses. The Council’s Housing Officer has been consulted and is satisfied with this mix.
- 8.64 HCC request financial contributions towards, nursery education, childcare, primary education, secondary education, youth provision, library provision and the provision of fire hydrants:
- Primary Education - £532,595
Based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.
 - Secondary Education
Towards the future expansion of The Hertfordshire and Essex High School and Science College (Girls) - £261,755

Towards the future expansion of Bishop’s Stortford High School (Boys) - £268,005

Based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

- Childcare Service
(index linked PUBSEC175) - £6,802
- Library Service
(index linked PUBSEC175) - £9,498
- Youth Service
(index linked PUBSEC175) - £2,123
- Fire Hydrants

8.65 Hertfordshire County Council Planning obligation guidance implements a two strand approach to planning obligations in order to address the immediate impacts of the new development and the cumulative impacts of all development on non-car networks.

8.66 The following works would be undertaken under Section 278:

- Site access works
- Provision of tactile paving at the pedestrian crossings between Manor Links and Dunmow Road.
- Provision of new pedestrian crossing point on Dunmow Road together with a new 3m wide shared foot/cycle route from Manor Links on the south side of Dunmow Road to the proposed crossing point, with a new 2m wide footway on the north side of the road linking to the bus stop.
- Provision of 1 x Kassell Kerb, 3 x shelters and 3 x real time information screens at the bus stops

8.67 In accordance with the HCC Planning Obligations guidance a total of £60,375 which is increased by 47.22% to take into account of SPONS indexation from 2006. Therefore a final Sustainable Transport Contribution of £88,884.07 is sought. However as the application is required to undertake some sustainable travel

improvements by condition which have a wider public benefit, the cost of these works can be deducted from the final headline figure by 70% to £26,665.22. The following works have been identified:

- Formation of a cycle route linking Bishop's Stortford and Stansted Airport along Dunmow Road to facilitate journeys towards the centre of Bishop's Stortford as well as outwards towards Stansted. and/or
- Examining a 20mph speed limit to Parsonage Lane to create more suitable, safe and attractive conditions to attract more people to walk and cycle.
And/or
- Provision of cycle routes along Parsonage Lane and onward cycle connections along the River Stort Towpath and A1250 Dunmow Road.
And/or
- Provision of an off-road cycle route alongside the A1250 Dunmow Road between the junction with Haymeads Lane and the junction with Parsonage Lane.

8.68 Comments from the East and North Hertfordshire CCG have been received. They request contributions towards General Medical Services (GP provision) and are as follows:

- GMS (GP Services) - £43,176.00

8.69 With regards to the contributions sought by East Herts District Council this has been assessed against the Open Space, Sport and Recreation SPD 2020. In this instance the Council would seek the following:

- Allotments - £6,627 plus maintenance cost of £4,161
- Swimming Pool £25,968
- 3G-AGP £19,666
- Studio Space £4,662
- Fitness Gyms £11,285
- Pitches £10,494

- Outdoor Tennis £7,189
- Village and Community Centres £30,738
- Children's Play/provision for young people £17,000
- Parks and Garden/Amenity Green Space £30,928
- Natural and Semi-Natural Green Space £17,979

(All to be index linked)

8.70 In relation to the Children's Play contribution, as the site would not generate the minimum size for a Local Equipped Area of Play (LEAP) as set out by the Fields in Trust (FIT) guidance, a formal traditional LEAP is not being provided on site. However an area of informal play will be provided, the size of this area has been taken into account and the contribution has been recalculated. Therefore the amount stated above will be used at an off-site play area.

8.71 Natural England identified the site as falling within the Hatfield Forest Zone of Influence and therefore requested mitigation to mitigate the recreational impacts of the proposed development on Hatfield Forest. As such the National Trust have requested an off-site contribution of £9,000 towards Hatfield Forest.

8.72 Obligations to be included within the Section 106 include the maintenance and management of the off-site ecological area and the maintenance and management of all communal areas

9.0 Planning Balance and Conclusion

9.1 The proposal will deliver 61 dwellings as part of the District Plan development strategy; including 24 (40%) affordable units, this carries significant positive weight.

9.2 Overall, it is considered that the design of the buildings and the layout is of good quality, such that it complies with the policy aspiration for the strategic site. The drainage strategy provides for the use of good quality SuDS. The fabric of the buildings demonstrates an appropriate reduction in CO2 emissions and

water use. Overall the sustainable design characteristics of the development carry positive weight.

- 9.3 The proposal provides satisfactory access to the development, an appropriate level of parking provision and the required highway mitigation measures. The highway impact of the proposed development is therefore regarded as neutral.
- 9.4 Subject to conditions the ecological, contamination and pollution impacts of the development are regarded as neutral.
- 9.5 The proposal delivers appropriate levels of financial contribution towards infrastructure and the provision of public amenity space on-site. This is assigned positive weight.
- 9.6 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

RECOMMENDATION

That planning permission be **GRANTED**, subject to the completion of a Section 106 Agreement and conditions set out at the end of this report.

Authority be delegated to the Head of Planning and Building Control to finalise conditions and the legal agreement.

Financial contributions set out below have been calculated based on the number and mix of dwellings proposed. The figures quoted here are based on costs calculated at specific points in time and need to be index linked to differing indexes at the time that the agreement is signed.

Legal Agreement

To include the following obligations:

East Herts District Council

40% affordable housing

- Allotments - £6,627 plus £4,161
- Swimming Pool - £25,968
- 3G-AGP - £19,666
- Studio Space - £4,662
- Fitness Gyms - £11,285
- Pitches - £10,494
- Outdoor Tennis - £7,189
- Village and Community Centres - £30,738
- Children's Play/provision for young people - £17,000
- Parks and Garden/Amenity Green Space - £30,928
- Natural and Semi-Natural Green Space - £17,979

(All to be index linked)

- Maintenance and Management of the off-site ecological area
- Maintenance and Management of all communal areas
- £9,000 towards Hatfield Forest

Hertfordshire County Council

- Primary Education - £532,595
Based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.
- Secondary Education
Towards the future expansion of The Hertfordshire and Essex High School and Science College (Girls) - £261,755
- Towards the future expansion of Bishop's Stortford High School (Boys) - £268,005

Based on costs as of 1Q2020 (BCIS All in TPI) so indexation will need to be applied from this date.

- Childcare Service
(index linked PUBSEC175) - £6,802
- Library Service
(index linked PUBSEC175) - £9,498
- Youth Service
(index linked PUBSEC175) - £2,123
- Fire Hydrants
- Sustainable Transport Contribution of £88,884.07 is sought. However as the application is required to undertake some sustainable travel improvements by condition which have a wider public benefit, the cost of these works can be deducted from the final headline figure by 70% to £26,665.22.

The following works have been identified:

- Formation of a cycle route linking Bishop's Stortford and Stansted Airport along Dunmow Road to facilitate journeys towards the centre of Bishop's Stortford as well as outwards towards Stansted.
And/or
- Examining a 20mph speed limit to Parsonage Lane to create more suitable, safe and attractive conditions to attract more people to walk and cycle.
And/or
- Provision of cycle routes along Parsonage Lane and onward cycle connections along the River Stort Towpath and A1250 Dunmow Road.
And/or

- Provision of an off-road cycle route alongside the A1250 Dunmow Road between the junction with Haymeads Lane and the junction with Parsonage Lane.

NHS

- GMS (GP Services) - £43,176.00

Conditions:

1. Three year time limit (LT12)
2. Approved Plans (2E10)
3. Prior to any above ground works, samples of all the external materials of construction for the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

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

4. Levels (2E053)
5. Prior to the first occupation of the development hereby permitted the new vehicular accesses shall be provided in the form of raised tables and provided with kerb radii of 6 metres in accordance with the approved plan ST-2877-01 A (Proposed Means of Access Plan). Prior to its use commencing, arrangements 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 construction of a satisfactory access and in the interests of highway safety, traffic movement and amenity in

accordance with Hertfordshire's Local Transport Plan and in accordance with policy TRA2 of the East Herts District Plan 2018.

6. The accesses gradient shall not exceed 1:20 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and amenity in accordance with Hertfordshire's Local Transport Plan and in accordance with policy TRA2 of the East Herts District Plan 2018.

7. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Hertfordshire's Local Transport Plan and in accordance with policy TRA1 of the East Herts District Plan 2018.

8. Prior to the first occupation of the development hereby permitted the proposed parking and turning areas as shown on the drawing (Ref:1313.203.08 Refuse Strategy Plan) shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with

Hertfordshire's Local Transport Plan and in accordance with policy TRA2 of the East Herts District Plan 2018.

9. Prior to the first occupation of the development, additional plans, drawn to an appropriate scale, must be submitted to and approved in writing by the Local Planning Authority, which show the detailed design and construction of all works within the public highway, including the site access, footway/shared path extension from Manor Links on the south side of Dunmow Road, new pedestrian crossing in Dunmow Road, tactile paving between Manor Links and Dunmow Road and provision of 1 x Kassel Kerb, 3 x shelters and 3 x real time information screens for bus stop in Dunmow Road. These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

Reason: To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience and in accordance with policies TRA1 and TRA2 of the East Herts District Plan 2018.

10. No development above ground slab level shall take place, until a Travel Plan Statement document for the proposed development is submitted for consideration by the Local Planning Authority. The Travel Plan Statement shall be approved in writing and implemented upon the first occupation of the development.

Reason: To deliver an acceptable development and to promote alternative modes of travel to the private car and in accordance with policy TRA1 of the East Herts District Plan 2018.

11. Communal Television Reception Facilities (U0030270)
12. Lighting Details (2E272)
13. Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in

writing and shall include full details of both hard (including boundary treatments) and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

14. Landscape works implementation (4P132)
15. The development hereby permitted shall be carried out in accordance with the recommendations and tree protection details set out in the submitted Arboricultural Impact Assessment Report (SHA 1020) dated 26th January 2020.

Reason: To ensure the retention of existing trees in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

16. An integrated bat and bird box plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the ground slab construction. The plan shall include the make, model and location of integrated bat and bird boxes (habitat or similar) for each house bordering the southern and eastern boundaries of the development. The boxes must be fully installed prior to occupation and retained as such thereafter.

Reason: In accordance with policy NE3 of the East Herts District Plan 2018.

17. Archaeology (U0031605)
18. Prior to the commencement of the development, a detailed Construction Environmental Management Plan (CEMP) shall be

submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- a) The construction programme and phasing
- b) Construction vehicle numbers, type, routing;
- c) Hours of operation, delivery and construction and storage compounds (including storage of materials including areas designated for car parking, loading /unloading and turning areas);
- d) Access arrangements to the site;
- e) Details of any highway works necessary to enable construction to take place;
- f) Traffic management requirements;
- g) Siting and details of wheel washing facilities;
- h) Parking and loading arrangements;
- i) Details of any hoarding;
- j) Management of traffic to reduce congestion;
- k) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- l) Provision of sufficient on-site parking prior to commencement of construction activities;
- m) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- n) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- o) Control of dust and dirt on the public highway
- p) Details of consultation and complaint management with local neighbours
- q) Waste management proposals
- r) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- s) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Thereafter the construction of the development shall only be carried out in accordance with the approved CEMP thereafter.

Reason: In the interests of highway safety and the control of environmental impacts in accordance with policies TRA2, EQ2 and EQ4 of the East Herts District Plan 2018.

19. Construction hours (U0031606)
20. Unexpected Contamination (U0031607)
21. Details of a suitable boundary treatment to the Manor Links properties adjacent to the proposed access roads shall be submitted to and approved in writing. These boundaries shall then be installed and maintained thereafter prior to occupation of the development.

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

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of any dwelling house, additional storeys, alterations to roof and outbuildings as described in Schedule 2, Part 1, Classes A, AA, B and E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

23. Garages/carports (U0031610)
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending

Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety, in accordance with Policy TRA3 of the East Herts District Plan 2018.

25. Water measures (U0031609)

26. The construction of the development hereby approved shall be carried out in accordance with the provisions for CO2 emissions and energy identified in the submitted Sustainable Construction, Energy and Water Statement (report No. PA-ES-ML-SB-20-02) BY Abbey Consultants.

Reason: To ensure that the construction of dwellings accords with sustainability principles in accordance with Policy CC1 and CC2 of the District Plan 2018.

27. Within 3 months of commencement of the development, details of the measures required to facilitate the provision of high speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential unit. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details including the timetable and method of delivery.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy BISH9 and DES4 of the East Herts District Plan 2018.

28. The development permitted by this planning permission shall prioritise discharge via infiltration, with the final scheme seeking to reflect the SuDS discharge hierarchy:

1. Discharging via infiltration where possible if BRE Digest 365 infiltration test results demonstrate that infiltration is feasible on site.
2. Full consideration of the SuDS hierarchy with priority given to the provision of above-ground SuDS features.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site in accordance with policies WAT1 and WAT5 of the East Herts District Plan 2018.

29. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Stomor, reference number ST2877/FRA-2001 dated January 2020, the letter reference ST2877/200507-LLFA dated 7 May 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 rate of 16.5 l/s 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 323 m³ (or such storage volume agreed with the LLFA) of storage volume in attenuation basins and geocellular tank.
3. Discharge of surface water from the private network to the ordinary watercourse.

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 policy WAT4 of the East Herts District Plan 2018.

30. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
1. Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where infiltration is proposed.
 2. 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. Final detailed post-development drainage calculations for all events up to and including the 1 in 100 year + 40% climate change storm, and calculations of half drain down times.
 4. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site in accordance with policies WAT1 and WAT4 of the East Herts District Plan 2018.

31. Prior to the occupation of the development hereby permitted, details of the siting, type and specification of Electric Vehicle Charging Points (EVCPs), the energy sources and the strategy/management plan for supply for all houses and any other points that may also be installed shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the units and permanently maintained and retained thereafter.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Hertfordshire's Local Transport Plan and policies DES4 and EQ4 of the East Herts District Plan 2018.

32. Prior to first occupation the covered cycle storage facilities shown on the approved plans shall be provided in accordance with the approved details and thereafter retained for that purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance Hertfordshire's Local Transport Plan (adopted 2018) and policy TRA1 of the East Herts District Plan 2018.

33. Prior to the occupation of the development hereby permitted, details of the arrangements for the management and maintenance of all external communal areas and proposed streets, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a plan identifying all external communal areas and roads which are to be managed and maintained. Thereafter all such areas shall be managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and

safe standard in accordance with Hertfordshire's Local Transport Plan and policy DES4 of the East Herts District Plan 2018.

34. Prior to the commencement of the development, a detailed Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall set out the following:
- a) Details of waste arising during both the site preparation, and construction;
 - b) Definition of the waste types;
 - c) Whether waste is to be reused on the site or disposed from it, and the volumes being dealt with in these ways and the timing of waste disposal from the site;
 - d) Where waste is being transported to, together with details of the waste carrier;
 - e) The total volumes of waste created during enabling and construction works.

Once approved, the construction shall take place in accordance with the approved SWMP.

Reason: In order to minimise waste and ensure most sustainable disposal in accordance with policy CC2 of the East Hertford District Plan.

35. Prior to any above ground works a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP must detail how it will achieve and maintain a net increase in the biodiversity of the site. The agreed plan shall then be implemented in full in accordance with the agreed timetable.

Reason: To ensure that the development results in a net gain in biodiversity in accordance with policy NE3 of the District plan 2018.

1. 01OL1 (Other Legislation)
2. 02OW1 (Ownership)
3. 19SN5 (Street Naming and Numbering)
4. 08PO1 (Planning Obligation)
5. The applicant should be advised that this development would attract a 'second strand' sustainable transport planning obligation contribution of circa £26,665.22 to improve cycling in the area. This funding requirement is derived in accordance with the document 'Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements)
6. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the footway/cycleway link. The construction of highway works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements.
7. During the construction phase the guidance in BS5228-1:2009 (Code of Practice for noise Control on construction and open sites) should be adhered to.

The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site. If during any site investigation, excavation,

engineering or construction works evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority to ensure that the site is made suitable for its end use.

8. Cable and circuitry ratings should be of an adequate size to ensure a minimum continuous current demand for the vehicle of 16A and a maximum demand of 32A (which is recommended for Eco Developments).
 - A separate dedicated circuit protected by an RCBO should be provided from the main distribution board, to a suitably enclosed termination point within a garage, or an accessible enclosed termination point future connection to an external charging point.
 - The electrical circuit shall comply with the Electrical requirements of BS7671:2008 as well as conform to the IET code of practise on Electric Vehicle Charging Equipment Installation 2012 ISBN 978-1-84919-515-7 (PDF)

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	29 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		
Number of new flat units	1	10
Number of new bungalow units	1	2
	2	9
	3	3
Number of new house units	1	-
	2	8
	3	18
	4+	11
Total		61

Affordable Housing

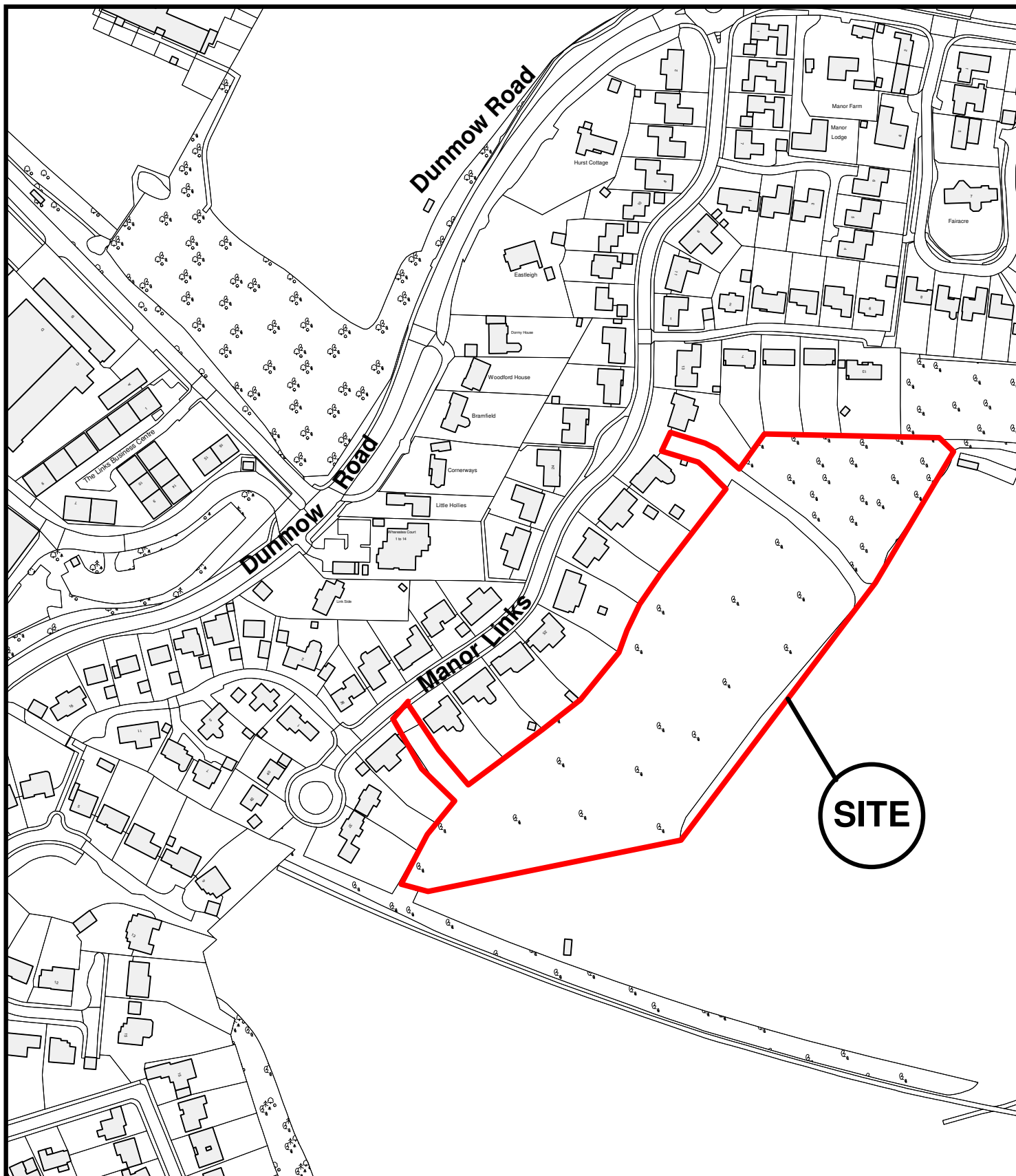
Number of units	Percentage
24	40%

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

Parking Zone	4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	18
2	2.00	40
3	2.50	45
4+	3.00	33
Total required		136
Accessibility	25%	

reduction		
Resulting requirement		102
Proposed provision		126

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

Address: Land East Of Manor Links (BISH9), Bishops Stortford

Reference: 3/20/0245/FUL

Scale: 1:2500

O.S Sheet: TL5021

Date of Print: 24 August 2020

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DEVELOPMENT MANAGEMENT COMMITTEE – 9 SEPTEMBER 2020

Application Number	3/18/2735/FUL
Proposal	Hybrid planning application comprising: Full planning permission for 85 dwellings along with a new access onto Cambridge Road, provision of new spine road, landscaping, associated infrastructure and the demolition of existing dwelling; and Outline planning permission for up to 99 dwellings with associated open space, landscape and infrastructure with all matters reserved except access.
Location	Land at Cambridge Road, Sawbridgeworth
Parish	Sawbridgeworth Town Council
Ward	Sawbridgeworth

Date of Registration of Application	30 th January 2019
Target Determination Date	30 th September 2020
Reason for Committee Report	Major Application
Case Officer	Jill Shingler

RECOMMENDATION

That (A) planning permission be **GRANTED** subject to a Legal Agreement and to the conditions set out at the end of this report.

(B) Delegated Authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

1.0 Summary of Proposal and Main Issues

- 1.1 The site forms part of the development strategy in the East Herts District Plan 2018 as detailed in Policies DPS1, DPS2 and DPS3 and Sawbridgeworth Policies SAWB1 and SAWB4. The application site comprises part of the overall SAWB4 site which is allocated for residential development of around 200 units by 2027. The principle of the residential development is therefore established.

- 1.2 The application is a hybrid application which provides full details for phase 1 of the development to provide 85 dwellings and seeks outline consent with all matters except access reserved, for the development of up to 99 dwellings on phase 2. Phases one and two comprise approximately two thirds of the total SAWB4 allocated site area and the applicant does not currently own the remainder of the site. It is anticipated that the remaining area will come forward on due course.
- 1.3 The application was initially submitted before a masterplan for the site had been completed, but since its submission a full masterplanning process has taken place and a masterplan framework for the whole of the allocated site has been agreed by the Council. The masterplan framework is a material consideration for development management purposes. Following the completion of the masterplan framework, amended plans for Phase 1 of the development were submitted and these have been further amended during the course of the application in response to concerns raised. The application proposals are considered to accord with the development concept outlined in the masterplan framework, and the proposals allow for the future development of phase 3 of the allocated site should it come forward in the future.
- 1.4 The main issues for consideration are:
- Masterplanning;
 - Layout and design;
 - Housing and affordable housing provision;
 - Highway impact, mitigation and parking provision;
 - Climate Change, flood risk and sustainable drainage;
 - Land contamination and pollution;
 - Impact on the natural environment
 - Heritage impact;
 - Infrastructure delivery.
- 1.5 Members will need to consider the overall planning balance and whether the proposal will result in a sustainable form of development having regard to the above considerations.

2.0 **Site Description**

- 2.1 The site comprises approximately 6.4 hectares of open land situated to the immediate north of the existing residential edge of the main settlement of Sawbridgeworth, to the east of Cambridge Road.
- 2.2 There is one existing dwelling on the site, and part of the land is used for grazing. There are two existing accesses to the site from Cambridge Road, one serves the dwelling and the other towards the centre of the site provides access to a track which runs through the centre of the site and leads down to the River Stort to the east. The eastern edge of the site is some 200 metres west of the river.

3.0 **Planning History**

- 3.1 There is no relevant planning history relating to the site.

4.0 **Main Policy Issues**

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

Main Issue	NPPF	DP policy
Principle	Section 5	INT1 DPS1 DPS2 DPS3 SAWB1 SAWB4
Masterplanning		DES1
Design and layout	Section 12	SAWB4 DES1 DES3 DES4
Housing and affordable	Section 5	HOU1

housing		HOU2 HOU7
Highways and parking	Section 9	TRA1 TRA2 TRA3
Healthy and safe communities	Section 8	DES5 CFLR1 CFLR7 CFLR9 CFLR10
Flood risk and sustainable drainage, climate change water efficiency and quality	Section 14	WAT1, WAT3, WAT5, WAT6, CC1, CC2
Contamination and pollution		EQ1 EQ2 EQ3 EQ4
Natural environment	Section 15	DES2 NE1 NE2 NE3 NE4
Heritage	Section 16	HA1 HA3
Education		CFLR10
Infrastructure delivery and planning obligations	Section 2 Section 4	DEL1 DEL2
Overall sustainability	Section 2	Chapter 1 INT1

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

5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority does not wish to restrict the grant of planning permission subject to conditions and Section 106 requirements
- 5.2 Lead Local Flood Authority following the submission of additional information, does not wish to restrict the grant of planning permission, subject to the imposition of planning conditions relating to each phase.
- 5.3 Environment Agency comments that they do not object subject to conditions.
- 5.4 Thames Water advise that with regard to foul water sewerage network infrastructure capacity they have no objection to the proposals based on the information provided and that with regard to surface water drainage they advise that if the developer follows the sequential approach to the disposal of surface water they have no objection.
- 5.5 Affinity Water Advises that this is a ground water protection zone and that construction work should be in accordance with relevant British Standards and best management practices.
- 5.6 HCC Historic Environment advise that no development should take place on site until a program of archaeological investigation has been agreed.
- 5.7 HCC Minerals and Waste advise that the applicant states that a SWMP Sustainable Waste management Plan is to be provided and suggest that this is conditioned. In addition they are pleased that the applicant has confirmed that sand and gravel excavated during construction will be used where possible on site to reduce use of external resources and in accordance with policy.
- 5.8 Hertfordshire Ecology advise that Biodiversity Metric calculations have been submitted for phases one and two along with a

Biodiversity Impact Report. The submitted information indicates that there will be a net loss of Biodiversity Units in Phase 1 and a net increase in Biodiversity units in Phase 2. For the two phases there is predicted to be a net habitat gain of 4.42%. This is below the minimum 10% expected and they advise that this is not acceptable.

- 5.9 EHDC Environmental Health Advisor does not wish to restrict development at the site subject to the imposition of conditions.
- 5.10 Herts Police Crime Prevention Advisor confirms that following the submission of amendments he is now in a position to partially support the application and would provide full support if the applicant were to seek to achieve Secured By Design standards.
- 5.11 EHDC Housing Development Advisor notes that the development achieves 40% affordable housing, and appropriate shared ownership and affordable rent split. However she would prefer to see fewer 2 bed flats as the greatest need for 2 bed is for families with small children and houses with gardens would be more appropriate.
- 5.12 EHDC Conservation and Urban Design Advisor raises no objection to the proposals following the submission of amendments which have addressed the majority of earlier concerns raised. Considers that careful thought has been given to legibility, passive surveillance and placemaking and that the overall design is acceptable, subject to landscaping and materials conditions.
- 5.13 EHDC Tree and Landscape Officer advises that there will be no overall adverse impact on trees and that the layout is acceptable in terms of the street frontage along Cambridge Road, and that existing trees and grassed area incorporated into the proposals contribute to the green infrastructure. In addition there are acceptable levels of private garden provision across the site. However several aspects of the layout particularly with regard to the parking and garage positions, parking courts and lack of space for meaningful soft landscaping are unacceptable.

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

6.0 Town/Parish Council Representations

- 6.1 Sawbridgeworth Town Council comments are summarised as:
- 6.2 It is clear that the application is contrary to a number of policies contained within the adopted District Plan.
- 6.3 The application does not acknowledge or take into account the consultations and advice given regarding future proofing of the development. It is incumbent upon the LPA to insist on the development conforming to the stated aspirations of EHDC as stated in the adopted District Plan 2018.
- 6.4 It is particularly noted that there is no sustainability and energy statement submitted as part of the planning application. This is regarded as an essential aid to monitoring the quality and suitability of any construction.
- 6.5 It is clear from the numerous detailed comments made by many members of the public submitted independently from those gathered by the Town Council at the public consultations that have been held over the past months that there is considerable concern and unease at the nature and scale of this hybrid application.
- 6.6 In particular the cumulative impact on the neighbourhood of this application and the other applications that can be anticipated as a result of the District Plan will irrevocably damage the nature of the area.
- 6.7 Therefore the Town Council Objects to the planning application.
- 6.8 The Town Council's full response is attached as **Appendix A**.

7.0 **Summary of Other Representations**

7.1 562 neighbouring properties were written to 44 responses were received. The concerns objections and comments raised are summarised as follows:

- This is the wrong location for this number of dwellings.
- Traffic and highway issues. – Cambridge Road is already over congested and at standstill at peak times, this development together with the others approved will make matters worse, and exacerbate safety issues for pedestrians including school children. There are errors in the Travel Plan and Transport Assessment and inadequate mitigation has been provided. The site is too far away from the village facilities and train station, people will not walk but will take their cars.- Sawbridgeworth bypass is needed before any more development is approved.
- Infrastructure- There are inadequate school places; doctors and dentists can't cope with current numbers, this will make things worse. Inadequate parking available within the village to cope. Concern over adequacy of sewerage and drainage facilities. Cumulative impact has not been taken into account.
- Air quality – There is already poor air quality in the vicinity due to traffic congestion, this will make it worse, particularly impacting Children walking to school.
- Loss of Green Belt and open land to the detriment of the character of the area.
- Unacceptable urban sprawl- concern that Sawbridgeworth, Bishops Stortford and Harlow will join up to become large conurbation.
- Loss of natural habitats, wildlife and landscape.
- Loss of area of open countryside recreation which will have detrimental impact on mental and physical health.
- Harm to the character of the village as it will grow too rapidly and new people will not integrate.
- Poor design and layout creating poor living environment out of keeping with the village, and will have a negative visual impact.
- Harm to the quiet serenity of the adjacent cemetery.

- Concern over noise and light pollution.
- Concern over noise and disruption during construction.
- Masterplan has not been produced so local people have not had a chance to be involved.
- Just a money making project for greedy people.
- Concern about loss of Northfield House, is it not listed.
- Documents submitted in support of the application are full of errors and can't be relied on.
- Development should provide housing to meet needs of local elderly who need appropriate housing, this would free up family houses in the area.
- If the density of phases 1 and 2 continues into Phase 3 then it will far exceed the numbers planned for.
- The number of houses required by the District Plan has already been exceeded therefore there is reduced need for this development.

8.0 Consideration of Issues

Principle of Development

- 8.1 The objections of residents and Sawbridgeworth Town Council to the principle of the development are noted. However, the site forms part of the development strategy in the District Plan as detailed in Policies DPS1, DPS2 and DPS3 and Sawbridgeworth Policies SAWB1 and SAWB4.
- 8.2 The overall SAWB4 allocation is for around 200 dwellings and it is acknowledged that the current proposals for just two thirds of the site could result in 184 dwellings which means that there is potential, when phase 3 comes forward, for a significantly greater number than 200 to be provided overall. If the same density were to be continued into Phase 3 the scheme would result in potentially around 250 dwellings on the site (a 25% increase over the allocation) However, the masterplan framework indicates that phase 3 is to be largely of a lower density as it is to provide a softer edge to the northern side of the development where it abuts the Green Belt.

- 8.3 The suitability of the additional development on phase 3 will be assessed as and when such an application is submitted, but it is not considered that the amount of dwellings proposed within phases 1 and the two is excessive. The density of about 30 dwellings per hectare is considered appropriate to this location, and in the absence of any particular harm being identified as a result of the uplift it is not considered that the development could be resisted on this basis.
- 8.4 The principle of the development is therefore established in the District Plan development strategy and this should be attributed significant positive weight.

Master planning

- 8.5 Policy DES1 of the District Plan provides that all significant proposals will be required to prepare a Master Plan setting out the quantum and distribution of land uses, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters.
- 8.6 The master planning process for the site originally commenced in 2017 at the same time as that for the SAWB2 and SAWB3 sites, but unfortunately stalled in 2018. The masterplan process recommenced in 2019 and involved meetings with the Sawbridgeworth Steering Group and review by the Hertfordshire Design Review Panel.
- 8.7 The Masterplan Framework submission was approved by the Council on 23rd October 2019 as a material consideration for development management purposes. The application proposals are in accord with the development design concept outlined in the Master Plan Framework.

- 8.8 The early delivery of this strategic housing site and the conformity of the application with the design principles established in the Master Plan carry significant positive weight.

Layout, Design and Appearance

- 8.9 The overall layout detailed for Phase 1 broadly mirrors the design concept formulated during the master planning process and the Master Plan Framework adopted by the Council on 23rd October 2019.
- 8.10 The main access remains in the position of the existing access, and there are significant junction improvements proposed including a dedicated right turn lane. Houses adjacent to Cambridge Road, face towards the road rather than turning their back to it, but will have parking and vehicular access to the rear. The secondary, northern access is also to be maintained and will serve a small cul de sac of dwellings.
- 8.11 The existing trees within the centre of the site provided the basis for the location of the open space, which will be the main placemaking feature of the site. An L shaped area of open space is proposed, through the central area of the site, which enables the main existing tree groups to be maintained and the existing right of way from the boundary with Marlands to the access track to be maintained. An area of informal play is proposed within the southern area of this open space.
- 8.12 The built development would be predominantly 2 storey in height with some dwellings having accommodation within the roofspace. A part three storey apartment block is proposed at the southern side of the site towards the existing built up area and a single pair of part 3 storey semi-detached properties is proposed overlooking the main open space in the centre of the site, as feature properties.

- 8.13 The proposed dwellings generally are of traditional external design and appearance reflective of the predominant traditional architecture around Sawbridgeworth. The designs provide variety, and subject to suitable materials being agreed will present a pleasant, good quality environment.
- 8.14 The nearest properties to the south in Marlands are on lower ground and the relationship between these properties and the proposed development has been amended in the course of the application to ensure that there is no significant loss of privacy or overshadowing of the existing properties. Properties in Queen's Close have rear elevations facing towards the site, and instead of looking out over fields will have the rear of two storey dwellings. However the scheme shows that there will be in excess of 30 metres between the two rear elevations which is in excess of normal back to back distances and this relationship is appropriate.
- 8.15 Whilst the apartment block lies close to the southern boundary, it drops down to two storey height where it is closest to existing properties and it will not result in excessive loss of light or privacy to the existing residents.
- 8.16 To the immediate north of the site there are some two storey residential properties, however these are separated from the site by a substantial tree screen (outside the application site) and it is not considered that they will be significantly impacted by the development.

Housing and affordable housing

- 8.17 The proposal is to provide 40% affordable housing in compliance with policy.
- 8.18 In Phase 1 the mix proposed mix is as follows:

Market housing

Type	Number	%
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One bed flat	0	0
Two bed flat	0	0
Two bed house	8	15
Three bed house	12	23
Four bed house	25	49
Five bed house	6	12
Total	51	

Affordable housing

Type	Number	%
One bed flat	3	9
Two bed flat	7	20
Two bed house	15	44
Three bed house	8	25
Four bed plus house	1	3
Total	34	

- 8.19 Whilst the unit mix proposed do not fully accord with the SHMA, phase 1 of the development does achieve the full 40% affordable units required by policy. In addition the mix has been amended in the course of the application to increase the proportion is 2 bed houses to help address an identified local need for houses suitable for accommodating families with children. It is considered the current proposed split, which has responded in part to the comments of the Councils' Housing Strategy Officer, is acceptable, particularly as there is scope to further address the SHMA imbalance within phase 2 of the development.
- 8.20 The affordable units are appropriately split between Social Rent and Intermediate housing.
- 8.21 The affordable units are located in 3 clusters in different parts of the site and are designed to be tenure blind in accordance with policy. The Housing Officer has concern that the only flatted units within phase 1 are affordable units, implying that they are therefore not

tenure blind, however the submitted indicative mix for phase 2 does include private flatted units.

- 8.22 All properties are designed to meet Building Regulations standard M4(2) Category 2 Accessible and Adaptable dwellings, and 3 of the proposed affordable units (including a 3 bed family home) are designed to meet the Lifetime Homes Building Regulations Standard M4(3) for wheelchair access in accordance with policy HOU7 of the adopted District Plan.
- 8.23 The provision of affordable housing to help meet the housing need of the District is accorded some weight in favour of the development.

Highways and Parking

- 8.24 The application is supported by a Transport Assessment, the methodology for which was agreed with the Highway Authority via a number of pre application meetings and scoping notes prior to the submission of the application. The site access is proposed from Cambridge Road which is designated as the A1184 classified main distributor road and is subject to a speed limit of 40 mph along the point of access. The Highway Authority has confirmed that they are satisfied in principle with the access details.
- 8.25 The internal layout of the roads within phase 1 of the development proposals accord with the requirements of the Highway Authority and allow for access by the 10.5m fire tender and the 12.1m Waste Collection vehicle that are currently used within Hertfordshire. The main access road is also of sufficient width to accommodate the boat transporter that may need to utilise it to access the river to the east. The gradients of the proposed roads within the site are appropriate with a maximum gradient of 1:20 along the main access corridor.
- 8.26 With regard to public transport, the nearest bus stops to the site are proposed to be provided either side of Cambridge Road such that all dwellings will be within 400m of a bus stop complete with an

informal pedestrian crossing with dropped kerbs, tactile paving and a central refuge island. The bus stops are served by route 508, 509 and 510 bus services, which currently serve the Cambridge Road Corridor and will provide public transport connectivity between the site, Sawbridgeworth town centre and Harlow to the South and Bishops Stortford and Stansted Airport to the North.

- 8.27 Frequent rail services are available from Sawbridgeworth Station approximately 1.1 miles south east of the site. These services operate to Stansted Airport and Cambridge North and south to Harlow, Stratford and London Liverpool Street. Services from Cambridge North to Liverpool street typically operate hourly (although there are additional peak period trains). Services from Bishops Stortford to Stratford typically operate every 30 minutes.
- 8.28 Links are provided throughout the site creating a pedestrian network which connects with the existing shared use path on Cambridge Road and the Public rights of way through and adjacent to the existing site. The pathways provide good links to the proposed bus stops and to local services. It is proposed to widen the footpaths outside the site on Cambridge Road.
- 8.29 There is limited cycling specific infrastructure in Sawbridgeworth with most routes being made up of quiet streets. National Cycle route (NCR11) starts adjacent to the Leventhorpe School. This provides a traffic free cycle route between Sawbridgeworth and Spellbrook which will be improved as part of this application.
- 8.30 A Framework Travel Plan has been submitted which sets out overall targets and indicators for the site and a full travel plan and monitoring to ensure continued encouragement and promotion of sustainable transport can be secured by condition and Legal Agreement.
- 8.31 The likely increase in trip generation as a result of the development has been assessed and although there will clearly be an increase in traffic movements, the likely peak time movements in the morning 08:00 to 09:00 will be around 92 and in the evening around 121,

which is an average of just 2 additional vehicle movements on the adjacent road network per minute during the peak travelling times. The Highway Authority has confirmed that this would not be considered to have a “severe” impact.

- 8.32 Significant improvements to the local highway network have already been secured through the developments approved for SAWB2 and SAWB3 and as such the main focus for SAWB4 is towards funding improvements to walking and cycling links as identified by the Highway Authority within the Sawbridgeworth Local Cycling and Walking Plan. Section 106 contributions are requested to achieve this and this is covered at the end of this report.
- 8.33 With regard to parking, most properties would have on plot parking, usually including either a garage or car port, however some parking courts are also proposed along with some individual visitor parking spaces.
- 8.34 The Council’s updated parking standards suggest that for the mix of dwellings proposed in Phase 1, 208 spaces should be provided, although a reduction of up to 25% can be acceptable. In this instance however the submitted scheme would provide a total of 217 spaces, slightly above the requirement. This is 200 allocated spaces for residents and an additional 17 unallocated spaces 16 of which are for visitors and one is to allow parking in connection with servicing the proposed electricity sub-station.
- 8.35 Given that the internal roads within the site are shared surfaces with limited scope for on street parking the inclusion of specific visitor spaces is welcomed and should help prevent inappropriate or inconsiderate parking within the development.
- 8.36 3 disabled spaces are included in connection with the proposed wheelchair accessible units.
- 8.37 Covered secure cycle storage facilities are proposed for every dwelling and electric vehicle charging points are proposed in accordance with policy and this can be secured by condition.

- 8.38 Overall the proposed access, parking and transport provision and mitigation measures are considered to meet policy requirements and this carries neutral weight in the consideration of the application.

Healthy and Safe Communities

- 8.39 One of the Council's priorities is to improve the health and wellbeing of residents and all new developments need to ensure that there is adequate provision for open space, recreation, walking and cycling, sport and recreation and community facilities.
- 8.40 The proposed development includes the provision of open space within phase 1 including a small informal Local Area of Play (LAP). However it is considered that given the scale of the overall allocation and the fact that the nearest LEAP is not particularly accessible, there is a need for improved play provision including for older children. However at this stage the best location for such facilities has not been fully explored and may include additional funding to existing facilities, if improvements to access can be achieved, as well as some provision within Phase 2.
- 8.41 It is considered that a condition requiring submission of a full play strategy to be submitted with the reserved matters application for phase 2 will ensure that the issue is appropriately addressed.
- 8.42 There is no requirement within the SAWB4 Policy or the approved masterplan for any sporting or community facilities to be provided within the allocation. However, given the increased pressure that residents of the proposed development will place on facilities it is necessary to secure appropriate payments towards the provision or improvement of such facilities. This can be achieved through Section 106 contributions. Utilising the Councils recently adopted Open Space Sport and Recreation SPD as the basis for calculating contributions, the applicants have agreed to provide the required contributions as set out at the end of the report.

- 8.43 In addition, increased population will inevitably place additional strains of the NHS and they have requested contributions towards local primary care/GP provision. In this case (as with both SAWB2 and SAWB3) the monies are to go towards the expansion of Central Surgery in Sawbridgeworth.
- 8.44 Contributions are calculated based on the number of properties and sometimes the number of bedrooms of the units proposed. Whilst these figures are known for Phase 1 of the development it should be noted that the outline application for phase 2 is for “up to” 99 units, so could potentially be fewer, and no details other than access are to be agreed at this stage, therefore the full contribution level for phase two cannot yet be calculated. The formula for calculating the contributions will however be included in the Section 106 agreement to ensure appropriate contributions will be made.

Climate Change, flood risk and sustainable Drainage

- 8.45 The application was supported by a flood risk assessment and drainage details however the Lead Local Flood Authority raised a significant number of concerns and additional details have been provided and reassessed in the course of the application. The details now submitted demonstrate that the scheme can achieve the required sustainable drainage and will neither be at risk of flooding nor increase the risk of flooding elsewhere.
- 8.46 Sustainable drainage including the provision of swales within areas of open space, are integral to the design of the development. The LLFA has now confirmed that the proposals are acceptable subject to conditions, and take into account climate change.
- 8.47 Having regard to climate change adaption and mitigation (Policies CC1 and CC2) and the building design requirements of Policy DES4, the application is supported by sustainability details within the Design and Access statement and as the application was registered before the requirement for a sustainability statement became part of the Council’s validation requirements, additional information was requested in the course of the application. The developer has, now

provided a Sustainability Statement, an Energy Statement and a copy of Countryside Homes Social Value and Sustainability Policy.

8.48 The development is led by a fabric-first approach, to reduce energy need over the lifetime of the home which includes recycled materials where possible to reduce the embodied carbon impact. In addition the proposals include amongst other things:

- Energy efficient lighting.
- Low and reduced water demand fittings, to limit usage to 110L of water per person per day.
- Infrastructure to install car charging points facilitated for every property.
- High efficiency combi boilers.
- Zoning temperature controls.
- Efficient use of materials and use of recycled materials
- All white goods to be rated 'A' or higher.
- Site waste management plan throughout construction.
- Water butts in gardens.
- Free bus tickets as per the proposed Section 106 agreement to encourage sustainable travel.
- Implementation of a Travel Plan.

8.49 Policy CC2 of the Local Plan requires that all new development should demonstrate how carbon emissions will be minimised across the development site, and advises that "achieving standards above and beyond the requirements of the Building Regulations is encouraged". The submitted Energy Statement indicates that phase one of the development will achieve at least a 3.5% reduction in CO2 over and above the current Building Regulations Part L1A requirement. A condition is proposed to ensure that this is achieved on site. With regard to Phase 2, as the design and layout of the dwellings is not yet known, no figures can be produced, but the developer has committed to ensuring that Phase 2 will similarly achieve at least a 3.5% reduction in Carbon Emissions over the current Building regulation requirements. Again it is proposed that this be secured by condition.

- 8.50 In the absence, at present, of any adopted sustainability guidance, it is considered that the information provided is sufficient to demonstrate that the proposals are in compliance with the climate change policies within the adopted District Plan. This carries neutral weight in the consideration of the application.

Contamination and Pollution

- 8.51 The development has been identified as likely to impact on air quality in an Air Quality Management Area (AQMA) and the submitted Air Quality Assessment report identifies that the full development (phases 1 and 2) will have an impact on NO₂ concentrations within the Sawbridgeworth AQMA No 3 London Road. These figures however do not take into account the impact of the proposed travel plan and contributions towards improvements to walking and cycling which are proposed together with the provision of electric vehicle charging points and it may be that these elements would be sufficient to offset the small increase that is predicted. A condition is suggested to secure further information and if necessary to identify further mitigation measures to ensure that there is no worsening of air quality as a result of the development.
- 8.52 EHDC Environmental Health officer raised concern with regard to traffic noise levels within gardens of 2 of the properties proposed adjacent to Cambridge Road which will be above recommended levels but given the relative proximity of open space within the scheme, (about 50m from the affected dwellings), is content that there is suitable access to quiet open space in accordance with guidance and therefore this would not warrant refusal of the application.
- 8.53 Conditions relating to construction management, contaminated land and noise mitigation are recommended.

Historic Environment

- 8.54 The site falls within an area of significant potential for archaeological finds and HCC Historic Environment Officers requested that trial trenching be carried out prior to the determination of the application. This work was carried out and a report submitted in support of the application.
- 8.55 The study identified scattered archaeological remains from several time periods. Advice from HCC is that although these remains are of local importance, they are not of sufficient interest to warrant insisting on amending the masterplan document to avoid the deposits. Rather a condition is suggested to secure trial excavations post approval but prior to commencement of development to ensure that suitable recording takes place. This condition is included within the recommendation.
- 8.56 There are no listed buildings within the site, but to the north west side of the site there is the 16th-17th Century Grade II listed Three Mile Pond Farmhouse and its associated listed outbuildings. Whilst the development clearly encroaches closer to these buildings, they are very much within their own enclave and as a result it is not considered that there will be any significant adverse impact on their setting from the development.
- 8.57 Some concern has been raised by neighbours with regard to the demolition of Northfield House within the site: this property is not listed or locally listed, and whilst a relatively attractive dwelling, its loss is considered acceptable in order to achieve the best use of the land in accordance with policy.
- 8.58 The lack of any identified harm with regard to the historic environment carries neutral weight in the planning balance.

Natural Environment

- 8.59 With regard to the natural environment, the application was supported by a full tree survey, a landscape impact assessment,

phase 1 habitat survey and a phase 2 habitat survey with associated species specific surveys and in addition a Biodiversity Metric, as required by policy. Throughout the masterplan and application process the intention has been to minimise impact on existing habitats and species, ensure a net increase in biodiversity within the development as a whole, maintain green infrastructure, and established trees, hedgerows and green corridors.

- 8.60 The submitted Phase 1 Habitat Survey assesses the potential impact of the development on International, National and locally designated Nature Conservation Sites and on non designated features of Nature Conservation Interest.

- 8.61 There are no European Designated Sites within 10Km but there are 5 Statutory Designated Sites within 5km including Sawbridgeworth Marsh which is a Site of Special Scientific Interest (SSSI) which lies within 400m to the east of the site. In addition there are 11 Local Wildlife Sites within 2km. (5 of which are within 1km.) No habitats of Principle Importance were found within the site.

- 8.62 With regard to protected species, bat and reptile surveys were carried out and one of the buildings to be demolished was found to be a bat roost and 4 trees were found to have some limited potential to be bat roosts. Demolition of the building will need to be carried out under a European Protected Species Mitigation Licence and mitigation and compensation measures are required and mitigation is also proposed with regard to the felling of trees.

- 8.63 The reptile survey discovered a low population of slow worm and common lizard on site and translocation and mitigation measures are proposed. In addition precautionary mitigation is to be provided for nesting birds, foraging/commuting badgers, hedgehogs and brown hares.

- 8.64 Policy requires that new developments demonstrate a net gain in biodiversity where it is feasible and proportionate to do so. The applicants have provided a Biodiversity Metric for each phase of the development, this indicates that whilst there will be a net loss of

habitat units as a result of phase one, a significant habitat gain can be achieved in phase 2 to result in a reasonable net gain, over the two phases, of 4.42%. Whilst this is below the 10% that the Hertfordshire Ecology advisor is seeking, as yet this is not a policy requirement and cannot be required.

- 8.65 Conditions are proposed to ensure that the mitigation measures and the overall net biodiversity gain predicted are fully achieved and maintained in accordance with policy.

Infrastructure/Planning Obligations

- 8.66 Infrastructure requirements as a result of the development have been assessed and the following contributions have been identified as necessary to make the development acceptable in planning terms.

HCC Requirements:

- Primary School Provision - financial contributions towards Mandeville School expansion, £2,347,823
- Secondary School provision - £426,032. To Leventhorpe School Expansion
- Early Years provision £85,507 To High Wych Pre School.
- Library Contribution £30,316 to Sawbridgeworth library
- Youth Contribution £8,078 To the Bullfields Centre
- Highways Sustainable Transport Contribution £200,625 towards projects within the Sawbridgeworth Local Cycling and Walking Plan.
- Bus pass Contribution as part of Travel Plan package £53,354
- Travel Plan Monitoring Contribution £6000

- 8.67 In addition a S278 agreement with the County will secure the highway works and junction improvements set out within the application.
- 8.68 The NHS has requested £130,235.79 towards GP provision (Central Surgery Sawbridgeworth)
- 8.69 In addition draft contributions required for EHDC for the combined phases are as follows:
- Recycling and refuse Container Provision for new residents £10,174
 - Sports hall Contribution to Leventhorpe Leisure Centre and/or Grange Paddocks Leisure Centre £79,823
 - Swimming pool contribution £85,183 to Leventhorpe Leisure Centre and/or Grange Paddocks Leisure Centre.
 - Health and Fitness Contribution £32,667 to Leventhorpe Leisure Centre and or Grange Paddocks Leisure Centre.
 - Community Buildings Contribution £69,243 to the Bullfields Centre.
 - Playing Pitches contribution £17,421 to Sawbridgeworth Town FC

9.0 Planning Balance and Conclusion

- 9.1 The proposals will deliver up to a maximum of 184 dwellings as part of the adopted District Plan strategy, including 40% affordable units this carries significant positive weight.
- 9.2 Overall, it is considered that the design of the layout and buildings within Phase one is policy compliant, the drainage strategy provides for the use of good quality SuDS. A fabric first approach is taken to

reducing CO2 emissions and appropriate levels of water usage will be achieved.

- 9.3 The development provides satisfactory access and parking and the required highway mitigation levels such that the highway implications of the development are considered to be neutral.
- 9.4 Subject to conditions and mitigation appropriate ecological enhancements, can be achieved for the development overall and this carries neutral weight.
- 9.5 The housing mix proposed within phase 1 is considered acceptable and the mix within phase two will be determined within the reserved matters application.
- 9.6 The proposal delivers appropriate levels of financial contributions towards infrastructure and this carries neutral weight.
- 9.7 Overall on the balance of considerations, the proposals are considered to provide a sustainable form of development in accordance with planning policy.

RECOMMENDATION

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

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement, the contributions to be contained therein and conditions.

Draft Legal Agreement

Financial contributions set out below have been calculated based on the number and mix of dwellings proposed for phase 1 of the development plus the indicative housing number (99) and mix that has been suggested for phase 2. As such the final level of contributions may change if the number and or size of dwellings and composition within phase 2 changes

during the reserved matters process. However the formulae for calculating the figures will be set within the legal agreement. In addition it should be noted that the figures quoted here are based on cost calculated at specific points in time and need to be index linked to differing indexes at the time that the agreement is signed. The relevant indexation tables will be included within the Section 106.

- The provision of 40% affordable housing 84% affordable rent in and 16% intermediate affordable housing.
- Primary School Provision - financial contributions towards Mandeville School expansion, £2,347,823
- Secondary School provision - £426,032. To Leventhorpe School Expansion
- Early Years provision £85,507 To High Wych Pre School.
- Library Contribution £30,316 to Sawbridgeworth library
- Youth Contribution £8,078 To the Bullfields Centre
- Highways Sustainable Transport Contribution £200,625 towards projects within the Sawbridgeworth Local Cycling and Walking Plan.
- Bus pass Contribution as part of Travel Plan package £53,354
- Travel Plan Monitoring Contribution £6000
- Provision of Fire Hydrants
- NHS £130,235.79 towards GP provision (Central Surgery Sawbridgeworth)
- Recycling and refuse Container Provision for new residents £10,174
- Sports hall Contribution to Leventhorpe Leisure Centre and/or Grange Paddocks Leisure Centre £79,823

- Swimming pool contribution £85,183 to Leventhorpe Leisure Centre and/or Grange Paddocks Leisure Centre.
- Health and Fitness Contribution £32,667 to Leventhorpe Leisure Centre and/or Grange Paddocks Leisure Centre.
- Community Buildings Contribution £69,243 to the Bullfields Centre.
- Playing Pitches contribution £17,421 to Sawbridgeworth Town FC

Draft Schedule of Conditions

1. Three Year Time Limit

The part of this development (Phase 1) for which full planning permission has been granted 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 and to ensure the timely implementation of the development in accordance with Policy SAWB4 of the East Herts District Plan 2018.

2. Approved plans

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. Outline permission time limit - OUTLINE

Applications for the approval of the Reserved Matters (Phase 2) shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted in Outline form shall be begun not later than 5 years from the date of this permission, or not later than two years from the date of approval of the last Reserved Matters, whichever is the later.

Reason: To prevent the accumulation of unimplemented permissions, to comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure the timely implementation of the development in accordance with Policy SAWB4 of the East Herts District Plan 2018.

4. Details of Reserved Matters

No development, in relation to that part of the site for which Outline planning permission is granted, apart from enabling works, earthworks and access works, shall commence before detailed plans showing the layout, scale and external appearance of the buildings to be constructed and landscaping to be implemented (hereinafter referred to as "the Reserved Matters") on that part of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason: To comply with the requirements of section 92 of the Town and Country planning Act 1990 and the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and to ensure that high standards of urban design and a comprehensively planned development are achieved in accordance with the NPPF.

5. Play Strategy

Concurrent with the submission of reserved matters details a play strategy document shall be submitted to demonstrate how adequate play provision can be provided is best achieved for the site to meet the needs arising from the development as a whole. The Play Strategy, and will include provision of at least a 400sqm LEAP within the site, rising to 600sqm in the event that the Play Strategy can not secure improvement to existing local play facilities and pedestrian routes to them sufficient to offset the shortfall within the site.

Reason: To ensure adequate play provision to best meet the needs of all age groups taking into account existing facilities in the area

and ease of access to it in accordance with the adopted East Herts Open Space, Sport and Recreation SPD May 2020.

6. Tree/hedge retention and protection

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

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

7. Broadband Infrastructure

Each dwelling within the development hereby approved shall be provided with high speed broadband infrastructure in accordance with the submitted details and timetable, (Phases 1 and 2 BT FTTP Provision) such that it is available for use on first occupation of the property to which it relates.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy DES4 of the East Herts District Plan 2018.

8. Electric Vehicle Charging Points

Prior to the commencement of any Phase of the development hereby permitted details of the installation of and measures to facilitate the provision of electric vehicle charging points to that phase shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery. Once approved, electric vehicle charging points shall be installed in accordance with the approved details and made available for use prior to first occupation.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy DES5 of the East Herts District Plan 2018.

9. Materials of construction

Prior to any above ground construction works being commenced on a phase of development the external materials of construction for the buildings on that phase shall 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.

10. External Lighting Details

Prior to the installation of external lighting in connection with the development, details of any lighting shall be submitted to and approved in writing by the Local Planning Authority development. The development shall then be carried out in accordance with the approved details.

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

11. Withdrawal of P.D. (Part 1 Classes A, AA and B)
Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse, additional storeys, and alterations to the roof as described in Schedule 2, Part 1, Classes A, AA and B of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

12. Retention of parking space
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety, in accordance with Policy TRA3 of the East Herts District Plan 2018.

13. Vehicular use of garage
The garage(s) hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policies TRA3 and EQ2 of the East Herts District Plan 2018.

14. Cycle Storage
The cycle storage facilities for each dwelling shown on the approved plans shall be provided prior to the occupation of each dwelling to which they relate and shall thereafter be retained.

Reason: To ensure adequate provision for cycle storage in the interests of sustainable transport in accordance with policy TRA1 of the East Herts District Plan 2018

15. Air Quality

No occupation of any dwellings within phase 2 of the development hereby approved in outline shall take place until a scheme identifying mitigation measures (and a timetable for their implementation) to ensure that air quality within the Sawbridgeworth Air Quality Assessment Zone is not adversely impacted by the development, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be fully implemented in accordance with the agreed timetable.

Reason: To ensure that there is adequate mitigation for any breach of Air Quality Objectives that may arise as a result of the development, in accordance with Policy EQ4 of the adopted East Herts Local Plan 2018.

16. Low NOx Boilers

As outlined in the application boilers being used on site shall be highly efficient low NOx boilers, and emissions should be no more than 40mgNOx/kWh.

Reason: To protect the Sawbridgeworth AQMA and to promote sustainable air quality levels for residents in accordance with policy EQ4 of the adopted East Herts District Plan 2018.

17. Wildlife Site Mitigation

Prior to first occupation of any dwelling within the development details of signage to be located adjacent to the footpath linked to the access to the River Stort and of a leaflet to be provided to all new residents shall be submitted to and agreed in writing by the Local Planning Authority. The signage and leaflet are to provide information/interpretation of the high value of the local meadows for biodiversity and to request that dogs are kept under control at all times and on a lead between April and July inclusive to help

protect ground nesting birds. The agreed signage shall be erected prior to first occupation and thereafter retained and the agreed leaflet shall be provided to all new residents on occupation.

Reason: To mitigate potential impact from from increased visitor usage of sites of wildlife importance in accordance with policy NE1 of the East Herts Local Plan 2018.

18. Maintenance of streets

No occupation shall take place on a phase of development until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason: To ensure ongoing maintenance in the interests of highway safety and amenity in accordance with policy TRA2 of the East Herts District Plan.

19. Travel Plan

Prior to first occupation of each phase of the development a Travel Plan following the principles set out in the submitted Travel Plan Framework shall be submitted to and agreed in writing by the Local Planning Authority. The agreed travel plan shall thereafter be implemented in full.

Reason: In order to achieve increased use of sustainable means of transport in accordance with Policy T1 of the East Herts District Plan.

20. Visibility Splays (Main access)

Prior to the occupation of the development visibility splays measuring 2.4 metres x 120 metres shall be provided to each side of the main access where it meets the highway of Cambridge Road and such splays shall thereafter be maintained at all times free from any

obstruction between 600mm and 2.0 m above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy TRA2 of the East Herts District Plan 2018.

21. Visibility Splays (minor roads)

Prior to the occupation of a dwelling in Phase 1 of the development, visibility splays measuring 2.4 metres x 36 metres shall be provided to each side of any access where it meets the principal access road and is required to access the dwelling. Such splays shall thereafter be maintained at all times free from any obstruction between 600mm and 2 metres above the level of the adjacent highway carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy TRA2 of the East Herts District Plan 2018.

22. Visibility Splays (for driveways)

Prior to the occupation of Phase 1 of the development hereby permitted 0.65 metre x 0.65 metre pedestrian visibility splays shall be designed each side of the driveways. They shall be measured from the point where the edges of the access way cross the highway boundary, 0.65 metres into the site and 0.65 metres along the highway boundary therefore forming a triangular visibility splay. Within which, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway.

Reason: To ensure construction of a satisfactory development and in the interests of highway pedestrian safety in accordance with Policy TRA2 of the East Herts District Plan 2018.

23. Prior to the occupation of the development hereby permitted, the vehicular accesses shall be provided and thereafter retained at the position as identified on drawing P0001 revision PL1 the principal access road shall be provided 5.5 metres wide. The kerb radii shall

be increased to 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.

24. Access Gradient

Prior to first use the gradient of the main access shall not be steeper than 1 in 50 for the first 20 metres measured from the edge of the carriageway of Cambridge Road thereafter the gradient of the internal access roads shall be not steeper than 1:20.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy TRA2 of the East Herts District Plan 2018.

25. Surface Materials

Prior to any above ground works within each phase of the development, details of all materials to be used in that phase for hard surfaced areas within the site, including roads, drainage details, driveways and car parking areas shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements in accordance with Policy 5 of the Hertfordshire Local Transport Plan 2018.

26. Cycle Route

Upon occupation of the 50th dwelling, the Phase 1 development shall provide a cycle route linking all areas of the development within the planning application redline boundary as shown on drawing numbers C00198-BRN-IG-XX-DR-C-8115-PL1 and C00198-BRN-IG-XX-DR-C-8116-PL1. The route should be detailed and

identified on a drawing showing appropriate hard surfacing, illuminated and with a minimum width of 3 metres where possible or shared use provision with a footway.

Reason: To ensure proper management of modal shift and encourage use of sustainable transport modes to travel within Sawbridgeworth and surrounding areas in accordance with Policy TR1 of the East Herts District Plan 2018

27. Archaeology

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

Reason: To ensure proper investigation and recording of archaeology within the site in accordance with East Herts District Plan Policy HA3.

28. Noise Mitigation

None of the dwellings shall be occupied until the scheme of noise mitigation measures (glazing, ventilation measures and fencing / brick walls) detailed in "Sawbridgeworth Residential Noise Impact Assessment – Phase 1 and 2", Report reference 1620006476, Report 001, Revision 5, dated March 2020, by Ramboll has been implemented for that dwelling in accordance with the approved details and it shall be retained in accordance with those details thereafter.

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

29. CEMP

Prior to the commencement of each phase of the development, a detailed Construction Environmental Management Plan (CEMP) for that phase, shall be submitted to and approved in writing by the Local Planning Authority, and the plan shall include the following:

- (a) The construction programme and phasing
- (b) Hours of operation, delivery and storage of materials
- (c) Details of any highway works necessary to enable construction to take place
- (d) Parking and loading arrangements
- (e) Details of hoarding
- (f) Management of traffic to reduce congestion
- (g) Details of any highway works necessary to enable construction to take place.
- (h) Details of site compound, parking and material storage areas.
- (i) Control of dust and dirt on the public highway.
- (j) Details of consultation and complaint management with local businesses and neighbours including contact details.
- (k) Waste management proposals
- (l) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- (m) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

All works shall be carried out in accordance with the approved CEMP thereafter.

Reason

In the interests of highway safety and the control of environmental impacts in accordance with policies TR2, DES4, EQ2 and EQ4 of the adopted East Herts District Plan 2018.

30. Site Waste Management Plan

Prior to the commencement of each Phase of the development, a detailed Site Waste Management Plan (SWMP) for that phase shall be submitted to and approved in writing by the Local Planning

Authority. The Site Waste Management Plan shall set out the following:

- a) Details of waste arising during both the site preparation, demolition and construction phases;
- b) Definition of the waste types;
- c) Whether waste is to be reused on the site or disposed from it, and the volumes being dealt with in these ways and the timing of waste disposal from the site;
- d) Where waste is being transported to, together with details of the waste carrier;
- e) The total volumes of waste created during enabling and construction works.

Once approved, the construction shall take place in accordance with the approved SWMP.

Reason: In order to minimise waste and ensure most sustainable disposal in accordance with policy CC2 of the East Hertford District Plan 2018.

31. Water Usage

Prior to the first occupation of the residential units, measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.

Reason: The Environment Agency has identified this area to be particularly water stressed and a reduction in water usage and increased water efficiency are necessary in accordance with Policy WAT4 of the District Plan 2018.

32. Landscaping

Prior to first occupation of each phase of the development hereby approved, details of landscaping within that phase shall be submitted to and approved in writing by the Local Planning Authority and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing

materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

33. Tree and Plant Replacement

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 and the NPPF.

34. Levels

Prior to any above ground development within each phase of development hereby approved (other than demolition) detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings for that phase, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

35. LEMP

A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of each phase of the development. The content of the LEMP must detail how it will achieve ecological unit score) of a minimum of 0.56 habitat units (4.42% increase) across the two phases and shall include the following.

- a) Description and evaluation of features to be managed based on approved ecological assessment.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for establishment and management actions.
- f) Preparation of a work schedule - including an annual work plan to be applied in perpetuity.
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In accordance with policy NE3 of the East Herts District Plan 2018.

36. Contamination

The development within each phase of development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme for each phase shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

- A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175: 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
- A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
- A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
- If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
- A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary

documentation detailing what waste materials have been removed from the site.

In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall then be undertaken by a competent person, in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings should be forwarded for approval to the Local Planning Authority. Following completion of remedial measures a verification report shall be prepared that demonstrates the effectiveness of the remediation carried out. No part of a phase of development shall be occupied until all remedial and validation works are approved in writing.

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 National Planning Policy Framework and in order to protect human health and the water environment in accordance with policies EQ1 and WAT2 of the East Herts District Plan 2018.

37. Maintenance of Communal Areas

Prior to the occupation of each phase of the development hereby permitted, details of the arrangements for the management and maintenance of all external communal areas for that phase shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include a plan identifying all external communal areas and equipment which are to be managed and maintained. Thereafter all such areas shall be managed and maintained in accordance with the approved details.

Reason: To ensure that all external communal areas within the development are managed and maintained to a suitable and safe standard in accordance with Policy DES4 of the East Herts District Plan 2018.

38. Flood Risk Assessment

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment carried out by Brand Consulting dated June 2020 reference 11401-Rev 07 and associated appendices A- X, Surface Water Flood Management Cambridge Road Addendum carried out by Brand Consulting dated 23 July 2020 and amended drawing 8103 Revision PL7 carried out by Brand Consulting and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Limiting the overall discharge rate into the River Stort to 5l/s/ha
3. Providing the required attenuation through the implementation of SuDS across the site to manage the increase in surface water volumes as a result of the development as detailed on drawings 8103 Revision PL7 and 8104 Revision PL4 carried out by Brand Consulting
4. Providing a range of SuDS features across Phase 1 of the development through the implementation of permeable paving, highway swales, attenuation pond and 2 underground storage tanks as shown on drawing 8103 Revision PL7
5. Providing the required estimated attenuation within a regional control cascading swale as shown on drawing 8104 Revision PL4 for Phase 2 and the provision of the implementation of source control measures as part of the detailed drainage strategy for Phase 2.
6. Providing the required attenuation to manage the increase of impermeable areas as a result of works to Cambridge Road and the site access as shown on drawing D-P0005 PL1 carried out by Atkins, drawing 8103 Revision PL7 carried out by Brand Consulting and Surface Water Flood Management for Cambridge Road Addendum dated 23 July 2020 carried out by Brand Consulting.
7. Management of the outfall at the River Stort in agreement with Canals and River Trust as outlined within the assessed, the proposed outfall will be susceptible to tide lock situations which

will result in reduced flows at the outfall. During the need for maintenance of the outfall at these times, provision will be made for upstream / downstream twinned penstock controls, to allow operators, to safely drain the network (at the controlled rate) and bypass the outfall flap valve control to permit maintenance.

8. An additional online surface water treatment provision will be required by CRT in the form of a temporary online petrol interceptor to temporarily manage surface water run-off from all phases of development prior to the discharge into the River Stort. The purpose of the interceptor will provide additional resilience in the treatment management profile for the site once the permanent infrastructure works are established. 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 of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy WAT1 of the East Herts District Local Plan 2018.

39. Drainage

No development shall take place until the final design of the drainage scheme for Phase 1 including the works to Cambridge Road has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Brand Consulting dated 23 July 2020, drawing 8103 Revision PL7, drawing 8104 Revision PL4 and Surface Water Flood Management Cambridge Road dated 23 July 2020 carried out by Brand Consulting. The scheme shall also include:

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

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

2. Final design of the attenuation tanks should incorporate silt traps and appropriate pollution prevention methods.
3. Details regarding any areas of informal flooding (events those exceeding 1 in 30-year rainfall event), this should be shown on a plan with estimated extents and depths. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event based on details proposals for the opening and diversion of the Main River.
4. Final design of the proposed discharge outfall into the River Stort.
5. Details of adoption and maintenance arrangements of the drainage scheme within Phase 1 including the residential area, Cambridge Road and spine road to the River Stort.
6. Details including the condition of the existing drainage infrastructure on Cambridge Road and how this will be managed and be incorporated into the required attenuation tank within the bus stop area and drainage infrastructure to manage the additional impermeable areas, discharge location and road levels including surface water flow paths.

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

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

40. SuDS maintenance (Phase 1)

Upon completion of the drainage works for Phase 1 a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for each phase for site drainage network.
2. Maintenance and operational activities for the period or the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with Policy WAT1 of the East Herts Local Plan 2018.

41. Surface Water Management (Phase 2)

No development approved by this planning permission associated with Phase 2 shall take place until such time as a scheme to manage surface water run-off has been submitted to, and approved in writing by, the local planning authority.

The surface water drainage assessment and scheme should, as a minimum, include the following information:

1. A detailed surface water drainage strategy including a supporting statement on how the drainage scheme for Phase 2 complies with the approved FRA carried out by Brand Consulting dated June 2020 Revision 7 and associated approved drawings in particular drawing 8104 revision PL4.
2. Detailed surface water drainage layout drawings showing the location of all proposed SuDS features and associated drainage infrastructure. All drawings should be 'final'.
3. Details of on-site source control measures to demonstrate how the required surface water treatment train will be provided prior to the discharge through the regional controlled swale.
4. Detailed engineering drawings of all SuDs features including all dimensions and cross sections and discharge location into the Phase 1 drainage infrastructure. All drawings should be a final design.
5. Supporting surface water calculations for all rainfall events up to and including all rainfall events up to and including the 1 in 100 year + climate change event.

6. Demonstrate there will be no onsite flooding from surface water at and below the 1 in 30-year rainfall event. Any informal flooding above the 1 in 30 year up to the 1 in 100 year plus climate change event will need to be annotated on the drainage layout drawings showing its extents, depth and any flow paths based on the proposed site levels.
7. Assessment of exceedance surface water run-off should the drainage system surcharge for events above the 1 in 100 year + climate change event, showing exceedance flow paths on the proposed surface water drainage and development layout plan. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

42. SuDS Maintenance (phase 2)

Upon completion of the drainage works for Phase 2 a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for each phase for site drainage network.
2. Maintenance and operational activities for the period or the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To reduce the risk of flooding to the proposed development and future users in accordance with policy WAT1 of the East Herts Local Plan 2018.

43. CO2 Emissions

Phase one of the development hereby approved shall be carried out in accordance with the submitted sustainability statement and shall achieve a minimum of 3.5% reduction of CO2 emissions above 2013 Building Regulations requirements in accordance with the details set out within the submitted Energy and Sustainability Strategy by AE Sustainability Consultants dated August 2020.

Concurrent with the submission of reserved matters for Phase 2 of the development a sustainability and Energy Statement shall be submitted to the Local Planning Authority for approval in writing. The Sustainability and Energy Statement shall demonstrate how the development will achieve a minimum 3.5% reduction in CO2 emissions over the 2013 Building regulation requirements. Phase 2 shall then be completed in accordance with the agreed details.

Reason: To ensure that carbon dioxide emissions as a result of the development are minimised in accordance with policy CC2 of the East Herts Local Plan 2018.

Informatives

1. Justification Grant (JG4)
2. Other Legislation (1OL1)

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 (Phase 1)**

Residential Density –	Bed Rooms	No of Units
No of existing units demolished		1
No of Flat units	1	4
	2	6
No of Houses	2	22
	3	21
	4	26
	5	6
Total		85
Total Affordable	40%	

Parking Zone	4	
Residential unit size (bedrooms)	Spaces Required per unit	Spaces required (total)
1	1.5	4
2	2	56
3	2.5	52
4+	3	96
Total Required		208
Accessibility Reduction	25%	
Resulting Requirement		156
Proposed total Provision Phase 1		217 (200 allocated residents spaces 16 visitor spaces and 1 space adjacent to substation)

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**SAWB4 : Planning Application 3/18/2735/FUL
Land north of Sawbridgeworth
Response by Sawbridgeworth Town Council**

Introduction

Sawbridgeworth Town Council has grave concerns relating to this planning application.

These are echoed by the significant number of responses that have been received from members of the public

This formal response is separated into two sections:

1. A general commentary on the nature and impact of the proposal
2. An itemised response to the consideration of the adopted District Plan 2018

1. General Commentary

The District Plan, specifies “around 200 homes” on the site. The Inspector modified this to “at least 200 dwellings”. This has opened the floodgates. The current application enumerates 85 dwellings in Phase 1 and 99 dwellings in Phase 2. By extrapolation there would be 60 dwellings in Phase 3. Thus, a total of 264 dwellings on the site. This considerably in excess of the stated around 200 homes. The statement made to the town council by the applicant that the density of dwellings in Phase 3 will be considerably less than in the first two phases is not credible.

There have been many comments about the inappropriate layout of the scheme which in its current form would cause a number of existing properties to be overlooked.

There is no mention in the application of sustainability measures and there is no mention of the use of renewable technologies. The LPA can and should insist on compliance with Government guidelines for homes built after 2025 – and this project is stated to extend into 2027. EHDC's statement in the District Plan 2018 para 17.3.6 states 'East Herts Council aspires for all development to exceed national standards and Building Regulations where possible and developments will be expected to utilise the best available sustainable design and technology as possible.'

Further, the application is also at variance with Committee on Climate Change advice. As independent advisers to the Government, their report 'UK Housing Fit for the Future?' (21 February 2019) says that 'New homes should be built to be low-carbon, energy and water efficient, and climate resilient... From 2025 at the latest, no new homes should be connected to the gas grid. They should be heated using low-carbon energy sources, have ultra-high levels of energy efficiency alongside appropriate ventilation, and be timber-framed where possible.'

The ongoing Future Homes Standard consultation (2.15) envisages that a new home 'would have a heat pump, a waste water heat recovery system, triple glazing and minimum standards for walls, floors and roofs that significantly limit any heat loss' and homes built to the Standard 'will become net zero carbon over time with no need for further adaptations or changes, as they will not be reliant on fossil fuels for their heating'.

It is incumbent upon the LPA to take these into account, especially as the build period will take us beyond the critical date of 2025.

There has been reported discussions between the developer and the LPA concerning the establishment of a cycling and walking infrastructure, especially a continuous link between Bishops Stortford and Harlow. These discussions must be matured into a

planning condition that obliges the applicant to make it happen in the area of the development.

The provisions for archaeological investigation of the site do not appear to be comprehensive. Apart from the known history of the site dating back to times immemorial, local knowledge also can reflect more recent usage of part of the site as a disposal area for notifiable waste. This is of great concern as it may have an impact on the long-term health and safety of developments in the area when the land is disturbed.

As yet no discussions have taken place on the question of how s106 funding will benefit the local community. It is imperative that this is not delegated to an LPA officer but includes the active participation of the Town Council, who after all have a far better knowledge of the needs of the local community.

Part of local involvement in the site should include opportunities for the town's history to be reflected in the choice of street names. It is our understanding that the developers are open to having such a dialogue.

2. Specific response against provisions of the adopted District Plan 2018.

1. The principle of the development

(i.e. District Plan Development Strategy)

- **DPS1 – Housing, Employment and Retail Growth**
- **DPS2 – Development Strategy 2011-2033**
- **DPS3 – Housing Supply 2011-2033**
- **DPS4 – Infrastructure Requirements**

This response deals with a specific planning application which must be considered against the provisions and Policies of the new District Plan.

The Council has a duty to reflect public opinion and to ensure that the standards of the community are retained.

The relevant Policies in the plan are:

- DPS1 – Housing, Employment and Retail Growth
- DPS2 – Development Strategy 2011-2033
- DPS3 – Housing Supply 2011-2033
 - In principle, the town council understands the need for the District Plan to specify the need for new housing in the area. In the town council's view, the Plan is flawed in several respects especially in regards to the town of Sawbridgeworth.
- DPS4 – Infrastructure Requirements
 - Although the policy as stated in the District Plan identifies a number of requirements, this application raises a number of issues not covered by the policy. See section 13 *infra*.

2. Quality of layout and design; including, layout, integration, open space, permeability,

landscaping, built design quality, energy/wastewater efficiency etc.

- **SAWB1 – Development in Sawbridgeworth**
- **SAWB4 – Land to the north of Sawbridgeworth**
- **DES1 – Landscape Character**
- **DES3 – Design of the Development**

- SAWB1 – Development in Sawbridgeworth
 - The application will bring the cumulative number of dwellings in the Sawbridgeworth to a number in excess of the total proposed for the town.
 - Number in the District Plan is circa 500. With the additional dwellings already approved for SAWB2 (140); SAWB3 (200) the proposal for SAWB4 (264) gives a total for the town to 604, this excess of 20% is certainly not “around” the District Plan figure and stretches the Inspector’s “at least” modification beyond all reasonableness.
- SAWB4 – Land to the north of Sawbridgeworth
 - The site is in a poor position compared with the viable alternatives that have been suggested.
 - This application is poorly thought out and does not adequately address the concerns that have been expressed by members of the public during the consultation period.
- DES1 – Landscape Character
 - The site is located on good arable land.
 - The most recent submitted profile modifications are detrimental to the look and feel of the area.
 - The proposal does not conform to EHDC’s aspiration

that “all development to exceed national standards will be expected to utilise the best sustainable design and technology as possible”

- DES3 – Design of Development
 - Poor design, unimaginative and tending towards a potential ghetto.
 - Does not sit comfortably in the site area
 - The proposed design is contrary to the essentially rural ethic of the town
 - As the Conservation and Urban Design response has highlighted, there are significant inconsistencies in the application which must be addressed,

3. Housing mix, density and affordable housing provision

- **HOU1 – Type and Mix of Housing**
- **HOU3 – Affordable Housing**
- **HOU6 – Specialist Housing for Older and Vulnerable people**
- **HOU7 - Accessible and Adaptable Homes**

- HOU1 – Type and Mix of Housing
 - The provision of two and a half storey buildings will be intrusive to the surrounding neighbourhood
 - No provision for essential worker dwellings
- HOU3 – Affordable Housing
 - Important that the 40% proportion is monitored and maintained. There must be no ambiguity about this and no retrospective renegotiation of this proportion.
 -
- HOU6 – Specialist Housing for Older and Vulnerable people
 - There are no dwellings which are essential for an adequate mix of dwelling types which reflects the demographic of the area.
- HOU7 - Accessible and Adaptable Homes
 - There is no commitment for the provision of wheelchair user dwellings.

4. Highway impact, parking and mitigation;

- **TRA1 – Sustainable Transport**
- **TRA2 – Safe and Suitable Highways Access and Mitigation**
- **TRA3 – Vehicle Parking Provision**

- TRA1 – Sustainable Transport
 - No mention is made of the issues relating to connecting with public transport, especially the rail links
- TRA2 – Safe and Suitable Highways Access and Mitigation
 - There is no specific provision for access for the transport used by less able people
 - There is no plan for traffic management through the construction phase.
 - Mitigation must be seen to be in place before construction starts.
 - Traffic surveys carried out thus far are invalid as they were carried out in school holidays.
 - There is no circular route through the development.
 - Access roads are not wide enough for utility / emergency vehicles.
- TRA3 – Vehicle Parking Provision
 - The provision of 1.5 car parking spaces per dwelling is inadequate
 - Provision on the development of car park spaces for visitors is inadequate
 - If pavement parking is to be permitted, is the soil under-structure adequate.

5. Sustainable Transport

- **TRA1 – Sustainable Transport**

- TRA1 – Sustainable Transport
 - No cohesive plan for walking and cycling is present in the application.
 - No provision for electric charging points is shown.
 - No plan is in place for providing community transport, especially for connecting with the rail station.
 - The cumulative impact on transport from all proposed developments has not been explored.
 - The assumptions upon the numbers of future residents who will walk or cycle to destinations in the area are unrealistic.

6. Healthy and Safe communities

(Secure by design, amenity space, play space, recreation etc.)

- **DES1 - DES2 – Landscaping**
- **DES5 – Crime and Security**
- **CFLR1 – Open Space, Sport and Recreation**
- **CLFR7 – Community Facilities**

- DES2 – Landscaping
 - There is only one entrance / exit shown to the site, this is inadequate and unsafe.
 - The interface with the A1184 is unsatisfactory in respect of safety and amenity, as has been highlighted by Hertfordshire Highways.
- DES5 – Crime and Security
 - The comments made by Herts Constabulary Crime Prevention Design Advisor on 21 February 2019 and 03 April 2020 are noted.
- CFLR1 – Open Space, Sport and Recreation
 - Only one green space / play area is shown, this is inadequate for the size of the proposed development.
 - The proposal relies on the existing Eden's Mount play area to satisfy the need for play space. Local knowledge enables us to assert that this is inadequate and at an impractical distance from the development.
- CLFR7 – Community Facilities
 - No current recognition is made of the need to increase the provision of medical facilities such as a doctor's surgery, dental surgeries and pharmacies.

7. Sustainable Drainage

- **WAT1 – Flood Risk Management**
- **WAT5 – Sustainable Drainage**

- WAT1 – Flood Risk Management
 - Discharge into main river will increase flood risk downstream.
 - It is noted that the LLFA are not satisfied with the arrangements proposed for the management of flood risk
- WAT5 – Sustainable Drainage
 - The SuDS plan must be proved to be valid for all areas of the site and a governance requirement for providing ongoing maintenance.
 - No commitment has been made by Thames Water to cater for the additional waste water that will be generated.

8. Environmental impact

(contaminated land, noise and air quality impact etc.)

- **EQ2 - Noise Pollution**
- **EQ3 - Light Pollution**
- **EQ4 - Air Quality**

- EQ2 - Noise Pollution
 - This issue has not been addressed, there are no noise pollution reports.
 - Impact of construction vehicles must be assessed
- EQ3 - Light Pollution
 - This issue has not been addressed, there are no light pollution reports.
- EQ4 - Air Quality
 - This issue has not been addressed, there are no air quality reports.
 - Noted however that air quality monitoring in the area has ceased.

9. Impact on the natural environment

- **GBR1 – Green Belt**

- GBR1 – Green Belt
 - No provision is made for preserving ancient hedgerows
 - There is no tree survey report available
 - There must be an 8-metre buffer zone next to the water course
 - There must be a 5-metre hedge set back to provide a buffer zone.

10. Heritage impact, including archaeology;

- **HA1 – Designated Heritage Assets**
- **HA2 – Non-Designated Heritage Assets**
- **HA3 – Archaeology**

- HA1 – Designated Heritage Assets
 - There are some affected by this application, specifically Grade II listed farmhouses and outbuildings.
- HA2 – Non-Designated Heritage Assets
 - There may be some affected by this application
- HA3 – Archaeology
 - A geophysical survey and an archaeological investigation must be required on this ancient site prior to any disturbance.
 - Attention to be paid to the Domesday Book records of the area.
 - Attention must be paid to local knowledge which identifies more recent activity in the area which may affect the health and well-being of future occupants of

the developed area.

11. Neighbour impact;

- **DES4 – Design of Development**

- It is important to understand the impact of this proposal upon the neighbourhood, specifically:
 - The impact upon children walking to school
 - The effect of shifting population from Bishops Stortford South
- Design of Development
 - The application pays little attention to the desirable elements of this policy, in particular in relation to the provision of electric charging points, Wi-Fi etc.
 - There is no commitment to the installation of full fibre broadband (fibre-to-the-premises) to each new home.

12. Other matters (not covered above)

- No commitment has been made to a construction plan. This is vital if the neighbourhood is not to be disturbed.
- Commitment is needed to give priority to local people for social housing
- Schools admissions policy must also be geared to local people.
- Commitment must be given to providing key worker housing.
- There is no Sustainability and Energy Statement submitted as part of the planning application.

13. Infrastructure delivery, including s106 matters;

- **CLFR9 – Health and Wellbeing**
- **CLFR10 – Education**
- **DEL1 – Infrastructure and Service Delivery**
- **DEL2 – Planning Obligations**

- CLFR9 – Health and Wellbeing
 - s106 funding needed for essential expansion of medical services
- CLFR10 – Education
 - s106 funding needed for essential expansion of primary and secondary education facilities
 - school needs must be met and have not been addressed
- DEL1 – Infrastructure and Service Delivery
 - s106 and/or s278 funding needed for essential provision of road infrastructure to prevent escalation of existing congestion.
 - Ensure the provision of cycling and walking infrastructure is in place to facilitate the movement of residents to the town, schools and to travel hubs.
- DEL2 – Planning Obligations
 - s106 funding needed for delivering Planning Obligations, which must be put in place as part of this planning application process

14. Conclusion - consideration of the planning balance (positives and negatives) of all of the above issues to assess overall sustainability.

From the points summarised on the preceding pages it is clear that this application is contrary to a number of the Policies contained in the adopted District Plan.

The application does not acknowledge or take into account the consultations and advice given regarding future proofing of the development. It is incumbent upon the LPA to insist on the development conforming to the stated aspirations of EHDC as stated in the adopted District Plan 2018.

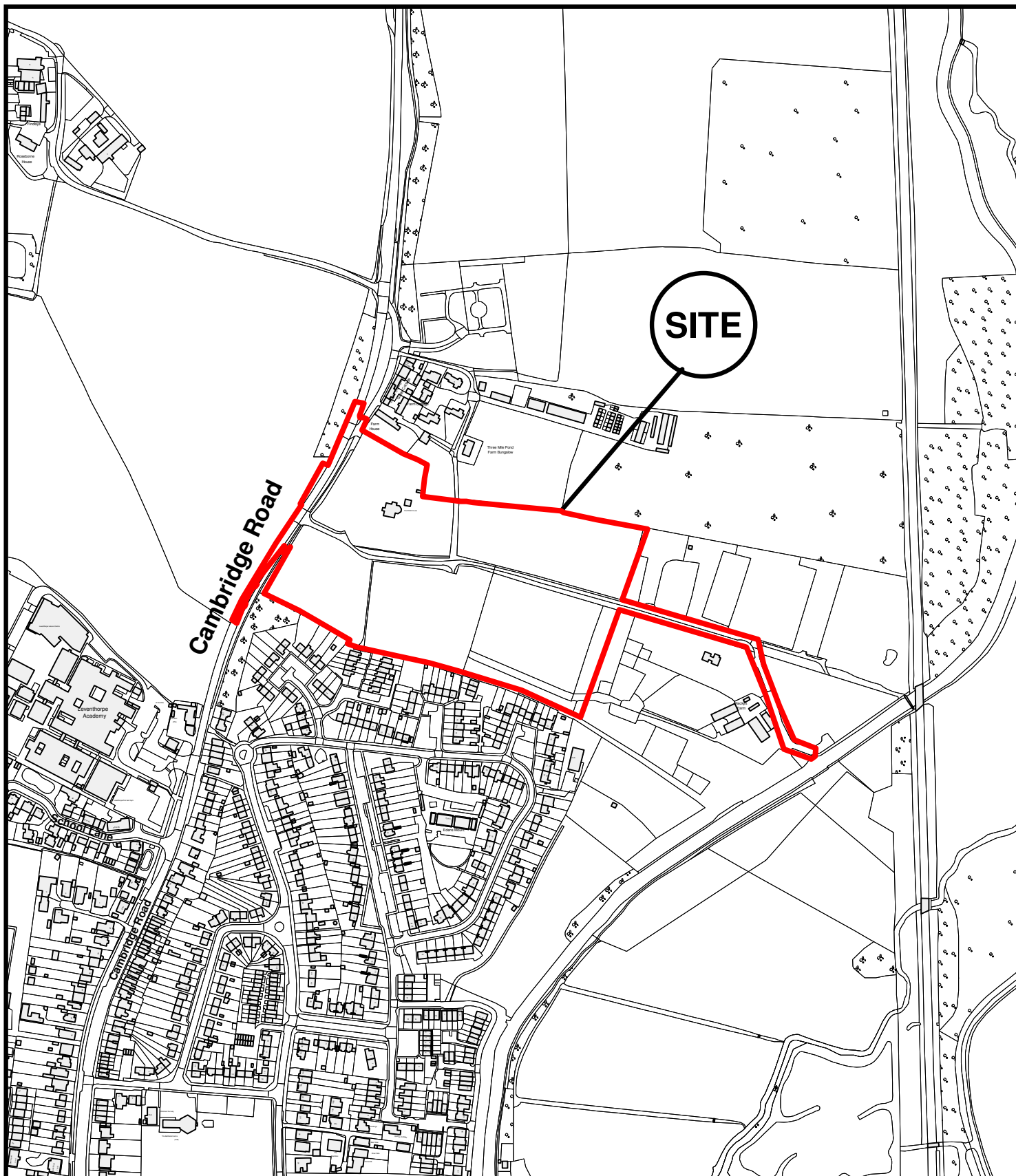
It is particularly noted that there is no Sustainability and Energy Statement submitted as part of the planning application. This is regarded as an essential aid to monitoring the quality and suitability of any construction.

It is clear from the numerous detailed comments made by many members of the public submitted independently to those gathered by the town council at the public consultations that have been held over the past months that there is considerable concern and unease at the nature and scale of this hybrid proposal.

In particular the cumulative impact on the neighbourhood of this application and the other applications that can be anticipated as a result of the District Plan will irrevocably damage the nature of the area.

Therefore, the town council **OBJECTS** to the submitted planning application.

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

Address: (SAWB4) Land At Cambridge Road, Sawbridgeworth

Reference: 3/18/2735/FUL

Scale: 1:5000

O.S Sheet: TL4815

Date of Print: 25 August 2020

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

Application Number	3/19/1469/CLPO
Decsn	Refused
Level of Decision	Delegated
Address	Red CottageHowe GreenHertfordshireSG13 8LH
Appellant	Mr Kee
Proposal	Erection of an outbuilding, creation of a vehicular access, creation of a hardstanding and gate.
Appeal Decision	Dismissed

Application Number	3/19/1558/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adj 99 Dimsdale CrescentBishops StortfordHertfordshireCM23 5LW
Appellant	Mr Laurence De Grandis
Proposal	Erection of new dwelling.
Appeal Decision	Allowed

Application Number	3/19/1843/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To 17 Mangrove DriveHertfordHertfordshireSG13 8AW
Appellant	Mr Bernard Gardner
Proposal	Demolition of detached double garage. Construction of 1 dwelling in the curtilage of 17 Mangrove Drive.
Appeal Decision	Allowed

Application Number	3/19/1957/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Eden HouseFanshaws LaneBrickendonHertfordshireSG13 8PG
Appellant	Miss S Mailk
Proposal	Demolition of barns. Erection of 1, 3 bedroomed dwelling with associated parking and access
Appeal Decision	Dismissed

Application Number	3/19/2157/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adj To Residential Parking Area AshdaleBishops StortfordHertfordshire
Appellant	Mr Simon Farrugia
Proposal	Erection of single garage.
Appeal Decision	Allowed

Application Number	3/19/2207/FUL
Decsn	Refused
Level of Decision	Delegated
Address	9 Gerard AvenueBishops StortfordHertfordshireCM23 4DU
Appellant	Kevin Stockdale
Proposal	Retention of covered lean-to extension.
Appeal Decision	Dismissed

Application Number	3/19/2558/CLPO
Decsn	Refused
Level of Decision	Delegated
Address	40 Maze Green RoadBishops StortfordHertfordshireCM23 2PJ
Appellant	Mr And Mrs Vincent
Proposal	Erection of a garage extension
Appeal Decision	Dismissed

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 30 June 2020

by Stephen Brown MA(Cantab) DipArch RIBA

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

Decision date: 21 July 2020

Appeal Ref: APP/J1915/X/20/3244345

Red Cottage, Track south from Lower Hatfield Road through Howe Green to Ashfield Farm

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is by Mr Kee against the decision of East Hertfordshire District Council.
 - The application ref. 3/19/1469/CLPO, dated 4 July 2019, was refused by notice dated 24 October 2019.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended (the Act).
 - The development for which a certificate of lawful use or development is sought is the erection of an outbuilding, creation of a vehicular access, creation of a hardstanding and installation of a gate.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. For the avoidance of doubt, I should explain that in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended (the Act), which relates to an application for a lawful development certificate, the planning merits of the proposed development are not relevant, and they are not therefore an issue for me to consider. My decision rests on the facts of the case, and on relevant planning law and judicial authority.

Background

3. The appeal site lies at the corner of a lane leading south from the B158 Lower Hatfield Road. Red Cottage stands in the southern part of the site with an asphalt drive leading from the access in the lane. There is a detached double garage and a glasshouse standing to the north of the house. The main garden area is planted with trees and lawn to the east and south of the house, and there is a swimming pool within a fenced compound. The northern part of the site is a paddock area with two stables buildings granted planning permission in 1984¹.
4. The proposed outbuilding would be L-shaped in plan, located near the north-eastern corner of the paddock. The leg of the L parallel to the eastern boundary would include a double garage, gym, entrance hall, shower and utility rooms,

¹ Decision notice ref. 3/84/0671/FP, dated 4 June 1984.

and a studio. It would be about 20 metres long by about 6 metres wide, increasing to about 7.5 metres wide for the double garage. The leg parallel to the northern boundary would be about 5.5 metres wide by about 10 metres long and be for a games room. I understand the footprint of the outbuilding would be between about 168 and 192 square metres², and that the footprint of Red Cottage is about 166 square metres.

Reasons

5. The main issue for me to determine is whether the Council's decision to refuse the grant of a LDC was well-founded. In that regard the principal question is whether the proposed outbuilding would be permitted development under the provisions of Classes E and F of Part 1, and Classes A and B of Part 2 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). In a case of this sort the burden of proof is upon the appellant to show that on the balance of probabilities this is the case.
6. Class E of Part 1 includes permission for the provision of any building within the curtilage of a dwellinghouse for a purpose incidental to the enjoyment of the dwellinghouse as such. Class F of Part 1 permits the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such. There is no relevant preclusion from this allowance, but it is subject to conditions set out in paragraph F.2.
7. Class A of Part 2 to Schedule 2 of the GPDO includes amongst other things permission for the erection of a gate. Class B of Part 2 permits the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in Schedule 2 (other than by Class A of Part 2).
8. Looking first at the lawfulness of the proposed outbuilding, the two main considerations are whether the building would lie within the curtilage of Red Cottage, and whether it would be for a purpose incidental to the enjoyment of the dwellinghouse as such.
9. Regarding curtilage, in the High Court case of *Sinclair-Lockhart's Trustees*³ it was found that it is enough that land serves the purpose of the building in some necessary or useful manner, even though it need not be marked off or enclosed in any way. In the case of *Methuen-Campbell v Walters*⁴ it was found that for land to fall within the curtilage of a building, the former must be so intimately associated with the latter as to lead to the conclusion that the former, in truth, forms part and parcel of the latter.
10. The paddock area is separated from the garden by a post and rail fence with a mature hedge along a significant length of the boundary. Access to the paddock is through a 5-bar gate at the northern end of the access drive. The grass is relatively roughly cut – as compared with the lawns adjacent to the house. It appears to me that the paddock area is clearly demarcated from the gardens and drive around the house, and that character and appearance of that land is distinctly different from that of the house and its garden.

² The appellant's and the Council's estimates respectively.

³ *Sinclair-Lockhart's Trustees v Central Land Board* [1950] 1 P & CR 195.

⁴ *Methuen-Campbell v Walters* [1979] 1 QB 525.

11. Although the paddock land may be used by the present owner for exercising dogs, it is not a particularly necessary activity for that piece of land and only of marginal use since it could as well occur on the extensive garden area.
12. As a matter of fact and degree I do not consider the paddock area can be seen as so intimately associated with the immediate surroundings of the house that it forms part and parcel of that land. Nor does it serve the purpose of Red Cottage in any particularly necessary manner. As a matter of fact and degree it does not therefore fall within the curtilage of Red Cottage. For that reason I do not consider the proposed outbuilding or the hardstanding benefit from the provisions of Class E or Class F of Part 1 to Schedule 2 of the GPDO.
13. I appreciate that the 1984 planning permission was subject to a condition that the development should only be used for a purpose incidental to the enjoyment of the dwellinghouse within the application site and for no other purpose. However, in my opinion this condition placed a permanent limitation on the use of that particular development, it did not define the extent of the curtilage of the dwellinghouse.
14. I turn now to the second main consideration – whether, if the paddock were found to be within the curtilage of Red Cottage – the proposed outbuilding would be incidental to the enjoyment of the dwellinghouse as such. While size in itself is not determinative, the case of *Emin*⁵ suggests that the scale of activities is obviously important since the nature and scale of such activities could go beyond a purpose merely incidental to the enjoyment of the dwellinghouse as such and constitute something greater than a requirement related solely to that purpose. In that context the physical size of a building could be relevant in indicating the nature and scale of activities.
15. An outbuilding must be 'required for some incidental purpose' to be permitted development under Class E. It is necessary to identify the purpose and incidental quality in relation to the enjoyment of the dwellinghouse, whether the building is genuinely and reasonably required to accommodate the use and thus achieve that purpose, and whether it can be seen as ancillary or subordinate to the main use of the property as a dwellinghouse.
16. In this case the principal spaces of the gym, studio and games room are of considerable sizes, but there is little indication of how these rooms are to be used. Almost half the area of the games room – itself about 50 square metres – is shown as a seating area, a use that could be expected to take place in the main house. The shower room, utility room and entrance hall are themselves elements that might be expected in the main house. There is no explanation or reasoning for the studio and gym, which together constitute about 50 square metres of floorspace. Furthermore, there is little explanation for introduction of a double garage, when there is already a double garage close to the house – albeit slightly smaller than that proposed. As a matter of fact and degree I do not see this building as ancillary or subordinate to the main house. This is accentuated by the introduction of the new road access, gate, and substantial area of hardstanding, indicating that the new building could be used entirely separately from Red Cottage.

⁵ *Emin v SSE & Mid Sussex District Council* [1989] JPL 909.

17. Given my findings as to the curtilage and outbuilding it follows that the hardstanding too is not within the curtilage of Red Cottage, nor is it incidental to the enjoyment of the dwellinghouse as such.
18. Regarding the proposed access, I concur with the Council's view that it would be from an unclassified road, and to that extent might be permitted. However, given my finding that neither the outbuilding or hardstanding would be permitted development, the new access would not be required in connection with development permitted by any other Class in Schedule 2, and therefore precluded from the allowance.
19. Overall, I have found as a matter of fact and degree that the land in question is not within the curtilage of Red Cottage and does not benefit from permitted development rights under Part 1 of Schedule 2 to the GPDO. Furthermore, the proposed outbuilding and hardstanding cannot be regarded as being for a purpose incidental to the enjoyment of the dwellinghouse as such. It follows that the proposed road access is not required in connection with development permitted under one of the other Classes of Schedule 2. Although the proposed gate could be permitted, it would be part and parcel of the proposed access and hardstanding and be superfluous in the context of those elements not being permitted.
20. I conclude that on the balance of probabilities the proposed development would not be permitted under the provisions of the GPDO, and that the Council's decision was well-founded.

Conclusions

21. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the erection of an outbuilding, creation of a vehicular access, creation of a hardstanding and installation of a gate was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Stephen Brown

INSPECTOR



Appeal Decision

Site visit made on 7 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/J1915/W/20/3245001

Land Adjacent to 99 Dimsdale Crescent, Bishops Stortford, Hertfordshire CM23 5LW

- 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 Laurence De Grandis against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1558/FUL, dated 23 July 2019, was refused by notice dated 4 October 2019.
 - The development proposed was described as 'the construction of a 1.5 storey, semi-detached residential house at the application site. The house will comprise of 1 bedroom, along with en-suite and living space within the roof space area, with kitchen, toilet and living room facilities on the ground floor. GIA of 53.6 square meters.'
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Land Adjacent to 99 Dimsdale Crescent, Bishops Stortford, Hertfordshire CM23 5LW in accordance with the terms of the application Ref 3/19/1558/FUL, dated 23 July 2019, subject to the conditions set out in the attached schedule.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. However, the Council altered the description on the decision notice to read 'erection of a new dwelling'. This provides a more succinct description of the proposal, and I have used it in my formal decision above.
3. The site address given on the application form was '99 Dimsdale Crescent, Bishops Stortford CM23 5LW', but the site boundary shown on the submitted site location plan is more accurately represented by the address stated on the Council's decision notice, and so I have used this address in the banner heading and my decision above.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of 5 The Hedgerows with particular regard to whether or not it would be overbearing; and
 - iii) whether or not living conditions for future occupiers of the dwelling would be acceptable, with particular regard to the provision of internal space.

Reasons

Character and Appearance

5. Near to the appeal site, Dimsdale Crescent comprises mostly terraced dwellings and flats which are typically arranged on stepped building lines around small cul-de-sacs. The high density of the layout and close-knit arrangement of the terraced buildings contributes a somewhat enclosed character along the street scenes, but this is balanced by areas of green space and parking between and around dwellings which provide for a degree of spaciousness.
6. The appeal site currently forms part of the garden to the side of 99 Dimsdale Crescent, an end-of-terrace dwelling at the head of a cul-de-sac. No 99, as well as 97 and 97A Dimsdale Crescent opposite have pedestrian-only access to their frontages to either side of a small grassed area set between the dwellings.
7. The main parties refer to previous proposals for a dwelling on the site which have been dismissed at appeal¹. Although I have not been provided with full details of these proposals, it is clear from the evidence before me that there have been changes to the dwelling which is now proposed, including a reduction in its overall scale and an increase in the set in from the boundary with 5 The Hedgerows to the side of the site.
8. No 97A is a fairly recent addition which I saw has extended the terrace opposite the appeal site. The similar position of the dwelling at the end of the cul-de-sac facing No 97A would not therefore harmfully unbalance the general arrangement of dwellings along the street. The front and rear building lines of the dwelling would also align with those of No 99, and matching materials and a pitched roof design are additionally proposed. Although not a common feature, there are other first floor dormers apparent in the street scene near to the appeal site, including at 85 and 87 Dimsdale Crescent. As a consequence, the proposed front dormer would not be a remarkable feature in the street scene, and the modest scale of both the front and rear dormers would sit comfortably within the host roofslopes.
9. The dwelling would occupy a smaller plot than others nearby, and it would be of reduced width. It would also be of lesser height than No 99. However, there is already some variation in the street scene through differing external finish materials and the stepped building line, as well as the mix of terraces and flats and as a consequence of past alterations. The stepped building line means that the roofline to dwellings on this part of Dimsdale Crescent does not appear uniform from the street scene, and while the difference is less pronounced than would be the case on the appeal site, the roof of No 97A is higher than its attached neighbour at No 97. Given these factors, I do not find that the reduced scale of the dwelling would cause it to appear overly conspicuous or jarring. Moreover, the siting of the dwelling at the end of the cul-de-sac beyond No 99 would provide significant screening from the street scene, limiting the visual impact of the development and its prominence.
10. I recognise that the dwelling would reduce open space between the side of No 99 and adjacent dwellings to the north on The Hedgerows. However, the development would not encroach onto the open space to the front of the site, and the set in from the boundary would provide sufficient spacing to the side of

¹ Appeal references APP/J1915/A/08/2075631 and APP/J1915/W/19/3221079

the dwelling to allow a suitable setting for the building, avoiding a cramped appearance. Together with its reduced height and width, there would be a discernible degree of space around the building, and separation to surrounding buildings would be maintained. As a consequence, I find that the existing spaciousness of the area would not be harmfully reduced.

11. I acknowledge that by virtue of its design and lesser scale, the appearance of the dwelling would differ from others nearby, but for the reasons above, I am satisfied that these differences would not cause it to appear obtrusive or discordant on the site. The dwelling would blend in with the overall street scene as a sympathetic addition to the area.
12. I therefore conclude on this main issue that the development would make effective use of the site while responding to constraints and the surrounding development without causing unacceptable harm to the character or appearance of the area. Consequently, and with regard to the material changes to the development from those considered as part of the previous appeal decisions, I find no conflict with Policy DES4 of the East Herts Development Plan 2018 (EHDP). Amongst other things, this policy includes a requirement that development respects or improves the character of the site and surrounding area and that it reflects and promotes local distinctiveness.

Living Conditions – Neighbouring Occupiers

13. The proposal would bring development closer to the boundary with 5 The Hedgerows to the north of the site, with the main parties indicating that the dwelling would be set around 14.5m from the main rear elevation of this neighbouring property. There are existing trees on the boundary of the site with No 5, but in the absence of substantive evidence as part of the appeal to demonstrate that these would be retained following development, I cannot assume that these would continue to offer screening to the site.
14. Nevertheless, the dwelling would be no deeper than 99 Dimsdale Crescent, aligning with its front and rear elevations and so would not increase the depth of development visible from this neighbouring building. While it would have a gable end, this is also a feature of the existing building at No 99, and the lesser height of the dwelling in comparison to No 99 would reduce the scale of the gable and the bulk of the upper part of the dwelling. Taken together with these factors, I am satisfied that the set in that is now proposed between the dwelling and the boundary with No 5 would be sufficient to avoid the development appearing overbearing, visually intrusive or unduly prominent in views from either the neighbouring building or its garden. As a result, and in light of the material changes made to the development, I find that harm to neighbouring living conditions identified within previous appeal decisions has been addressed.
15. For these reasons, I conclude on this main issue that the development would not be overbearing and there would be no unacceptable harm to the living conditions of the occupiers of 5 The Hedgerows. Accordingly, I find no conflict with policy DES4 of the EHDP which includes a requirement that development avoids significant detrimental impacts to the amenity of neighbouring occupiers.

Living Conditions – Future Occupiers

16. The Council asserts that the internal area of the dwelling would not meet the suggested 70sqm for a two-bedroom, three-person dwelling or 79sqm for a

two-bedroom, four-person dwelling within the Government's Technical Housing Standards - Nationally Described Space Standards (NDSS). However, while there is a first-floor room to the front of the dwelling labelled on the floorplans as 'bed 2/study/dressing', the application form and Planning, Design and Access Statement both indicated that the dwelling would have one bedroom and I have considered the proposal accordingly.

17. There is disagreement between the main parties over the size of the dwelling; the Council suggests an internal area of approximately 49.8sqm, while the appellant suggests it would be around 53.6sqm. From the information before me, I am unable to draw any firm conclusions on the actual quantum of the internal area of the dwelling, but in either case, there would be a shortfall against the 58sqm for a one-bedroom two-person dwelling suggested within the NDSS. The Council has also raised concerns that minimum floor areas for bedrooms would not be met, although no quantitative assessment of any shortfall has been provided.
18. However, footnote 46 of the National Planning Policy Framework (the Framework) advises that policies may make use of the NDSS where the need for an internal space standard can be justified. The Council have confirmed that the EHDP does not include a policy relating specifically to internal space standards or compliance with the NDSS. In this context, while the NDSS may provide a useful indication of the reasonable size of dwellings, it is not an absolute requirement.
19. The dwelling would not necessarily be spacious, but it would nevertheless provide a usable and functional area for future occupiers, and the main bedroom would be supplemented by the additional first-floor accommodation to the front part of the dwelling. The rooms would be of practical shapes, and I see no reason that their dimensions or layout would make accommodating furniture or suitable access to space for storage unfeasible. Nor would the internal layout give rise to impractical or constricted circulation routes. Even taking a worst-case assessment of the dwelling's size as put forward by the Council, I am therefore satisfied that the internal environment would not be cramped and that the dwelling would offer comfortable living accommodation for future occupiers.
20. I therefore conclude on this main issue that the development would provide acceptable living conditions for future occupiers. Accordingly, I find no conflict with Policy DES4 of the EHDP which requires, amongst other things, rooms of appropriate size and dimensions in order to meet their intended function.

Other Matters

21. No parking is proposed for the dwelling. However, at the time of my visit, a large number of spaces were available on-street in the vicinity of the site and I saw no parking restrictions nearby or other indications of a high degree of local parking stress. There is no clear evidence before me that additional on-street parking would harm highway safety or cause congestion, and I therefore see no reason to take a different view to the Council and Highway Authority who have not raised concern in relation to parking.
22. Subject to maintenance of suitable boundary treatment, the dwelling's ground-floor windows would not result in overlooking to neighbouring sites. Outlook from the first-floor windows would be similar to those already available from 99

Dimsdale Crescent, and given existing views of neighbouring gardens from within surrounding buildings, the proposal would not result in a harmful loss of privacy. There is no firm evidence that suitable foul drainage to serve the dwelling could not be provided, and while I note comments referring to the effects of previous construction activity nearby, any impacts during development works would be short-term and could be mitigated by careful construction management secured by an appropriately worded condition.

23. Existing trees on the boundary of the site are not protected. The Council has raised no objection in relation to the effect of the proposal on trees subject to appropriate conditions, and from the evidence before me, I see no reason to reach an alternative view.
24. I am satisfied that none of the other matters raised, either individually or collectively, would result in harm that would justify dismissal of the appeal, and the comments by interested parties do not alter my findings on the main issues.

Conditions and Conclusion

25. I have considered the Council's suggested conditions. Where necessary, I have altered these to ensure compliance with the tests outlined at paragraph 55 of the Framework or for clarity.
26. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. To safeguard the character and appearance of the area and the living conditions of neighbouring occupiers, conditions are required prior to the commencement of development to agree details of protection for trees and construction management. The appellant has agreed to these conditions.
27. A condition relating to external materials for the development is necessary in order to ensure a satisfactory appearance. The application form indicates that materials should match 99 Dimsdale Crescent and given the surrounding context I see no justification for requiring samples to be submitted. I have therefore altered the Council's suggested condition to require the use of external materials to match No 99. A condition is also necessary to require details of landscaping in the interests of the character and appearance of the area, although I have altered the Council's suggested conditions in order to avoid duplication and to secure the implementation of the agreed details.
28. A condition is also suggested to remove permitted development rights from the dwelling. I am mindful of the guidance at paragraph 53 of the Framework that planning conditions should only restrict national permitted development rights where there is clear justification to do so. However, given the relationship of the proposed dwelling to its plot and neighbouring buildings, a condition to prevent the construction of extensions is necessary in this case in the interests of the character and appearance of the area and the living conditions of neighbouring and future occupiers.
29. Subject to these conditions, and for the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Existing and Proposed plans dated 5 July 2019.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling at 99 Dimsdale Crescent in accordance with the application form.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of trees on and immediately adjoining the site to be retained (the Tree Protection Plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved. Any trees that, within a period of 5 years after completion of the development are damaged, die or become seriously diseased or defective shall be replaced in the next planting season in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.
- 5) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development; and
 - d) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) No development above ground level shall take place until details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) means of enclosure;
 - b) planting plans;
 - c) schedules of plants, noting species, planting sizes and proposed numbers/densities as appropriate; and
 - d) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of 5 years after planting are removed, die or become seriously damaged, diseased or defective shall be replaced in the next planting season with others of similar size and species.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement, addition or other alteration as defined within Class A of Part 1 of Schedule 2 of the Order shall be carried out to the dwelling hereby permitted.



Appeal Decision

Site visit made on 7 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2020

Appeal Ref: APP/J1915/W/20/3244655

17 Mangrove Drive, Hertford SG13 8AW

- 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 Bernard Gardner against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1843/FUL, dated 9 September 2019, was refused by notice dated 1 November 2019.
 - The development proposed is to demolish existing double garage and replace with a new dwelling within the curtilage of 17 Mangrove Drive.
-

Decision

1. The appeal is allowed and planning permission is granted to demolish existing double garage and replace with a new dwelling within the curtilage of 17 Mangrove Drive at Land Adjacent to 17 Mangrove Drive, Hertford SG13 8AW in accordance with the terms of the application, Ref 3/19/1843/FUL, dated 9 September 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 the following approved plans: BG17A-LM Issue A, BG17A-EV Issue B, BG17A-FP Issue B and BG17A-LS Issue B.
 - 3) No development above ground level shall take place until details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
 - 4) The dwelling hereby permitted shall not be occupied until a plan indicating the position, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be carried out in accordance with the approved details prior to first occupation of the dwelling and shall thereafter be permanently retained.
 - 5) The dwelling hereby permitted shall not be occupied until the first-floor windows in the side elevation have been fitted with obscure glazing in accordance with details of the type of obscure glazing which have first been submitted to and approved in writing by the Local Planning Authority, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed, the approved obscure glazing shall thereafter be permanently retained.

Procedural Matters

2. The Council's decision notice identifies the site as 'Land Adjacent to 17 Mangrove Road', but it is clear from the submitted plans and my visit that the appeal relates to land adjacent to 17 Mangrove Drive which is the address given on the application form. I have therefore used this address in my decision above, and considered the appeal accordingly.
3. The Council's delegated report on the application indicated that the site was within an area designated as the 'Green Finger of Hertford'. However, the Council confirms that this was an error and the designation was removed from the site on adoption of the East Herts District Plan 2018 (EHDP) and I have determined the appeal on this basis. In this regard, I note reference within the Council's report to Policy CFLR2 of the EHDP, but as this relates to development within designated Local Green Spaces, it is not of direct relevance.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect of the proposal on the living conditions of the occupiers of 17 Mangrove Drive with particular regard to whether or not it would be overbearing.

Reasons

Character and Appearance

5. The appeal site includes part of the garden to 17 Mangrove Drive, as well as a detached single-storey garage between this dwelling and the neighbour at 15 Mangrove Drive. Mangrove Drive is a cul-de-sac comprising a mix of semi-detached and detached dwellings of varied scales and designs which are set on an irregular building line along the southern side of the street. The gaps between buildings vary in size, but typically afford views towards a backdrop of fairly generous rear gardens with established planting. To the northern side of Mangrove Drive, a boundary of mature vegetation provides separation to open land beyond, with further open areas around No 17 and its attached neighbour at 19 Mangrove Drive which are at the end of the street. Together, these factors contribute a spacious character to the street scene overall.
6. The proposed dwelling would be set back in comparison to both Nos 15 and 17. However, there is no uniform building line along the street which would be disrupted, and in the immediate vicinity of the appeal site, 11 and 11A Mangrove Drive are set notably forward of No 15 as well as 9A Mangrove Drive to their rear. In this context, the position of the development relative to neighbouring buildings would not appear unusual or jarring, and the set back of the dwelling would further reduce its prominence in views along Mangrove Drive. In my view, the position of the dwelling at an intermediate angle between the orientations of both No 15 and the pair at Nos 17 and 19 would also help to form a visual connection, linking between the different angles of these adjacent buildings. For these reasons, the siting of the dwelling would not result in an incongruous or unsympathetic addition in the street scene.
7. I accept that the dwelling would have a somewhat elongated footprint, and that both the dwelling and its plot would be of lesser width than nearby properties. Nevertheless, buildings on Mangrove Drive are not consistent in their form, scale or design. The height and pitched roof form, as well as the scale and

placement of fenestration to the front elevation of the dwelling would be broadly similar to Nos 17 and 19. The building would have a simple design, but I find that its appearance would sit comfortably in the context of the mixed surrounding architecture. Given the diversity in the street scene, I also see no reason that the size of the dwelling would cause it to appear conspicuous or striking here.

8. While smaller than those of immediate neighbours, the garden to the rear of the proposed dwelling as well as the retained garden to No 17 would remain relatively generous. Separation between the dwelling and neighbouring buildings would not be markedly different to that apparent around other buildings along Mangrove Drive and would retain opportunities for views from the street scene through to the garden backdrop and open land beyond the site. Spacing to the boundaries would also be sufficient to provide a suitable setting for the dwelling, and would increase towards the rear. Given these factors, the dwelling would not appear cramped on the site, or detract from the generally spacious character of the street scene and area.
9. For these reasons, I am satisfied that the proposal would make effective use of the site while responding to constraints without resulting in overdevelopment and I conclude on this main issue that the character and appearance of the area would not be unacceptably harmed. Consequently, I find no conflict with Policy DES4 of the EHDP which includes a requirement that development respects or improves the character of the site and surrounding area and reflects and promotes local distinctiveness.

Living Conditions

10. The development would extend some way beyond the rear elevation of 17 Mangrove Drive, but would be set in appreciably from the proposed boundary. No 17 is also set in from the boundary with its rear elevation orientated to angle slightly away from the proposed dwelling, and existing planting provides for separation between the patio to its rear and the boundary. In conjunction with the fairly modest scale of the development with a pitched roof form that would reduce in height towards the rear, these factors would limit the visual impact of the dwelling as seen from No 17. Furthermore, given the fairly generous depth of the garden to this neighbour beyond the dwelling, a significant sense of openness and unobstructed outlook would be retained avoiding an undue sense of enclosure.
11. I am therefore satisfied that the development would not be overbearing or dominant in views from No 17 or its garden, and would not result in unacceptable harm to the living conditions of the occupiers of this neighbour. The greater separation between the dwelling and 15 Mangrove Drive would similarly ensure that the development would not be visually intrusive or result in a loss of outlook for occupiers of this property.
12. Accordingly, I conclude on this main issue that the proposal would comply with Policy DES4 of the EHDP which requires, amongst other things, that development avoids significant detrimental impacts on the amenity of neighbouring occupiers.

Other Matters

13. Given its siting and orientation, windows to the front and rear of the dwelling would not overlook windows or the patios immediately to the rear of neighbouring dwellings, and views to the rear parts of neighbouring gardens would be similar to those already available from existing dwellings. Subject to the use of obscure glazing to the first-floor windows at the side of the dwelling which can be secured by condition, the proposal would not result in a harmful loss of privacy for neighbouring occupiers.
14. The Council indicate that parking would be provided to meet the required standards. Given the scale of the development, it is unlikely to result in a significant increase in vehicle movements and there is no firm evidence to suggest that it would lead to harm to highway safety or unacceptable levels of traffic on Mangrove Drive or in the surrounding area. Nor is there clear evidence that local services have insufficient capacity to meet needs generated by the proposal, or that the development would not be occupied as a dwelling.
15. I acknowledge that a previous application for a dwelling on the site was refused by the Council¹, but from the information before me, there have been material changes to the development now proposed. I also note comments referring to past increases in the number of dwellings nearby and permission which has been granted for a detached dwelling to the side of 19 Mangrove Drive², as well as proposals for development on land to the north of Mangrove Drive. However, there is no cap on additional housing coming forward within the area, and these factors do not alter my assessment of the merits of the appeal proposal.

Conditions and Conclusion

16. I have considered the Council's suggested conditions. Where necessary, I have altered these to ensure compliance with the tests outlined at paragraph 55 of the Framework, and in the interests of clarity or brevity.
17. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of certainty. To ensure a satisfactory appearance, a condition relating to the external materials of the development is necessary. I have also attached conditions to secure implementation of suitable boundary treatment and the use of obscure glazing to first-floor side windows. These are referred to within the Council's report on the application, and I agree that they are necessary in the interests of the living conditions of neighbouring occupiers.
18. Subject to these conditions, and for the reasons given above, I conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

¹ Application reference 3/19/0915/FUL

² Application reference 3/19/0102/FUL



Appeal Decision

Site visit made on 7 July 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2020

Appeal Ref: APP/J1915/W/20/3244954

Eden House, Fanshaws Lane, Brickendon, Hertfordshire SG13 8PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss S Malik against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1957/FUL, dated 23 September 2019, was refused by notice dated 19 November 2019.
 - The development proposed is demolition of existing barns and their replacement with a new 3 bedroom dwelling with associated parking and access.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. While the application form refers to the site location as on Fanshawes Lane, the Council's decision notice and the appeal form both refer instead to Fanshaws Lane. I have therefore used this spelling which is consistent with street signage at the junction with Brickendon lane in the banner heading above.
3. The Council's report on application reference 3/19/1957/FUL raised concerns that the demolition of the main barn on the site would result in the loss of a non-designated heritage asset, and that the development would not preserve or enhance the Brickendon Conservation Area (CA). In accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. While not included as a reason for refusal of the application, the main parties have also had the opportunity to make further representations in respect of these matters and I am therefore satisfied that no party would be prejudiced by my consideration of them as part of my main issues below.

Main Issues

4. The appeal site is within the Green Belt. Accordingly, the main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt;
 - ii) the effect of the proposal on the openness of the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the Brickendon CA, including with regard to the demolition of the main barn on the site, a non-designated heritage asset; and
 - iv) if the development would be inappropriate, whether the harm by

reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development in the Green Belt

5. The appeal site is located amongst a small cluster of buildings accessed from Fanshaws Lane and includes two single-storey barns, as well as a pond and areas of gravel and soft landscaping. The barns are positioned on either side of the gated access onto the site close to the boundary with the lane and comprise a wider main barn towards the western part of the site and a more modern barn with a sheet-metal roof towards the pond at the east. A mobile home is currently present to the rear of the site. The fairly dense woodland and open fields which surround the appeal site and nearby buildings results in a secluded and distinctly open and rural character to the area which is reinforced by the simple design and modest scale of the buildings on the site.
6. The main parties advise that planning permission has previously been granted on the site in 2016 for extension and conversion of the main barn to a dwelling¹, and subsequently in 2017 for the replacement of the more modern barn with a garage and 2 open-fronted car ports². The appeal before me proposes instead to replace the existing buildings with a dwelling on the north west part of the site.
7. Within the Green Belt, policy GBR1 of the East Herts District Plan 2018 (EHDP) outlines that applications will be considered in line with the provisions of the National Planning Policy Framework (the Framework). Paragraph 145 of the Framework identifies that, with certain exceptions, the construction of new buildings is inappropriate in the Green Belt. These exceptions include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
8. Both main parties indicate that works to extend and convert the main barn to a dwelling have commenced, although the building was in visibly poor condition and was clearly not in residential use at the time of my visit, and works to extend the building above ground level were not evident. I also saw no indication that works had commenced in relation to the permission for the replacement garage, and I do not know whether this permission remains extant. Notwithstanding the implementation of permission for conversion of the main barn to a dwelling, these factors cast doubt in my mind that the use of the existing barns has, in reality, been altered to residential. However, I recognise that the use of the buildings was not an issue raised by the Council and so may not have been fully addressed by the appellant.
9. Be that as it may, to be considered an exception to inappropriate development, the Framework also requires that a replacement building is not materially larger than the one it replaces. Although approval may have been given which would increase the area of buildings on the site, these are not currently present and I cannot be certain that they will be realised. I have therefore considered the replacement building against those to be replaced as they currently exist.

¹ Application reference 3/15/2476/FUL

² Application reference 3/17/0018/FUL

10. Notwithstanding some slight differences in the exact measurements referred to by the main parties, the evidence of both parties suggests that the main barn currently has an area of around 53sqm, that the more modern barn has an area of around 55sqm, and that the proposed dwelling would have an area of approximately 140sqm. While floor area is only one factor which affects whether a building is materially larger, on this basis, the dwelling would be significantly and materially larger than the area of the main barn at the west of the site as it currently exists.
11. Although I have not been provided with full details of the case, the appellant suggests with reference to a High Court judgement³ that there is no reason in principle why the exception for replacement buildings at paragraph 145 of the Framework cannot apply to a group of buildings as opposed to a single building. However, even taking the 2 existing buildings together, the development would result in an increase in floor area of around 32sqm or 30%. In addition, the dwelling would be of increased height than the existing buildings and would also extend the maximum depth of built form from the street frontage. In combination with the increase in floor area, these factors would in my view result in a dwelling materially larger than the currently existing buildings on the site.
12. Accordingly, even if I were to find that the replacement building would be in the same use, the development would not satisfy the requirements at paragraph 145 of the Framework. I therefore conclude that the proposal would constitute inappropriate development which the Framework states is, by definition, harmful to the Green Belt. This does not mean the potential fallback position under the previous approvals is not relevant, but it is something which should be more properly considered in the context of other considerations, and I return to this matter below.

Openness of the Green Belt

13. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and permanence. With regard to openness, the Planning Practice Guidance makes it clear that this has both a spatial and visual dimension⁴.
14. The width of the building along the access lane would be broadly comparable to the total combined width of the 2 existing buildings along this frontage. However, the spacing between the existing buildings breaks up their overall mass and visual impact. In contrast, the consolidation of the built form within a single building together with the increased height of this larger building would result in a greater overall bulk, taking up more space. Despite existing fencing to the frontage of the site, the increased dimensions of the dwelling would still be apparent and would increase the prominence of the development on the site, particularly in views along the access lane.
15. As a consequence, there would be a modest loss of openness in both spatial and visual terms which would cause harm to the Green Belt in addition to that already identified by reason of inappropriateness.

³ Tandridge District Council v Secretary of State for Communities and Local Government and Jason Syrett

⁴ Paragraph: 001 Reference ID: 64-001-20190722

Character and Appearance of the Brickendon CA

16. The appellant has not provided a formal assessment of the significance of heritage assets that may be affected by the development. However, in addition to the location of the site within the Brickendon CA, the Council indicate that the main barn was formerly an outbuilding associated with the nearby listed building of Fanshaws as part of the Long Leys site, although not within its curtilage. The appellant has not challenged the Council's description of the barn as a non-designated heritage asset, and I also note that the Brickendon Conservation Area Appraisal Plan 2 Management Plan (BCAMP) additionally highlights the barn as an 'unlisted building to be protected from demolition'.
17. The barn's simple design with a weatherboard exterior and a pantile roof reflects its rural location and historic use, and I find that the architectural interest of the building together with its historic interest in association with the listed building make a positive contribution to its significance. On this basis, I agree that it warrants consideration as a non-designated heritage asset within the Brickendon CA. Moreover, the modest scale of both existing buildings on the site retains a significant degree of openness, and I find that the simple design of the buildings, in keeping with the rural character and appearance of this area, further contributes positively to the significance of the CA.
18. The proposal would result in the total loss of the non-designated heritage asset main barn from the site. Although still single-storey, the replacement dwelling would be of greater height, size and overall bulk and mass than both existing buildings on the site. The proposal would also result in a single building of much greater width than the 2 existing buildings, set very close to the frontage of the site where it would be highly visible along the street frontage where it would be urbanising and would detract from the existing open appearance.
19. In addition, the proposed design of the building with extensive areas of glazing and external materials of white render and vertical metal sheet cladding would not reflect the traditional vernacular materials that I saw to other buildings nearby, and would be out of keeping in the rural area.
20. While I recognise the existing appearance of the main barn, for these reasons I find that the replacement dwelling would detract from the predominantly open and semi-rural character of the site, and would cause harm, rather than preserving or enhancing the CA. This harm would be in addition to the loss of the non-designated heritage asset barn.
21. The harm to the CA would be localised, and as such would be less than substantial in the terms of paragraph 196 of the Framework. Consequently, the harm should be balanced against the public benefits of the proposal. In accordance with paragraph 197 of the Framework, a balanced judgement is also required having regard to the loss of the main barn as a non-designated heritage asset and its significance. I return to these considerations in my planning balance below.

Other Considerations

22. The development would provide an additional dwelling, although this benefit would also be delivered should the existing barn be extended and converted to residential use in accordance with the existing permission. In any case, the contribution to the general supply of housing would be limited by the small

scale of the development, and given these factors, I afford moderate weight to this public benefit of the proposal.

23. There is no dispute between the parties that works have commenced on the site to implement the conversion of the main barn to a dwelling. I am uncertain whether or not permission for replacement of the more modern barn with a garage and car ports remains extant. However, the Council have not suggested that there has been any material change in circumstances which mean that this would no longer be considered acceptable. I therefore consider that the previous approvals for development represent a fallback position which is an important material consideration.
24. There are some minor variations in the areas suggested for the buildings on the site by the main parties. However, even taking the appellant's figures, the proposed dwelling would have an area of only around 2sqm less than the total area of the 2 buildings approved under the earlier permissions.
25. Against this limited reduction in area, the evidence before me indicates that the dwelling would be of greater height than the approved buildings. In comparison to these approved buildings which would have spacing between them helping to break up their bulk and mass, the appeal proposal would also concentrate development within a single building. This would result in a wide expanse of continuous development along the site frontage and would increase the appearance of bulk. Notwithstanding the small reduction in floor area, I find that the appeal proposal would result in a building with an overall scale, bulk and mass that would be materially larger than the approved buildings, and that the visual impact of the building would increase appreciably in comparison to the fallback position. It would accordingly reduce openness and detract from the rural character and appearance of the site, and I cannot agree with the appellant that the proposed single building would improve openness.
26. I acknowledge that the extension and conversion of the main barn to a dwelling under the fallback position would entail significant works to the structure of the existing building. Nevertheless, the details before me indicate that materials would match the existing main barn. Its overall form and simple appearance would be largely retained externally, particularly in views along the street frontage. In contrast, the appeal proposal would result in the total loss of the non-designated heritage asset, and I have found that the design and materials of the dwelling would be urbanising and somewhat out of keeping with the area.
27. For these reasons, I find that the appeal proposal would cause greater harm to the openness of the Green Belt and the rural character and appearance of the CA than the fallback position under the earlier approvals. It would also result in the loss of a non-designated heritage asset which the BCAMP highlights should be protected from demolition. The fallback position does not therefore offer a direct comparison for the development, and notwithstanding a slight reduction in the floor area of the dwelling, does not weigh in favour of the proposal.
28. I acknowledge the existing condition of the main barn on the site and concerns that repairs and improvements to the access road are being delayed pending the completion of works on the appeal site. However, there is no firm evidence that the building's condition poses a significant risk, nor that the extant permission for its extension and conversion which would secure its future could

not be implemented in the absence of the appeal proposal. This limits the weight that I afford to these matters.

Other Matters

29. There are a number of mature trees near to the appeal site, including a large Oak to the front of the site between the proposed new access to the site and the dwelling. The Council advise that conditions suggested in the event that the appeal is allowed would enable suitable consideration of the impacts of development and safeguards to ensure the long-term retention of this tree and I have no reason from the information before me to reach an alternative view. However, this is a neutral factor and does not weigh in favour of the proposal.
30. The Council have not raised specific concern that the development would cause harm to the setting or significance of the nearby listed building. Given the separation of the appeal site and the nature of the development, I am satisfied that the proposal would have a broadly neutral impact, thus preserving the building and its setting in accordance with section 66(1) of the Act.

Planning Balance and Conclusion

31. Drawing matters together, the development would cause harm to the Green Belt by virtue of inappropriateness, and would cause some further modest harm to its openness. In accordance with the Framework, I give this harm substantial weight. The development would additionally cause harm to the character and appearance of the Brickendon CA. The harm to this designated heritage asset is a matter that attracts great weight having regard to paragraph 193 of the Framework and the statutory duty under section 72(1) of the Act. The loss of the non-designated heritage asset on the site further weighs against the proposal.
32. Against this, the provision of a dwelling would add to the supply of housing. However, this benefit would also be delivered by the potential fallback position. Given that I have found that the appeal proposal would result in greater harm to the Green Belt and to both designated and non-designated heritage assets than the fallback, this factor does not weigh in favour of the proposal.
33. I have also noted comments submitted in support of the proposal. However, I find that the other considerations, either individually or collectively, do not in this case clearly outweigh the harm that I have identified so as to amount to the very special circumstances necessary to justify the development in the Green Belt. Similarly, public benefits would not outweigh the harm to the CA as a designated heritage asset, nor the loss of the non-designated heritage asset.
34. The proposal would therefore conflict with the Framework. It would also conflict with Policy GBR1 of the EHLP, and there are no material considerations which would outweigh the conflict with the development plan. Accordingly, and for the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR

Appeal Decision

Site visit made on 20 July 2020

by D M Young JP BSc (Hons) MA MRTPI MIHE

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/J1915/W/20/3246979

Land adjacent to residential parking area, Ashdale, Bishops Stortford, Hertfordshire

- 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 Simon Farrugia against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2157/FUL, dated 21 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the erection of a single garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single garage at Land adjacent to residential parking area, Ashdale, Bishops Stortford, Hertfordshire in accordance with the terms of the application, Ref 3/19/2157/FUL, dated 21 October 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 the following approved plans: 1915ASH_1000, 1915ASH_1100 Rev A, 1915ASH_1230, 1915ASH_1240 and 1915ASH_1340.
 - 3) Prior to first use of the development hereby approved, details of soft landscaping shall be submitted and approved in writing by the local planning authority. The landscaping shall be implemented in accordance with the approved details.
 - 4) The garage hereby approved shall be used for the housing of private vehicles or personal storage and shall not be used as living accommodation or for any commercial activity without the express consent of the local planning authority

Main Issue

2. This is the effect of the development upon the character and appearance of the area.

Reasons

3. The application site is a thin strip of land sandwiched between Ashdale and Villiers-sur-Marne Avenue. The proposed garage would be a simple flat-roofed structure measuring 5.2m (length) x 3.6m (width) x 2.5m (height).

4. Villiers-sur-Marne Avenue is a residential distributor road that runs through the wider Thorley Park housing estate to the west of Bishops Stortford town centre. From my observations, the area surrounding the appeal site lacks distinction and I can see nothing inherently sensitive about the Villiers-sur-Marne Avenue street scene or the wider Thorley Park estate that would preclude small scale additions such as the appeal scheme.
5. When viewed from Villiers-sur-Marne Avenue, the houses on Ashdale and associated parking areas were all visible and the existing low-level hedges on the appeal site perform a limited screening role in that regard. As I travelled south along Villiers-sur-Marne Avenue and notwithstanding some intermittent areas of landscaping, most notably on the eastern side of the road, the area retains a strong suburban character with built development of one form or another readily apparent.
6. I have noted the requirements of Policy HOU12 of the "*East Herts District Plan 2018*" (the LP). Part II of the policy states that the Council will seek to ensure the retention of amenity land/open space/landscaped areas around housing developments and planning permission for the enclosure of such land into gardens will not usually be given. However, in this case the appeal proposal does not concern the enclosure of the land for a garden. This policy is therefore of limited relevance to the appeal scheme. I have therefore considered the development against the more general advice in Policy DES4 which amongst other things, seeks a high standard of design and layout to reflect and promote local distinctiveness.
7. Although it would be a simple and unassuming structure, the garage would be visible from Villiers-sur-Marne Avenue. However, as I have already set out, the character and appearance of the area is unremarkable and not subject to any special designation. Accordingly, I do not see visual exposure as a particular impediment in this instance. The proportions of the garage would be relatively modest, and it would simply be seen against the backdrop of existing built development on Ashdale. Compensatory landscaping to the eastern elevation and/or careful management of the highway hedges would both assist in softening the visual impact of the development in the long-term.
8. Based on the foregoing, I am satisfied that whilst there would be some change to the character and appearance of the area, the level of change would be modest and would not bring the development into conflict with Policies DES3, DES4 and HOU12 of the LP.

Other Matters

9. Local residents have expressed a wide range of concerns including but not limited to the following; parking, noise disturbance, loss of light, privacy and security. However, I note that these matters were carefully considered by the Council at the application stage. Whilst I understand the concerns of local residents, there is no compelling evidence before me which would lead me to conclude differently to the Council on these matters.
10. Whether a right of access exists is a private matter and not a material planning consideration to which I can ascribe any degree of weight.
11. I have noted concerns that the development could set a precedent for other similar proposals. However, the fear of precedent, is seldom a good or

sufficient reason, in itself, to refuse development proposals, especially in circumstances where I have found the proposal to be acceptable on its merits. Moreover, no specific examples of other comparable developments have been provided. In these circumstances I am giving very limited weight to these arguments.

12. I have attached conditions covering time limits and specifying the approved plans in the interests of proper planning and to provide certainty. To ensure the satisfactory appearance of the development I have attached a landscaping condition. I have however amended the conditions supplied by the Council to ensure they are commensurate to the scale of development. To protect the amenity of neighbouring occupiers, I have imposed a condition to ensure the garage is only used for car parking and/or domestic storage. The external materials are shown on the submitted plans and detailed in Section 7 of the Application Form. A separate materials condition is therefore unnecessary.

Conclusion

13. Based on the foregoing and having regard to all other matters raised, I conclude that the appeal should succeed.

D. M. Young

INSPECTOR



Appeal Decision

by Chris Forrett BSc(Hons) DipTP MRTPI

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

Decision date: 02 July 2020

Appeal Ref: APP/J1915/D/20/3247068

9 Gerard Avenue, Bishops Stortford, Hertfordshire CM23 4DU

- 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 Kevin Stockdale against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2207/FUL, dated 7 October 2019, was refused by notice dated 7 January 2020.
 - The development proposed is an open covered lean-to at the rear of the property.
-

Decision

1. The appeal is dismissed.

Procedural Matters

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. Both the Appellant and the Council have agreed to the appeal proceeding on this basis. This is because I have been able to reach a decision based on the information already available, supplemented by additional photographs supplied by the Appellant.
3. The application form contains a long description of the development, including some background information which led to the submission of the planning application. The Council described the proposal on its decision notice as the 'retention of covered lean-to extension', whilst the Appellant on their appeal form described the proposal as 'the development is an open covered lean-to too be added to the rear of the property. This will be open to the front and roof is a laminated glass'.
4. I consider that both the Councils decision notice description and the Appellants appeal form description provide for an accurate and succinct description of the proposal. Whilst it is clear that the development has already been carried out, although helpful, it is not necessary to refer to this in the description of the proposal. I have therefore used a shortened version of the Appellants appeal form description of the proposal in my decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal property is located on the east side of Gerard Avenue which is in a residential area of Bishops Stortford. The property is a semi-detached dwelling which has been previously extended at the rear with a two-storey extension¹. As noted by the Council, the property has also had a conservatory added to the rear of the two-storey extension. The Council consider that this is unauthorised although this is disputed by the Appellant.
7. Notwithstanding that, the Appellant has provided a photograph which is dated 25 March 2015 which clearly shows the conservatory. Whilst I am inclined to agree with the Council that the conservatory would not have been permitted development and would require planning permission, given that four years have passed since that date it would appear that the conservatory is immune from enforcement action. That said, this is not a matter before me.
8. The lean-to canopy has been erected to the side of the conservatory across the rear of the previous two-storey extension. The lean-to also extends beyond the side wall of the dwelling. The roof of the lean-to appears to sit just above the conservatory roof in a similar plane. The lean-to also includes a solid side wall to the boundary with 8 Gerard Avenue.
9. As noted by the Appellant, the lean-to roof for the patio is a simple structure and I consider that this does not, in principle, raise any significant concerns including how the roof relates to the conservatory. I also consider that the simple nature of the structure does not result in an excessive amount of development at the property, principally owing to its lightweight and minimal bulk.
10. However, the as-built structure extends beyond the side wall of the extended house and from the evidence before me is visible from the street as well as the rear of neighbouring properties. To my mind, this element of the structure does not relate well to the host dwelling and this harm is compounded by the solid side element in proximity to the boundary with No 8. Whilst the Appellant has suggested that this part of the structure could be removed/altered, this is not the proposal before me. To that end, I cannot give that suggestion any significant weight in my decision.
11. For the above reasons the development would harm the character and appearance of the area and would conflict with Policies HOU11 and DES4 of the East Herts District Plan (2018) which amongst other matters seek to ensure that extensions to existing buildings are of a high standard of design which are appropriate to the character and appearance of the existing dwelling and the surrounding area. It is also at odds with the overarching design aims of the National Planning Policy Framework.

Conclusion

12. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

¹ Following planning permission reference 3/13/1798/FP dated 27 November 2013

Appeal Decision

Site visit made on 14 July 2020

by Diane Lewis BA(Hons) MCD MA LL M MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2020

Appeal Ref: APP/J1915/X/20/3247721

40 Maze Green Road, Bishops Stortford CM23 2PJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Vincent against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/2558/CLPO, dated 16 December 2019, was refused by notice dated 4 February 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is erection of a garage extension.
-

DECISION

1. The appeal is dismissed.

REASONS

Main issue

2. The main issue is whether the refusal by the local planning authority to issue a certificate is well-founded and more specifically whether the proposed garage extension would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

Permitted development rights

3. Within the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) article 3 grants planning permission for the Classes of development described as permitted development in Schedule 2. In addition to several standard limitations set out in article 3, exceptions, limitations and conditions are defined separately for each Class of permitted development in Schedule 2.
4. Part 1 of Schedule 2 concerns development within the curtilage of a dwellinghouse. The enlargement, improvement or other alteration of a dwellinghouse is permitted development under Class A of Part 1. The circumstances when development is not permitted by Class A are set out in paragraph A.1. The difference of opinion between the appellants and the Council focuses on A.1(e)(i), which states that development is not permitted

when the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.

5. Technical Guidance on Permitted development rights for householders¹ provides an explanation of the rules on permitted development within Part 1, what the rules mean and how they should be applied in particular sets of circumstances. The guidance includes the meaning of terms that are used in but are not defined by the GPDO. One of these terms is principal elevation, which is usually understood to be the front of the house².
6. The Technical Guidance also confirms that a principal elevation may include more than one wall facing in the same direction, for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, the guidance is that all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.

Site and proposal

7. The two storey detached house was built on a corner plot as a replacement dwelling pursuant to a planning permission granted in 2014. The main access serving the site is on Maze Green Road, with a secondary access onto Matching Lane. The building line of the front (southern) elevation is not consistent but is staggered, partly because the attached garage is set back behind the front part of the house.
8. The proposal is to extend the garage forwards, with a much smaller extension to the side. The front plane of the extended garage would be sited just behind the adjoining front wall of the main house. In summary, the appellants' case³ is that the attached garage, located some distance behind the principal elevation, does not form part of the principal elevation. On the other hand, the local planning authority concluded that the extension would be beyond the existing garage elevation within the principal elevation and hence be outside permitted development rights.

Assessment

9. The principal elevation of the house is the south elevation facing Maze Green Road, the highway where the main access point is sited. Within this elevation is one of the main architectural features, a projecting full height gable feature containing the main entrance porch and picture windows above. Additional elements form part of this elevation and contribute to its appearance as the front of the house - the pitched roof with inset dormers, the front walls punctuated by windows either side of the gable and the front of the double garage with its doors and hipped roof above. All these elements are illustrated on the plan of the existing south elevation submitted by the appellants. By contrast, the elevation facing Matching Lane is a side facing gable wall

¹ Permitted development rights for householders Technical Guidance September 2019 Ministry of Housing, Communities and Local Government

² The Technical Guidance states that "In most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."

³ The case as set out in the application and in the grounds of appeal/statement of case.

containing secondary obscure glazed windows at the upper level and with no particular architectural features of interest.

10. Therefore the principal elevation includes more than one wall facing in the same direction, reflecting the ground floor layout and the roof forms. I include the front wall or face of the attached garage, having taken into account it is designed as a subsidiary element, recessed behind the main residential building and at a slightly lower level. The site visit confirmed in my mind that it contributes to the principal elevation, with reference to the meaning of this term set out in the Technical Guidance. On this key matter I agree with the Council rather than the appellants.
11. Referring back to the specific wording of paragraph A.1(e)(i), the phrase used is "would extend beyond a wall which forms the principal elevation". The choice of the unqualified words 'a wall' indicates that where the principal elevation comprises more than one wall, the restriction applies when the proposed addition would come forward of any component wall, not only the wall that is the furthest forward. The bay window example illustrated in the Technical Guidance addresses such a situation and, whilst not exactly the same, is a useful comparator to the appeal site.
12. This straight forward reading of the rule in the GPDO and the Technical Guidance support a conclusion that the proposed extension would not be permitted development. The test is not whether the proposed extension would be beyond the 'forward most' part of the principal elevation. I do not accept the interpretation put forward by the appellants on this point.

Conclusions

13. The proposed garage extension would come forward of the existing front wall of the garage within the principal elevation. Therefore the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse. That being the case and based on paragraph A.1(e)(i) in Part 1 of Schedule 2, the proposal would not be permitted development.
14. For the reasons given above the Council's refusal to grant a certificate of lawful use or development in respect of a garage extension at 40 Maze Green Road, Bishops Stortford is well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Diane Lewis

Inspector

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PLANNING APPEALS LODGED JULY 2020
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/19/1810/FUL	Sub-division of the plot and the erection of a 3 bedroomed detached dwelling, together with new access, parking and landscaping.	58 Prestwick DriveBishops Stortford CM23 5ES	Refused Delegated	20/07/2020	Written Representation
3/19/1833/FUL	Proposed erection of 3 private detached bungalows, creation of 6 car parking spaces and associated works.	Land At Pelican CottageChippingBuntingford SG9 0PQ	Refused Delegated	23/07/2020	Written Representation
3/19/2060/FUL	Residential development of three 2 bedroom terraced houses with associated parking and landscaping.	To The Rear Of The Fox & Hound2 High StreetHunsdonWare SG12 8NH	Refused Delegated	06/07/2020	Written Representation
3/19/2064/HH	Two storey extension to the side.	1 The BourneBishops Stortford CM23 2HZ	Refused Delegated	03/07/2020	Fast Track
3/19/2169/OUT	Outline planning permission for demolition of agricultural barn and erection of 5no. dwelling houses - all matters reserved except from landscaping.	Pole Hole FarmPye CornerGilston	Refused Delegated	20/07/2020	Written Representation
3/19/2202/FUL	Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.	Kecksys FarmCambridge RoadSawbridgeworth CM21 9BZ	Refused Delegated	20/07/2020	Written Representation
3/19/2441/HH	Two storey side extension, single storey rear extension, side porch and relocated access and driveway.	4 Hadham Park CottagesCradle EndLittle HadhamWare SG11 2EH	Refused Delegated	01/07/2020	Fast Track
3/19/2535/HH	Demolition of side garage and removal of chimney stacks. Erection of single storey front, side, rear and two storey side and rear extensions. New vehicle access onto Rowney Gardens and proposed access gates and front boundary wall.	28 Rowney GardensSawbridgeworth CM21 0AT	Refused Delegated	13/07/2020	Fast Track
3/19/2613/HH	First floor front extension.	11 Burnham Green RoadDatchworthKnebworth SG3 6SE	Refused Delegated	10/07/2020	Fast Track
3/20/0027/HH	Erection of two storey side and rear extension.	2 Middle Farm CottagesCottered RoadThrockingBuntingford SG9 9RN	Refused Delegated	06/07/2020	Fast Track
3/20/0092/HH	Garage conversion.	22 Skippys MeadowBuntingford SG9 9FP	Refused Delegated	02/07/2020	Fast Track
3/20/0172/FUL	Erection of detached one bedroom bungalow	Land Adj WelgelegenThe StreetHaultwickWare SG11 1JQ	Refused Delegated	20/07/2020	Written Representation
3/20/0201/SV	Application to discharge obligations contained within a section 106 agreement.	The Cock InnGinns RoadStocking PelhamBuntingford SG9 0HZ		28/07/2020	Written Representation
3/20/0250/FUL	Demolition of double garage. Construction of 2 bed dwelling with 3 roof dormer windows.	Land Adjacent To Hermitage CottageWaresideWare SG12 7QY	Refused Delegated	24/07/2020	Written Representation
3/20/0287/FUL	Construction of new detached house with garage to include creation of 3 parking spaces, new site entrance and associated landscaping.	Land Adjacent To 17 Highfield RoadHertford SG13 8BH	Refused Delegated	20/07/2020	Written Representation
3/20/0329/HH	Part single and part two storey rear extension. Conversion and alteration of 1 garage to form front entrance door; together with associated elevational alterations .	8 Parsonage LaneBishops Stortford CM23 5BE	Refused Delegated	27/07/2020	Fast Track
3/20/0520/HH	First floor rear extension.	111 The HydeWare SG12 0EU	Refused Delegated	24/07/2020	Fast Track
3/20/0599/HH	Addition of two dormer windows to side elevations.	31 Brookbridge LaneDatchworthKnebworth SG3 6SU	Refused Delegated	20/07/2020	Fast Track
3/20/0716/FUL	Erection of 1 new detached dwelling with a basement and 4 off-street car parking spaces.	Land At DormersCrouchfieldsChapmore EndWare SG12 0NZ	Refused Delegated	20/07/2020	Written Representation
3/20/0723/FUL	Construction of a 5-bedroom replacement dwelling.	LanbrookSt Marys LaneHertingfordbury	Refused Delegated	24/07/2020	Written Representation
X/19/0362/CND	Discharge condition 3 (materials) attached to 3/12/1440/FP	Glebe LandAcorn StreetHunsdon	Refused Delegated	14/07/2020	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
3/19/0475/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

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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	488	706								

<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%	100%	100%									Major %	60%	60%
Minor %	92%	93%	92%	92%									Minor %	80%	65%
Other %	92%	92%	90%	91%									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	3	5								
Number Allowed against our refusal (Monthly)	1	2	1	3								

Total number of appeal decisions (Cumulative)	4	10	13	18								
Number Allowed against our refusal (Cumulative)	1	3	4	7								

AGENDA ITEM NO. 6D

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