

# Public Document Pack



Chairman and Members of the  
Development Management  
Committee

Your contact: Peter Mannings  
Tel: 01279 502174  
Date: 18 September 2024

cc. All other recipients of the  
Development Management  
Committee agenda

Dear Councillor,

## **DEVELOPMENT MANAGEMENT COMMITTEE - 18 SEPTEMBER 2024**

Please find attached the Additional Representations Summary as circulated by the Head of Planning and Building Control prior to the meeting.

Please view these papers prior to and during the meeting this evening.

Yours faithfully,

Peter Mannings  
Committee Support Officer  
East Herts Council  
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**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 18 SEPTEMBER 2024  
**TIME** : 7.00 PM

## East Herts Council: Development Management Committee

### Date: 18 September 2024

Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.

Agenda No	Summary of representations	Officer comments
<b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b>	Section 106 Officer updates comments to note that children’s play and provision for young people, parks and gardens and amenity green space are provided on site.	These comments are reflected in the committee report.
<b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b>	15 additional comments have been received from residents, 14 objecting to the application. The objections raise matters such as: non-compliance with HERT4 policy due to lack of mineral extraction, previous comments from leader of the Council, risk of contamination of water supply, lack of infrastructure (schools, health services etc.), increased traffic, highway safety issues, air pollution, capacity of utilities, flood risk, adverse landscape impacts, loss of green space, loss of agricultural land, harm to wildlife, preferred use of brownfield sites and inadequate Health Impact Assessment.  One comment in support was also received, highlighting the need for housing.	These comments have previously been put forward by other objectors / supporters and are considered within the committee report.

<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p>There is a risk of pollution to the public water supply from Wadesmill Road boreholes in the east of Bengeo Field. Geological evidence concerning the risk of pollution was presented at the appeal relating to the quarry and the Brassington Report that formed part of this evidence is included within this objection. Before permission could be granted, the developer would need to undertake geological and geophysical surveys. In the absence of the surveys, permission could not reasonably be granted.</p>	<p>Officers acknowledge the outcome of the appeal relating to the quarry and note the evidence that was presented as part of that appeal. However, this current application is for a different type of development. Furthermore, the appeal site comprised of a large area of land to the north and did not include this current application site. Both the Environment Agency and Affinity Water have commented on this current application and neither consultee have objected to the proposal. Noting the differences between the applications, and given that statutory consultees have no objections, officers do not consider that the development would result in unacceptable contamination risks to public water supply.</p> <p>The applicant has responded to this third-party comment by underlining that quarrying is a fundamentally different activity to housing development. The quarry site also covered a vastly different area and was closer to the Wadesmill Road groundwater abstraction point. The submitted Hydrogeological Risk Assessment has been undertaken in accordance with the Environment Agency’s guidance and procedures. It also accounts for the presence of fractures and hydrogeological properties of the chalk. The Hydrogeological Risk Assessment considered the realistic contaminants and concentrations arising from the proposed housing development to complete the assessment.</p>
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		<p>In order to ensure the assessment was sufficiently conservative, the modelling was undertaken on the basis of discharges being direct to the unsaturated chalk, thereby ignoring overlying sands and gravels (a worst-case scenario). The modelling also included further sensitivity analysis to account for any uncertainties, notably being the speed that water passes through the underlying chalk aquifer. Through this assessment, it was determined by the EA, Thames and Affinity Water that the development does not pose an unacceptable risk to groundwater quality or abstraction.</p> <p>Officers concur with the content of this response which confirms ground water risks have been appropriately and robustly considered by the Local Planning Authority.</p>
<p><b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b></p>	<p>Sewage pumps on the adjacent Stiles development have been a problem, resulting in drainage blockages and extensive damage to the sewage pump. The developer needs to provide an alternative system to deal with sewage.</p>	<p>These comments are noted, however Thames Water have not objected to the proposed foul water pumping station. It is not possible for the Local Planning Authority to control how items are disposed of via the foul water system. The foul water pumping station is considered to be a suitable solution for the site.</p>

**Table of errata and updates to reports submitted to Committee.**

Agenda No	Paragraph No	Updates
<p><b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b></p>	<p><b>1.7</b></p>	<p>This paragraph should be updated to remove reference to the second application for the new vehicular access, as this application is not being presented to members.</p> <ul style="list-style-type: none"> <li>• <i>'The scheme proposes to create a new vehicular access from Wadesmill Road. <u>A second planning application solely for this new vehicular access is also before members (reference number: 3/23/1643/FUL).</u> The primary internal access road would then run into the site, before diverting north and west. This would be the main east-west route within the site.'</i></li> </ul>
<p><b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b></p>	<p><b>1.17</b></p>	<p>This paragraph should be updated for clarification purposes.</p> <ul style="list-style-type: none"> <li>• <i>The documents provided in support of this application are <b>listed below include. These documents have been taken into account through the assessment of this application.</b></i></li> </ul>
<p><b>6</b> <b>3/23/1642/FUL</b> <b>– Land West of Wadesmill Road (HERT4)</b></p>	<p><b>1.17</b></p>	<p>This document list should be updated to reflect the most up-to-date submission documents.</p> <ul style="list-style-type: none"> <li>• <del>Drainage Strategy Report (Prepared by: ID LTD, Dated: July 2023)</del></li> <li>• <b>Drainage Strategy Report Revision P03 A (Prepared by: ID LTD, Dated: 25 April 2024 15 January 2024)</b></li> <li>• <del>Ecological Appraisal (Prepared by: Aspect Ecology, Dated: May 2024 2023)</del></li> <li>• <del>The Biodiversity Metric 4.0 (Prepared by: Aspect Ecology, Dated: 22 May 2024 5 January 2024.</del></li> <li>• <b>Transport Assessment Statement (Prepared by: Rappor, Dated: July 2023)</b></li> </ul>

6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)	10.14	<p>This paragraph should be updated to correct error.</p> <ul style="list-style-type: none"> <li>• <i>Nonetheless, the current position is that the Council is not able to demonstrate the delivery of enough homes over the five-year period to establish a 5YHLS, and the supply policies including the Development Strategy set out in DPS2 and <b>DPS3</b> are out-of-date.</i></li> </ul>
6. 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)	10.33	<p>The following additional text is added to para 10.33 (in bold).</p> <ul style="list-style-type: none"> <li>• <i>In summary, officers consider that the <b>current circumstances with regards to the potential minerals extraction of the neighbouring land indicate that the phased approach to the site allocation, as set out in DP Policy HERT4, is no longer necessary, required or justified. Notwithstanding this, officers acknowledge that the proposal conflicts with that part of the policy, although it is the officer view that the policy is met overall given all other criteria have been adhered to. Officers consider the phased element of the policy should be afforded limited weight for the reasons set out in this report.</b></i></li> </ul>
6	10.102	<p>This paragraph should be updated to reflect the emerging nature of the local cycling and walking infrastructure plans.</p> <ul style="list-style-type: none"> <li>• <i>This scheme includes a financial contribution towards sustainable transport initiatives in the locality, such as the <b>emerging</b> local cycling and walking infrastructure plans (LCWIP), as well as other projects listed in HCC’s Growth and Transport Plan.</i></li> </ul>
6 3/23/1642/FUL – Land West of	10.154	<p>This paragraph should be updated to reflect the increased biodiversity net gain to 19.07%, as set out in the revised Biodiversity Metric (dated: 22 May 2024) and Biodiversity Net Gain Assessment (Prepared by: Aspect Ecology, Dated: May 2024).</p>

<p><b>Wadesmill Road (HERT4)</b></p>		<ul style="list-style-type: none"> <li><i>The Habitat Condition Assessment Survey and Biodiversity Net Gain Assessment, as well as the submitted Biodiversity Metric, conclude that these compensatory habitat enhancements would deliver a biodiversity net gain of <b>19.07%</b> <del>11.12%</del>.</i></li> </ul>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>10.155</b></p>	<p>This paragraph should be updated for clarification purposes.</p> <ul style="list-style-type: none"> <li><i>This biodiversity net gain can be secured through recommended conditions, <del>and the Section 106 legal agreement.</del></i></li> </ul>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>12.2</b></p>	<p>This paragraph should be updated to reflect the increased biodiversity net gain to 19.07%, as set out in the revised Biodiversity Metric (dated: 22 May 2024) and Biodiversity Net Gain Assessment (Prepared by: Aspect Ecology, Dated: May 2024).</p> <ul style="list-style-type: none"> <li><i>The scheme would deliver a biodiversity net gain of <b>19.07%</b> <del>11.12%</del>.</i></li> </ul>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>12.13</b></p>	<p>This paragraph should be updated to reflect the increased biodiversity net gain to 19.07%, as set out in the revised Biodiversity Metric (dated: 22 May 2024) and Biodiversity Net Gain Assessment (Prepared by: Aspect Ecology, Dated: May 2024).</p> <ul style="list-style-type: none"> <li><i>The proposed scheme would deliver a biodiversity net gain of <b>19.07%</b> <del>11.12%</del>.</i></li> </ul>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>Heads of Terms – EHDC Contributions</b></p>	<p>The heads of terms should be updated to refer to relevant indexation and minor changes to figures/text.</p> <ul style="list-style-type: none"> <li><i>Recycling – <b>£8,600</b> <del>£8,496</del> towards the provision of refuse and recycling containers to the new dwellings in the development. – <b>payable on identified occupation triggers &amp; RPI Indexed from October 2008 as per the requirements of the 2008 Planning Obligations SPD.</b></i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Allotments – £20,869 towards the cost of improvements to the allotment site at Bengeo and/or other allotments and community growing spaces in Hertford as used by the residents of the development, including the installation of additional water provision, site security improvements and site maintenance works. – payable on identified Occupation triggers &amp; RPI Indexed from May 2020.</i></li> <li>• <i>Bowls – £28,421 towards maintenance and improvements to the clubhouse and/or upgrading and ongoing maintenance of the green at Sele Bowls Club in Hartham Common (as the nearest club to the development) and/or other Bowls Clubs in Hertford as used by the residents of the development. – payable on identified occupation triggers &amp; RPI Indexed from May 2020.</i></li> <li>• <i>Community Centres – £81,758 towards the cost of the East Herts Council Hertford Theatre Growth &amp; Legacy Project (capital refurbishment programme for Hertford Theatre in Hertford) to support the provision of a destination community facility and/or to support any other community centre provision in the vicinity of the development as used by the residents of the development. – payable on identified occupation triggers &amp; RPI Indexed from May 2020.</i></li> <li>• <i>Outdoor Tennis – £19,470 towards improvements, including relining and new nets, at the hard surface public tennis court within the multi-use games area at Hartham Common (the nearest public tennis court to the development). – payable on identified occupation triggers &amp; RPI Indexed from May 2020.</i></li> <li>• <i>Sports Hall – £67,544 towards improvements to the sports halls at Wodson Park Sports &amp; Leisure Centre. – payable on identified occupation triggers &amp; RPI Indexed from May 2020.</i></li> <li>• <i>Swimming Pools – £69,071 towards the cost of the East Herts Council capital refurbishment programme for the provision of new and/or improvements to the existing swimming pool space at Hartham Leisure Centre (the nearest public pool which can be used by the residents of the development). payable on identified occupation triggers &amp; RPI Indexed from May 2020.</i></li> </ul>
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6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)	Heads of Terms – NHS Health GMS Contribution	<p>The heads of terms should be updated to refer to relevant indexation.</p> <ul style="list-style-type: none"> <li>• <i>NHS Health GMS Contribution – £205,792 towards relocation of Wallace House Surgery and the extension, reconfiguring and refurbishing of Hanscombe House to provide sufficient space to increase resources and clinical services and thus keep the patient lists open: – <b>payable on identified occupation trigger (occupation of 40th dwelling) &amp; RPI Indexed from date of decision.</b></i></li> </ul>
6	Heads of Terms – Maintenance	<p>The heads of terms should be updated to secure a Maintenance and Management Agreement via the Section 106 legal agreement.</p>

<p>3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</p>	<p>and Management Agreement</p>	<p><b><u>Maintenance and Management Agreement</u></b></p> <ul style="list-style-type: none"> <li>• <b>Agreement to secure a scheme of ongoing maintenance of areas of hard landscaping, soft landscaping, public open space, foul water pumping station and sustainable drainage systems within the site.</b></li> </ul>
<p>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</p>	<p><b>Condition 2</b></p>	<p>This condition should be updated to include additional drawing relating to visibility splays along Wadesmill Road.</p> <ul style="list-style-type: none"> <li>• <b>SK05</b></li> </ul>
<p>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</p>	<p><b>Condition 14</b></p>	<p>This condition should be updated to be prior to first occupation, as the fully completed and operational access will not be required until occupation of the development.</p> <ul style="list-style-type: none"> <li>• <b><i>Prior to the first occupation of the development hereby approved commencement of any development hereby approved, additional plans shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the Wadesmill Road access and associated highway works, as shown on approved drawing number: 21-0458 SK19 REVISION A. These works shall be constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction, and completed prior to commencement of the development on the application site.</i></b></li> </ul>
<p>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</p>	<p><b>Condition 15</b></p>	<p>This condition should be updated to be prior to first occupation, as the fully completed and operational access will not be required until occupation of the development.</p> <ul style="list-style-type: none"> <li>• <b><i>Prior to the first occupation of the development hereby approved commencement of any development on the application site hereby approved, visibility splays from the</i></b></li> </ul>

		<p><i>new vehicular access on Wadesmill Road measuring 2.4 metres X 124.8 metres to the south, and 2.4 metres X 180.4 metres to the north, shall be provided, as shown on approved drawing number: 21-0458 SK05. Thereafter, these visibility splays shall be maintained at all times free from any obstruction between 600 millimetres and 2 metres above the level of the adjacent highway carriageway.</i></p>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>Condition 27</b></p>	<p>This paragraph should be updated to correct error.</p> <ul style="list-style-type: none"> <li>• <i>Prior to the first occupation of the relevant part of the development hereby approved, the refuse stores for the apartment blocks, as illustrated on approved drawing numbers: 21/001/011 PL13, 21/001/012 Rev PL112 and 21/007/074 Rev PL03, shall be provided in full. Thereafter, the refuse stores shall be retained.</i></li> </ul>
<p><b>6 3/23/1642/FUL – Land West of Wadesmill Road (HERT4)</b></p>	<p><b>New Condition 46</b></p>	<p>This condition should be added to ensure that the foul water pumping system is provided in accordance with the recommendations within the Controlled Waters Risk Assessment.</p> <ul style="list-style-type: none"> <li>• <b><i>The foul water pumping station that forms part of this approval shall be installed in full accordance with the recommendations at Part 3 of the Controlled Water Risk Assessment (Prepared by: Leap Environmental, Reference: LP3536/CW, Dated: 21 December 2023). Reason: In order to ensure that risks to groundwater are appropriately mitigated, in accordance with Policy WAT2 of the East Herts District Plan 2018.</i></b></li> </ul>