



Alison Stuart
Head of Legal and
Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 10 OCTOBER 2018
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor T Page (Chairman)

Councillors M Allen, D Andrews, P Boylan, R Brunton, S Bull, M Casey,
B Deering (Vice-Chairman), J Jones, P Ruffles, T Stowe and K Warnell

Substitutes

Conservative Group: Councillors P Ballam, S Cousins, J Kaye and
D Oldridge

(Note: Substitution arrangements must be notified by the absent Member to the Committee Chairman or the Executive Member for Development Management and Council Support, who, in turn, will notify the Committee service at least 7 hours before commencement of the meeting.)

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

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

(Note: The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a councillor for up to 5 years.)

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 12 September 2018 (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on Wednesday 12 September.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 17 - 22)

- (A) 3/18/0031/FUL - Residential development comprising 35 units in total, with 12 affordable homes, serviced by a new estate road accessed from Farnham Road at Land at Junction of Rye Street and Farnham Road, Bishop's Stortford_(Pages 23 - 50)

Recommended for Approval

- (B) 3/16/1939/FUL - Change of use from agricultural land to cemetery including access at Land adjacent to Cemetery at St Bartholomew's Church, The Causeway, Buntingford_(Pages 51 - 68)

Recommended for Approval

6. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 12 SEPTEMBER 2018, AT 7.00
PM

PRESENT: Councillor T Page (Chairman)
Councillors M Allen, D Andrews, P Boylan,
R Brunton, S Bull, S Cousins, B Deering,
J Jones, J Kaye, P Ruffles and T Stowe

ALSO PRESENT:

Councillors P Ballam, L Haysey, S Rutland-
Barsby and M Pope

OFFICERS IN ATTENDANCE:

Simon Aley	- Interim Legal Services Manager
Liz Aston	- Development Team Manager (East)
Peter Mannings	- Democratic Services Officer
George Pavey	- Planning Officer
Stephen Tapper	- Senior Planning Officer
Kevin Steptoe	- Head of Planning and Building Control Services

1 APOLOGIES

Apologies for absence were submitted on behalf of Councillors M Casey and K Warnell. It was noted that Councillors S Cousins and J Kaye were substituting for Councillors M Casey and K Warnell respectively.

2 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reminded Members of training due to follow this meeting in respect of the National Planning Policy Framework (NPPF) and non-material amendments to planning permissions

On the invitation of the Chairman, the Head of Planning and Building Control advised Members of the holding direction applied to the District Plan by the Secretary of State. Full legal advice had indicated that no weight could be applied to the District Plan whilst this direction remained in place.

The Head referred to Section 70 of the Town and Country Planning Act 1990 and the development plan and saved policies of the East Herts Local Plan Second Review April 2007. He stated that Members decisions should be based on those saved policies and any made Neighbourhood Plans plus any applicable Minerals and Waste Plans.

3 MINUTES - 18 JULY 2018

Councillor M Allen proposed and Councillor R Brunton seconded, a motion that the Minutes of the meeting held on 18 July 2018 be confirmed as a correct record

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

RESOLVED – that the Minutes of the meeting held on 18 July 2018, be confirmed as a correct record and signed by the Chairman.

4 3/18/1227/FUL - THREE-STOREY, 66-BEDROOM RESIDENTIAL CARE HOME FOR OLDER PEOPLE (USE CLASS C2) WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AT ST MICHAEL'S HURST DEVELOPMENT, HAZEL END ROAD, BISHOP'S STORTFORD

The Head of Planning and Building Control recommended that in respect of application 3/18/1227/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Head advised Members of the importance of the application in the context of an ageing population and the location of the site within the development known as St Michael's Hurst. The site was also in close proximity to a well laid out park that was already in place.

Mr Wood addressed the Committee in support of the application. Councillor P Ruffles sought clarification on the status in planning terms of the local linkages for future occupants of the proposed care home.

Councillor J Kaye commented on the absence of healthcare facilities with the proposed development.

He queried where these facilities would be located for the residents. Councillor T Stowe referred to the 18 parking spaces on offer when the policy requirement was for 17. He commented on whether parking was required for the staff who would work at the proposed residential care home.

Councillor P Boylan commented on whether the matters of bin collections, traffic and parking could be resolved by amending the planning conditions. He referred to the anticipated 3 miles radius catchment area and emphasised that local care home placements were hard to come by particularly as Bishop's Stortford was surrounded by rural communities where there were no residential care homes.

The Head confirmed that the value of the application in planning terms due to a rapidly ageing population and the need for professional services not available to residents being cared for at home. Members were reminded that a 3 mile wide area encompassed a number of communities outside Bishop's Stortford and larger towns and villages would increasingly providing care home services.

In respect of car parking, the Head confirmed that the standard ratio of spaces for the number of bedrooms had been applied and the requirement for worker and visitor parking had been taken into account. Members were advised that 17 or 18 spaces was ample based on precedents provided by the applicants. The applicants have a staff travel plan and most staff would live locally and would be likely to cycle or use public transport. In respect of visitors, they could visit at any time of day,

which avoids any significant peaks.

The Head emphasised that there would be sufficient turning space for fire tenders and refuse vehicles to enter and leave the site in forward gear. The refuse vehicles would be able to park in close proximity to the bins.

Members were advised that Officers did not feel that on site healthcare was essential as local support was in place as residents registered with local GP services would receive the same level of service with their registered GP practices. A nurse's room would be available and Officers were aware that both Church Street and South Street surgeries were looking for additional larger premises, which may increase local availability.

The Head responded to a query from the Chairman regarding the 66 uniformed size single bedrooms by stating that this accommodation would provide sufficient space for those that needed to stay at the care home.

Councillor D Andrews stressed that this site was well served by the 510 bus and this was due to be diverted to go through the development known as St Michael's Hurst. The Head confirmed that this diversion had been planned before this application had come forward and the planned diversion had fed into the Section 106 agreement for the wider development. The commercial consideration for the bus company was covering costs and residents were being encouraged with bus passes and other support from

Countryside Properties.

The Head confirmed to Councillor B Deering that the rooms at the proposed care home would be occupied by single persons only who required high levels of care such as in cases of dementia. Other providers made double rooms available and experience proved that people on their own were the most vulnerable.

Councillor M Allen proposed and Councillor R Brunton seconded, a motion that in respect of application 3/18/1227/FUL, the Committee support the recommendation for approval subject to the conditions detailed in the report submitted.

After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application 3/18/1227/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

- 5 3/18/1234/FUL - ERECTION OF 33 'RETIREMENT LIVING' (CATEGORY II SHELTERED HOUSING) APARTMENTS FOR THE ELDERLY WITH ASSOCIATED COMMUNAL FACILITIES, CAR PARKING AND LANDSCAPING ON LAND WEST OF ERMINE STREET, BUNTINGFORD

The Head of Planning and Building Control recommended that in respect of application 3/18/1234/FUL, subject to a legal agreement, planning

permission be granted subject to the conditions detailed in the report now submitted.

The Head summarised the application and detailed the relevant planning history. Members were advised that the proposed development had been amended to 33 dwellings and the mix of 1 and 2 bedroom units was broadly being maintained. The proposed parking had been increased and there had been changes to the proposed scale and bulk of the building.

Ms Rickards addressed the Committee in support of the application. Councillor S Bull commented on the £500 per parking space included in the Section 106 agreement for improvements to pedestrian and cycle links. The Head confirmed that it was not an uncommon approach for Section 106 money to be put towards pedestrian and cycle links should this application be approved by the Members.

Councillor J Kaye referred to the reduced potential for landscaping around the building to have a material softening impact. He sought clarification on whether there would be visitor spaces or on street parking for visitors near to the site. He referred to the comments of the Crime Prevention Design Advisor and the relationship between the C2 and C3 use classes.

Councillor J Jones commented that the number 18 bus ran close by to what was a much needed development in the form of quality retirement provision. He emphasised the problems of contractor's vehicles parking on Ermine Street. He queried whether this could be controlled by conditions.

Members were advised that the alterations to the car parking layout did have an impact on the appearance of the site as more landscaping had previously been planned. Officers considered that on balance the scheme was still acceptable despite the negative impact of a reduction in proposed landscaping.

The Head confirmed the parking provision was in line with the Council's minimum parking standard of 0.5 to 1 space per unit and there was no particular provision planned for visitors, as this was not a requirement of the parking standards. The applicant's research had indicated a car parking demand per apartment of 0.45 per apartment or 0.55 when visitors were taken into account.

Members were advised that this site was accessible from nearby areas of on street parking. Officers felt that the comments of the Crime Prevention Design Advisor were covered in the report submitted and all of the usual building regulations would be applied in respect of the use classes relevant to the proposed developed (C2 and C3).

The Head confirmed that Officers would consult Highways on information submitted in respect of the Construction Management Plan and wording could be added to condition 10 regarding the construction and storage compounds (including areas designated for car parking). Officers confirmed that the proposed category 2 sheltered housing was covered by condition 4 as detailed on page 99 of the report submitted.

Councillor P Boylan commented on the increase in the state pension age and the 100% car ownership between the ages of 65 to 69. He referred to increasing numbers of people remaining in work and being reliant on a car or commuting by car and then by rail.

Councillor D Andrews commented on access for refuse trucks and emergency vehicles. He referred to there being no slack in the system and refuse trucks having to park a significant distance from bins. The Head responded to a query from Councillor J Kaye by stating that condition 5 on page 99 of the report submitted covered a landscaping scheme that would control all of the details regarding hard and soft landscaping proposals.

Councillor S Bull proposed and Councillor M Allen seconded, a motion that in respect of application 3/18/1234/FUL, the Committee support the recommendation for approval subject to a legal agreement and the conditions detailed in the report submitted and subject to an amended condition in respect of construction parking.

The Head confirmed that Officers would not be able to insist on parking spaces being used instead of the highway for construction vehicles. After being put to the meeting and a vote taken, this motion was declared CARRIED. The Committee supported the recommendation of the Head of Planning and Building Control as now submitted.

RESOLVED – that in respect of application

3/18/1234/FUL, planning permission be granted subject to a legal agreement and the conditions detailed in the report submitted and subject to an amended condition in respect of construction parking.

The meeting closed at 7.52 pm

Chairman
Date

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 10 OCTOBER 2018

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPLICATIONS AND UNAUTHORISED DEVELOPMENT FOR
CONSIDERATION BY THE COMMITTEE

WARD(S) AFFECTED: As identified separately for each application and unauthorised development matter.

Purpose/Summary of Report:

- To enable planning and related applications and unauthorised development matters to be considered and determined by the Committee, as appropriate, or as set out for each agenda item.

RECOMMENDATION FOR DEVELOPMENT MANGEMENT COMMITTEE

That:

(A)	A recommendation is detailed separately for each application and unauthorised development matter.
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1.0 Background

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

2.0 Report

2.1 Display of Plans

2.2 Plans for consideration at this meeting will be displayed outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on

plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

2.3 All of the plans and associated documents on any of the planning applications included in the agenda can be viewed at: <http://online.eastherts.gov.uk/swiftlg/apas/run/wphappcriteria.display>

2.4 Members will need to input the planning lpa reference then click on that application reference. Members can then use the media items tab to view the associated documents, such as the plans and other documents relating to an application.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

The papers which comprise each application/ unauthorised development file. In addition, the East of England Plan, Hertfordshire County Council's Minerals and Waste documents, the East Hertfordshire Local Plan and, where appropriate, the saved policies from the Hertfordshire County Structure Plan, comprise background papers where the provisions of the Development Plan are material planning issues.

Contact Member: Councillor Suzanne Rutland-Barsby – Executive Member for Development Management and Councillor Support.

Contact Officer: Kevin Steptoe – Head of Planning and Building Control, Extn: 1407.
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ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate)</i> :	Priority 1 – Improve the health and wellbeing of our communities. Priority 2 – Enhance the quality of people's lives. Priority 3 – Enable a flourishing local economy.
Consultation:	As detailed separately in relation to each matter if any are appropriate.
Legal:	As detailed separately in relation to each matter if any are appropriate.
Financial:	As detailed separately in relation to each matter if any are appropriate.
Human Resource:	As detailed separately in relation to each matter if any are appropriate.
Risk Management:	As detailed separately in relation to each matter if any are appropriate.
Health and wellbeing – issues and impacts:	As detailed separately in relation to each matter if any are appropriate.

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DEVELOPMENT MANAGEMENT COMMITTEE – 10 OCTOBER 2018

Application Number	3/18/0031/FUL
Proposal	Residential development comprising 35 units in total, with 12 affordable homes, serviced by a new estate road accessed from Farnham Road
Location	Land at Junction of Rye Street and Farnham Road, Bishop's Stortford
Parish	Bishop's Stortford
Ward	Bishop's Stortford Meads

Date of Registration of Application	8 January 2018
Target Determination Date	11 April 2018
Reason for Committee Report	Major application
Case Officer	Stephen Tapper

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1. The proposal is for a development of 35 houses, including 12 affordable, on a prominent site on the corner of Farnham Road and Rye Street. In such a location a high standard of design and landscaping will be required.

- 1.2. The site was included in ASR4 of the Bishop's Stortford North housing allocation in the East Herts Local Plan Second Review April 2007. The policy background was rehearsed in consideration of an earlier application for 30 houses, granted on 18 October 2017 (3/16/0452/FUL) and a start has been made on site. The principle of development is therefore well established although the appropriateness of the mix of dwellings now proposed must be considered.

- 1.3. The earlier permission was subject to a section 106 agreement that secured mitigation in the form of contributions to social infrastructure and 12 affordable homes on the site. The current application also proposes 12 affordable homes together with financial contributions towards social infrastructure and a new section 278 (Highways Act) commitment to the construction of a footway/cycleway and a pedestrian crossing on Rye Street. Consideration must be given to whether a reduction in the proportion of affordable housing (from 40% to 34%) is acceptable in the context of an assessment of the viability of the development and the contributions and proposals as a whole.

2.0 Site Description

- 2.1. The application site of 1.45ha (3.58ac) is located to the northeast of Bishop's Stortford, close to the St Michael's Hurst housing development by Countryside Properties. The site is an 'L' shape at the corner of Farnham Road and Rye Street, which form the north eastern and south eastern boundaries of the site respectively. The site slopes gently upwards along Farnham Road and is approximately 2m above the level of Farnham Road and Rye Street, the boundaries to which comprise hedges. The elevated nature of the site makes it prominent in views from the surrounding area.
- 2.2. The new roundabout at the junction of Rye Street, Michael's Road, Hazel End Road and Morbury Avenue, (the St Michael's Hurst spine road) lies to the north of the site. As part of the works, Farnham Road has been realigned to form a junction with Morbury Avenue and its eastern end, which is immediately adjacent to the application site, has been closed and landscaped and includes a footpath connection with Rye Street.
- 2.3. To the west is open land that comprises disused allotments. The County Council has obtained planning permission for a 3FE primary school on that land to serve Bishop's Stortford North and the land

immediately adjacent to the application site would be used for playing fields. The southern boundary of the site adjoins the Farnham Bourne.

- 2.4. Until recently, the site comprised an open parcel of loose scrub and some denser vegetation. Recently, the applicant has commenced building works under the existing planning permission, which is identical to the current application at the southern end of the site.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/16/0452/FUL	Erection of 30 dwellings with associated access and landscaping on land at Farnham Road / Rye Street	Approved with conditions and section 106 agreement	30/10/17

4.0 Main Policy Issues

- 4.1. These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 (LP) and the Bishop's Stortford Silverleys and Meads Neighbourhood Plan (NP).

Main Issue	NPPF 2018	LP policy	NP policy
Housing mix	Para 61	HSG3 HSG4	
Design, landscaping and planning out crime	Para 127	ENV1, 2 ENV3 ENV11	GIP4, HDP2 HDP3
Access, parking, travel plans, cycling facilities	Ch 9	TR1,TR2, 4, 7, 14	TP1
Foul and surface water drainage	Para 165	ENV 19 ENV21	

Sustainable development	Ch 2	SD1	
Mitigation of impact on services and highways		IMP1	C1

- 4.2. District Plan On the 11 September 2018 the Secretary of State issued a holding direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) on the adoption of the East Herts District Plan. The direction prevents the Council from taking any step in connection with the adoption of the Plan. The direction will remain in place until withdrawn or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Plan. Section 21A of the Planning and Compulsory Purchase Act 2004 states that a document to which a direction relates has no effect while the direction is in force. Therefore no weight can be attributed to the District Plan whilst the holding direction remains in force.

5.0 Summary of Consultee Responses

- 5.1. HCC Highway Authority. No objections subject to conditions regarding the details of the access and streets and suitable drainage and a s.278 agreement with HCC to secure the provision of a footway/cycleway on the Rye Street frontage and a Puffin crossing on Rye Street, as shown on layout plan 366/P/001C (S.278 agreement and conditions 3-6 and 10 below).
- 5.2. Lead Local Flood Authority. No objections as long as the previously approved drainage strategy is implemented, comprising attenuation and discharge into the Farnham Bourne at greenfield run-off rates. This is achieved by means of permeable paving linked to two basins on the southern boundary of the site, with run-off from roads and parking flowing through a minimum of three treatment stages. Conditions 13-15 are recommended accordingly.

- 5.3. HCC Historic Environment Unit. In view of known historic settlement in the locality, a programme of archaeological investigation was carried out in connection with the previous application for 30 dwellings. The Historic Environment Advisor has informed confirmed that due to the absence of archaeological finds pre-dating the later post-medieval period, and the likelihood that the identified features are post-medieval in date, no further archaeological work is required.
- 5.4. HCC Minerals and Waste requests that a condition of planning permission is imposed requiring the submission of a site waste management plan in accordance with the County's Waste Policy 12. This aims to reduce the amount of waste produced on site and should contain information including types of waste removed from the site and where that waste is being taken to (Condition 10 below).
- 5.5. HCC Development Services. Financial contributions are sought towards primary and secondary education, youth and library services, as set out below in the legal agreements heads of terms.
- 5.6. EHDC Environmental Health Advisor. No objections subject to conditions regarding the submission of a construction management plan and an attenuation scheme for the houses to protect them from road noise and vibration (conditions 10 and 19 below).
- 5.7. Herts Fire and Rescue requires that fire hydrants are provided in accordance with the County's Planning Obligations Toolkit (S.106 obligation 10 below).
- 5.8. Thames Water requires the submission of a foul water drainage strategy and implementation details (condition 17).
- 5.9. Crime Prevention Design Advisor requests that Secured by Design principles are applied to the development.

- 5.10. Herts Ecology A Reptile Survey and Mitigation Strategy (revised March 2018) was submitted to discharge a condition of the previous application for 30 dwellings. One Common Lizard had been found on the site and a suitable relocation strategy has been agreed. This involves moving reptiles to Bat Willow Park, the new riverside park created by Countryside Properties on Hazel End Road. The condition was therefore discharged and the requirements have been fully implemented prior to the start of building works on site.
- 5.11. EHDC Housing Services the Housing Services Development and Strategy Manager understands that the scheme has been viability tested and 12 units of affordable housing (34%) forms part of the scheme. They say it is disappointing that the scheme has not achieved 40% but 12 units will provide a contribution to meeting housing needs. The scheme will provide 8 units for rent and 4 for shared ownership.

6.0 Town/Parish Council Representations

- 6.1. Bishop's Stortford Town Council. No objections
- 6.2. Farnham Parish Council. Objects on grounds of road safety, describing Farnham Road as being congested already and with poor alignment and width in the vicinity of the proposed access and no sight lines on the adjacent bend in the road. Two large vehicles cannot pass without mounting the footway or verges. The development will put at risk school pupils [when the proposed 3FE school adjacent to the site is completed]. It is suggested that access should be taken from the proposed access road into Stortford Fields, to the west of the site. Reference is made in the Draft District Plan to access to Farnham being a priority at all times, but the proposed development will exacerbate existing problems caused by development off Farnham Road.

7.0 Summary of Other Representations

- 7.1. The application has been advertised as a major development and neighbour notification letters were despatched but no third party representations have been received.

8.0 Consideration of Issues

Housing Mix

- 8.1. The National Planning Policy Framework 2018 (NPPF) states that councils should plan for the size, type and tenure of housing needed for different groups in the community. Para. 61 says *that includes the size, type and tenure of housing needed for different groups in the community ...(including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*
- 8.2. Policies HSG3 and HSG4 of the Local Plan (2007) require that on sites of 15 or more dwellings in the main settlements up to 40% of proposed housing development should be affordable housing, subject to the viability of the development. The Council's Strategic Housing Market Assessment (2015) states that the required housing mix in the District is currently as follows:

No. of bedrooms	% of Market	% of Affordable
1- and 2-bed flats	13	31
2-bed house	12	29
3-bed house	46	33
4-bed house	23	7
5+ bed house	6	0
Total	100	100

*Opinion Research Services West Essex and East Hertfordshire
Strategic Housing Market Assessment, 2015*

- 8.3. The applicants have applied for 35 dwellings, all of them houses. They have included 12 affordable, which is 34% of the total, with a split of 70% rented and 30% shared ownership. The mix is as follows:

No. of bedrooms	No. of Market	% of Market	No. of Affordable	% of Affordable
1- and 2-bed flats	0	0	0	0
2-bed house	0	0	7	58
3-bed house	12	52	5	42
4-bed house	8	35	0	0
5+ bed house	3	13	0	0
Total	23	100	12	100

- 8.4. No flats are proposed, but otherwise this mix aligns satisfactorily with the guidance in the SHMA, contributing to the stock of 2- and 3-bed houses in particular, across both sectors. This differs from the existing permission for 30 dwellings in so far as the market housing now includes more 3-bed houses at the expense of 4-beds, which comprised 22% and 78% respectively in the previous application. That had carried a negative weight in determining the application.
- 8.5. Finally, the Council has a policy that 15% of dwellings must be Lifetime Homes compliant and the Neighbourhood Plan requires 20%. The applicants have confirmed that all the dwellings will meet Lifetime Homes requirements, as modified by recent changes to the Building Regulations.

Design, landscaping and planning out crime

- 8.6. The revised NPPF attaches great importance to design in combination with the efficient use of land Planning policies and decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's

prevailing character and setting, and the importance of securing well-designed, attractive and healthy places (para. 122).

- 8.7. The previous application had a density of 20.7 dwellings per hectare, which is commensurate with the outline planning permission relating to St Michael's Hurst where the approved parameters plan included densities of between 20-45 dwellings per hectare. The application now under consideration has a density of 24 dwellings per hectare, which is also well within those parameters.
- 8.8. The increase in density has been achieved mainly by changing the alignment of the road through the site to allow development on both sides of the road for part of its length. There has been a traditional approach to the design with pitched roofs, including some gables, dormer windows, bay windows, canopies over front doors and chimney stacks. A mixture of materials is proposed, including facing brickwork, cladding and hanging tiles. The overall elevational treatment is considered to be of a good quality, complementing the design and form of other development along Rye Street. The houses will sit well in proximity to the development on St Michael's Hurst.
- 8.9. A drawback of the two sided development is that the backs of plots 1 and 28-35 have a public face towards the roundabout and Hazel End Road and it would be unfortunate if in the future incongruous and poorly designed extensions were to spoil the appearance of the development as a whole. It is therefore recommended that if planning permission is granted, condition 18 is included, removing permitted development rights for two-storey and roof extensions and alterations to the rear of those plots.
- 8.10. As regards the landscaping of the site, plans have been submitted, which are for the most part satisfactory. However, the edges of the development need strengthening, in particular the north eastern boundary facing Hazel End Road and the boundaries to the

proposed school playing fields. Condition 8 is therefore recommended. Overall, positive weight can be given to design and landscaping.

- 8.11. The Crime Prevention Design Advisor is concerned that the developer has not engaged regarding Secured by Design accreditation. The applicant's response is that on this relatively small development the layout offers good surveillance between properties and that the Building Regulations now regulate hard security measures in the design of the buildings. Nevertheless, some negative weight should be applied to the lack of engagement.

Traffic and parking

- 8.12. Access to the site is unchanged from the previous approval and the Highway Authority has not objected to the development, subject to conditions, on the basis that the additional five dwellings will not add materially to traffic in the locality.
- 8.13. The road safety objection of Farnham Parish Council (para. 6.2) is noted, including the restricted width of Farnham Road at the point of access into the application site and the restricted sight lines on the bend in the road. However, the access is on the outside of the bend where the view of traffic on Farnham Road is not inhibited and it is expected that traffic speeds will be low. The proposed school entrance is far enough away that the two accesses will not interfere with each other and pupils will not be endangered. The Parish's suggestion that an alternative point of access would be available from the proposed link road in Stortford Fields between the A120 and Rye Street is not agreed because of difficulties with the changes in level, the need to bridge the Bourne and the poor location of such an access in proximity to the junction with Rye Street.
- 8.14. The County welcomes the provision of the cycleway and Puffin crossing on Rye Street that will connect the existing route from the

proposed school on Farnham Road and from St Michael's Hurst across Rye Street and into a potential new cycle path through the meadow lands and towards the town centre.

8.15. The proposed car parking provision is in line with the Council's Updated Vehicle Parking Standards, which offer a flexible approach to parking provision post-NPPF, particularly in respect of the use of maximum standards. The Updated Standards suggest that 90 spaces should be provided for the 35 dwellings overall, with a flexibility of a reduction of up to 25% in this Zone 4 location, taking account of:

- the type, tenure, size and mix of housing;
- on-street parking conditions in the surrounding area;
- access to existing public or private car parking facilities and the potential for shared parking;
- proximity to public transport and services; and
- the level of cycle parking provided.

8.16. In this location car ownership levels are likely to be high but the site is accessible by bus, footpaths and cycle ways (existing and proposed). The applicants have sized all garages at 6.0m in length to provide cycle storage and they will contribute to improving the cycle and footpath network. On that basis, as with Countryside Properties' applications, a small discount of 5% is recommended, setting an overall requirement of 86 spaces. The submitted layout has made provision for 88 spaces, which is therefore satisfactory.

Surface water and foul drainage

8.17. As regards surface water, following a flood risk assessment carried out for the previous application, a SuDS strategy has been put in place that involves on-site filtration and attenuation in accordance with best practice. The outfall is to the Farnham Bourne, which is adjacent to the site. The Lead Local Flood Authority has

recommended three conditions (13-15) to ensure that the design detail, the implementation and future maintenance will be satisfactory.

- 8.18. As regards foul water disposal, Thames' response to consultation when the application was submitted (para. 5.8) was to confirm that a strategy is yet to be submitted. However a formal application to connect to the network using a pumped solution is currently being finalised with Thames Water. This method follows the scheme used by Countryside Properties for their St Michael's Hurst development.
- 8.19. In consultation with Thames and the Environment Agency the applicant has also since devised another option which is to collect and treat the effluent on site and discharge into the ground using gravel drain soakaways, with a connection to the treatment pond out flow pipe. This would be installed, if necessary, at the southern end of the site adjacent to the balancing ponds. This is an environmentally sustainable approach so long as the Environment Agency can be satisfied that the system will work effectively and not put the water quality of the Bourne and Stort at risk. It is therefore recommended that condition 17 is imposed on any planning permission to secure the details, implementation and future maintenance of whichever solution is agreed.

Mitigation and viability assessment

- 8.20. As the proposal is for in 30 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council Planning Obligations Toolkit. Policy IMP1 of the Local Plan sets out that developers will be required to make appropriate provision for open space and recreation facilities, education, sustainable transport modes and other infrastructure improvements. Such a policy approach is reflected in policy CI of the Neighbourhood Plan.

- 8.21. The applicant has offered a package of measures in respect of affordable housing, social infrastructure and the provision of a cycle path link, which is set out below. Apart from the addition of the cycle path link, the package is the same as accompanied the previous application for 30 dwellings when the Committee report stated as follows:

The County Council have set out a requirement for financial contributions towards primary education, libraries and youth in accordance with the HCC Planning Obligations Toolkit...the contributions requested are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

With regards to other District Council contributions the Council's Planning Obligations SPD sets out a requirement for contributions towards open space provision (parks and gardens and amenity space), sports facilities for adults and play provision for children, community centres and recycling. However, a more bespoke approach was adopted in securing contributions for the wider Bishop's Stortford North development. Contributions are recommended in relation to Bishop's Stortford North community buildings and off-site sports contributions which are calculated on a pro rata basis in accordance with the s.106 agreement for ASRs 1-4 and the SCA. This will be £909 and £1,363 per dwelling respectively. In addition, for recycling provision, this is calculated also on the basis of £72 per dwelling and for health care provision this is calculated as £621 per dwelling.

This approach generates a greater contribution for community buildings than would be achieved under the SPD approach and a lower total for sports, play and parks than the SPD would generate. Given the identified needs in relation to this site and the ability for residents who may live here to benefit from provision being made as part of the ASR sites, it is considered that this approach is an acceptable one. However, there are a range of contributions that are being sought in relation to

the ASR developments that are not being sought here because of the more modest scale of the development (for example, for allotments).

- 8.22. This rationale still applies to the current application to increase the number of dwellings on the site by five. However, it is not policy compliant because the toolkit calculations are still based on 30 dwellings rather than 35 and there is no increase in the amount of affordable housing, which is consequently 34% rather than the (up to) 40% required by Local Plan policy. The commitment to construct a cycle path/footway and a Puffin crossing is a new contribution, but it does not offset the overall deficiency in funding. The application is therefore accompanied by a viability assessment prepared by Harrisons Chartered Surveyors, in order to justify the lower offer.
- 8.23. On behalf of the Council, the viability assessment has been reviewed by Bailey Venning, a consultancy that is expert in the matter of development viability. It has submitted a report to the Council that questions some of the assumptions in the applicant's assessment. In particular, the report highlights differences in approach with regard to establishing a threshold land value for the site and with regard to assumptions regarding construction costs. Following negotiation between the parties the applicant has not increased the number of affordable homes but has confirmed the funding for the proposed cycleway and crossing on Rye Street, which will be the subject of a s.278 agreement with the Highway Authority.
- 8.24. Bailey Venning's consultant has written to say that the applicant's approach to setting a threshold land value does not fully accord with Government guidance [including the revised NPPF] and that of the RICS. However, in assessing the viability of the development using Bailey Venning's own methodology, the Council is advised that:

Following my research and detailed assessment, I'm of the opinion that the level of developer contribution proposed by the applicant, 34% affordable housing and £279,137 worth of Section 106 costs is reasonable.

[N.B. The list of contributions below adds up to £298,773, an increase of £19,636].

- 8.25. In summary, the overall level of contributions and affordable housing is a compromise in the context of the viability assessment, attracting a negative weighting, but partly offset by the applicant's agreement to construct the important cycle path and footway link across Rye Street.

Other Matters

- 8.26. Comments were made by a number of other consultees (Section 5.0 above) but in all cases their concerns have been met by additional information from the applicant or will be taken care of by conditions.

9.0 Planning Balance and Conclusion

- 9.1. The application is for a small increase of 5 houses over and above the existing planning permission for 30 houses, which makes more efficient use of the land. Positive weight should be afforded this and the fact that the mix of dwellings now proposed is better aligned with the SHMA and the property market. Further positive weight can be given to the quality of the design and layout, which, with suitable landscaping, will create an attractive development. The only design negative is that the backs of some houses will be visible from public vantage points in the locality, but with additional landscaping and a control on permitted development rights in respect of two-storey and roof extensions, there should be only slight negative weight applied.

- 9.2. Negative weight attaches to the overall level of financial obligations, including the level of affordable housing, which are not policy compliant. Nevertheless, they are still substantial and will help offset the impact of the development on social infrastructure. Positive weight should be afforded the cycle path/footway connection and crossing point on Rye Street, which is an important network connection that will be instrumental in encouraging modal shift away from the use of the car for journeys into the town centre and beyond.
- 9.3. Therefore, on balance, the application represents an attractive development within a newly built up area of the town, which is for the most part policy compliant and adds a significant increase to the District's housing stock.

RECOMMENDATION

That planning permission be **GRANTED** subject to legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and section 278 of the Highways Act 1980 and the conditions set out below:

Legal Agreements

1. Provision of 12 affordable houses (34%) on plots 10-21 comprising 67% social rented and 33% shared ownership.
2. Primary Education contribution of £106,596 towards the provision of a primary school at Bishop's Stortford North.
3. A contribution of £6,314 towards the refurbishment of the children's section at Bishop's Stortford library.
4. A contribution of £1,713 towards the Youth Connections IAG delivery room at Northgate Youth Centre.
5. Community buildings contribution of £27,270 towards the community centre(s) planned for Bishop's Stortford North- (£909 per dwelling).

6. Off-site outdoor sports contribution of £40,890 (£1,363 per dwelling).
7. NHS general medical contribution of £18,630 (£621 per dwelling).
8. Recycling contribution towards the supply of bins £2,160 (£72 per dwelling).
9. Provision of fire hydrants in accordance with County Council policy and guidelines.
10. Details of the management of any unadopted highways and communal amenity areas ensuring that the management of any land which may be released from the realignment of Farnham Road and which is not otherwise subject to management will be covered.
11. The provision of a footpath/cycleway along the Rye Street frontage and a Puffin crossing on Rye Street, budgeted at £95,200. *(For the avoidance of doubt, the provision of the crossing will be required, regardless of cost.)*

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. No dwelling on the site shall be occupied prior to the completion of the following highway works:
 - a) a Puffin crossing on Rye Street with associated dropped kerbs and tactile paving;
 - b) a 3.0m footway/cycleway between the crossing and the southern end of the existing footway/cycleway on the south west side of the roundabout; and
 - c) a 2.0m footway between the crossing and the Farnham Bourne; all as shown on the submitted Planning Layout drawing 366/P/001C. All the above works shall be completed to the written satisfaction of the Local Planning Authority in consultation with the Highway Authority, both of whom must

be notified in writing within 3 working days of the completion of the works.

Reason: To ensure that the pedestrian and cycle links to a proposed pedestrian and cycle route into the town centre is available for use by occupiers of the development and the wider area in order to encourage sustainable means of travel in accordance with PolicyTR1 of the East Herts Local Plan Second Review April 2007.

4. No dwelling on the site shall be occupied prior to the completion of the Farnham Road access and junction arrangements, including visibility splays, as shown on Planning Layout drawing 366/P/001C. The works must not be constructed other than to the specification of the Highway Authority and to the satisfaction in writing of the Local Planning Authority.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to the required standard.

5. Before first occupation of any dwelling hereby approved, the access road and parking areas serving that dwelling, as shown on the approved plan(s), shall be completed and maintained thereafter.

Reason: To ensure the development makes adequate provision for the off-street parking and manoeuvring of vehicles likely to be associated with its use.

6. The gradient of any access shall not be steeper than 1:20 for the first 5 meters from the edge of the carriageway.

Reason: So that vehicles may enter and leave the site with the minimum of interference to the free flow and safety of other traffic on the highway.

7. Samples of materials (2E12)
8. As amendments to the details shown on drawings 586.15.4D (1 of 2) and 586.15.4D (22 of 2), prior to the occupation of any dwelling full details of the means of enclosure and hard and soft landscaping proposals for the edges of the site shall be submitted to and

approved in writing by the Local Planning Authority. These details shall include: (a) hard surfacing materials; (b) planting plans; (c) written specifications (including cultivation and other operations associated with plant and grass establishment); (d) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate; and (e) implementation timetables. Thereafter the development shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

9. Landscape works implementation (4P13)
10. Prior to the commencement of the development, a Construction and Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction and Traffic Management Plan shall set out details of:
 - a) The construction programme and phasing, including all highway works.
 - b) Hours of operation, delivery and storage of materials.
 - c) Details of any highway works necessary to enable construction to take place.
 - d) Methods for accessing the site, including construction vehicle numbers and routing.
 - e) Arrangements for parking, loading and unloading and for the storage of materials clear of the public highway.
 - f) Details of hoarding.
 - g) Management of traffic to reduce congestion.
 - h) Controls of dust and dirt on the public highway including the location and details of wheel washing facilities.
 - i) Details of consultation and complaint management with local businesses and neighbouring properties.
 - j) A Site Waste Management Plan.

- k) Mechanisms to deal with environmental impacts such as noise, air quality and dust, light and odour.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies ENV1 and ENV 24 of the East Herts Local Plan, Second Review, April 2007 and to ensure that construction has due regard for highway safety and capacity and the impact of construction traffic on the local road network.

11. Construction hours of working - plant and machinery (6N07)
12. Hard surfacing (3V21)
13. The development permitted by this planning permission shall be implemented in accordance with the approved Flood Risk Assessment carried out by Richard Jackson Engineering Consultants reference 46989-Rev D dated 07 November 2016 and Drainage Strategy carried out by CX Engineering reference CX12 Issue 1A dated 03 January 2018, including the following mitigation measures:
 1. Limiting the surface water run-off to a maximum of 14l/s with discharge into the Bourne Brook for the 1 in 100 year event.
 2. Providing a minimum attenuation volume of 1185m³ to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
 3. Undertake the drainage strategy, to include the use of permeable paving and two attenuation basins as indicated on the drainage drawing 46989/P/001.

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with policies ENV 19 and 21 of the East Herts Local Plan Second Review April 2007.

14. No dwelling shall be occupied until the final design of the drainage scheme is completed and sent to the LPA for approval. The scheme shall include:

1. Detailed design of the drainage scheme including detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features, including any connecting pipe runs and all corresponding discharge and volume calculations/modelling. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
2. Any areas of informal flooding should be confirmed with the location, extent and depth shown on the proposed layout.
3. Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event.
4. A minimum 3-stage management treatment train prior to discharge to the Bourne Brook for all surface run-off from trafficked areas.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies ENV 19 and 21 of the East Herts Local Plan Second Review April 2007.

15. Upon completion of the drainage works a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Provision of complete set of as built drawings for the site drainage.
 2. Maintenance and operational activities.
 3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies ENV 19 and 21 of the East Herts Local Plan Second Review April 2007.

16. Prior to the occupation of any dwelling on the site, and in accordance with the submitted drawing 586.15.4D (1 of 2), the

footpath links between the southern end of the estate road turning head and the southern boundary of the application site shall be constructed and finished in asphalt to the satisfaction of the LPA.

Reason: To create a safe pedestrian route to the proposed Farnham Bourne Park and the Stortford Fields Eastern Neighbourhood Centre, schools and employment opportunities, in order to encourage sustainable modes of travel.

17. Prior to the occupation of any dwelling on the site:
 1. Detailed drawings must be submitted to and approved by the Local Planning Authority, in consultation with Thames Water and/or the Environment Agency as may be appropriate, to show either:
 - a) an on-site foul water treatment works with discharge to the ground and/or the Farnham Bourne; or
 - b) a pumped foul drainage system connecting into an adopted gravity system in Rye Street; and
 - c) the management and funding arrangements in perpetuity for the system.
 2. The system thus approved must be implemented in full.

Reason: To ensure a satisfactory means of disposing of foul water from the site without harm to waterways and ground water in accordance with policies ENV 19 and 21 of the East Herts Local Plan Second Review April 2007.

18. Notwithstanding the provisions of Article 3 of the Town and Country (General Permitted Development Order) 1995, no development over 4m in height as specified in Schedule 2, Part (1), Class (A) or as specified in Classes B and C shall be undertaken to the dwellings on plots 1 and 28-35 without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this elevated site with the rear elevations of the specified dwellings being public elevations the

Local Planning Authority requires control over any further development is in accordance with policy ENV9 of the East Herts Local Plan Second Review April 2007.

19. Prior to the commencement of development, a scheme providing for the insulation of the proposed dwellings against the transmission of noise and vibration from road traffic sources shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the permitted dwellings.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007.

Informatives

1. Other legislation (OL01)
2. Unsuspected contamination (33UC)

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 2015. The balance of the considerations having regard to those policies is that permission should be granted.

KEY DATA**Residential Development**

Residential density	24 per ha	
	Number of bedspaces	Number of units
Number of existing units demolished	0	0
Number of new housing units	2	7
	3	17
	4	8
	5	3
Number of new flats	0	0
Total		35

Residential Vehicle Parking Provision

Current Parking Policy Maximum Standards
(EHDC 2007 Local Plan)

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	0
2	1.50	10.5
3	2.25	38.25
4+	3.00	33
Total required		81.75
Proposed provision		88

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

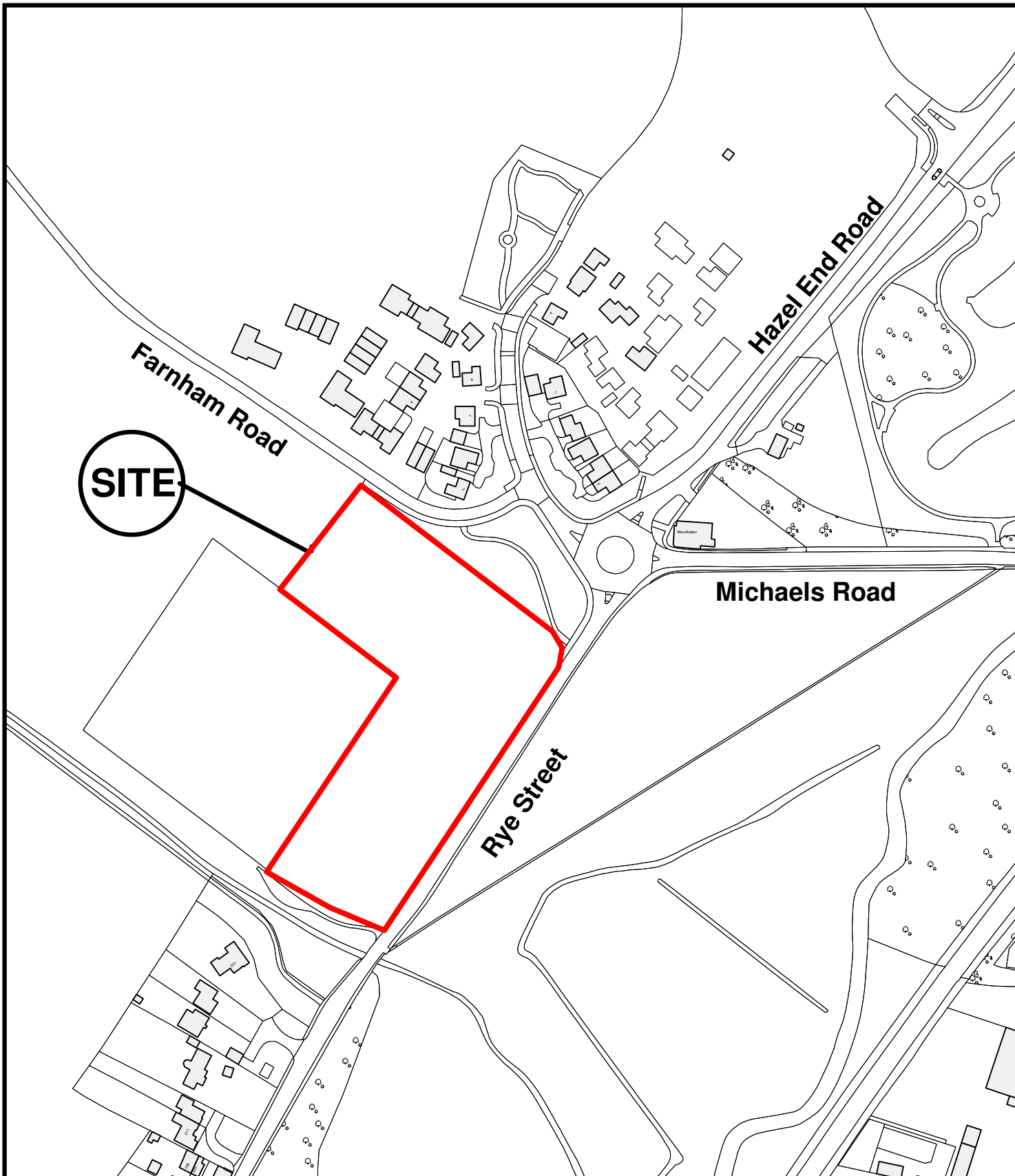
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0
2	2.00	14
3	2.50	43
4+	3.00	33
Total required		90
Accessibility reduction		5%
Resulting requirement		86
Proposed provision		88

Legal Agreement – Financial Obligations

This table sets out the financial obligations that could potentially be sought from the proposed development in accordance with the East Herts Planning Obligations SPD 2008; sets out what financial obligations have actually been recommended in this case, and explains the reasons for any deviation from the SPD standard.

Obligation	Amount sought by EH Planning obligations SPD	Amount recommended in this case	Reason for difference (if any)
Affordable Housing	Up to 40%	34%	Following viability assessment
Parks and Public Gardens	£0	£0	The site has good access to parks and recreation space in the locality.
Outdoor Sports facilities	£47,705	£40,890	Calculated on 30 dwellings @ £1,363 per dwelling

Amenity Green Space	£0	£0	The site has good access to recreation space in the locality.
Provision for children and young people	£0	£0	A contribution to HCC is being made towards youth facilities
Maintenance contribution - Parks and public gardens	£0	£0	Not relevant
Maintenance contribution - Outdoor Sports facilities	£0	£0	Not relevant
Maintenance contribution - Amenity Green Space	£0	£0	Managed by the developer
Maintenance contribution - Provision for children and young people	£0	£0	Not relevant
Community Centres and Village Halls	£31,815	£27,270	Based on 30 dwellings @ £909 per dwelling
Recycling contribution (bins)	£2,520	£2,160	Based on 30 dwellings at £72 per dwelling



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**Address: Land At Junction Of Rye Street And Farnham Road,
Bishops Stortford, Hertfordshire**

Reference: 3/18/0031/FUL

Scale: 1:2500

O.S Sheet: TL4922

Date of Print: 28 September 2018

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DEVELOPMENT MANAGEMENT COMMITTEE – 10 OCTOBER 2018

Application Number	3/16/1939/FUL
Proposal	Change of use from agricultural land to cemetery including access
Location	Land adjacent to Cemetery at St Bartholomew’s Church, The Causeway, Buntingford
Parish	Buntingford
Ward	Buntingford

Date of Registration of Application	25 August 2016
Target Determination Date	24 November 2016 – ETA 11 th October 2018
Reason for Committee Report	Major
Case Officer	Simon Dunn-Lwin

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

- 1.1 The proposal is for a cemetery use which would accommodate approximately 1460 grave spaces with an area for cremated remains. The demand is expected to be up to 10 burials a year and the burial of cremated remains. There would be a new access formed through the existing hedge on The Causeway.
- 1.2 The main issues for Members to consider relate to the principle of such a use in this area and the impact it would have in visual terms and with respect to its operation.

2.0 **Site Description**

- 2.1 The application site, which is approximately 1 hectare in size, is an open field which is relatively level and roughly rectangular in shape. It measures approximately 216m in length by 45.5m in width, and is enclosed by hedges and trees to the north, south and east. Apart from the neighbouring Church and cemetery, the area is largely farmland with paddocks immediately surrounding the site to the west and north. There is a neighbouring property to the southwest of The Causeway, due south of the church, at Gooseacre Farmhouse and the church itself has been converted to residential use.
- 2.2 There are uninterrupted views across the Rib Valley towards Throcking in the west. A Public Right of Way (Buntingford 032) runs along the northern boundary of the site.

3.0 **Planning History**

- 3.1 There is no planning history for the site.
- 3.2 The determination of this application has been delayed because of drainage issues and site investigations necessary to address concerns initially raised by the Lead Local Flood Authority (LLFA) and the Environment Agency (EA). Officers understand that intrusive investigations were delayed because of the harvesting season and could not be progressed until the site was acquired by the applicant. The scheme now under consideration has been amended to address the LLFA and EA objections. All consultees including the LLFA and the EA have been re-consulted on the amendments. The consultation replies set out below represent the final response from all consultees since the original submission in 2016.

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts Local Plan 2007 (LP) and the Buntingford Community Area Neighbourhood Plan (NP)

Main Issue	NPPF	Local Plan policy	Neighbourhood Plan
Principle of development		GBC2, GBC3	
Visual amenity impacts and landscape	Section 15	ENV1, ENV2, ENV11	ES1
Impact upon highway network	Section 9	TR2, TR7,	T4
Surface Water Drainage and Flooding	Section 14	ENV20, ENV21	

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

- 4.2 On the 11 September 2018 the Secretary of State issued a holding direction under section 21A of the Planning and Compulsory Purchase Act 2004 (inserted by section 145(5) of the Housing and Planning Act 2016) on the adoption of the East Herts District Plan. The direction prevents the Council from taking any step in connection with the adoption of the Plan. The direction will remain in place until withdrawn or the Secretary of State gives a direction under section 21 of the 2004 Act in relation to the Plan. Section 21A of the Planning and Compulsory Purchase Act 2004 states that a document to which a direction relates has no effect while the direction is in force. Therefore no weight can be attributed to the District Plan whilst the holding direction remains in force.

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the grant of permission subject to conditions relating to the entrance gate positioning, access and junction arrangements to be in accordance with the approved plans and provision of visibility splays.
- 5.2 Lead Local Flood Authority originally objected on drainage grounds, but following consideration of additional information confirmed that their objection could be removed. The LLFA commented that the proposed development site can be adequately drained and mitigate any potential existing surface water risk if carried out in accordance with the overall drainage strategy, subject to a condition relating to the implementation of the SUDS Design and FRA Statement for mitigation measures.
- 5.3 The Environment Agency comments that the proposed development will be acceptable subject to two planning conditions relating to a working method statement for burials and no infiltration of surface water drainage into the ground. The EA commented that the proposal is located within a vulnerable ground water area in a Source Protection Zone and the proposed use has the potential to cause pollution to controlled waters. Without these conditions the site would pose an unacceptable risk to the environment and the EA would object to the application.
- 5.4 HCC Historic Environment Unit comments that it is possible that in addition to the potential for medieval archaeological remains close to the church, there is also potential for the remains of a high status Roman building in the immediate area. An appropriately worded condition is therefore recommended to require the implementation of a programme of archaeological works.

- 5.5 EHDC Landscape Advisor comments that the proposal is non-contentious in landscape terms, albeit a material change in local landscape character and land use, it is acceptable within the context of the site and the wider surrounding area. Only minor adverse impact on trees and hedgerow, although some to be removed. The advisor has no objection to the proposal.
- 5.6 EHDC Engineering Advisor comments that the site is situated in flood zone 1. The site is shown as mostly away from surface water (SW) inundation zones aside from a very small area located to the north west of the site. The submitted layout for the site shows good quality green infrastructure sustainable drainage systems (SuDS) such as:- Swales (green infrastructure SUDS), French drain and Permeable surfaces. The SuDs and in particular the green infrastructure SuDS will contribute to flood risk reduction as well as creating new amenity and biodiversity areas which will be beneficial here and to adjacent areas.
- 5.7 EHDC Environmental Health Advisor does not wish to restrict the grant of planning permission.

6.0 **Town Council Representations**

- 6.1 The application is submitted by the Town Council and no formal comments have been received from the Town Council on the application.

7.0 **Summary of Other Representations**

- 7.1 2 letters have been received raising the following comments:
- Should ensure proper flood risk assessment is carried out for drainage;
 - Impact on ground water should be managed and conditioned;
 - Ground water Audit recommends no more than 18 burials per year distributed randomly across the burial ground;

- Existing hedgerows should be retained to protect livestock from neighbouring farm;
- CCTV should be installed for site security and prevent anti-social behaviour, particularly in the proposed car park to the south.

8.0 **Consideration of Issues**

Principle of development

- 8.1 The site lies within the Rural Area Beyond the Green Belt, wherein Local Plan Policies GBC2 and GBC3 apply. Policy GBC3 states that except within the main settlement of Buntingford (the application site lies outside of the settlement boundary) and Category 1 Villages, permission will not be given for the construction of new buildings or changes of use except for certain types of development. The use of land as a cemetery is not specified within policy GBC3, and therefore the proposal does not accord with policy GBC3.
- 8.2 In the NPPF, at para 92, the need to provide social, recreational and cultural facilities is referred to.
- 8.3 The NPPF guidance does not relate directly to cemetery use and therefore, given the Local Plan policy, it is necessary to consider whether material considerations exist to warrant a departure from policy in this case.

Visual impact and landscape

- 8.4 The proposal would result in a change to the existing appearance of the site, which would clearly be discernible on approach along The Causeway with views through the access to the site. However, the changes to the appearance of the site would largely be discrete in longer views because the site is enclosed by boundary hedges to the north and west, and further landscaping along the boundaries of the site is proposed. It is noted that the Council's Landscape Advisor has not raised any concerns with the proposal.

- 8.5 The proposed cemetery would be set within landscaped grounds and managed for the long term to preserve its setting and appearance. There would be no structures that exceed the height of the boundary hedges surrounding the site and therefore it would remain discrete within the wider landscape. Visually the proposal would be sympathetic in appearance to the surrounding countryside and maintain an open character.
- 8.6 Overall in landscape and visual amenity terms, the proposal would be sensitive to its surroundings. The proposed landscaping would mitigate the impact of the proposals, ensuring that the cemetery would sit comfortably within its landscape setting and appear largely imperceptible from views in the surrounding countryside. It would not therefore have an unacceptable impact on the character and appearance of the site and its surroundings in accordance with policy ENV1.

Impact upon highway network

- 8.7 The site would be accessed from The Causeway to the south. The proposed access would be approximately 5m wide which would require the removal of part of an existing mature hedge. This would be replaced by a traditional timber gate, the details of which have been submitted. A car park is proposed adjacent to the entrance to accommodate 10 parking spaces for mourners and visitors, including two disabled spaces.
- 8.8 The proposal includes an internal access road with a turning area along the western boundary to access plots to the northern end of the site. This is to meet access requirements under the Disability Discrimination Act (DDA) and Health and Safety legislation with respect to the manual handling of a coffin from the funeral car to the grave side. The current recommendation is that a burial

plot should not be more than 25m from a roadway or major footpath and 5m from a minor footpath.

- 8.9 The main consideration in highway terms centres around the impact of the increased movement of cars on The Causeway which is a narrow country lane terminating at St. Bartholomew church to the east. The main traffic on The Causeway terminates at Layston School which is located approximately 430 metres to the west of the proposed site, on the eastern edge of the built up area of Buntingford.
- 8.10 The Highway Authority has considered the proposal on the basis of the projected 10 burials per year as submitted by the applicant. It considers that the proposed access is acceptable. It advises that the narrow carriageway width of The Causeway is noted however, given the small number of properties accessed at its eastern extents, the nature of the proposals being a cemetery (accessed by slower moving vehicles and reduced trip generation), the level of visibility achievable from the proposed access is considered acceptable. It advises that the entrance gates should be set back a minimum of 6m from The Causeway and open inwards.
- 8.11 The applicant however has indicated that it is not necessary for the gate to be set back within the site as it will remain open during the day, and therefore cars will not need to wait on the highway to access the site. As it is proposed that the gates remain open during the day and having regard to the number of vehicle movements associated with the use, it is not considered that such a condition is necessary in this case.
- 8.12 Additionally, the supporting information within the Design and Access Statement states that 'it is anticipated that there will be little traffic entering the new cemetery. There will be a Solar Powered gate at the vehicular access point on The Causeway. This gate will be open automatically between the hours of 7.00am and 7.00pm, 7 days per week, 365 days per year. A

pedestrian access gate will be provided adjacent to the vehicle gate to allow mourners and visitors to access the cemetery.'

- 8.13 The Highway Authority concludes that, on the basis of the likely movement of traffic for burials over 10 days in any given year, it is accepted that traffic generation to the cemetery will be limited and considers an objection to the proposals would not be justified in highway terms, subject to conditions set out at the end of this report.

Surface Water Drainage and Flooding

- 8.14 The site lies within Flood Zone 1 and is therefore not at risk of fluvial flooding. However, the site is located within a Source Protection Zone for public water supply. The proposal raises two main issues:

1. Surface water drainage and potential flooding of the cemetery and the consequential human impact of a cemetery flood;
2. Potential contamination and impact on the ground water supply.

- 8.15 The LLFA objected to the scheme as originally submitted because of the absence of sufficient information to address issue 1. The Environment Agency would only support the proposal subject to strict conditions limiting maximum burials and compliance with specification on burials near water sources and drains to address 2.

- 8.16 Consequently, the applicant submitted a revised drainage strategy (SUDS Design and FRA Statement) and a revised layout for reconsideration. The drainage information was assembled with information based on specific site infiltration tests. A revised layout of the cemetery was also produced to address the second issue.

- 8.17 The revisions have been reconsidered by the LLFA and the EA. Both bodies have confirmed that the amended scheme and drainage strategy satisfactorily address the issues previously raised, but further conditions are recommended requiring compliance with the drainage strategy and mitigation measures and a detailed method statement on burials.

Other Issues

- 8.18 Heritage: The site lies within an Area of Archaeological Significance (AAS) with potential subterranean heritage assets. The County Archaeologist confirms that Roman and Medieval remains have been found nearby and there is potential for further finds in the area. However, it is considered that heritage assets can be protected by applying a suitable condition for further investigations for potential archaeological remains within the site, in accordance with policy BH3 of the Local Plan.
- 8.19 Officers are content that given the nature of the proposed development there would be no harm to the significance, character, appearance or setting of the Grade 2* Listed St. Bartholomew's church.
- 8.20 Neighbour amenity: There are residential properties nearby at the converted listed church and at Gooseacre Farmhouse to the south east. However, a cemetery, absent of any buildings or substantial structures would not detrimentally impact on neighbouring amenity. Furthermore, it is not considered that the level of activity associated with the use of the land would result in significant harm by reason of noise and disturbance to the occupiers of nearby properties.
- 8.21 The concerns raised in relation to security have been noted. The applicant intends for the site to be closed for

access between 7:00pm and 7:00am. Having regard to this and the nature of the use, it is not considered reasonable or necessary to require the provision of CCTV facilities.

- 8.22 Ecology: Officers do not consider that the nature of the proposal would give rise to ecological concerns. Trees and hedges would largely be retained and enhanced by additional planting within the site which should enhance local biodiversity.
- 8.23 Need: The applicant (Buntingford Town Council) has commented in their submission that the existing churchyard is becoming full and the St. Albans Diocese has not indicated interest in extending the existing churchyard. The applicant has therefore taken the decision to provide a new cemetery to deal with future burial needs in the locality. Furthermore, due to the location of the application site adjacent to the existing cemetery which serves Buntingford, the proposal would appear as an extension to the existing cemetery.
- 8.24 The provision of a new cemetery in Buntingford was an issue in the appeal in respect of development on land to the North of Hare Street Road (ref. 3/13/1000/FP). These proposals included cemetery provision. In the appeal, evidence was submitted by the Town Council which stated that the Hare Street Road site was not their preferred location for a cemetery. The appeal granted planning permission for a cemetery but the inspector acknowledged that it may not come forward. The appeal permission was subject to a condition that required amendments to the approved scheme if the cemetery was not to come forwarded.
- 8.25 Also relevant in this case is the issue that, due to the nature of the use, the extent of land required will be of such a size that a site within the built up area of a settlement is unlikely to be found. Therefore, it is likely that such uses would only come forward on larger, open sites on the periphery of settlements.

9.0 **Planning Balance and Conclusion**

- 9.1 The application site lies within the rural area beyond the green belt as designated in the adopted Local Plan. The proposal fails to accord with policy GBC3 of the Local Plan and there is an in principle objection to the provision of a cemetery in this location.
- 9.2 The applicant has set out that there is a need in the locality for additional burial space, and permission was granted for burial space on land to the west of the application site in 2014, in relation to the Hare Street Road site (albeit that this site was not the preferred location for a cemetery). It is therefore considered that a need for additional burial space has been identified, and this is a material consideration of significant weight in the determination of this application.
- 9.3 No harm has been identified with the proposal in respect of visual impact, highways, drainage and flooding, heritage assets, ecology and neighbour amenities. The proposal therefore complies with policy in all other respects.
- 9.4 Having regard to the above considerations, the need for additional burial space and the extent and nature of land that is required, in the absence of any other identified harm, it is considered that material considerations exist in this case to warrant a departure from policy GBC3 of the Local Plan.
- 9.5 It is therefore recommended that planning permission is granted subject to the conditions.

RECOMMENDATION

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

Conditions:

1. 3 year time limit(1T12)
2. Approved plans (2E10)
3. Archaeology (2E02)
4. Landscape Works Implementation (4P13)
5. The vehicular access gate to the site shall remain open between the hours of 7:00 am and 7:00pm, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow vehicular access to the site and in the interests of highway safety.

6. The development permitted by this planning permission shall be carried out in accordance with the approved SUDS Design and FRA Statement dated May 2018 and prepared by Cemetery Development Services submitted and the following mitigation measures detailed within the drainage strategy:
 - Implementing appropriate drainage strategy based on infiltration and to include French drains, a swale and a soakaway as shown on the Drainage Layout Plan Drwg. No: CDS_BUN_FRD_05 rev 3;
 - Providing storage volume to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year + climate change event.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

7. No development shall take place until a working method statement is submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any

subsequent amendments shall be agreed in writing with the local planning authority.

The method statement must address the following requirements. All burials in the cemetery must:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms;
- be at least 30 metres from any other spring or watercourse and at least 10 metres from any field drain;
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains;
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table;
- be in line with the revised drawing: Burial Layout Plan ref: CDS_BUN_FRD_03 Rev 02, prepared by Cemetery Development Services, dated 23 July 2018.

Reason: The burial area is located in a vulnerable groundwater area in a Source protection zone three and this activity has the potential to cause pollution to controlled waters.

8. No infiltration of surface water drainage into the ground at this site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters.

9. Before any development commences, all access and junction arrangement serving the development shall be completed in accordance with the approved in principle plan (CDS_BUN_FRD_04 Rev 01 'Road Access Plan'), and constructed to the specification of the Highway Authority and the Local Planning Authority's satisfaction.

Reason: To ensure that the access is constructed to the Highway Authority's specification as required by the Local Planning Authority and to comply with Policy TR2 of the East Herts Local Plan 2007.

10. Concurrent with the construction of the access, visibility splays of 2.4m X 34m shall be provided and permanently maintained in each direction within which there shall be no obstruction to visibility between 600mm and 2m above the carriageway level.

Reason: In the interest of highway safety, amenity and free and safe flow of traffic

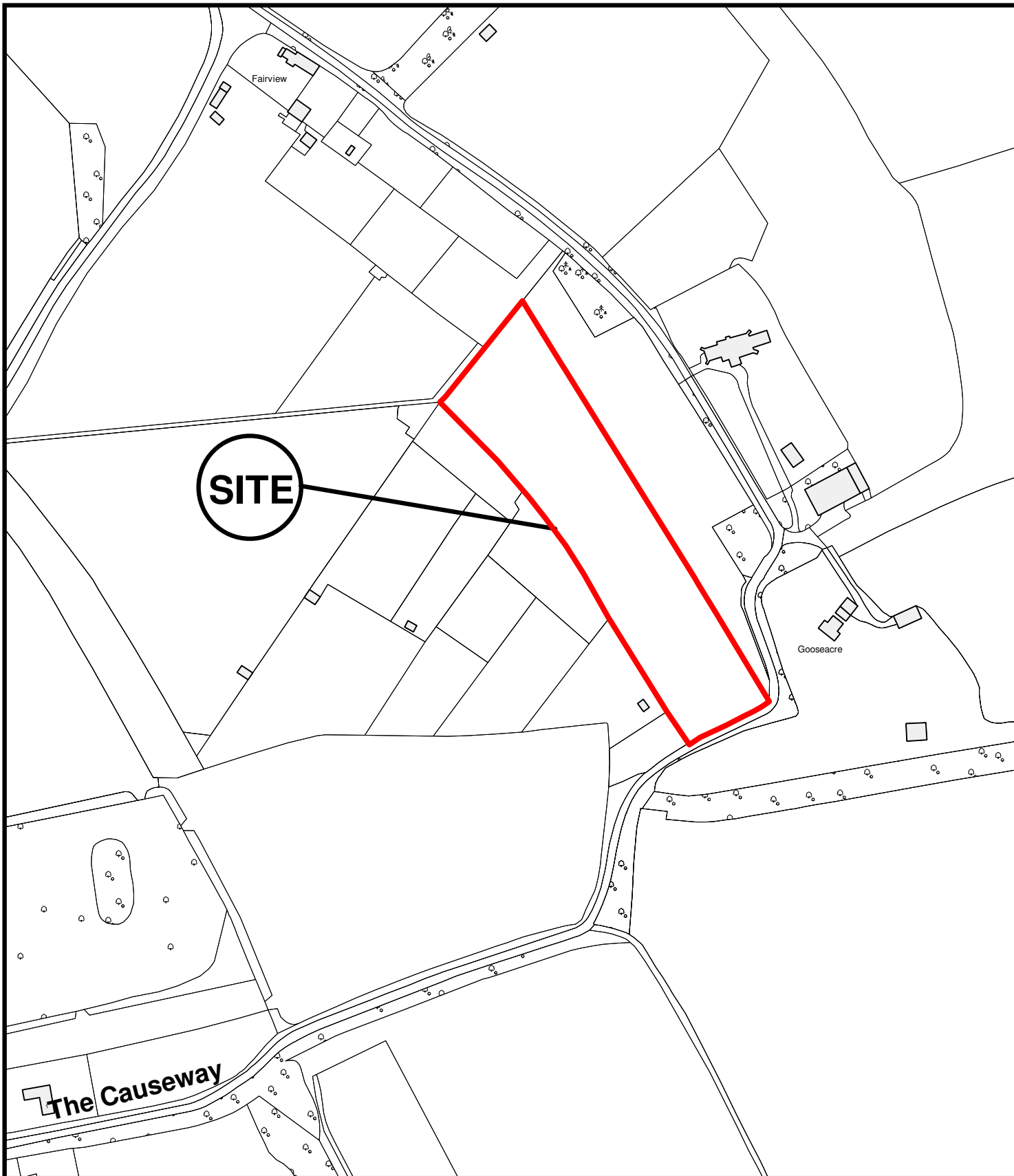
Informatives

1. Other legislation (010L)

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 2015. The balance of the considerations having regard to those policies is that permission should be granted.

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