

DEVELOPMENT MANAGEMENT COMMITTEE – 9 DECEMBER 2015

Application Number	3/15/0300/OUT
Proposal	Hybrid planning application comprising demolition of former depot and development of Phases 1 - 4 of a mixed use scheme comprising 316 dwellings of mixed size and tenure with ancillary parking, public open space and landscaping including new access from London Road (Detailed Application) and 2ha. of land for employment purposes including development within B1(c)(light industry), B1 (a) (offices) and/or D1 (non-residential institution) (outline application with all matters reserved) and retention of club house and sports pitches.
Location	Former Sainsbury's Distribution Depot, London Road, Buntingford
Applicant	Fairview New Homes
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	13 March 2015
Target Determination Date	12 June 2015
Reason for Committee Report	Major application

RECOMMENDATION:

- (a) That planning permission be **GRANTED**, subject to a legal obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and conditions.
- (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.

1.0 Summary

- 1.1 Outline planning permission was granted in September 2015 (ref. 3/13/1925/OP) for the redevelopment of the site for 316 dwellings and

the provision of 2ha of employment land. This application now seeks full planning permission for the residential element of the development, with the employment element remaining in outline. There has been no significant change in policy or circumstance since the previous grant of permission, and therefore there remains no objection in principle to the proposed development.

- 1.2 The previously approved application agreed the details of access, layout and scale of the development. As no changes are proposed in respect of these issues, the main consideration in relation to this application is therefore the appearance of the proposed development and the landscaping of the site. It is considered that both of these elements are acceptable, and the appearance of the development would respect this edge of settlement site.
- 1.3 Since the previous grant of permission, the Council has commissioned consultants to consider the cumulative impact of a number of developments on the highway network. This work has identified that whilst in most part the network can accommodate the new development, operational issues were identified at two locations including at the A10/London Road junction. The modelling work undertaken has identified mitigation measures to address the issue at this location. County Highways have considered the proposal in light of the results of this modelling work and have requested that a financial contribution is sought (greater than that requested through application ref. 3/13/1925/OP) to put towards the required mitigation measures and the provision of a cycle path from the application site towards the town centre. In light of the advice from County Highways, there is no objection to the development in respect of its impact on the highway network.

2.0 Site Description

- 2.1 The application site is located on the southern edge of the settlement of Buntingford. The site 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. The previous use of the site required a number of buildings of varying sizes and heights and large areas of hardstanding. The existing site had an authorised B8 use and had been used by Sainsbury's since the late 1960s/early 1970s as their distribution depot. The site has however been mainly vacant for a number of years now and the existing buildings on the site have now been demolished.

3.0 Background to Proposal

- 3.1 Outline planning permission (including details of access, layout and scale) was granted in September 2015 for the development of the site 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) (ref. 3/13/1925/OP). The Committee report for this application is attached to this report as **Essential Reference Paper 'A'**. Also in September 2015, full planning permission was granted for Phase 1 of the development (82 dwellings) (ref. 3/14/1717/FP).
- 3.2 The application which is the subject of this report, now seeks full permission for the erection of 316 homes and outline permission for 2 ha of employment land. This application does not differ in respect of the details approved under application ref. 3/13/1925/OP, but does not include details of the appearance of the proposed dwellings and the landscaping of the site. As the employment land element of the proposal remains in outline, only details of access are provided (this does not differ to the details shown in relation to application ref. 3/13/1925/OP).

4.0 Key Policy Issues

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts Local Plan 2007:

Key Issue	NPPF	Local Plan policy
Principle of development and grant of permission ref. 3/13/1925/OP	Sections 1 and 6	SD2, HGS1, EDE1 and BUN5
Impact of the appearance of the development	Section 7	ENV2 and ENV11
Highway impacts	Section 4	TR1, TR2 and TR3

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

5.0 Emerging District Plan

5.1 In relation to the key issues identified above, the policies contained in the emerging District Plan do not differ significantly from those contained in the adopted Local Plan and the NPPF as identified above, although the site is allocated in the emerging District Plan as a residential led-mixed use site to include approximately 300 homes (policy BUNT2). Given its stage in preparation however, little weight can currently be afforded to the emerging Plan.

6.0 Summary of Consultee Responses

6.1 The Council's Environmental Health section advises that any permission given shall include conditions relating to road traffic noise mitigation, construction hours of working (plant and machinery), soil decontamination and piling.

6.2 Natural England has commented that the Council should apply their standing advice to the application.

6.3 Thames Water has commented that with regard to sewerage infrastructure capacity, they have no objection to the application. They comment that the proposal will require a Trade Effluent Consent for any effluent discharge other than a 'domestic discharge', and recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. With regard to surface water drainage, they comment that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer, although they comment that the principles of surface water management as outlined in the Flood Risk Assessment are acceptable.

6.4 Sport England has commented that the proposed development would appear to have a positive impact on Buntingford FC's facilities as car parking provision would be retained and enhanced and the club would be offered greater security of tenure. They therefore raise no objection to the application as a statutory consultee. As a non-statutory consultee they comment that they object to the application as the scale of contributions towards outdoor sports facilities and how they will be used has not been confirmed. Furthermore, they request that a planning condition is imposed on any permission to ensure that mitigation measures in the form of boundary treatments and/or ball resistant materials are put in place to ensure that the use of the adjacent football ground does not have an adverse impact on the proposed development in terms of residential amenity.

- 6.5 The Natural, Historic and Built Environment Advisory Team, Herts County Council has commented that the result of the geotechnical investigations of the site indicate that the truncation and levelling 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 consider that the proposal is unlikely to have an impact upon heritage assets of archaeological interest and they have no comments to make upon it.
- 6.6 The Environment Agency has commented that any permission given should be subject to conditions relating to unsuspected contamination and surface water drainage scheme.
- 6.7 The East and North Herts Clinical Commissioning Group commented that a contribution of £974,427.08 should be sought to mitigate the impact of the development on mental health care, acute care and community healthcare.
- 6.8 Herts Ecology has commented that they agree with the species survey methodologies used and the conclusions made in the reports. They comment they are happy with the submitted Bat Mitigation Strategy and the site should be re-assessed for badgers and reptiles before development commences. They comment that site clearance, particularly the removal of scrub, shrubs and trees should take place outside of the bird breeding season and that all excavations must be covered at night to prevent wild mammals from falling and becoming trapped. Any landscaping on the site should be predominantly native species.
- 6.9 The Council's Landscape Officer has commented that there is no unacceptable adverse impact on trees and that the site layout for phases 1-4 is acceptable in landscape terms. They therefore recommend approval subject to conditions.
- 6.10 NHS England has commented that the two existing GP surgeries that will be affected by the proposed development do not have the capacity to absorb the additional requirement for general medical services should permission be granted. They therefore request that a contribution of £196,198.08 is sought to support the surgeries most affected and in particular to expand Buntingford Health Centre.
- 6.11 Following amendments to the drainage scheme submitted, the Council's Engineer section has commented that the proposed drainage

includes swales and dry ponds which are considered as good quality/most sustainable/at the higher end of the SuDS hierarchy. They have not raised any objection to the application.

- 6.12 County Highways has commented that they did not raise objections to application refs. 3/13/1925/OP and 3/14/1717/FP, and their consultation responses in respect of these applications covered in detail the key highway considerations relevant to the proposed development. However, since their last consultation comments on this application, a traffic model of Buntingford has been produced and as a result of the findings of the model, they have reassessed the application. In light of this modelling work, they have commented that it is clear that the proposed development will increase traffic flows at the A10/London Road junction and will impact on the free flow of traffic. They comment that following a reassessment of trip rates generated by the development and the results of the modelling work, they consider that a revised Section 106 contribution is justified. They therefore request that a Section 106 contribution of £329,400, to be used for capacity improvements at the A10/London Road roundabout and approach routes and a cyclepath scheme along London Road. Subject to the requested Section 106 contributions and the specified conditions, County Highways do not wish to restrict the grant of permission.

7.0 Town Council Representations

- 7.1 Buntingford Town Council has raised concerns with the parking provision; the density of the development; the lack of equipped play areas; the housing mix and policy HOU1 of the Draft District Plan. They also comment that they would wish to see a full time-table for the development of the site which states when the construction of the employment area will take place and request clarity over the arrangements for the Bury Clubhouse.

8.0 Summary of Other Representations

- 8.1 Two letters of objection have been received from two occupiers of one nearby residential property which raises the following concerns:
- The infrastructure in Buntingford is unable to cope with more people;
 - The scale of developments in Buntingford is changing the character of the town;
 - Concerns about the submitted Transport Assessment;

- Insufficient parking provision.

9.0 Planning History

Ref	Proposal	Decision	Date
3/12/1040/OP	Outline planning application (all matters reserved with the exception of access, layout and scale) for demolition of existing buildings and erection of 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	Granted	09.01.13
3/13/1925/OP	Outline permission for 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	Granted	16.09.15

	landscaping including new vehicular access from London Road; retention of sports club including club house and sports pitches.		
3/14/0542/PD	Demolition of all buildings on the current site with the exception of the clubhouse occupied by the football club	Prior Approval not required	23.04.2014
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.	Granted	16.09.15

10.0 **Consideration of Relevant Issues**

10.1 The key issues to be considered in relation to this application are set out above in section 4.0.

Principle of development and grant of permission ref. 3/13/1925/OP

10.2 The application site lies within the built up area of the settlement of Buntingford, wherein there is no objection in principle to development. The application site (excluding the southernmost part of the site which is used as a sports pitch and is designated in the Local Plan as existing playing fields/open space/recreation area) is designated as an Employment Site in the Local Plan, wherein policy EDE1 states that such sites are reserved for industry, comprising Use Classes B1 (Business), B2 (General Industrial) and, where well related to the transport network, Class B8 (Storage or Distribution).

10.3 Outline planning permission (including details of access, layout and scale) was granted in September 2015 for the demolition of the depot and the erection of 316 dwellings and the provision of 2ha. of land for employment purposes including development within B1(c) (light industry), B1(a) (offices) and/or D1 (non-residential institution) (ref.

3/13/1925/OP). This grant of permission is a material consideration in the determination of this current application. The principle of the redevelopment of the site has therefore been established. The application which is the subject of this report, does not propose any change to the quantum or layout of the development as approved by application ref. 3/13/1925/OP. The only difference between this application and the application previously approved is that details of the appearance and landscaping of the residential element of the development are now provided. The employment element of the development remains in outline, with only details of access to be considered (which do not differ from the details shown in the previous application).

- 10.4 There have been no significant changes in circumstances or policy since the previous grant of permission which would now result in a differing decision being made in respect of the principle of development on this site. Having regard therefore to the above and the planning history of the site, there remains no objection in principle to the development proposed.

Impact of the appearance of the development on the character and appearance of the site and surroundings

- 10.5 As set out above, the layout and scale of the residential element of the proposed development was considered through application ref. 3/13/1925/OP. This current application does not propose any changes to the layout and scale of the development. In respect of this current application, it is therefore only necessary to consider whether the detailed appearance of the proposed dwellings and the proposed landscaping is acceptable.
- 10.6 The design of the proposed dwellings and apartments is considered to respect the character, appearance and architecture of Buntingford. The dwellings are of a traditional design with pitched roofs and gable features. The materials of construction (bricks, render, boarding) are considered to respect the traditional materials of construction found elsewhere in Buntingford. The applicant proposes to use varying architectural styles in different parts of the development (arcadia, mews, lanes, avenue) to add interest to the appearance of the development and to respect the varying styles of development found elsewhere in Buntingford. Having regard to the above considerations, it is considered that the detailed appearance of the proposed development is acceptable and would result in an improvement to the

character and appearance of the site, and would respect the character and appearance of the surrounding area.

- 10.7 Turning to the issue of landscaping, it is considered that the proposed landscape character of the site reflects the site's edge of settlement location. The existing landscaping features along the boundaries of the site are proposed to be retained where possible, and within the site a central green space is provided which is reached by a tree lined avenue. Within the remainder of the site, areas are provided, both in public and private areas, for additional landscaping, with a number of street trees proposed. It is considered that the landscape design for the site is acceptable and would respect the site's edge of settlement setting. The Council's Landscape Officer has not raised any objections to the development, and it is recommended that a condition is attached to any grant of permission requiring detailed landscaping proposal (i.e. species) to be submitted and agreed.

Highways Considerations

- 10.8 When considering application ref. 3/13/1925/OP, the Council engaged independent highways consultants to review all the recent significant proposals for development in Buntingford and to assess the impact of individual development proposals and possible cumulative impacts. The consultant advised that some of the highway network was showing the effects of cumulative impact from recent developments, and they recommended further modelling work was undertaken to provide a more precise indication of the tipping point at which housing growth would exceed the highway's capacity. As a result of this advice, the applicant agreed to phase development in respect of application ref. 3/13/1925/OP so that no more than 100 dwellings would be occupied prior to the completion of the modelling work and that any funding required to implement additional mitigation measures identified by the modelling, proportionate to the development at the site, should be sought through reserved matters applications.
- 10.9 The required modelling works have now been undertaken. The modelling tested a number of future development scenarios in order to identify the impact of introducing a set of business and residential developments to the current network. The results of the scenario testing indicated that, in the most part, the network can accommodate the new developments given the network changes that have already been planned (as agreed through previous applications). However, operational issues were identified in two locations, of which one is

relevant to the consideration of this application - the A10/London Road junction (southbound in the AM peak, and northbound in the PM peak).

- 10.10 To address the identified operational issue, mitigation measures were tested by the Consultant and the results showed that local widening of the two A10 exit links at the roundabout (to provide a two lane section before merging back to a single lane) provided a significant improvement in operation, particularly in the AM peak. Herts County Council are currently undertaking a feasibility study in respect of the suggested mitigation measures, and the findings of this Study are due in February 2016.
- 10.11 Officers have raised concerns with County Highways, that without an indication of the cost of the proposed mitigation measures and a timetable for implementation of the works, that the highways implication of the development may not be properly mitigated. County Highways have commented that whilst an estimated cost for the mitigation measures is not known at present, it is a clear aspiration of the Highway Authority to improve capacity at this junction and approach routes. They recognise that it would not be justified to expect this development alone to deliver the roundabout improvements in full, and therefore the requested Section 106 contribution for this application will not fully fund the scheme, but can be put with contributions from other developments and other funding sources. County Highways have therefore not raised any objection to the grant of permission In this case.
- 10.12 The modelling undertaken by the consultants on behalf of the Council indicated that the mitigation measures should be undertaken in line with developments in Scenario 3 being undertaken (3/14/0531/OP (Area 3 South Hare Street Road – awaiting decision from Secretary of State, 3/14/0528/OP (Area 2 South of Hare Street Road – awaiting decision from Secretary of State), 3/13/1399/OP (Land east of Aspenden Road – awaiting a decision from the Secretary of State)). As decisions have not yet been made on these applications, Officers consider that there is sufficient time for the County Council to conclude their feasibility work and investigate alternative funding sources to finance the required works. It is considered that the grant of this permission, without the imminent implementation of the identified mitigation measures, will not result in a severe highways impact. Therefore, provided the Section 106 contribution requested by County Highways is secured, there is no objection to development in respect of its impact on the highway network. The requested contributions are considered to be necessary in this case to mitigate against the cumulative capacity impact of this development and in the interests of encouraging users of the

development to travel to and from the development by means of transport other than the private car.

Other matters

- 10.13 It is noted that the Clinical Commissioning Group (CCG) have requested a financial contribution of £974,427.08 to mitigate the impact of the development on mental health care, acute care and community healthcare. Officers have requested information from the CCG as to how the contribution would be spent in order to be able to justify the contribution under the CIL regulations. This has not been forthcoming and in the absence of the requested justification, Officers are unable to conclude that the requested contribution would be CIL compliant. In these circumstances, it is recommended that the requested contribution is not sought.
- 10.14 In respect of the other requested contributions, it is considered that they are CIL compliant, and in any event they do not differ significantly from those previously agreed as part of application refs. 3/13/1925/OP and 3/14/1717/FP.
- 10.15 Comments are still awaited from Development Services, Herts County Council in respect of requested contributions to mitigate the impact of the development on the County Council services. It is recommended that contributions are sought in line with those requested for application ref. 3/13/1925/OP, however if comments are received prior to the Committee meeting Members will be updated in the Additional Representations Schedule.
- 10.16 The concerns raised by Buntingford Town Council and local residents have been noted. However, this application does not differ from the permission granted under ref. 3/13/1925/OP, in respect of the number of dwellings and the layout and scale of the development. In light of this permission, to which significant weight should be attached, it is not considered that the issues raised would now warrant a differing decision being taken.
- 10.17 The concerns raised by Sport England as a non-statutory consultee have been noted. They have commented that they object to the application as the scale of contributions towards outdoor sports facilities and how they will be used has not been confirmed. The scale of the contribution is now known (£296,031), and it is proposed to be used for improvements to Hare Street Playing Fields and/or Seth Ward Community Centre and/or any other new or extant outdoor sports

facilities within Buntingford. The scale of the contribution requested is as per the requirement for outdoor sports contributions as set out in the Council's Planning Obligations SPD, and the proposed uses for the contribution is as was agreed in the Section 106 attached to the previously approved application. I am satisfied therefore that the concerns of Sport England have been addressed, and the application makes sufficient provision for outdoor sports provision.

11.0 Conclusion

11.1 Having regard to the above considerations, it is therefore recommended that planning permission be granted.

Legal Agreement

- 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 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 up to £25,000 to fund transport modelling works;
- A financial contribution of £329,400 towards capacity improvements at the A10/London Road roundabout and approach routes and a cyclepath along London Road from the site northwards towards the town centre;
- A Travel Plan for the development consisting of a written agreement with Herts County Council setting out a scheme to encourage, regulate and promote green travel measures for owners, occupiers and visitor to the development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development', and a financial contribution of £6,000 towards the cost of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan review;
- A financial contribution of £296,031 towards Outdoor Sports facilities to

East Herts Council to be used for improvements to Hare Street Playing Fields and/or Seth Ward Community Centre and/or any other new or extant outdoor sports facilities within Buntingford;

- A financial contribution of £196,198 towards general medical 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 for the marketing of the B1(a) and/or B1(c) and/or D1 uses approved in respect of the Business and Employment Land and a full and proper exploration of the potential for business and employment provision on the Business and Employment Land.

Conditions

1. Three Year Time Limit (1T12)
2. Outline permission time limit (1T03)
Insert 'in respect of the employment development'
3. Phasing of Development (1T11)
4. Details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') of the employment element of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 4 of the Town and Country Planning (Development Management Procedure) Order 2010.

5. Levels (2E05)
Amended to include 'of the residential element of the development'
6. Boundary walls and fences (2E07)
7. Approved plans (2E10)

8. Materials of Construction (2E11)
9. 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.

10. Bats (2E41)
Amended to include 'Bat Mitigation Strategy September 2013 (RT-MME-114778-02)'
11. Prior to the commencement of the development hereby approved, the site should be resurveyed for evidence of badgers and reptiles, and the results of those surveys shall be submitted to and approved in writing by the Local Planning Authority, and any mitigation measures shall be implemented in accordance with the agreed details.

Reason: To protect the habitats of existing wildlife, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007.

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

13. Sustainable drainage – surface water management (2E43)
14. Prior to the commencement of the development 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.

15. 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.

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. 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.

17. 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.

18. The development hereby permitted 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.

19. Tree/hedge Protection (4P05)
20. Tree/natural feature protection: fencing (4P07)
21. Tree Protection: excavations (4P09)
22. Tree Protection: Earthworks (4P10)
23. Landscape Design Proposals (4P12)
24. Landscape Works Implementation (4P13)
25. Landscape Maintenance (4P17)
26. Construction hours of working – plant and machinery (6N07)

27. Prior to the first occupation of the development hereby approved, noise control measures shall be carried out in accordance with the measures specified in the Grant Acoustics report ref. GA-2013-0038-R2 dated October 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of future residents in accordance with policy ENV25 of the East Herts Local Plan Second Review April 2007.

28. 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;
- 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.

29. 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.

30. Prior to the construction of plots nos. 256-259, 317-321, 324-327 and the pumping station as shown on plan ref. 061312-FAIR-P-03 Rev B, a scheme of ball protection for the dwellings and buildings adjoining the football ground, including details of protective measures that are to be utilised in the construction of the buildings to protect the structure and occupants from ball damage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall accord with the approved scheme which shall be implemented prior to the first occupation of any dwellings in Phase 4 of the development.

Reason: In the interests of the safety of the occupant of the proposed dwellings.

31. Prior to the commencement of the development hereby approved, drawings shall be submitted to and approved in writing by the Local Planning Authority which detail the engineering design and construction of all works within the public highway, including the splitter islands at the new access onto London Road and the improvements to the existing London Road/A10 roundabout exit lane. The development shall thereafter be constructed in accordance with the approved details.

Reason: To ensure the provision of accesses and footways appropriate for the development in the interests of highway safety and convenience.

32. Prior to the commencement of the development, detailed plans of the internal roads, footways, driveways, car parking areas 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.

33. Prior to the first occupation of each individual dwelling, the site vehicular areas serving that dwelling, including internal access roads, forecourts, garages, car ports and external parking spaces, shall be accessible; surfaced; marked out and fully completed in accordance

with the plans submitted and agreed by condition 32, and all visibility splays from site junctions as shown on drawing no. 130947_SK_02 Rev E shall be provided and permanently maintained, within which there should be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason: To ensure satisfactory visibility from internal site junctions, satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction and inconvenience to users of the highway and the site.

34. Prior to the commencement 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.

35. Wheel washing facilities (3V25)

36. Prior to the commencement of the development hereby approved, 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.

37. Prior to commencement of the development hereby approved, 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.

38. 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.

39. Prior to the commencement of the development hereby approved, drawings shall be submitted to and approved in writing detailing the footway visibility from each individual vehicle access which routes onto a footway, and the level of visibility from each individual access which does not route out onto a footway. Thereafter the development shall accord with the approved details, and there shall be no obstruction to visibility between 600mm and 2m about carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving each individual site access.

40. Prior to the commencement of the development hereby approved, a scheme for the parking of cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details.

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.

41. 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 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.

Informatives:

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 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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).
16. 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).

17. 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.
18. 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.
19. 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.
20. 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'.

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 and permission refs. 3/13/1925/OP and 3/14/1717/FP is that permission should be granted.

KEY DATA

Residential Development

Site Area	14.3 Ha (2 ha of which is proposed for employment use)	
Residential density	26 units/Ha (based on site area of 12.3 ha)	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	18
	2	43
	3	0
Number of new house units	1	0
	2	44
	3	141
	4+	70
Total		316

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

Parking Zone	3	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	22.5
2	1.50	130.5
3	2.25	317.25
4+	3.00	210
Total required		680.25
Proposed provision		682

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

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	27
2	2.00	174
3	2.50	352.5
4+	3.00	210

Total required		763.5
Accessibility reduction	75-100%	
Resulting requirement		573 – 763.5
Proposed provision		682