

3/14/1717/FP – Demolition of former depot and development of mixed use scheme – Full permission for Phase 1 comprising 82no. dwellings with ancillary parking, public open space and landscaping; creation of new access from London Road at the former Sainsbury’s Distribution Depot, London Road, Buntingford, SG9 9JR for Fairview New Homes

Date of Receipt: 19.09.2014

Type: Full – Major

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

(A) That, subject to the applicant or successor in title entering into a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 in respect of both applications 3/14/1717/FP and 3/13/1925/OP, to cover the following matters:

- A financial contribution towards Nursery, First, Middle and Upper Education, Childcare, Youth and Library services to Hertfordshire County Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Guidance – Toolkit for Hertfordshire 2008;
- A financial contribution of up to £10,000 towards a study into the availability of sites for the delivery of a 2FE First school, and no more than 174 dwellings shall be occupied prior to the identification of a suitable and available First school site.
- A financial contribution of £213,000 towards Sustainable Transport;
- A financial contribution of up to £25,000 to fund additional transport modelling commissioning, scope and timescales for completion to be agreed. No more than 100 dwellings shall be occupied prior to completion of the modelling, and if the modelling identifies the need for further transport infrastructure works or contributions towards other measures, contributions towards these will be sought through any subsequent planning applications;
- A financial contribution towards Outdoor Sports facilities to East Herts Council in accordance with the residential type and mix as approved in any subsequent planning application and the Planning Obligations Supplementary Planning Document 2008;
- A financial contribution of £621 per dwelling towards general medical

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services;

- The provision of 22% affordable housing - 76% to be social rented and 24% to be shared ownership. Reassessment of viability appraisal and the percentage of affordable housing (not to decrease below 22%) shall be undertaken in accordance with a timescale to be submitted and agreed;
- The submission of a Business and Employment Strategy to include delivery timescales, type of units, marketing plan and implementation plan;
- Monitoring fee of £310 per clause

All obligations to be index linked from the date of resolution to the date of payment.

The Director of Neighbourhood Services be authorised to **GRANT** planning permission subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Prior to the commencement of the development hereby approved (excluding demolition), a timetable for the submission of applications for the remaining phases of the redevelopment of the site outlined in blue on plan ref. 011415-FAIR-PH1-07, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall accord with the approved details.

Reason: To ensure the redevelopment of the whole of the site.

3. Levels (2E05)
Amended to include '(excluding demolition or site clearance)'
4. Boundary walls and fences (2E07)
5. Approved plans (2E10)
Insert '011415-FAIR-PH1-01, 011415-FAIR-PH1-02, 011415-FAIR-PH1-03, 011415-FAIR-PH1-04, 011415-FAIR-PH1-05, 011415-FAIR-PH1-06, 011415-FAIR-PH1-07, 061312-FAIR-P-01 Rev B, 061312-FAIR-P-05 Rev B, 011415-FAIR-PH10SEC01, 011415-FAIR-PH1-SEC02, 011415-FAIR-PH1-SS01, 011415-FAIR-PH1-SS02, 011415-FAIR-PH1-SS03, 011415-FAIR-PH1-SS04, 011415-FAIR-PH1-B-P1, 011415-FAIR-PH1-B-E4, 011415-FAIR-PH1-B-E3, 011415-FAIR-PH1-

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B-E2, 011415-FAIR-PH1-B-E1, 011415-FAIR-PH1-C-E1, 011415-FAIR-PH1-C-P1, 011415-FAIR-PH1-D-P2, 011415-FAIR-PH1-D-P1, 011415-FAIR-PH1-D-E2, 011415-FAIR-PH1-D-E1, 011415-FAIR-PH1-J2-P1, 011415-FAIR-PH1-J2-E2, 011415-FAIR-PH1-J2-E1, 011415-FAIR-PH1-K-E1, 011415-FAIR-PH1-K-P1, 011415-FAIR-PH1-M-P1, 011415-FAIR-PH1-M-E2, 011415-FAIR-PH1-M-E1, 011415-FAIR-PH1-N-P1, 011415-FAIR-PH1-N-E4, 011415-FAIR-PH1-N-E3, 011415-FAIR-PH1-N-E2, 011415-FAIR-PH1-N-E1, 011415-FAIR-PH1-Q-P1, 011415-FAIR-PH1-Q-E1, 011415-FAIR-PH1-R-P1, 011415-FAIR-PH1-R-E2, 011415-FAIR-PH1-R-E1, 011415-FAIR-PH1-U+-P1, 011415-FAIR-PH1-U+-E1, 011415-FAIR-PH1-BLK1-P3, 011415-FAIR-PH1-BLK1-P2, 011415-FAIR-PH1-BLK1-P1, 011415-FAIR-PH1-BLK1-E3, 011415-FAIR-PH1-BLK1-E2, 011415-FAIR-PH1-BLK1-E1, 011415-FAIR-PH1-2BCH-P1, 011415-FAIR-PH1-2BCH-E1, 011415-FAIR-PH1-GAR04, 011415-FAIR-PH1-GAR03, 011415-FAIR-PH1-GAR02, 011415-FAIR-PH1-GAR01, 011415-FAIR-PH1-CS01, 011415-FAIR-PH1-CP03, 011415-FAIR-PH1-CP02, 011415-FAIR-PH1-CP01, 011415-FAIR-PH1-SUB01.

6. Materials of construction (2E11)
7. Materials arising from demolition (2E32)
8. Prior to the first occupation of any part of the development hereby approved, details of the layout of each play space and the play equipment to be provided including a timetable for the implementation of the agreed details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and the areas shall not be used for any purpose other than as a play area.

Reason: To ensure adequate provision of play space within the estate, in accordance with policy LRC3 and Appendix 4 of the East Herts Local Plan Second Review April 2007.

9. Bats (2E41)
Amended to include 'Bat Mitigation Strategy September 2013 (RT-MME-114778-02)'
10. No removal of trees, scrub or hedges, shall be carried out on site between 1 March and 31 August inclusive in any year, unless searched beforehand by a suitably qualified ecologist and confirmed absent from nesting activity.

Reason: To protect the habitats of existing wildlife, and in accordance

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with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

11. Sustainable drainage – surface water management (2E43)
12. Prior to the commencement of the development (excluding demolition) hereby approved, a scheme that includes the following measures to deal with the risks associated with the contamination of the site shall be submitted to and approved in writing by the Local Planning Authority:
 1. A site investigation scheme, based on the details contained in the submitted Geotechnical and Geoenvironmental interpretative report and remediation strategy (ref. CG/08376A) October 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 2. The results of the site investigation and detailed risk assessment referred to in 1. And, based on these, an options appraisal and remediation strategy giving full details of the remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy 2. are complete and identifying any requirements for longer term monitoring of pollutants linkages, maintenance and arrangements for contingency action.
Thereafter the scheme shall be implemented in accordance with the details submitted to and agreed by the Local Planning Authority.

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

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

16. The development hereby permitted (excluding demolition and site clearance) shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

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

17. Tree/hedge protection (4P05)
18. Tree/natural feature protection: fencing (4P07)
19. Tree Protection: excavations (4P09)
Amended to include '(excluding demolition or site clearance)'
20. Tree Protection: Earthworks (4P10)

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21. Landscape design proposals (4P12)
22. Landscape works implementation (4P13)
23. Construction hours of working – plant and machinery (6N07)
24. No development shall take place, including any works of demolition and site clearance, until a Demolition Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide for:
 1. details of vehicle movements and vehicle access arrangements in association with the demolition;
 2. the parking of vehicles of site operatives and visitors;
 3. loading and unloading of plant and materials;
 4. storage of plant and materials used in the demolition of the existing buildings;
 5. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 6. wheel washing facilities;
 7. measures to control the emission of dust and dirt during demolition;
 8. a scheme for recycling/disposing of waste resulting from demolition works.

Reason: In the interests of neighbour amenity and highway safety in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

25. Prior to commencement of the development hereby approved, a Construction Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Construction Management Plan must set out:
 - the phasing of construction and construction programme;
 - the hours of operation and delivery and storage of materials within the site including: proposed hours in which vehicles will arrive and depart; numbers of daily construction vehicles; vehicle sizes, routing, access and parking arrangements for all construction related vehicles within the site;
 - details of any highway works necessary to enable construction to take place;
 - parking and loading arrangements;

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- details of any hoardings;
- details of how pedestrian and cyclist safety will be maintained;
- management of traffic to reduce congestion;
- control of dirt and dust on the public highway;
- provision for addressing any abnormal wear and tear to the highway;
- details of consultation with local businesses or neighbours;
- details of any other Construction Sites in the local area;
- waste management proposals.

Thereafter, the development shall accord with the approved Construction Management Plan.

Reason: In the interests of neighbour amenity and highway safety in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

26. Pedestrian and vehicular access to the sports fields to the south of the site shall be maintained at all times, both during construction and operation of the site.

Reason: To ensure the continued access to the sport and recreation land to the south of the site.

27. Prior to the commencement of the development hereby approved (excluding demolition and site clearance), detailed plans of the roads, footways, cycleways, and foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall accord with the approved details.

Reason: To ensure satisfactory development of the site and a satisfactory standard of highway design and construction.

28. Prior to the commencement of the development hereby approved (excluding demolition and site clearance) a phasing plan for the development and associated highway works shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. Thereafter the development shall accord with the approved phasing schedule.

Reason: In order to ensure that the approved development takes place in a coordinated manner having regard to highway safety and accessibility.

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29. Prior to the commencement of each phase of the development as outlined in the phasing plan agreed by condition 28, detailed plans of all proposed new highway infrastructure or modifications to existing highway infrastructure shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. This includes, but is not limited to, the following, both within and outside the site:
- i) Roads, footways, cycleways;
 - ii) Foul and surface water drainage;
 - iii) All new and modified junctions and access arrangements, including visibility splay information;
 - iv) Parking provision/layouts in accordance with adopted standards;
 - v) Loading areas;
 - vi) Turning areas;
 - vii) Internal bus stops to be fully DDA compliant.
Designs must be compliant with Hertfordshire County Council's Roads in Hertfordshire - Highway Design Guide.

Reason: To ensure that all highway works and internal roads are built to Highway Authority standards and requirements.

30. No part of the development shall be occupied until the approved access arrangements from the public highway have been fully implemented, and each phase of the development (as agreed by condition 28) shall not be occupied until the other relevant road works both within and outside the site as agreed by condition 29 have been implemented. This includes (but is not limited to) physical mitigation measures and internal access roads, forecourts, garages, carports and external parking spaces.

Reason: In the interests of highway safety and accessibility.

31. Prior to the commencement (excluding demolition and site clearance) of each phase (agreed by condition 28) of the development hereby approved, details of all materials to be used 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. Thereafter the development shall accord with the approved details.

Reason: To ensure that internal roads, drainage and parking areas are built to Highway Authority standards and requirements.

32. Wheel washing facilities (3V25)

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33. Prior to the commencement of the development hereby approved (excluding demolition and site clearance) a plan detailing the proposed new highway boundary(ies) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To clarify the extent of the highway and prevent structures being erected within the highway boundary.

34. Prior to the first occupation of any part of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, together with a timetable for its implementation. Such a Travel Plan shall accord with Hertfordshire County Council's document 'Hertfordshire's Travel Plan Guidance for Business and Residential Development'

Reason: To promote the use of non car modes of transport in accordance with national guidance in section 4 of the National Planning Policy Framework and policy TR4 of East Herts Local Plan Second Review April 2007.

35. Prior to commencement of the development hereby approved (excluding demolition and site clearance) details of the existing watercourse/drainage ditch and proposals for accommodating this feature within the design of the priority access junction on to London Road shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the development shall accord with the approved details.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety.

36. No part of the development hereby approved shall be occupied until the permitted visibility splays measuring 4.5 x 90 metres are secured and protected via appropriate waiting restrictions on each side of the proposed priority access junction on London Road. The splays must be maintained at all times, free from any obstruction between the heights of 600mm and 2m above the level of the adjacent carriageway.

Reason: In the interests of highway safety.

37. Prior to the first occupation of any part of the development hereby approved, details and arrangements for a gated emergency access to the site shall be submitted to and approved in writing by the Local

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Planning Authority, and thereafter the development shall accord with the approved details.

Reason: To secure a satisfactory emergency access appropriate to the development, in the interest of public safety and convenience.

Directives:

1. Highway Works (06FC2)
2. Planning Obligation (08PC)
3. Street Naming and Numbering (19SN)
4. Bats (32BA)
5. Unsuspected Contamination (33UC)
6. Protected Species (36PS)
7. The applicant is advised to re-survey the site for badgers if there is a long delay between the completion of demolition works and the start of construction works. The applicant is also reminded of their responsibilities under the Protection of Badgers Act.
8. The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.
9. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.

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10. Prior to commencement of relevant highway works the applicant shall promote and obtain all necessary permanent and temporary Traffic Regulation Orders. This is to ensure adequate safety measures are provided during construction and use of the development.
11. Before commencement of the development the applicant shall submit to the relevant road and foul drainage authorities, details of the design, construction and adoption of the proposed drainage systems. This is to ensure that the development's drainage is built to the appropriate standards and legislation.
12. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.
13. Where works are required within the public highway to facilitate the new vehicle access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Hertfordshire County Council Highways team to obtain their permission and requirements. Their address is County Hall, Pegs Lane, Hertford, Hertfordshire, SG13 8DN. The telephone number is 0300 1234047.
14. 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 access and associated road improvements. The construction of such 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. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.

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15. The applicant is advised that the internal layout of this development will remain unadopted and the developer should put in place a permanent arrangement for long term maintenance. At the entrance of the new estate the road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website:
<http://www.hertsdirect.org/services/transtreets/highways/>
or by telephoning 0300 1234047.
 16. In respect of highway design, the applicant will need to contact the Safety Engineering Team, and the street lighting team at Hertfordshire County Council to obtain their requirements. These teams are based at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).
 17. In respect of the required Travel Plan, the applicant will need to contact the Travel Plan Team to obtain their requirements, based at County Hall, Pegs Lane, Hertford, Herts, SG13 8DN (Telephone: 0300 1234047).
 18. The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.
 19. Prior to works commencing the applicant is recommended to carry out a survey to identify the presence of any asbestos on the site, either bonded with cement or unbounded. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from the site. If unbounded asbestos is found the Health and Safety Executive should be contacted and the asbestos shall be removed by a licensed contractor.
 20. Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of with following the proper duty of care and should not be burnt on the site. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.
 21. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within eight meters of the top of the bank of Hayley Hall Ditch, designated a 'main river'.
- (B)** That the Head of Planning and Building Control, in consultation with the

Chairman of the Committee and a minimum of one of the two local ward Members (whilst informing both ward Members at all stages of any relevant action or decision) be authorised to make amendments to the heads of terms and all related matters in relation to the legal agreement and to add or remove conditions and directives and make such changes to the wording of them as may be necessary to ensure a satisfactory development.

Summary of Reasons for Decision

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

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1.0 Background

- 1.1 The application site is shown on the attached OS extracts, and is located on the southern edge of the settlement of Buntingford. The site forms part of the former Sainsbury's Distribution Depot, which is bounded to the south by sports pitches/facilities and open countryside; to the east and partly to the west by open countryside, and to the north and north west by residential developments in Windmill Hill, London Road and Olvega Drive.
- 1.2 Members will recall that a resolution was made at the 17 September 2014 meeting of the Development Management Committee to grant outline permission, subject to a Section 106 agreement, for the redevelopment of the wider depot site as a mixed use scheme, comprising 316 dwellings of mixed size and tenure and 2ha of land for employment purposes including development within B1(c) (light industry), B1(a) (offices) and/or D1 (non-residential institution).
- 1.3 This application seeks full planning permission for the demolition of the former depot and for Phase 1 of the mixed use scheme, comprising 82no. dwellings with ancillary parking, public open space, landscaping and the creation of new access from London Road.

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- 1.4 The site area for this application is 2.59 ha and the application proposes the provision of 12 2-bed apartments; 12 2-bed houses; 42 3-bed houses and 16 4-bed houses. Of the 82 dwellings proposed, 18 affordable units are proposed (22%). A total of 188 car parking spaces are proposed for this phase.
- 1.5 In submitting the current application, the applicant has commented that they appreciate that the drafting of the Section 106 agreement relating to the outline application will take some time, and to maintain momentum in order to ensure that the construction of new houses can commence as early as possible, they have submitted this application for full permission for phase 1 of the development. They comment that this full application for phase 1 is identical to the outline planning permission application layout in terms of unit numbers and sizes and is therefore consistent with that application. They also comment that they would wish for this application for full permission to be tied to the Section 106 obligations already agreed through the outline permission.

2.0 Site History

- 2.1 The site has a long planning history. The site appears to have been undeveloped until the Second World War when a Munitions Depot was constructed. In 1959 planning permission was granted for the change of use of the site and its buildings to a storage and distribution depot. The site was purchased by Sainsbury's Supermarkets Ltd in the late 1960s and the site was totally redeveloped in the early 1970s, predominantly including the main warehouse building (the existing western most building). During Sainsbury's ownership of the site there have been many planning applications submitted for various works of varying scales. Of note however is the addition of what is known as the high bay warehouse in the 1980s, and in the 1990s the addition of the southern most warehouse currently on the site. The site has an extant B8 use, and there are no restrictions on the time during which activity can occur at the site.
- 2.2 Outline planning permission (all matters reserved with the exception of access, layout and scale) was granted in January 2013 for the demolition of existing buildings and structures on the site and the erection of a new storage and distribution centre (Use Class B8) with ancillary offices, gatehouse, vehicle maintenance unit, vehicle wash, fuel island, plant, HGV parking and surface car park, alteration of football club access and parking, engineering, landscaping and associated works for Prologis (ref. 3/12/1040/OP). Reserved matters approval has not been sought for this proposal.

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- 2.3 An application was submitted to the Council in March 2014 for consideration as to whether prior approval was required for the method of demolition of all buildings on the site with the exception of the clubhouse occupied by the football club and any proposed restoration of the land (ref. 3/14/0542/PD). Based on the information submitted with the application, it was determined that, in this case, prior approval was not required for the demolition of the buildings on the site.
- 2.4 As set out above, a resolution to grant outline planning permission, subject to a Section 106 agreement, was given at the meeting of the Development Management Committee on 17 September 2014 for the demolition of former depot and development of mixed use scheme comprising 316 dwellings of mixed size and tenure (all matters reserved with the exception of access, layout and scale dwellings), 2ha. of land for employment purposes including development within B1(c) (light industry), B1(a) (offices) and/or D1 (non-residential institution) (all matters reserved with the exception of access) with ancillary parking, public open space and landscaping including new vehicular access from London Road; retention of sports club including club house and sports pitches. A copy of the previous committee report is appended to this report as **Essential Reference Paper 'A' (ERPA)**, together with a list of the previously agreed conditions and Section 106 obligations.

3.0 Consultation Responses

- 3.1 Environmental Health has commented that any permission given shall include conditions relating to construction hours of working; soil decontamination and piling works.
- 3.2 Thames Water has commented that with regard to sewerage infrastructure capacity, they have no objection. Affinity Water should be consulted in respect of water supply.
- 3.3 Herts and Middlesex Wildlife Trust have commented that the application is largely satisfactory in survey and principles of mitigation, compensation and enhancement. However they comment that small inexpensive changes should be made to the proposals to maximize ecological benefits.
- 3.4 Natural England has commented that the proposal is unlikely to affect any statutorily protected sites or landscapes and that their standing advice should be considered in respect of protected species.
- 3.5 The Historic Environment Advisor, HCC has commented that the archaeological desk-based assessment of the site submitted with the

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application concludes that the site has the potential to contain heritage assets of archaeological interest. However, the results of the geotechnical investigations of the site indicate that the truncation and leveling of the site that was carried out to facilitate the construction of the existing depot was so extensive that the site now has negligible archaeological potential. They therefore conclude that the proposal is unlikely to have an impact upon heritage assets or archaeological interest.

- 3.6 Development Services, HCC has commented that planning obligations should be sought towards education, childcare, youth and library facilities to minimise the impact of the development on Hertfordshire County Council services for the local community.
- 3.7 The Environment Agency has commented that any permission granted should be subject to conditions relating to land contamination and surface water drainage.
- 3.8 The East and North Hertfordshire NHS Clinical Commissioning Group has commented that the growth associated with the development could be around 197 people which may impact on existing community services.
- 3.9 NHS England has commented that financial contributions should be sought to support the GP surgeries affected by the proposed development, including extensions to the Buntingford Health Centre.
- 3.10 The Council's Engineer has commented that it is anticipated that the SuDS as identified in the submitted FRA would provide flood risk protection, water quality improvements and associated landscape. Amenity and ecology benefits for the site and the surrounding area.
- 3.11 The Council's Housing Development and Strategy Manager has commented that the percentage of affordable units and mix for Phase 1 accords with that shown on the outline application.
- 3.12 Herts Ecology has commented that they agree with the species survey methodologies used and conclusions made in the reports. They comment that the demolition of building 1 will result in the loss of a bat roost, but that the mitigation strategy is sufficient to deal adequately with bats from a planning perspective. They also comment that removal of trees and shrubs should be avoided during the bird breeding season; all excavations should be covered over night to prevent wild mammals falling in and becoming trapped and that condition 12 attached to the outline permission is now not necessary as demolition

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works have started on site.

- 3.13 County Highways has commented that the proposed access onto London Road is acceptable and that the provision of splitter islands on London Road is necessary. They comment that the proposed trip generation and trip distribution on the highway network from the proposed development is not considered to be an issue subject to appropriate mitigation measures being implemented. County Highways have no objection to the proposed site layout or the proposed number of parking spaces. They recommend that any permission shall be subject to conditions relating to details of roads, footways, cycleways, etc.; provision of access arrangements; hard surfacing materials; construction traffic management plan; wheel washing facilities; visibility splays; scheme for cycle parking and the provision of a financial contribution towards sustainable transport measures.
- 3.14 The Council's Landscape Officer has commented that there is no unacceptable adverse impact on trees, and that the site layout for phase 1 is acceptable in landscape terms, although some refinement is needed on the detailed planting proposal in terms of species selection and locations and more information is needed in places on detailed hard landscape design/specification.

4.0 Town Council Representations

- 4.1 Buntingford Town Council indicates that it is difficult to comment on phased applications as it is unclear under which phase various things will be provided i.e. sustainable transport works and contribution. The Town Council also commented that there remains a lack of suitable accommodation for the elderly, in particular bungalows, and they are of the opinion that these should be provided on the development. They also comment that there is still a lack of clarity over the arrangements for the Bury Clubhouse and they are concerned that, without a legal agreement, any committed arrangements will not come to fruition. Finally they comment that they seek assurance that the applicant has, or will, provide a full timetable for the development of the site, clearly outlining when the employment element of the scheme will be undertaken.

5.0 Other Representations

- 5.1 The application has been advertised by way of press notice, site notice and neighbour notification.
- 5.2 3 letters of representation have been received which raise concerns

that this piecemeal application should not be approved without further consideration of matters such as density; parking provision; housing types for an ageing population; landscaping; recreational facilities; plans for access to the A10 and beyond; phasing of the employment; phasing of the development within the context of other developments approved in Buntingford; the provision of a care home; an agreement on the future of the Buntingford football and social club and connection to the town centre and cycle provision.

6.0 Policy

6.1 The relevant 'saved' Local Plan policies in this application include the following:

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of sites not allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plan
TR7	Car Parking – Standards
TR8	Car Parking – Accessibility Contributions
TR12	Cycle Routes – New Developments
TR13	Cycling – Facilities Provision (Non-Residential)
TR14	Cycling – Facilities Provision (Residential)
EDE1	Employment Areas
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV18	Water Environment
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
ENV24	Noise Generating Development
ENV25	Noise Sensitive Development
ENV27	Air Quality
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
BUN5	The Former Sainsbury Distribution Depot

IMP1 Planning Conditions and Obligations

6.2 The National Planning Policy Framework and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

7.0 Considerations

7.1 As set out earlier in this report, Members have resolved to grant outline planning permission for the redevelopment of the former depot site (ref. 3/13/1925/OP). As the Section 106 agreement has not yet been signed for this proposal, outline permission has therefore not yet been granted and hence why this current application is for full permission and not reserved matters approval. In considering the application for outline planning permission, Members resolved that the principle of the development was acceptable, as were the detailed matters of access, layout and scale. This current application does not differ in terms of access, layout or scale to the outline permission, and as there has been no change in circumstances or policy since September, Officers consider that the access, layout and scale shown remain acceptable.

7.2 The determining issues in relation to this application are therefore as follows:

- External appearance of the development;
- Impact on neighbour amenity;
- Landscaping;
- Relationship to outline application;
- Other matters.

External appearance of the development

7.3 The submitted Design and Access Statement states that the townscape in Buntingford has informed the approach to the appearance of the dwellings and the selection of building materials. The dwellings proposed as part of this phase of the development include the use of traditional, domestic architectural features i.e. pitched roofs and simple porches, and they would be constructed from brick, with tiled roofs and in some cases rendering and tile hanging details.

7.4 The frontage to London Road has been designed to be varied in terms of design, materials and scale, and the spacing between the dwellings will further contribute to the low density appearance of this part of the

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development. The existing landscaped verge to London Road will, to some degree, screen the development from London Road, and together with the changes in land levels the development would not appear prominent when viewed from London Road.

- 7.5 The Avenue, which runs through the development, is also of a low density appearance with the dwellings set back from the tree lined roadway and of varying designs. The scale of development increases slightly along the northern boundary of the site. However, Officers consider that it remains in keeping with the character and scale of other developments in Buntingford.
- 7.6 Having regard to the above, Officers consider that the proposed external appearance of the development is acceptable and would be in keeping with the character and appearance of other developments in Buntingford.

Impact on neighbour amenity

- 7.7 The neighbouring properties closest to the site are those in Windmill Hill, London Road and Olvega Drive. Having regard to the distances between the properties fronting London Road and those in Olvega Drive, and the differences in land levels, Officers are satisfied that the proposed development would not result in any significant harm by reason of overlooking, overbearing effect or similar to those properties.
- 7.8 Turning to the properties in Windmill Hill and London Road, Officers are also satisfied that having regard to the distance between the properties (which is approximately 30 metres at its closest), the changes in levels and the existing landscaping along the boundary of the site, that the proposed development would also not result in any significant harm by reason of overlooking, overbearing effect or similar to those properties.
- 7.9 Having regard to the above therefore, Officers are satisfied that the proposed development would not result in any significant harm to the amenities of neighbouring properties.

Landscaping

- 7.10 Detailed landscaping plans have been submitted with this application. The Landscape Officer has commented that the site layout for this phase is acceptable in landscape terms, although some refinement is needed to the detailed planting proposal in terms of species selection and locations and more information is needed in places on detailed hard landscape design/specification. As no objection has been raised

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in principle to the amount of space allocated for landscaping, it is considered that the changes to the detailed planting proposals can be dealt with via a condition.

- 7.11 It is also noted that the Landscape Officer raises no concerns with the impact of the development on existing landscape features, and the retention of these can be controlled by condition.

Relationship to outline application

- 7.12 As set out earlier in this report, this application is for phase 1 of the redevelopment of the wider former depot site. To realise the benefits of the redevelopment of the wider site such as the provision of land for employment purposes, play space and other matters, it is important that this part of the site is not developed in isolation of the wider redevelopment. Furthermore, it is important that this application is connected to the planning obligations required as part of the Section 106 agreement related to the outline application and the Council's Legal team have advised that this is achievable.
- 7.13 It is therefore considered that, subject to the applicant or successor in title entering into a Section 106 agreement which includes the obligations for the redevelopment of the wider site, there is no reason why planning permission should not be granted in this instance.

Other matters

- 7.14 Officers note that concerns have been raised by third parties, particularly in respect of the density of the proposal and the level of parking provision. As set out above, this current application does not differ in terms of the quantum of development or the detailed matters of layout or scale from the outline permission that Members resolved to grant in September 2014. This resolution is a material consideration in the determination of this current application, and therefore it is the opinion of Officers, that as there have been no changes in policy or circumstances since that resolution was taken, it would be unreasonable for the Council to now reach a different conclusion on the matters raised by third parties.

8.0 Conclusion

- 8.1 Members have resolved to grant outline planning permission for the redevelopment of the site, including the details of layout, access and scale. Whilst this application seeks full planning permission for phase 1 of the development, the resolution to grant outline planning permission

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is a material consideration in the determination of this current application.

- 8.2 This application for full permission does not differ in terms of layout, access and scale to that shown on the outline permission, and as there has been no change in policy or circumstances since the resolution to grant outline permission it is only necessary to consider the details of external appearance and landscaping. Officers consider that these elements of the proposed development are acceptable and, subject to this application being linked to the Section 106 agreement for the redevelopment of the wider site, Officers recommend that planning permission is granted.