



Alison Stuart  
Head of Legal and  
Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 17 JULY 2019  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

**MEMBERS OF THE COMMITTEE**

Councillor T Page (Chairman)

Councillors D Andrews, T Beckett, R Buckmaster, B Crystall, B Deering (Vice-Chairman), R Fernando, J Jones, I Kemp, C Redfern, P Ruffles and T Stowe

**Substitutes**

Conservative Group: Councillors S Bull, A Huggins and J Kaye  
Green/Labour: Councillors M Brady and J Frecknall

*(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.)*

**CONTACT OFFICER: PETER MANNINGS**  
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## **DISCLOSABLE PECUNIARY INTERESTS**

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

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

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## AGENDA

### 1. Apologies

To receive apologies for absence.

### 2. Chairman's Announcements

### 3. Declarations of Interest

To receive any Members' declarations of interest.

### 4. Minutes - 19 June 2019 (Pages 9 - 16)

To confirm the Minutes of the meeting of the Committee held on Wednesday 19 June 2019.

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

(A) 3/18/1213/FUL - Demolition of existing commercial building and erection of replacement building for class B1, B2, and B8 uses and ancillary vehicle sales at Units C, D and E, Raynham Road, Bishops Stortford\_(Pages 23 - 40)

Recommended for Approval.

- (B) 3/18/1961/FUL - Construction of a Two storey Primary School building (2FE) and associated facilities for up to 420 pupils. Associated landscaping works, widened access road and increase car parking spaces to 48. New external hard and soft play areas with fencing. Demolition of existing school building at St Josephs Roman Catholic Primary School, Great Hadham Road, Bishops Stortford\_(Pages 41 - 64)

Recommended for Approval.

- (C) 3/19/0308/FUL - Demolition of existing buildings and creation of 45 dwellings, comprising 28nos. 2 bedroom apartments, 13nos. 2 bedroom houses and 4nos. three bedroom houses, associated roads, car and cycle parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive at 306-310 Ware Road, Hertford\_(Pages 65 - 96)

Recommended for Approval.

- (D) 3/18/2465/OUT - Hybrid planning application comprising: Full planning permission for 375 residential dwellings (comprising 29 houses and 5 apartment buildings for 346 apartments), 420 sqm for a gymnasium (Class D2 floorspace), 70 sqm of residents co-working floorspace, car and cycle parking, access, open space, landscaping and associated works, improvements to Marshgate Drive and creation of a Spine Road in the Northern Sector; and Outline planning permission for the construction of 2,220 square metres of employment floorspace (Use Class B1c), car parking, landscaping and associated works (all matters reserved except access) at (HERT2) Land East Of Marshgate Drive, Hertford (Pages 97 - 150)

Recommended for Refusal.

- (E) 3/19/1039/HH and 3/19/1040/LBC - Single storey rear extension to partially infill the courtyard, and levelling of a large lawn by use of retaining walls at The Gables, 19 Green End, Braughing  
(Pages 151 - 160)

3/19/1039/HH – Recommended for Approval

3/19/1040/LBC – Recommended for Approval

- (F) 3/18/1228/FUL - Erection of 8no. dwellings, new access and landscaping at Land West of Hoddesdon Road, St Margaretsbury, Stanstead Abbots\_(Pages 161 - 184)

Recommended for Approval.

6. Items for Reporting and Noting (Pages 185 - 186)

(A) Planning Statistics.

7. Urgent Business

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

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MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT  
COMMITTEE HELD IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 19 JUNE 2019, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Goodeve and A Ward-Booth

OFFICERS IN ATTENDANCE:

|                  |   |
|------------------|---|
| Eze Ekeledo      | - Service Manager<br>(Development<br>Management)<br>Major<br>Applications |
| Peter Mannings   | - Democratic<br>Services Officer  |
| Sara Saunders    | - Head of Planning<br>and Building<br>Control                             |
| Jill Shingler    | - Principal Planning<br>Officer   |
| Victoria Wilders | - Legal Services<br>Manager   |

52 APOLOGY

It was noted that Councillor S Bull was substituting for Councillor J Jones.

53 CHAIRMAN'S ANNOUNCEMENTS

The Chairman referred to a number of housekeeping issues. He announced that application 3/18/2210/FUL had been withdrawn.

54 MINUTES - 22 MAY 2019

Councillor T Beckett proposed and Councillor B Deering seconded, a motion that the Minutes of the meeting held on 22 May 2019 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 22 May 2019, be confirmed as a correct record and signed by the Chairman.

55 3/18/2457/FUL - ERECTION OF 65 RESIDENTIAL DWELLINGS AND ASSOCIATED WORKS INCLUDING INTERNAL ROAD NETWORK AND ASSOCIATED HIGHWAY WORKS, LANDSCAPING UTILITIES AND DRAINAGE INFRASTRUCTURE, CAR AND CYCLE PARKING AND WASTE STORAGE AT LAND TO THE EAST OF ASPENDEN ROAD, BUNTINGFORD

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The Head of Planning and Building Control recommended that in respect of application

3/18/2457/FUL, planning permission be granted subject to the conditions detailed in the report now submitted.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control summarised the full application and detailed the relevant planning history. She stated that the site was an allocated site in the District Plan for around 56 dwellings and this application had increased that number by 9 to 65 residential units.

The Principal Planning Officer talked Members through the proposed layout of the site and detailed the location of the Sustainable Urban Drainage Solution (SUDS) area and the open space. She also referred to the footpath linkages across the river and the access road and the linkages to the residential area to the East. This was in line with policy in terms of improving footpath networks and connectivity in respect of pedestrian routes.

Members were advised that a Section 278 agreement was proposed to improve Aspenden Road as this was not wide enough in places for 2 cars to pass. The agreement would facilitate improvements to pedestrian crossings although existing sight lines were good. The proposed widening would be in sections only and elements of the road would still be too narrow for a large vehicle to pass a car.

The Principal Planning Officer stated that the site provided an acceptable percentage of affordable housing with this provision being pepper potted

throughout the site. Officers believed the scheme to be well designed and the houses and parking would meet the required standards.

Members were further advised that the Highways Authority had not objected to the application subject to the Section 278 agreement, and the design of the houses and the proposed building materials were in accordance with the requirements of the adopted East Herts District Plan.

Ms Allwood addressed the Committee in support of the application. Councillor Waite addressed the Committee as the Town Mayor on behalf of Buntingford Town Council.

Councillor S Bull spoke in support of the position of the Town Council and referred to Aspenden as one of the prettiest villages in East Herts. He stated that he failed to see that there had been any improvement in the situation regarding road movements. He referred to Aspenden Road as being dangerous in terms of sightlines, HGV movements and the chicanes. He commented on whether there was any possibility of a deferral to address these concerns.

Councillor A Huggins stated that he could attest to the near misses between road users and he had witnessed HGVs mounting the kerb in this area. He believed that the only suitable highway solutions were to either widen the road or install a single use traffic light system.

Councillor P Ruffles sought guidance on the matter of a

deferral. He referred to the justification for the 16% increase to 65 dwellings and stated that he would welcome input from Officers in respect of the proposed pepper potting of the social housing.

Councillor T Stowe commented on the highways matters and sought clarification in respect of a number of points in respect of the SUDS solution and the flood attenuation pond. The Principal Planning Officer stated that the test was not whether there was a better scheme but whether the highways matters were in accordance with planning policy and highways safety. Members had to determine what was in front of them and should not debate what might be a better arrangement given that the Highway Authority were satisfied with the application.

Members were advised that the Lead Local Flood Authority was satisfied that the SUDS scheme provided adequate sustainable drainage. The Principal Planning Officer confirmed that the pepper potting of the affordable housing was in accordance with planning policy.

The Legal Services Manager advised Members that a deferral would give rise to a risk that the applicant could lodge an appeal on the grounds of non-determination. She confirmed to Councillor S Bull that the statutory deadline for determining the application was 28 June 2019 and a decision on the application could therefore be taken out of the Council's hands.

Councillor B Crystall referred to the biodiversity assessment and the predicted water usage of 125 litres

person per day when compared to a target of 110 litres. He believed the design for cycle storage and routes was commendable but he was concerned should cyclists be routed to the town centre via Aspenden Road. The Principal Planning Officer stated that a biodiversity impact assessment had been completed in compliance with policy in terms of enhancing biodiversity.

The Principal Planning Officer responded to a number of points made by Councillor I Kemp in respect of conditions and enforceability. Councillor A Huggins referred to village 3 policy in light of the fact that 2 further fields were due to be developed in the vicinity of this site. He commented that this application should be the last development off Aspenden Road to avoid an encroachment into Aspenden that would be a breach of village 3 policy.

Councillor P Ruffles proposed and Councillor T Beckett seconded, a motion that in respect of application 3/18/2457/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 3/18/2457/FUL, planning permission be granted subject to the conditions detailed in the report submitted.

56 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

- (A) Appeals against refusal of planning permission / non-determination;
- (B) Planning Appeals lodged;
- (C) Planning Appeals: Inquiry and Informal Hearing dates; and
- (D) Planning Statistics.

The meeting closed at 8.05 pm

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| Chairman ..... |
| Date .....     |

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## EAST HERTS COUNCIL

### DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

#### 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.

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#### **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.

|   |  |
|---|--|
| <b><u>RECOMMENDATION FOR DEVELOPMENT MANAGEMENT COMMITTEE</u></b> |  |
| <b>That:</b>  |  |
| <b>(A)</b>  | <b>A recommendation is detailed separately for each application and unauthorised development matter.</b> |

#### 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: Sara Saunders – Head of Planning and Building Control, Extn: 01992 531656.  
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Report Author: Sara Saunders – Head of Planning and Building Control, Tel: 01992 531656.  
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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<br><br>Priority 2 – Enhance the quality of people's lives<br><br>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.   |
| Equality, diversity and human rights considerations, and whether Equality Impact Assessment required: | As detailed separately in relation to each matter if any are appropriate.   |
| Environmental Sustainability  | As detailed separately in relation to each matter if any are appropriate.   |

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/18/1213/FUL  |
| <b>Proposal</b>           | Demolition of existing commercial building and erection of replacement building for class B1, B2, and B8 uses and ancillary vehicle sales. |
| <b>Location</b>           | Units C, D And E<br>Raynham Road<br>Bishops Stortford  |
| <b>Parish</b>             | Bishop’s Stortford   |
| <b>Ward</b>               | Bishop’s Stortford All Saints  |

|  |                   |
|--|-------------------|
| <b>Date of Registration of Application</b> | 20 June 2018      |
| <b>Target Determination Date</b>           | 18 July 2019      |
| <b>Reason for Committee Report</b>         | Major application |
| <b>Case Officer</b>                        | June Pagdin       |

### **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 application is for demolition of an existing industrial unit in Raynham Road Industrial Area and replacement with a new building to enable the established company Hilton Coachworks to meet its long-term business needs. The new building would be used together with the company’s other buildings (Units A, B, and D) to respond to the its changing needs.
  
- 1.2 The proposal is to demolish Unit E and replace with a two/three storey building with workshops, office space and car storage with ancillary sales. The new floorspace would total approximately 6,100sqm. The building would accommodate a small display area to showcase classic car restoration on the first floor and a sales area

on the ground floor at the front of the building (approx. 600sqm in total). The rear part would be workshops at the ground and first floors for accident repair and vehicle restoration (approx. 3,000sqm) with storage of vehicles and parts (accessed by internal lift) on the second floor (approx. 1,600sqm).

- 1.3 The submitted Planning Statement explains that the company aims to combine its two separate operations onto this site, bringing bodyworks from Stansted. The company is well established in the local economy and the site currently employs over 80 staff.
- 1.4 The site is within a designated Employment Area and is allocated for industry comprising B Class uses.
- 1.5 The main issues for consideration are:
  - Principle of new employment floorspace in this location
  - Design and Layout
  - Neighbour Amenity
  - Highway and Parking
  - Flooding and Drainage
  - Contamination
- 1.6 Members will need to consider the overall planning balance and whether the proposal will result in a sustainable form of development having regard to the above considerations.

## **2.0 Site Description**

- 2.1 The application site covers 0.4Ha and comprises Building E on Raynham Road Industrial Estate together with the forecourt and rear and side hardstanding's. The building is currently occupied by two different Companies: Fyfe and Wilson in the front part and Hilton Coachworks in the rear part. Hilton also occupies Units A, C and D on the adjacent land to the south east and a new smaller workshop unit to the northwest.



- 2.2 The existing building is single storey with a footprint of approximately 2,150sqm and a ridged roof approximately 6m high.
- 2.3 To the northwest and south east are further industrial units on Raynham Road, which lie to the northwest. To the rear are other industrial units in the industrial complex. To the front of the site northeast are the woods and playing fields of the Summercroft primary school and, beyond that, residential properties.

### **3.0 Planning History**

The following planning history is of relevance to this proposal:

| Application Number | Proposal  | Decision                       | Date           |
|--------------------|---|--------------------------------|----------------|
| 3/02/0576/FP       | Erection of new B1 Unit (Building on plots C, D and E)                  | Approved subject to conditions | September 2002 |
| 3/17/1110/FUL      | Erection of workshop building for B2 and B8 (South West corner of site) | Approved subject to conditions | April 2017     |
| M/16/0243/MPREAP   | Replacement of Fyfe Wilson site   |                                | March 2017     |

### **4.0 Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP), and Bishops Stortford (All Saints, Central, South and part of Thorley) Neighbourhood Plan (NP).

| <b>Main Issue</b>                | <b>NPPF</b>   | <b>LP policy</b> | <b>DP policy</b> | <b>NP policy</b> |
|----------------------------------|---------------|------------------|------------------|------------------|
| Employment Land                  | Paras 80-84   |                  | ED1              | BP5              |
| Design and Character of the area | Paras 124-132 |                  | DES4             | HDP2             |
| Neighbour Amenity - noise        | Paras 180-182 |                  | EQ2              | HDP1             |
| Highway and Parking Provision    | Paras 105-110 |                  | TRA3             | TP1, TP3, TP7    |
| Drainage and Flooding            | Paras 163-165 |                  | WAT5             | GIP7             |
| Contamination                    | Paras 178-182 |                  | EQ1              |                  |

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

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority comment that the amended methodology for calculating trip generation and parking demand is acceptable and overcomes concerns over highway safety and conditions on the surrounding local highway network. Conditions are recommended requiring a Construction Traffic Management Plan, provision of parking/loading and turning areas on the site prior to use and a surface water drainage scheme.
- 5.2 Lead Local Flood Authority raise no objections and recommend conditions requiring implementation in accordance with submitted drainage assessments and mitigation strategy and the submission and approval of a detailed drainage scheme.
- 5.3 Thames Water comments that if the developer seeks a connection to discharge surface water into the public network, Thames Water must be re-consulted.

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

## **6.0 Town/Parish Council Representations**

6.1 Bishop's Stortford Town Council raise no objection.

## **7.0 Summary of Other Representations**

7.1 No responses have been received.

## **8.0 Consideration of Issues**

### Employment Use

- 8.1 The application site is located within the Raynham Road Industrial Area in Bishops Stortford. Policy ED1 states that land in this area is allocated for industry in Use Classes B1, B2 and B8 and the principle of new employment floorspace is supported.
- 8.2 The Bishops Stortford Neighbourhood Plan (All Saints and Thorley) supports the creation of local employment opportunities while protecting amenities for residents.
- 8.3 The sales element would constitute the front part of the ground floor and the forecourt of the site totalling around 600sqm in area; approximately 10% of the floor area of the proposed building. The sales function would therefore be small in proportion and ancillary to the repair and restoration operations on the site. To ensure this element remains ancillary it is recommended that the area for retail use is limited by condition.
- 8.4 The proposal is considered to be acceptable in principle in accordance with the Development Plan, subject to limitation of the retail element.

## Design and Character of the Area

- 8.5 Policy DES4 requires new developments to make the best possible use of the land and to respect or improve the character of the site and surrounding area. Due regard must be had to the scale, height, massing (volume and shape), orientation, siting, layout, density and building materials.
- 8.6 The buildings in Raynham Road are predominantly two storeys with flat or low pitched roofs: Chip and Pin to the north and CF Capital to the south are both two storey brick buildings. The buildings further along Raynham Road, Raynham Close and Myson Court are similarly two storeys in height. Brakes Brothers (now Gu) is located behind to the west of the application site and is a three-storey, metal clad office block/store and depot of substantial width.
- 8.7 The application site is in an industrial estate and contains and is surrounded by buildings of older styles where the form has been guided by function rather than by aesthetics. However, the front part of the proposed building has been designed to reflect the street-scene in Raynham Road; being two-storey (9.9m high) at the front and in alignment with the height and building line of the neighbouring building to the south. It is also similar in height to and set further back from the road than the development at Raynham Close. A single storey canopy over the entrance would project into the forecourt, which would otherwise be used for open car display. The three storey section would be set back 13m from the front of the building. The roof of the rear part will be just lower than the ridge height of the Gu building behind. It will be considerably narrower than the Gu building and have a less bulky appearance.
- 8.8 The proposed external wall materials are powder coated metal panels. The two storey front section would feature large glazed panels. The side and rear elevations would have rows of small windows, high-level at ground floor. The roof would contain roof lights. All windows would have aluminium powder coated frames. The colour and texture of frames, cladding and glazing have not been specified and these details can be sought through a condition

to ensure they are appropriate to the area. The details of the canopy have not been provided. These can also be required to be submitted for approval by a condition. No changes are proposed to the site boundary treatments.

- 8.9 The design of the proposed building is of good quality. As a result of the proposed scale, form and positioning, the building would not be unduly dominant in the street-scene and would result in an improvement to the appearance of the site. Subject to acceptable materials, the building would respect and complement the character of the area in accordance with Policy DES4.

#### Impact on residential amenity

- 8.10 The proposed development is some distance from the residential properties to the north and screened from view therefore there would be no visual impact on the occupiers of these properties. Policy EQ2 requires development to be designed and operated in a way that minimises the impact of noise on the surrounding environment, particularly noise sensitive uses. Operational noise would be unlikely to be substantially more than the existing situation being contained within the proposed building, which would be built to modern standards.

#### Highways and Parking

- 8.11 The three existing site accesses will continue to be used. The Highway Authority considers that the access to the site is satisfactory.
- 8.12 The Highway Authority note the forecast trip generation as set out within the submitted Transport Statement. The estimation of trip generation for a site with a variety of bespoke uses, in particular for the existing busy premises, is one which relies upon a number of assumptions and existing count data. The trip generation exercise as presented within the Transport Statement Addendum (following on from the Transport Statement) states an increase of 10 and 16 two way trips in the AM and PM peak hours respectively.

context of the light industrial uses on Raynham Road and the junction with the A1250 being satisfactory, the Highway Authority is content that the increases as set out by the applicant may be accommodated on the local highway network.

- 8.13 The proposed car parking provisions are based on the needs of the expanding business. The proposed building will provide covered storage space for vehicles and vacate much of the land around the buildings that is currently used for storage of vehicles. Storage capacity on the site would increase from 109 to 248 vehicles. The applicants expect to store 164 within the new building and approximately 80 on the open site. The remainder of the space would be freed up for staff car parking and two HGV's.
- 8.14 With regard to staff and visitor parking, the existing situation was surveyed. The peak time was recorded as late morning (11am-12 midday). Projected parking demand was based on this model. The maximum forecast car parking accumulation for staff and visitors throughout the day would be 41 spaces in the late morning. The proposal includes 35 spaces within the application site as well as use of the current level of on-street spaces.
- 8.15 The proposal does not apply the adopted car parking standards for the mix of uses which would amount to 79 spaces. However, the company has a particular business model involving some long term storage for vehicles and established patterns of travel to work by staff. These include the use of buses, by which the industrial area is well-served from Dunmow Road. The anticipated increase in parking demand is based on a small expansion in the number of staff and results in fewer spaces being required than B2/ B8 use. The parking provision proposed is a total of 35 spaces an increase 24 spaces. The Highway Authority welcome the rationalisation of the parking arrangements and on the basis of the surveyed information and a site visit they that the parking proposals are satisfactory.

- 8.16 Ten cycle parking spaces will be provided in a secure location within the application site. The proposals submitted are indicative and a condition is recommended requiring approval of details.
- 8.17 The proposal is considered to be compliant with Policies TR1 and TRA3 of the District Plan.

#### Flood Risk

- 8.18 The site is partially in Flood Zone 2. There is a risk from fluvial flooding from the designated main river on the far side of Raynham Road. However, the proposal is classified as a less vulnerable use which may be sited in Flood Zone 2. The LLFA requested a surface water drainage assessment and SUDS management scheme. A Flood Risk Assessment and SuDS Strategy prepared by Ardent Consulting Engineers were submitted. The LLFA supports the submitted scheme, which utilises a swale, permeable paving features, underground storage tanks and discharge into a private surface water sewer. The submitted scheme is considered acceptable subject to conditions on planning permission securing its implementation and submission, installation and maintenance of a detailed drainage scheme.

#### Contamination and Pollution

- 8.19 The site may have been contaminated in the past. However, the land is fully hard-surfaced and the proposed development would not change this situation or introduce a more vulnerable use.

### **9.0 Planning Balance and Conclusion**

- 9.1 The proposal is for a mix of B1, B2 and B8 Class uses in a designated Industrial Area and complies with Policies ED1 and ED2. In addition, the proposal would provide improved employment accommodation and infrastructure to meet the long-term needs of a well-established local employer. The employment aspects of the proposal carry significant positive weight.

- 9.2 The car sales element is limited in scale. The amount of floor area used for sales office and display can be restricted to the ground floor foyer and forecourt by condition to ensure it is ancillary to the main uses.
- 9.3 The proposed design is modern and it is considered that it would improve the general street-scene of the Industrial Area, subject to the submission of materials and details of the canopy for approval. The improvement of the appearance of the site carries some positive weight.
- 9.4 Operational noise would be unlikely to be substantially more than the existing situation. Repair and restoration would take place internally and the building would be constructed to modern standards. The noise impact of the proposal is, therefore, considered to be neutral.
- 9.5 Access arrangements are considered satisfactory, subject to the approval of a Construction Traffic Management Plan to ensure the Highway is not obstructed during construction.
- 9.6 The Highway Authority is satisfied that the proposal provides an acceptable level of parking to meet the likely demand. Parking is lower than the adopted standard, however, parking provision will be increased on-site to meet expected demand based on surveyed information. In addition, cycle parking will be provided to promote sustainable staff travel.
- 9.7 Overall, the highway impact of the proposal is, therefore, considered to be neutral.
- 9.8 Adequate flood prevention and drainage measures can be secured through a condition.
- 9.9 Overall, taking into account the policies of the Development Plan and the NPPF and other material considerations, the proposal is considered to be acceptable subject to conditions.



## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions/ reasons set out below:

### **Conditions**

- 1 The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

- 2 The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this decision notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

- 3 Prior to any above ground building works being commenced samples of the external materials of construction for the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

- 4 Prior to any building works being commenced on the front canopy details of the plans, elevations and samples of the external materials of construction for the canopy to the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be implemented in accordance with the approved materials.

Reason: In the interests of the appearance of the development, and in accordance with policy ENV1 of the East Herts Local Plan Second Review April 2007.

- 5 In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs on Monday to Saturday, nor after 18.30hrs on weekdays and 13.00hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties from noise pollution in accordance with Policy EQ2 of the East Herts District Plan 2018.

- 6 Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall identify details of:

- Phasing of the development;
- Methods of accessing the site;
- Construction vehicle routing and numbers;
- Location and details of wheel washing facilities;
- Details of parking and storage areas clear of the highway;
- Environmental management details (including hours of working, the mitigation of noise and dust and any other matters covered under BS5228).

The development shall thereafter be implemented in accordance with the approved details.

Reason: Details are required to be approved prior to the commencement of development to minimise the impact of construction on the highway network, neighbouring occupiers and the environment in accordance Policies TRA1 and TRA2 of the East Herts District Plan 2018.

- 7 Prior to the first occupation or use of the development hereby approved, spaces shall be provided within the application site for the parking of cars as shown on the approved plan(s) and the spaces shall be retained for such use in connection with the development.

Reason: To comply with policy TRA3 of the East Herts District Plan 2018.

- 8 Prior to the first occupation of the development hereby approved details of the cycle parking facilities proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: To promote the use of sustainable transport modes, in accordance with Policy TRA1 of the East Herts District Plan 2018.

- 9 The development hereby permitted shall be carried out in accordance with the approved surface water drainage assessment carried out by Ardent Consulting Engineers, report reference 172700-02, dated May 2018 and the additional information dated December 2018:

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 10l/s during the 1 in 100 year plus 20% of climate change event;
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year including climate change event providing a total storage volume in permeable paved areas and underground tanks;
3. Discharge of surface water from the private drain into the private surface water sewer outside of the development site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other

period as may be subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent the risk of flooding to the proposed development and future occupants further to Policies WAT1 and WAT5 of the East Herts District Plan 2018.

- 10 Prior to the building works being commenced a detailed surface water drainage scheme for the site, based on the approved drainage strategy and sustainable drainage principles, shall be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall include the following:
1. Updated detailed modelling of post-development drainage to include 10 l/s discharge limit for surface water;
  2. Updated, detailed drainage plan including the location of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding, these should also be shown on a detailed site plan;
  3. Routes of exceedance identified on a map for rainfall events that exceed the 1 in 100 year plus climate change event;
  4. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs;
  5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding on and off the site further to Policies WAT1 and WAT5 of the East Herts District Plan 2018.

**Informatives:**

1. If asbestos cement is found it should be dismantled carefully, using water to dampen down, and removed from site. If unbonded cement is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW shall be contacted and the asbestos removed by a licensed contractor.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
3. Thames Water must be contacted if a connection to discharge surface water to the public network is sought.

### **Summary of Reasons for Decision**

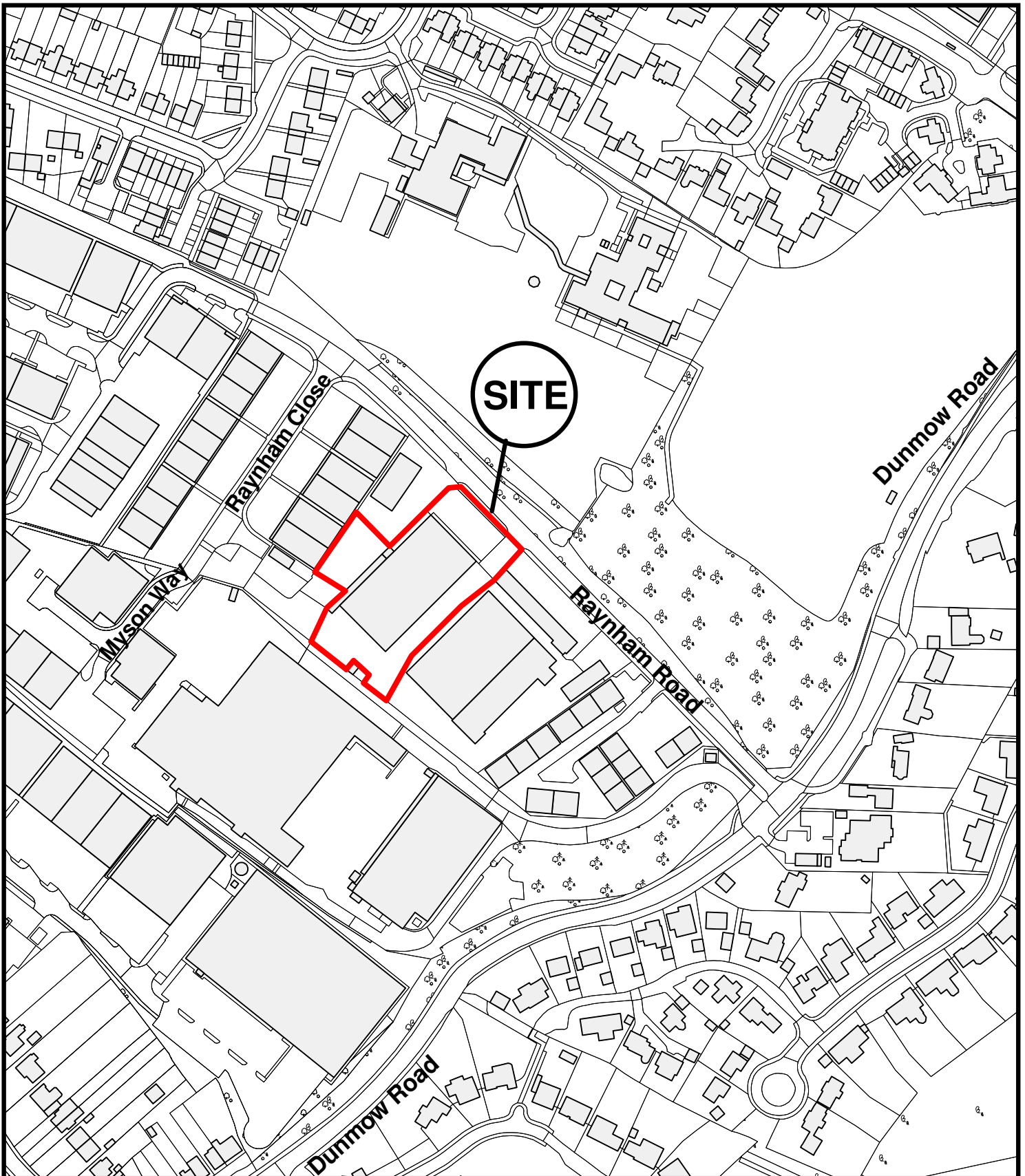
East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

**KEY DATA****Non-Residential Development**

| <b>Use Type</b>   | <b>Floorspace (sqm)</b>                            |
|-------------------|--|
| B2                | 3,121 proposed<br>1,111 (additional over existing) |
| B8                | 2,188  |
| Workshop display  | 178  |
| ancillary offices | 192  |
| sales (internal)  | 400  |
| sales (forecourt) | 400  |
|                   | 6,566<br>4,066 (additional over existing)          |

**Non-residential Vehicle Parking Provision**

| Use type                               | Standard          | Spaces required    |
|--|-------------------|--------------------|
| B2                                     | 1 space per 50sqm | 62 (22 additional) |
| B8                                     | 1 space per 75sqm | 29                 |
| Ancillary offices etc<br>B2/B8 average | 1 space per 67sqm | 14                 |
| Total required                         |                   | 105                |
| Accessibility<br>reduction             | Zone 4 up to 25%  | 26                 |
| Resulting<br>requirement               |                   | 79 (39 additional) |
| Proposed provision                     |                   | 35 (24 additional) |



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**Address: Units C D And E Raynham Road, Bishops Stortford, CM23 5PN**

**Reference: 3/18/1213/FUL**

**Scale: 1:2500**

**O.S Sheet: TL5021**

**Date of Print: 04 July 2019**

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/18/1961/FUL   |
| <b>Proposal</b>           | Construction of a Two storey Primary School building (2FE) and associated facilities for up to 420 pupils. Associated landscaping works, widened access road and increase car parking spaces to 48. New external hard and soft play areas with fencing. Demolition of existing school building. |
| <b>Location</b>           | St Josephs Roman Catholic Primary School<br>Great Hadham Road<br>Bishops Stortford<br>Hertfordshire<br>CM23 2NL   |
| <b>Parish</b>             | Bishop’s Stortford Town Council   |
| <b>Ward</b>               | Bishop’s Stortford Silverleys   |

|  |                   |
|--|-------------------|
| <b>Date of Registration of Application</b> | 31 August 2018    |
| <b>Target Determination Date</b>           | 30 November 2018  |
| <b>Reason for Committee Report</b>         | Major Application |
| <b>Case Officer</b>                        | Jill Shingler     |

### **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 application is for full planning permission to demolish the existing single storey primary school on the site and to develop a two storey building sufficient to provide for two form entry, enabling an additional 105 pupil places (420 places in total)
- 1.2 The proposed building is to be sited immediately to the west of the existing building in order to continue using the existing facility during the construction of the new building.

1.3 The proposals include an increase in the parking provision from 28 spaces to 48 spaces, including 2 accessible bays and the provision of a coach drop off and pick up point within the site.

1.4 The main issues for consideration are:

- Principle of the development in the Green Belt
- Highway safety, traffic and parking issues
- Sports facilities and community use.
- Impact on trees and ecology
- Flood risk management
- Climate change adaptation and mitigation

## **2.0 Site Description**

2.1 The application site is approximately 1.8 hectares in area and roughly rectangular. It lies within the Metropolitan Green Belt and an identified Green Wedge on the northern side of Great Hadham Road, at its junction with Windhill.

2.2 There are residential properties to the east, south and west and playing fields to the north. To the western side of the site and outside the application boundary there is an existing car park belonging to Bishops Stortford Collage, which is used as a drop off and pick up point for pupils of the primary school as a result of an existing planning obligation and a footpath runs directly from this car park through the school grounds to the school.

2.3 Vehicular access is via an in out one way system and the access and egress are close the junction with Windhill where there is a mini roundabout, further north-east along the road there is a stretch of laybys between the Primary school entrance and the entrance to St Mary's Secondary School, but to the south west of the entrance the road is predominantly double yellow lined.

2.4 There are existing pre-school buildings on the eastern part of the site which are to be retained.

2.5 There are hard surfaced play areas to the front and to the west of the building and areas of soft play and a playing field to the west.

2.6 The site is significantly screened by a double row of tall and established trees which surround three sides of the site, including along the front boundary with Great Hadham Road.

### **3.0 Planning History**

3.1 There is no recent relevant planning history with regard to this site. However, there is a current application for the provision of two temporary classrooms at the site that are required to meet the current need for places in September.

### **4.0 Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) the adopted East Herts District Plan 2018 (DP), and the Bishops Stortford, Silverleys and Meads Neighbourhood Plan.(NP)

| <b>Main Issue</b>                                      | <b>DP Policy</b>                          | <b>NPPF</b>          | <b>NP</b>                     |
|--|---|----------------------|-------------------------------|
| Green Belt   | GBR1                                      | Paras 143-146        |                               |
| Community Facilities, Education leisure and Recreation | CFLR1, CFLR3, CFLR4, CFLR7, CFLR9, CFLR10 | Paras 92, 94, 96, 98 | HDP7, GIP2, SP1, SP2 EP1, EP3 |
| Ecology and Green Infrastructure                       | NE2, NE3,NE4, WAT3                        | Para 175             | GIP1, GIP4                    |
| Design, Landscaping and visual amenity                 | DES2, DES3, DES4, DES5,                   | Paras 127, 128, 130  | HDP3                          |
| Flood Risk, water and Sustainable drainage             | WAT1, WAT4, WAT5                          | Paras 163            | GIP7                          |
| Highways/Parking                                       | TRA3                                      | Paras 108-111        | TP1, TP2, TP3                 |

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

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority comments that it does not wish to restrict the grant of planning permission, subject to conditions.
- 5.2 Lead Local Flood Authority comments that it does not wish to raise objection, subject to conditions.
- 5.3 EHDC Landscape Advisor raises no objection, subject to conditions.
- 5.4 Herts Ecology initially raised concern regarding bats but advised that they were confident that any issues could be overcome.
- 5.5 EHDC Environmental Health Advisor advises that any permission should include conditions with regard to contaminated land, kitchen extraction and odour control, details of lighting and construction management to safeguard neighbouring residents.
- 5.6 Sport England raises no objection, subject to a condition requiring details of community use of the school sports facilities to be agreed.
- 5.7 Herts Fire and Rescue comment that they raise no objection as access is sufficient for a fire engine, but remind the applicant of the preference for the provision of a sprinkler system within the school.
- 5.8 Thames Water raises concern regarding the inability of surface water infrastructure to accommodate the needs of the proposal. A condition is suggested to ensure adequate upgrading is completed.

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

## **6.0 Town/Parish Council Representations**

**6.1** The Town Council comment that they raise no objection but request that the applicant focus on improving the parking situation on Great Hadham Road, which they consider is difficult and dangerous at pick up and drop off times.

## **7.0 Summary of Other Representations**

The application has been advertised by press notice, site notice and neighbour consultation

14 representations in objection have been received raising concern with regard to the proposals on the following grounds:

- The existing significant problems of dangerous and inconsiderate parking, traffic, congestion and highway/pedestrian safety in the vicinity of the school will be considerably exacerbated by the proposals;
- Access for emergency vehicles is already often restricted by congestion and poor parking;
- The drop off area belonging to Stortford College gets too congested and parents park on the access road causing obstruction. A condition is needed to require the school to police parking on the access road;
- Inadequate on-site parking and drop off/pick up facilities are available, also no space for contractors working on site;
- There are significant errors and shortcomings in both the Transport Statement and the School Travel Plan;

- Segregation of pupils on religious grounds is wrong in principle, but also increases traffic issues as many truly local children have to travel further afield as they are of wrong religion;
- The school would be better relocated elsewhere, where traffic/parking issues can be properly resolved. Existing site could be kept for inevitable expansion of St Mary's School;
- Improvements need to be made to pedestrian safety in the area;
- Children walking to school are adversely impacted by air pollution from road traffic;
- There have been flooding issues in the past and they may be exacerbated by this development;
- Proposals will result in unnecessary loss of significant 70 year old trees to the front of the site;

## **8.0 Consideration of Issues**

### Principle of Development in the Green Belt

- 8.1 The existing 1.5 form entry primary school is currently reliant on portable classrooms in order to meet demand.
- 8.2 Para 94 of the NPPF states that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities, and that great weight should be given to the need to create, expand and alter schools through the preparation of plans and decisions on applications.

- 8.3 The site is wholly within the Green Belt. The replacement of an existing building within the Green Belt with another in the same use can be acceptable within the Green Belt, subject to the replacement not being materially larger than that it replaces.
- 8.4 The footprint of the proposed replacement school building is similar to that of the existing, however the building has more bulk and height and therefore there would be additional impact on openness. It is therefore concluded that the proposal amounts to inappropriate development in the Green Belt.
- 8.5 It is considered that the specific need for the additional school spaces in the locality and the benefits of providing a school which will meet modern educational requirements amount to very special circumstances that are sufficient to outweigh the very limited harm to the Green Belt in this location.

Highway safety, traffic and parking issues

- 8.6 The school is located on a busy road and in close proximity to several other educational establishments. It is clear that at school drop off and pick up times there is considerable pressure on both the main road and the surrounding residential streets for parking space and that inconsiderate parking by parents can cause inconvenience (by blocking driveways) and or danger by parking inappropriately on corners and pavements blocking sight lines.
- 8.7 The existing car park has only 28 marked spaces and 8 informal unmarked spaces and these are reserved for staff and visitors; parents are not permitted to use this for dropping off and picking up children. There is no on site area for coaches to pull onto the site when picking up and dropping off children and this too can cause issues as coaches park up on street adding to congestion.
- 8.8 Parking requirements for schools are based on staff and pupil numbers. A full up to date breakdown of current staff numbers and the proposed additional numbers has been provided to in order to assess the full parking requirement for the site.

- 8.9 The school is within Parking Zone 4, wherein there can be a reduction in the parking standards of up to 25 %. The full parking requirement (without reduction) would be 63 spaces this being 1 space for each full time equivalent member of staff (38) plus 1 for every 100 pupils (4) plus 1 for every 20 pupils under 17 (21).
- 8.10 Applying the 25% reduction is considered to be appropriate as the site is relatively sustainably located with access to buses and within walking distance (by staff) of the station, this brings the parking requirement on site down to 48 spaces and this is being met in full.
- 8.11 In addition to on site provision, the school does have use of the 30 space car park belonging to the adjacent Bishops Stortford Collage, which is accessed via a private access track to the west of the site. The use is restricted to drop off and pick up only and there is direct pedestrian access from the car park through the school grounds to the school building.
- 8.12 The proposals also include the provision of a coach drop off and pick up bay within the site. Covered cycle parking and scooter parking spaces will also be provided.
- 8.13 The existing one way, in out entrance and exit is proposed to be retained with some widening works to aid access.
- 8.14 The transport statement submitted with the application concluded that the expanded school will result in 36 additional car journeys in the morning peak hour and 33 in the afternoon peak hour and that the impact of this addition on the local highway network will not be severe. In addition the School Travel Plan seeks to encourage greater walking, cycling and scooting to school to assist in mitigating the impacts.
- 8.15 Following this initial submission and in response to concerns raised that the parking survey had been carried out on a day when Bishops Stortford College was not open: further survey work was carried out specifically with regard to the drop off and pick up availability at



the college car park. The revised survey concluded that space was generally available within the college car park for pick up and drop off, even in peak hours.

- 8.16 The College has raised concern that sometimes the access road to the college is used for additional parking despite double yellow lines, causing significant obstruction of the private roadway and restricting the width to the point where emergency vehicle access would be difficult. The additional survey did not find this to be an issue. However, it is accepted that this may be as a result of staff from the school policing the parking situation, which it is understood they have been doing since January.
- 8.17 The College has requested that any approval of a new school should include a condition requiring the school to have a member of staff police the college access track to dissuade parents from parking inappropriately. It is not considered that this can be a specific planning condition but the matter should be considered in the School's Travel Plan.
- 8.18 The proposed development provides the appropriate number of car parking spaces required by policy for the size of the school, and incorporates a coach dropping off and pick up bay. Additional off street drop off/pick facilities are available. It is accepted that at peak times there is pressure for on street parking but generally this occurs around all schools, it is not considered that the proposals will result in any significant worsening of the existing situation.
- 8.19 Para 109 of the NPPF states that Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It is not considered that this development would have such an impact.
- 8.20 The Highways Authority raised no objection to the proposals, and the incorporation of a coach dropping off point within the site is seen as a significant benefit.

### Sports Facilities and Community Use

- 8.21 The redevelopment proposals have been carefully designed to ensure that the school maintains its existing playing field and two hard surfaced play pitches, in accordance with both policy and the requirements of Sport England.
- 8.22 In addition, the policies of the District Plan require that new or extended education facilities offer flexible use of the facilities in order to ensure that the various needs of the community are met. The School has made it clear that community use of the facility will be possible, out of school hours, and a condition requiring the approval of details is recommended.
- 8.23 Sport England did raise concern that the school would have limited use of its hard courts during the construction period, however there is an agreement between the school and the adjacent St Mary's Secondary School which will enable pupils to utilise the adjacent schools hard court facilities during the construction phase.

### Impact on Trees, Landscape and Ecology

- 8.24 The development site lies not only within the Green Belt but also an identified Green Wedge which is designated as a Local Green Space, Policy CFLR2 therefore applies. CFLR2 states "Development will be permitted only if it is consistent with the function, character and use of the Local Green Space to which it relate".
- 8.25 The proposals, maintain the existing function and use of the Green Space, without further intrusion into the open area, so the remaining issue is whether the character of the space is maintained. The main character of the site, when viewed from the road is created by the significant tree screening along Great Hadham Road, which effectively hides the school from view, particularly in the summer months.

- 8.26 A full tree survey was submitted with the application and initially the proposals included the removal of some significant high quality trees from the frontage in order to provide car parking adjacent to the front boundary. Following discussions, the plans have been amended to provide the extended car park between the two buildings on the site and away from the frontage, so that these important trees can be maintained.
- 8.27 Some less significant trees will need to be removed, simply due to the restricted nature of the site, and the requirement to keep the existing school open throughout the development of the new school. However losses have been kept to a minimum and replacement planting is proposed. None of the trees on site are the subject of a Tree Preservation Order. Overall it is considered that the green and verdant character of the green wedge in this location is to be maintained in accordance with policy.
- 8.28 With regard to Ecology of the site, a preliminary ecological appraisal was submitted that identified the need for further work with regard to the possibility of bats roosting within the site. A bat activity survey was duly carried out in August 2018.
- 8.29 This concluded that whilst common pipistrelle bats were likely to be roosting nearby and foraging and commuting within the site there was no evidence of bats roosting within any of the trees which are proposed for removal. The report recommends appropriate timing and precautions to avoid impacts on bats and this can be conditioned.

#### Design and Impact on Amenity

- 8.30 The proposed school has been designed to meet the identified requirement for a 2 form entry school and is split into 3 primary masses, the teaching block, the administration and shared spaces element and community spaces (main hall and kitchen areas) The block is therefore articulated and has varying heights related to the different element. The main materials are brick, in two different colours responding to the three different blocks and brick detailing

adds interest. Grey cladding is proposed for the upper element of the main hall and the window detailing and entrance canopies are proposed to be of grey to match this and maintain a modern appearance.

- 8.31 Whilst the design may appear somewhat utilitarian externally, the internal spaces provide a good level of accommodation to meet modern educational requirements and will be a significant improvement on the existing 1960's building. Subject to the use of good quality materials the design is considered appropriate.
- 8.32 The highest element of the building is just less than 7.5m high and the building is therefore significantly lower than the surrounding tree screen, it will therefore not be visually prominent within the street scene and will sit well within the site without harm to the character and amenity of the area.
- 8.33 The development is set away from any residential properties and therefore will not have any direct impact with regard to overlooking, or loss of light or outlook to any neighbours. The only potential impacts on residential amenity would result from the additional traffic and parking. These issues have been addressed above and it is considered that whilst there may be some minor additional impacts these would not be sufficient to warrant refusal of the application.

#### Flood Management

- 8.34 The site is within Flood Zone 1 and therefore not at significant risk of fluvial flooding and is an appropriate location for school development.
- 8.35 Initially there were concerns from the Local Lead Flood Authority (LLFA) and Thames Water with regard to the proposed surface water drainage, but subsequently amended and additional information has been provided that shows that the development can be developed without resulting in any increased risk of flooding within the site or elsewhere. The drainage details have been designed to

ensure that the drainage strategy caters for all rainfall events up to and including 1 in 100 year flood risk plus 40% for climate change in accordance with policy. Conditions are recommended to ensure that the drainage proposals are carried out.

### Climate Change, Carbon Emissions and Water Usage

- 8.36 The District Plan seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.37 The building has been designed to achieve compliance with approved Building Regulations document L2A, without the need for additional low or zero carbon technologies. This is to be achieved by thermally efficient building envelope, low energy ventilation systems including heat recovery technologies, low energy LED lighting, efficient natural gas heating boilers and hot water generation plant.
- 8.38 Policy WAT4 of the District Plan states that “development must minimise the use of mains water, no information with regard to this has been submitted with the application but details can be required by condition.
- 8.39 Policy TRA3 of the District Plan requires that provision is made for charging points for low and zero carbon vehicles, to be assessed on a site specific basis. It is considered that in order to encourage the use of such vehicles provision of such facilities for the staff parking at the site would be appropriate and can be required by condition.

## Other Issues

- 8.40 The submitted site investigation report identified a localised contamination hotspot within the site that needs to be appropriately remediated; standard conditions are therefore suggested by Environmental health to ensure that this is done.
- 8.41 Further conditions are necessary to ensure that noise and odour from the kitchen do not cause an issue.
- 8.42 A bin store for refuse and recycling is proposed at the south of the site and will be accessible to a bin lorry. The site will be accessible to emergency vehicles.
- 8.43 A detailed construction management plan has been submitted which identifies how the works can be carried out while minimising harm to the surrounding area. A condition is proposed to ensure that the works are carried out in accordance with that plan.

## **9.0 Planning Balance and Conclusion**

- 9.1 The proposals amount to inappropriate development in the Green Belt and policy GBR1 and the NPPF provide that planning permission should only be granted if very special circumstances exist that clearly outweigh the harm from inappropriateness and any other harm.
- 9.2 Although the building is materially larger, there is no further intrusion into the currently undeveloped playing field area to the west and the car parking is kept between the existing pre-school building and the new school building. The physical harm to openness is therefore very limited.
- 9.3 Whilst it is accepted that there will be an increase in traffic in an area that already suffers from congestion and parking issues at peak times, the proposed on-site parking, and drop of point will help mitigate the harm from the proposal and the residual harm will be minor.

- 9.4 No other harm from the development has been identified. The location is considered to be sustainable and the development is appropriate to the character and visual amenity of the area.
- 9.5 Overall, it is considered that the specific need for the additional school spaces, and the lack of suitable alternative non Green Belt sites in the locality, together with the clear benefit of providing a school which will meet modern educational requirements, amount to very special circumstances that are sufficient to clearly outweigh the harm to the Green Belt from inappropriateness and any other harm.
- 9.6 Accordingly, on the balance of considerations the proposal is considered to be acceptable.

### **RECOMMENDATION**

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

### **Conditions**

1. 3 year time limit
2. Approved Plans
3. 2E11 Materials of Construction
4. 2E27 Lighting Details
5. 2E33 Contaminated Land Survey and Remediation
6. 6N01 Noise Attenuation
7. 4P05 Tree/hedge retention and protection
8. 4P12 Landscape design proposals

9. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by BCAL Consulting, reference 6045R001CFRA, revision C, dated March 2019 and the following mitigation measures detailed within the FRA:
  1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.5 l/s during the 1 in 100 year event plus 40% of climate change event.
  2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 372 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in permeable paving with sub-base feature.
  3. Discharge of surface water from the private drainage network into the Thames Water surface water sewer network.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site, and to reduce the risk of flooding to the proposed development and future occupants.

10. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:



1. Final detailed surface water drainage layout to include all proposed SuDS features.
2. Final phasing arrangements with included timing for implementation of each phase.
3. Third party landowner agreement for the surface water run-off discharge from the site during the construction works.
4. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
5. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To prevent the increased risk of flooding, both on and off site.

11. Prior to the commencement of the use of the new school hereby permitted the vehicular access(es) (indicated for improvement on drawings shall be provided and also incorporate a minimum kerb radii of 6 metres. Prior to use, arrangements shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: In the interest of highway safety and traffic movement.

12. Prior to the commencement of the use of the new school hereby permitted, a visibility splay shall be provided in full accordance with the details indicated on the approved plans. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

13. Before the new school hereby approved is first occupied, all on site vehicular areas shall be accessible, surfaced, marked out and fully completed in accordance with the approved drawings and carried

out in a manner to the Local Planning Authority's approval. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

14. The redeveloped school shall not be brought into use until an updated School Travel Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The School Travel Plan shall accord with Hertfordshire's County Council School Travel Plan requirements and in addition address the issue of parking on the access road to the Bishops Stortford College.

Reason: To ensure that the development is as sustainable as possible.

15. The development hereby approved shall be carried out in strict accordance with the Construction Method Statement/management Plan, Rev.3 dated 01.07.19

Reason: To minimise impact on the surrounding roads and on neighbouring amenity during the construction period.

16. No occupation of the school building hereby permitted shall commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the assembly hall, studio, hard play area, playing field and supporting ancillary facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in

order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

17. The proposed works shall be carried out in accordance with the recommendations regarding timings and precautions set out in the submitted Preliminary Roost Assessment (Graves 2018) and Bat Activity Survey (Graves, August 2018) and the enhancements and mitigation, including the provision of bat boxes as specified in the report shall be completed prior to the first occupation of the new school hereby approved.

Reason: To ensure that the works do not cause harm to bats and their habitat and provides suitable mitigation and enhancement in accordance with policy NE3 of the District Plan 2018.

18. Prior to first occupation of the new school hereby approved a scheme for the enhancement of biodiversity within the site and a timetable for its implementation and ongoing maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in full compliance with the agreed timescale and thereafter maintained.

Reason: To ensure that the development results in a net enhancement of biodiversity within the site in accordance with policy NE3 of the District Plan 2018.

19. Prior to the first occupation of the new school hereby approved a minimum of 5 electric vehicle charging points shall be installed in accordance with details which have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To encourage low carbon transport options in accordance with policy TRA3 of the District Plan 2018.

20. Prior to any above ground works details of methods to be incorporated in the development to minimise the use of mains water shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details

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

21. The existing school shown to be demolished on the approved plans shall be demolished and all resulting materials removed from the site within 28 days of the first occupation of the new school hereby approved.

Reason: In order to preserve the openness of the Green Belt and the setting of the new school in accordance with policies GBR1 and DES4 of the District Plan 2018.

### **Informatives**

1. 01OL – Other legislation
2. 06FC2 Highway Works
3. 32BA- Bats
4. 33UC- Unsuspected Contamination
5. 35CV – Clearance of vegetation

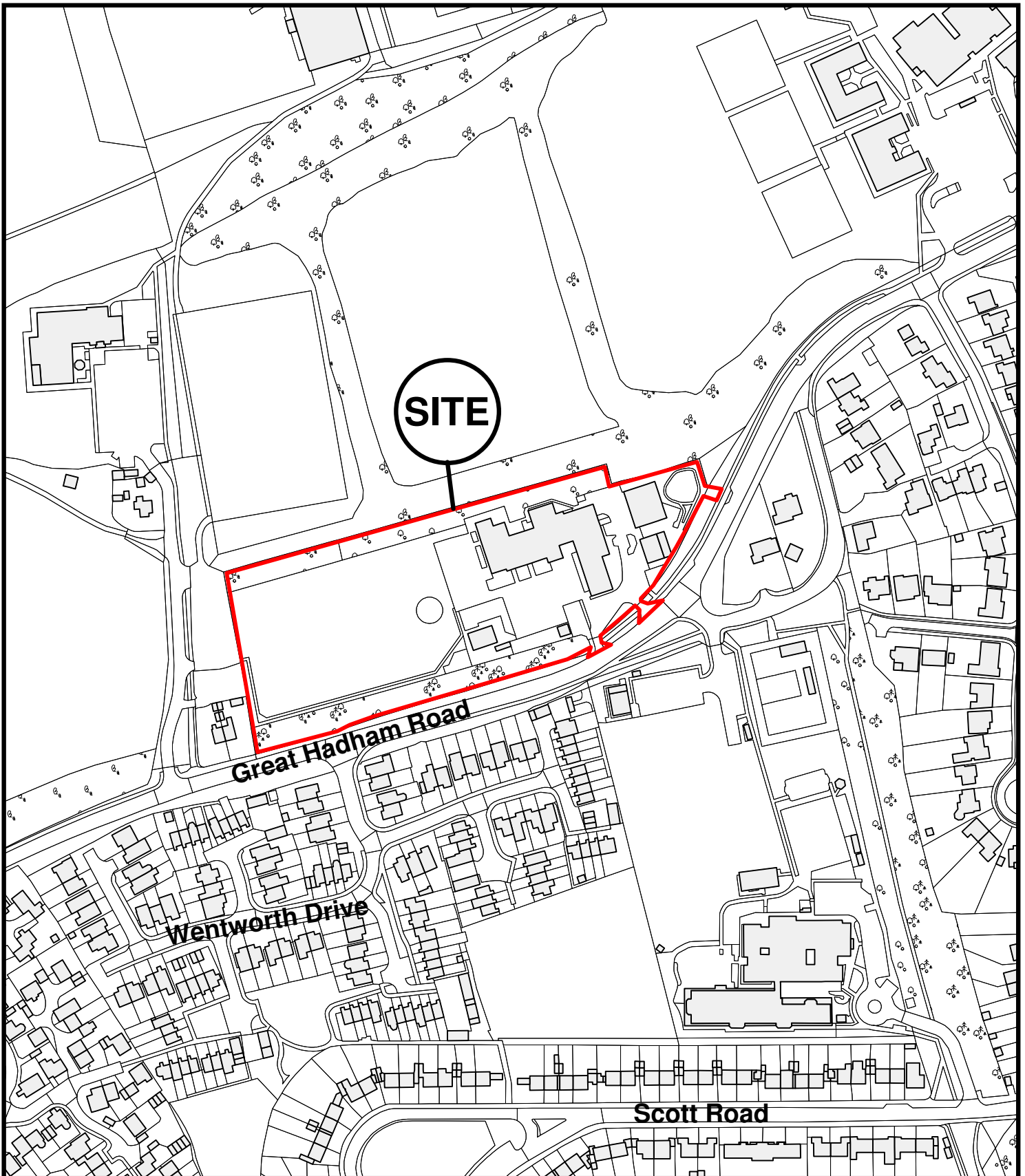
### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan the National Planning Policy Framework and in accordance with the Town

and Country Planning (Development Management Procedure) (England)  
The balance of the considerations having regard to those policies is that  
permission should be granted.

**KEY DATA****Non-residential Vehicle Parking Provision**

| Use type                | Standard   | Spaces required |
|-------------------------|--|-----------------|
| School                  | 1 space per full time equivalent staff plus 1 space per 100 pupils plus 1 space per 20 students under 17 | 63              |
|                         |  |                 |
| Total required          |  | 63              |
| Accessibility reduction | 25%  | 48              |
| Resulting requirement   |  | 48              |
| Proposed provision      |  | 48              |



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**Address: St Josephs Roman Catholic Primary School**  
Great Hadham Road, Bishops Stortford, CM23 2NL

Reference: 3/18/1961/FUL

Scale: 1:2500

O.S Sheet: TL4820

Date of Print: 04 July 2019

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/19/0308/FUL  |
| <b>Proposal</b>           | Demolition of existing buildings and creation of 45 dwellings, comprising 28nos. 2 bedroom apartments, 13nos. 2 bedroom houses and 4nos. three bedroom houses, associated roads, car and cycle parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive. |
| <b>Location</b>           | 306-310 Ware Road, Hertford, SG13 7ER  |
| <b>Parish</b>             | Hertford   |
| <b>Ward</b>               | Hertford Kingsmead   |

|  |                  |
|--|------------------|
| <b>Date of Registration of Application</b> | 20 February 2019 |
| <b>Target Determination Date</b>           | 22 May 2019      |
| <b>Reason for Committee Report</b>         | Major            |
| <b>Case Officer</b>                        | Rachael Collard  |

### **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 proposed development principally differs from that approved by virtue of the omission of two apartment buildings (containing 21 apartments) and the introduction of houses to the site's frontage to Ware Road. The proposed development within the southern part of the site comprising two apartment buildings (containing 28 apartments) which are substantially the same as previously approved".

- 1.2 The previous scheme comprised the demolition of existing buildings and creation of 51 dwellings, comprising 2no. three bedroom houses and 49no. 2 bedroom apartments, associated roads, car parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive.
- 1.3 The development of the site for housing is considered to be acceptable in principle.
- 1.4 The report sets out the issues for members to consider in relation to the proposals, the scale of development, site layout, amenity, the provision of housing and affordable housing, access arrangements and parking provision.

## **2.0 Site Description**

- 2.1 The site comprises 0.75 ha of land, the main part of which is located on the south side of Ware Road. The site was formerly occupied by commercial development. The site also includes a small parcel of land above a cliff to the north of Hamels Drive which is disconnected from the main site.
- 2.2 It should be noted that this application follows a previously approved development granted under application reference 3/17/0645/FUL. A site visit has confirmed that work is underway on the site.
- 2.3 Historically the main site was occupied by a garage (petrol sales, car sales and vehicle repairs), a coach works and plastics factory. However, the site was vacated and cleared many years ago.

## **3.0 Planning History**

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

|               |  |  |                 |
|---------------|--|--|-----------------|
| 3/17/0645/FUL | Demolition of existing buildings and creation of 51 dwellings, comprising 2no. three bedroom houses and 49 no. 2 bedroom apartments, associated roads, car parking and landscaping, plus vehicle access from Ware Road and a new area of public open space off Hamels Drive. | Granted, subject to a legal agreement and the conditions | 31 January 2019 |
| 3/16/1792/FUL | Development of site to provide a total of two houses and three apartment buildings (containing a total of 65 apartments) set in landscaping with access, parking and manoeuvring areas.  | Withdrawn  | October 2016    |
| 3/11/1616/FP  | Demolition of existing house and erection of 14 dwellings and a veterinary surgery   | Approved   | February 2010   |

|              |   |         |           |
|--------------|---|---------|-----------|
| 3/10/0088/FP | Redevelopment to provide 5 commercial units with associated parking | Refused | June 2010 |
|--------------|---|---------|-----------|

#### 4.0 **Main Policy Issues**

4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF 2019) and the adopted East Herts District Plan 2018.

| <b>Main Issue</b>                       | <b>NPPF</b>      | <b>DP policy</b>  |
|---|------------------|---|
| Principle                               | NPPF             | INT1<br>DPS2<br>Hert1   |
| Design and layout                       | Section 12       | DES1<br>DES2<br>DES3<br>HOU2<br>HOU7,<br>CC1,<br>CC2,<br>WAT4 |
| Highway implications                    | Section 9 and 10 | TRA1<br>TRA2<br>TRA3  |
| Housing and affordable housing          | Section 5        | HOU1<br>HOU2<br>HOU3  |
| Neighbour impact                        | Section 12       | DES3  |
| Flood risk and surface water drainage   | Section 14       | WAT1<br>WAT5  |
| Planning obligations and infrastructure |                  | DPS4<br>DEL1<br>DEL2  |

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

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Local Highway Authority (LHA) The LHA does not object to the application subject to conditions.
- 5.2 Lead Local Flood Authority recommends conditions are attached to any planning permission granted.
- 5.3 Environment Agency recommends that risks to groundwater and surface waters from contamination are identified and appropriate remedial action recommended.
- 5.4 Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 5.5 HCC Historic Environment Unit comments that the site is unlikely to have a significant impact on heritage assets of archaeological interest.
- 5.6 EHDC Landscape Advisor recommends conditions.
- 5.7 Herts Ecology request a condition requiring follow-up badger surveys and all other mitigation and enhancement measures should be followed by informative or condition as appropriate.
- 5.8 Natural England does not wish to comment.
- 5.9 HCC Development Services request financial planning obligations towards nursery and primary education, childcare, library services and youth services and fire hydrants as further detailed in the report.

- 5.10 EHDC Environmental Health Advisor recommends conditions including a construction management plan, noise attenuation, contaminated land survey and remediation.
- 5.11 Hertfordshire Constabulary fully supports the application.
- 5.12 Waste Services comment that the recycling points are in excess of the pull distance for waste operatives.

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

## **6.0 Town/Parish Council Representations**

- 6.1 Hertford Town Council raises no objection. On the whole the committee were happy with the development subject to the access provision being approved by Highways.

## **7.0 Summary of Other Representations**

- 7.1 10 responses were received in relation to the original submission. Amended plans were submitted during the course of the application, neighbours were re-consulted on the amendments. Additional 4 responses were received. The responses received object to the proposal on grounds of:

- Additional traffic generation, congestion, lack of parking and highway safety;
- Poor quality design/materials/aesthetics, which do not reflect the surroundings;
- Position and security impact of public open space off Hamels Drive;
- Lack of school places, doctors etc;
- Noise impact;
- Overlooking of Ware Road properties opposite;
- Adverse impact on wildlife;
- Loss of privacy and security;

- Concerns during the construction phase and nuisance from builders.

## **8.0 Consideration of Issues**

### Principle

- 8.1 The site lies within the settlement of Hertford wherein development is acceptable in principle. Policy DPS2 directs development into the Districts urban areas and all new residential development should be well sited having regard to access to services, local infrastructure and specific constraints of the site.
- 8.2 The site has an extant permission for the re-development of the site for 51 dwellings granted under application 3/17/0645/FUL on 20<sup>th</sup> December 2018. It should also be noted that clearance and works on the site have begun.
- 8.3 The site is reasonably located to the town centres of Hertford and Ware with bus links along Ware Road. The site would therefore perform well in sustainability terms.
- 8.4 The site has previously been used for employment purposes. Policy ED1 states that the loss of an existing employment site will only be permitted where the retention of the premises for employment use has been explored without success. In this instance the site has not been in employment use for many years and it has been cleared. As with the previous application a marketing report has been submitted confirming that the site was marketed and that no interest was received for its redevelopment for employment use. Furthermore, as the site has an extant planning permission and works on site have commenced this forms a fall-back position and therefore the loss of the employment use has been accepted.

Layout, Design, Scale and Impact on the Character and Appearance of the Area

- 8.5 Policy DES4 requires that new development achieves a high standard of design and that it is compatible with the surrounding area. These requirements are reflected in the NPPF which stresses the importance of good design as a key aspect of sustainable development. Policy DES3 requires proposals on prominent sites to give special consideration to landscaping.
- 8.6 The current proposal differs from the previously approved scheme and has resulted in a reduction in the number of units at the site. The type of units has altered with a larger proportion of dwelling houses rather than apartments. The proposal seeks to provide 28 two bedroom apartments, 13, two bedroom dwellings and 4, three bedroom dwellings.
- 8.7 The key changes seen under the current application vs the granted consent are as follows:
- The number of dwelling units has been reduced from 51 to 45.
  - Decrease in the number of flatted units on the site and an increase in the number of dwellinghouses on the site.
  - Relocation of the substation on the site.
- 8.8 The apartments will be contained within 2 flatted blocks to the rear of the site and would be 4 storeys in height. The two flatted blocks proposed are identical in character, appearance and scale to the flatted blocks approved under the previous planning application. The designs of the two flatted blocks are traditional in character with pitched roofed forms and good articulation with the use of fenestration, and balconies. In addition the blocks would feature under croft car parking.
- 8.9 The dwelling houses would consist of 4 blocks of terraced houses that would front onto Ware Road in a staggered formation, whilst 2 sets of semi-detached dwellings would be



sited to the rear, accessed via the new access road from Ware Road. The properties fronting onto Ware Road are the most prominent and most sensitive part of the development and would consist of 2.5 and 3 storey dwellings and would be traditional in terms of their character and appearance. It is noted that three sets of the terraces would feature gabled roof forms with dormer windows, whilst the block of 4 dwellings would be higher and would feature hipped roof forms with no rooms in the roof. Whilst the style and design differs to those properties seen immediately next door at No. 304c, the elevations are well articulated with various design features adding interest to the buildings, which are more reflective of traditional Victorian styles seen close to the application site. The semi-detached properties are similar and would be of a traditional character.

- 8.10 The site includes an access road into the site leading to several areas of communal car parking. These parking areas are broadly in the same location as those in the previous consented scheme. The site includes areas of soft landscaping to break up the hard surfacing and a mixture of hard surfacing materials helps to break up any large areas. In addition to the south of the site, an amenity area located on top of the cliff is proposed. As with the original application due to the significant land level differences and the gradient, access can only be gained from Hamels Drive and therefore this amenity area would not be readily accessible for the residents of the development.
- 8.11 Overall, subject to the use of good quality materials for the buildings and hard landscaping the layout and design is considered to be acceptable, these details can be controlled through condition.
- 8.12 In addition it is noted that the existing electricity sub-station located on the site would be relocated. It would remain along the eastern elevation with the adjacent commercial building. However it would be sited approximately 6.5m further to the rear than its existing position and would be housed within a

brick built, flat roofed structure. The proposed change is not considered to be objectionable and would improve the overall appearance in this part of the development.

- 8.13 The overall density of the development would decrease from the consented scheme and would be approximately 60dph. However, excluding the land on the south side of the site above the cliff would provide a development density for the main part of the site of approximately 69.2dph. The recently completed development at 356-364 Ware Road to the east has a density of 85dph. The density of development is considered to compatible with the surrounding area and comparable with recent residential developments on the south side of Ware Road.
- 8.14 Having regard to policy HOU7, all properties would meet Building Regulations requirement M4(2) and the Council's housing team are satisfied with the type and mix of units.
- 8.15 With regards to water resources and policy WAT4, the applicant has confirmed that the development has been designed to be provided with water efficient fixtures and fittings to reduce water consumption to include the following features: Flow restrictors to taps and showers, water efficient white goods where provided, dual flush toilets, water butts. These are all to achieve the target of 110 litres or less per head per day. The proposal complies with policy WAT4.
- 8.16 Having regard to climate change adaptation and mitigation (policies CC1 and CC2) and the building design requirements of policy DES4, the application is supported by an addendum to the Design and Access Statement. The Statement assesses the use of different renewable energy solutions. The applicant's preferred approach, and one that is in line with the Council's policy approach and energy hierarchy, is to employ what is known as a 'fabric-first' approach. This means that the design of new homes achieves consistently high energy efficiency in order to achieve low CO2 emission rates, through the choice of construction materials, levels of insulation and internal design

to reduce the need for mechanical heating and cooling, rather than relying on the use of bolt-on renewable energy technologies. This will result in building design specifications that exceed the requirements of Building Regulations.

Neighbouring residential amenity

- 8.17 In accordance with policy DES4, proposals should respect the amenity of occupiers of neighbouring buildings and those of future occupiers, ensuring that daylight, sunlight, privacy and overshadowing would not result in a harmful impact.
- 8.18 The site is adjacent to the Taylor Trading Estate, which consists of a number of commercial buildings. The proposed development is not considered to have a detrimental impact to the occupiers of this site.
- 8.19 Immediately opposite the site are residential dwellings, the proposed development along the frontage of the site is as such that it is not considered to give rise to an adverse impact on existing neighbouring development due to the separation distance maintained and the proposed development would have a similar relationship to other dwellings that already exist on Ware Road. To the west of the site lies 304c Ware Road, the closest dwellinghouse would sit forward of the front elevation of this dwelling, however, due to the separation distance maintained between the existing and proposed dwelling it is not considered that the proposed development would have a detrimental impact on the occupiers of this property. It should also be noted that residential properties accessed from Cockbush Avenue can be found immediately west of the site and the land rises steeply from Ware Road. No's 2 to 8 Cockbush Avenue would back onto the site, however due to the layout sought No's 2 and 4 would face onto the parking area whilst No's 6 to 8 would face the flatted block. It is considered that due to the separation distances achieved, the proposed development whilst visible to these dwellings would not result in an unacceptable relationship.

8.20 With regards to the upper part of Cockbush Avenue and the application the application site, the land descends steeply. The distance between the block facing properties in Cockbush Avenue is considered to be satisfactory. The closest property is No.10 Cockbush Avenue (9.0m). However, due to the change in levels between Cockbush Avenue and the site the front elevation of this property with look out at an angle over the top portion of the block with an intervening existing tree belt. In the circumstances whilst there will be some loss off outlook to properties in Cockbush Avenue this will not be significant. However, a levels condition is recommended to enable the LPA to retain control of this relationship.

#### Highway implications

8.21 Access to the proposed development remains the same as the consented scheme and is via a single access off Ware Road. The Highway Authority considers that the access arrangements are satisfactory.

8.22 Along with a reduction in the number of units proposed the level of car parking provision has decreased. 92 spaces are now proposed across the site which includes spaces for the residential dwellings and several visitor parking spaces. In accordance with the updated parking standards, the development would require a maximum of 92 parking spaces and as such the proposed scheme is in compliance with the Council's updated car parking standards. The Design and Access statement sets out that each of the 2 bedroom properties would have 2 spaces each, whilst the three bedroom dwellings would be allocated 2.5 spaces. In addition the site lies within accessibility zone 4 wherein provision could be reduced by up to 25%. Some reduction would normally be appropriate. However, in this case given the known on-street parking issues on Ware Road provision at the top end of the range is considered to be appropriate. In this instance the level of parking proposed is in accordance with the updated parking standards.

- 8.23 By comparison the recently completed development at 356-364, Ware Road provided 60 spaces where the adopted standard required a maximum of 61 spaces and the updated parking standards required within the range of 54-72 spaces (equivalent to 1.75 spaces per unit).
- 8.24 In addition the layout proposes 30 cycle storage spaces in 3 blocks to serve the flat blocks. A condition is recommended requiring the approval of design details. The dwellinghouses would have rear garden areas with individual accesses; it is considered that cycles would be stored in the garden areas.
- 8.25 The Highway Authority do not wish to raise an objection to the application subject to conditions noting that the scheme is similar to the previous consented scheme.
- 8.26 The majority of comments received on the application from third parties raise concerns about traffic generation and parking. Whilst it is acknowledged that parking is a concern for residents the scheme is providing parking in compliance with the Council's updated parking standards. Having regard to the amendments made to the scheme and the comments received from the Highway Authority, it is considered that the proposal complies with the relevant highways/parking planning policies and the proposal would not result in severe highways impact.
- 8.27 The Highway Authority request a financial planning obligation of £35,250 towards proposed improvements to pedestrian and cycle routes along Ware Road and Hertford East station and a travel plan condition.
- 8.28 The applicant has provided details of electric charging points, all uncovered spaces will be provided with infrastructure for future points should they be required and sockets would be provided for all undercroft parking spaces.

### Housing and affordable housing

- 8.29 The proposal provides for the provision of 45 units. The proposal consists of a mix of properties primarily of two bedroom units. Policy HOU1 of the District Plan requires that an appropriate mix of housing with regard to tenure, type and size is provided. The Strategic Housing Market Assessment (SHMA) provides a requirement for 7% of new open market housing and 11% of affordable housing to be provided as 2+ bed flats with an assessment of delivery being across all developments in the District.
- 8.30 Unlike the previously approved scheme, the application proposes (19 units) of affordable housing which is slightly in excess of the 40% requirement under District Plan policy and therefore is compliant with Policy HOU3 and therefore is deemed to be acceptable.
- 8.31 The affordable housing provision is to be located within the 2 rear blocks. The Council's Housing Officer has been consulted on the application and whilst the housing mix is not the preferred housing mix, due to the offer being identical to the previous application the proposal is considered to be acceptable in this instance and the Council's Housing Officer does not raise any objections.

### Flood risk and surface water drainage

- 8.32 The site is situated wholly within Flood Zone 1 and is therefore not liable to watercourse flood risks.
- 8.33 The Lead Local Flood Authority (LLFA) advises that subject to detailed design the surface water drainage strategy is satisfactory. Conditions are recommended to require the approval of the detailed design. The detailed design is the subject of a recommended condition.

Other matters

- 8.34 HCC Historic Environment Unit advise that the site is unlikely to have any archaeological significance.
- 8.35 Herts Ecology requests a condition requiring a species survey to be undertaken and depending on the findings appropriate mitigation measures.
- 8.36 It should be noted that an amended refuse collection layout has been submitted following comments from waste services. As such plots 1 -4 will be required to use the recycling collection point at the edge of the car park in order to be within the required distance for waste operatives. A condition has been imposed requiring details of the collection points to be submitted.

**9.0 Planning Obligations**

- 9.1 Having regard to the NPPF and the Community Infrastructure Levy Regulations (CIL) the following obligations have been agreed:

The provision of affordable housing (4 x intermediate and 15 x affordable rent).

|   |            |
|---|------------|
| HCC sustainable transport - pedestrian and cycle improvements along Ware Road and Hertford East station | £35,250.00 |
| HCC Travel Plan monitoring fee  | £6,000.00  |
| HCC Education nursery/early years   | £9,410.00  |
| HCC Education Primary   | £51,457.00 |
| HCC Childcare   | £3,100.00  |
| HCC Libraries   | £5,704.00  |

HCC Youth - improvements to kitchen

|                                      |             |
|--------------------------------------|-------------|
| at Ware Youth Centre                 | £667.00     |
| EHDC Parks and Public Gardens        | £11,741.83  |
| EHDC Outdoor Sports                  |             |
| £32,519.23                           |             |
| EHDC Children and Young Peoples Play | £4,802.98   |
| Total                                | £154,652.04 |

- 9.2 The Highway Authority advise that following identification of improvement needs in the Hertford and Ware Transport Plan, a feasibility study and measures to improve pedestrian and cycle links along Ware Road and Hertford East Railway Station is currently being finalised. Appropriate measures are being considered from the Ware Road/Stanstead Road junction to the Ware Road/Mill Road junction. Given the location of the site the measures will enhance the route along the Ware Road and mitigate the impact of traffic associated with the development of the site.
- 9.3 Justification has been provided by Herts County Council for the requested contributions towards education, childcare, libraries and youth facilities.
- 9.4 The proposal comprises a mix of development with apartment blocks and dwellinghouses. The nature of the development is such that there is no on-site provision for outdoor recreation. The development is in reasonable proximity and public transport accessibility to Hartham Common and the contributions are therefore considered to be justified.
- 9.5 It is noted that concerns were raised by third parties regarding health provision. The NHS has responded to the consultation request and are seeking £31,851.14 for General Medical Services GP provision. £8,750 mental health costs to be focused on the East and North Herts inpatient facility in Stevenage or the Hertford Health and Wellbeing Centre. £8,191 community



healthcare costs to be focused on the HCT Stevenage Health and Wellbeing Hub or the HCT Hoddesdon Local Health Hub. £99,650 for acute costs to be focussed on the Lister Hospital. In order for the Council to be able to request such contributions, specific projects need to be identified. In this instance there is insufficient information to demonstrate the specific projects the money would be spent and it should be noted that no contributions towards healthcare were requested under the previous extant planning permission. As such it is not considered reasonable to request such monies.

## **10.0 Conclusion – The Planning Balance**

- 10.1 The proposal would result in the redevelopment of this vacant brownfield site and would provide 45 dwellings of which 19 units would be affordable housing. There is no objection in principle to the development and the provision of housing and affordable housing on this brownfield site carries significant positive weight.
- 10.2 The parking provision is in accordance with the updated parking standards and Zone 4 accessibility reduction has not been applied. This is considered to be appropriate in the context of Ware Road. The Highway Authority has no objection to the proposal. The impact of the proposal on the highway network is deemed to be neutral.
- 10.3 The density of development is satisfactory in the context of the site and its surroundings and the layout and building design is of reasonable good quality carrying positive weight.
- 10.4 It is considered that the proposed development will not result in significant harm to neighbouring properties and that the neighbour impact would be neutral.
- 10.5 It is considered that other issues and matters of detail can be satisfactorily addressed by the imposition of conditions.

- 10.6 The proposed fabric design provides for a sustainable form of development in accordance with policies DES4
- 10.7 Overall, the proposal is considered to be acceptable and that it accords with the relevant planning policies providing a sustainable form of development. The application is therefore recommended for approval.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below and the satisfactory conclusion of a legal agreement to secure the following:

### **Legal Agreement**

- The provision of affordable housing (4 x intermediate and 15 x affordable rent).
- HCC sustainable transport £35,250.00
- HCC Education Nursery £9,410.00
- HCC Education Primary £51,457.00
- HCC Childcare £3,100.00
- HCC Libraries £5,704.00
  
- HCC Youth (improvements to Ware Youth Centre) £667.00
- EHDC Parks and Public Gardens £11,741.83
- EHDC Outdoor Sports £32,519.23
- EHDC Children and Young People £4,802.98

(all index linked)

- Provision of fire hydrants

The agreement shall also provide arrangements for the ongoing maintenance of the public open space on the south side of the site as indicated on the approved plans.

## **Conditions**

1. Three year time limit
2. Approved plans
3. Levels
4. Boundary walls and fences
5. Samples of materials
6. Lighting details
7. Communal TV facilities
8. Cycle parking facilities
9. Contaminated land survey and remediation
10. Hard surfacing
11. Details of the recycling collection points shall be submitted to an approved in in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to occupation of the development hereby permitted.

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

12. The development shall not be occupied until details of a Travel Plan for the development as a whole has been submitted to and agreed in writing by the Local Planning Authority. The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, further mitigation, timescales, phasing programme and on-site management responsibilities. It shall be

implemented and subject to regular review in accordance with the above approved details.

Reason: To ensure that the development traffic is within the predicted levels in TA, to promote sustainable transport measures and maintain the free and safe flow of traffic.

13. Prior to commencement of development hereby approved all access and junction arrangements shall be completed in accordance with the approved Transport Statement by Lime Transport dated January 2019, drawing 19105.OS.101.09 and constructed to the specification of the Highway Authority and to the satisfaction of the Local Planning Authority.

Reason: To ensure that the access is constructed to the specification of the Highway Authority and to provide adequate visibility splays in the interests of highway safety in accordance with policy TRA2 of the East Herts District Plan 2018.

14. Concurrent with the construction of the access, visibility splays as illustrated on drawing number 19105.OS.101.09 contained within the Transport Statement by Lime Transport January dated 2019, shall be provided and permanently maintained in each direction, within which there shall be no obstruction to visibility between 600mm and 2m above carriageway level.

Reason: To ensure that the access is constructed to the specification of the Highway Authority and to provide adequate visibility splays in the interests of highway safety in accordance with policy TRA2 of the East Herts District Plan 2018.

15. Prior to first occupation of the development hereby approved, the access roads and parking areas shown on the approved plans shall be provided and permanently maintained.

Reason: To ensure adequate provision of parking in accordance with Policy TR3 of the East Herts District Plan 2018.

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

Reason: So that vehicles may enter and leave the site with the minimum interference to the free flow and safety of other traffic on the highway in accordance with policy TRA2 of the East Herts District Plan 2018.

17. Prior to first occupation of the development hereby permitted, the existing vehicular access shall be permanently closed and the kerbs and (footway/verge) reinstated to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with policy TRA2 of the East Herts District Plan 2018.

18. Prior to the commencement of development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall identify details of:

- Phasing of the development;
- Methods of accessing the site;
- Construction vehicle routing and numbers;
- Location and details of wheel washing facilities;
- Details of parking and storage areas clear of the highway;
- Environmental management details including hours of working, the mitigation of noise and dust and any other matters covered under BS5228.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To minimise the impact of construction on the highway network, neighbouring occupiers and the environment.

19. The development hereby permitted shall be carried out in accordance with the Drainage Statement carried out by

Persimmon, Issue 4, dated 23<sup>rd</sup> January 2019, the Drainage Strategy drawing PHE/WR/001 dated 03/2016 and the Engineering Details PHE/WR/003 dated 05/2017 and the following mitigation measures:

1. Provide attenuation 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.
2. Implement drainage strategy based on infiltration and include lined permeable paving, swales, pipes and a cellular soakaway as indicated on the proposed drainage strategy drawing.

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

20. No development shall take place until the final design of the drainage scheme has been submitted to and approved in writing by the local planning authority. The surface water drainage system will be based on the submitted Drainage Statement carried out by Persimmon, Issue 4 dated, 23<sup>rd</sup> January 2019, the Drainage Strategy drawing PHE/WR/001 dated 03/2016 and the Engineering Details PHE/WR/003 dated 05/2017. The scheme shall include:
  - Detailed infiltration tests to BRE Digest 365 standard carried out at the location and depth of the proposed infiltrating features (cellular soakaway). Ensuring that the soakaway is design to have half drain down time.
  - Detailed engineered drawings of all the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including 1 in 100 year + 40% allowance for climate change event.

- Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features such as permeable paving, swales etc and reducing the requirement for any underground storage.
- Silt traps for protection for any residual tanked elements.

The development shall thereafter be implemented in accordance with the approved details before the development is completed.

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

21. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements, 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 site drainage.
  2. Maintenance and operational activities
  3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

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

22. Prior to the commencement of development hereby approved, reptile and badger surveys shall be carried out within the site by a licensed ecologist. A report of the findings including suitable mitigation strategies, if required, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved report.

Reason: To safeguard wildlife in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

23. No above ground development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic and the adjacent commercial units has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the scheme providing protection for those dwellings has been implemented in accordance with the approved details and has been demonstrated to achieve the required noise levels to the satisfaction of the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To safeguard the amenity of future occupiers in accordance with Policy EQ2 of the East Herts District Plan 2018.

24. No development shall take place until a Phase 2 investigation report, as recommended by the previously submitted Brown2GreenGeo-environmental Site Investigation report dated March 2016 (Ref:1578Rpt1V1), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency action.

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



environment in accordance with policy EQ1 of the East Herts District Plan 2018.

25. Prior to the occupation a validation report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed remediation strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework and in order to protect human health and the environment in accordance with policy EQ1 of the East Herts District Plan 2018.

26. Prior to the commencement of above ground construction full details of both soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The details shall include (a) planting plans (b) schedules of plants, species, size and densities (c) timetable for implementation. Thereafter the development shall be implemented in accordance with the approved details.

Reason: To ensure the provision of landscaping in accordance with Policy DES3 of the East Herts District Plan 2018.

27. Landscape works implementation (4P13)

28. Piling works (2E39)

29. Prior to first occupation measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.

Reason: To help support improvements in water and in accordance with Policy WAT4 and DES4 of the East Herts District Plan 2018

30. Prior to above ground works, details of the electric vehicle changing points shall be provided to and agreed in writing by the Local Planning Authority. The approved scheme shall be retained in accordance with those details thereafter.

Reason: To help support improvements in air quality and in accordance with Policy TRA3 and CC2 of the East Herts District Plan 2018

31. Prior to the first occupation of the development hereby approved, measures to facilitate the provision of high speed broadband internet connections to the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential unit. The details shall thereafter be implemented in accordance with the approved details and made available for use prior to first occupation of the residential unit to which it relates.

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

### **Informatives**

1. Other legislation (OL01)
2. Street naming and numbering (19SN)
3. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage, or destroy the nest of any wild bird while that nest is in use or being built. Planning permission does not provide a defence against prosecution under this Act.

4. The applicant is advised that in order to comply with this permission it will be necessary to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements.

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

**KEY DATA****Residential Development**

| Residential density                 | 60 dwellings/Ha |                 |
|-------------------------------------|-----------------|-----------------|
|                                     | Bed spaces      | Number of units |
| Number of existing units demolished |                 | 1               |
| Number of new flat units            | 1               |                 |
|                                     | 2               | 28              |
|                                     | 3               |                 |
|                                     |                 |                 |
| Number of new house units           | 1               |                 |
|                                     | 2               | 13              |
|                                     | 3               | 4               |
|                                     | 4+              |                 |
| Total                               |                 | 45              |

**Affordable Housing**

| Number of units | Percentage |
|-----------------|------------|
| 19              | 42         |

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

| Parking Zone                       | 4               |                 |
|------------------------------------|-----------------|-----------------|
| Residential unit size (bed spaces) | Spaces per unit | Spaces required |
| 1                                  | 1.25            |                 |
| 2                                  | 1.50            | 61.5            |
| 3                                  | 2.25            | 9               |
| 4+                                 | 3.00            |                 |
| Total required                     |                 | 70.5            |
| Proposed provision                 |                 | 92              |

Updated 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            |                 |
| 2                                  | 2.00            | 82              |
| 3                                  | 2.50            | 10              |
| 4+                                 | 3.00            |                 |
| Total required                     |                 | 92              |
| Accessibility reduction            | 25%             | 23              |
| Resulting requirement              |                 | 69              |
| Proposed provision                 |                 | 92              |

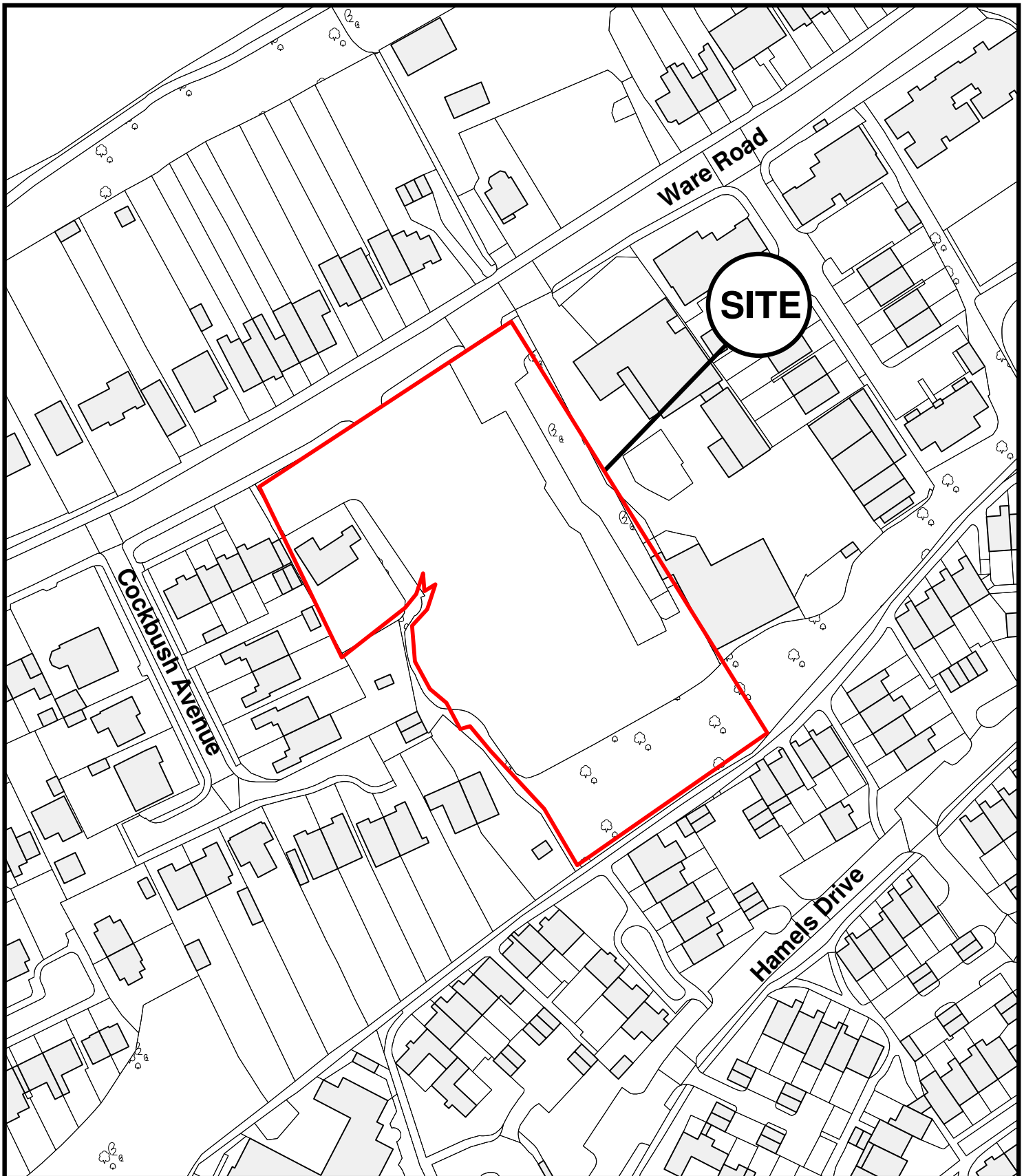
### **Legal Agreement – financial obligations**

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.

| <b>Obligation</b>         | <b>Amount sought by EH Planning obligations SPD</b> | <b>Amount recommended in this case</b> | <b>Reason for difference (if any)</b>                         |
|---------------------------|---|--|---|
| Affordable Housing        | 40%   | 42%                                    | Developer is seeking to provide 19 units which equates to 42% |
| Parks and Public Gardens  | £11,741.83  | £11,741.83                             |   |
| Outdoor Sports facilities | £32,519.23  | £32,519.23                             |   |

|  |           |           |   |
|--|-----------|-----------|---|
| Children and Young People  | £4,802.98 | £4,802.98 |   |
| Maintenance contribution - Parks and public gardens                | £0        | £0        | No maintenance required as not new provision provided |
| Maintenance contribution - Outdoor Sports facilities               | £0        | £0        | No maintenance required as not new provision provided |
| Maintenance contribution - Amenity Green Space                     | £0        | £0        | No maintenance required as not new provision provided |
| Maintenance contribution - Provision for children and young people | £0        | £0        | No maintenance required as not new provision provided |

| <b>Obligation</b> | <b>Amount sought by Hertfordshire County Council</b> | <b>Amount recommended in this case</b> | <b>Reason for difference (if any)</b> |
|-------------------|--|--|---------------------------------------|
| Primary Education | £51,457  | £51,457                                |                                       |
| Nursery Education | £9,410   | £9,410                                 |                                       |
| Childcare Service | £3,100   | £3,100                                 |                                       |
| Library Service   | £5,704   | £5,704                                 |                                       |
| YC Hertfordshire  | £667   | £667                                   |                                       |
| Highways          | £35,250  | £35,250                                |                                       |



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**Scale: 1:1250**

**O.S Sheet: TL3413**

**Date of Print: 01 July 2019**

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/18/2465/OUT   |
| <b>Proposal</b>           | Hybrid planning application comprising: Full planning permission for 375 residential dwellings (comprising 29 houses and 5 apartment buildings for 346 apartments), 420 sqm for a gymnasium (Class D2 floorspace), 70 sqm of residents co-working floorspace, car and cycle parking, access, open space, landscaping and associated works, improvements to Marshgate Drive and creation of a Spine Road in the Northern Sector; and Outline planning permission for the construction of 2,220 square metres of employment floorspace (Use Class B1c), car parking, landscaping and associated works (all matters reserved except access). |
| <b>Location</b>           | (HERT2) Land East Of Marshgate Drive, Hertford, Hertfordshire, SG13 7AQ   |
| <b>Parish</b>             | Hertford Town Council   |
| <b>Ward</b>               | Hertford Castle   |

|  |                            |
|--|----------------------------|
| <b>Date of Registration of Application</b> | 28 November 2018           |
| <b>Target Determination Date</b>           | 20 June 2019               |
| <b>Reason for Committee Report</b>         | Major Planning Application |
| <b>Case Officer</b>                        | Rachael Collard            |

### **RECOMMENDATION**

That planning permission be **REFUSED** for the following reasons:

## **1 Summary of Proposal and Main Issues**

- 1.1 The site forms part of the development strategy in the East Herts District Plan 2018 as detailed in Policies DPS1, DPS2 and DPS3, and Hertford Policies HERT1 and HERT2. The site is allocated for a mixed use development of around 200 units and 3000m<sup>2</sup> of B1 or employment generating uses.
- 1.2 The application is for a hybrid planning application which proposes a full planning application for 375 residential dwellings (comprising 29 houses and 5 apartment buildings for 346 apartments), 420 sqm for a gymnasium (Class D2 floorspace), 70 sqm of residents co-working floorspace, car and cycle parking, access, open space, landscaping and associated works, improvements to Marshgate Drive and creation of a Spine Road in the Northern Sector.
- 1.3 The application also seeks Outline planning permission for the construction of 2,220 square metres of employment floorspace (Use Class B1c), car parking, landscaping and associated works (all matters reserved except access).
- 1.4 The application submission follows from the decision of the Council on 19<sup>th</sup> December 2018 to endorse the Masterplan Framework submission for the site as a material consideration for development management purposes.
- 1.5 The main issues for consideration are:
  - Delivery of the District Plan housing strategy
  - Compatibility with the Masterplan Framework
  - Housing mix, density
  - Design and Layout
  - Employment uses
  - Highway impact mitigation and parking provision
  - Flood Risk
  - Contamination

- Infrastructure delivery

## **2 Site Description**

- 2.1 The application site comprises two parcels of land located on the eastern side of Marshgate Drive. Together both parcels of land cover an area of 3.48ha. The application site is bisected by the timber yard site (not within the ownership of the developer) which does not form part of the application. Although the timber yard site is included within the HERT2 allocation.
- 2.2 The application site is a former gas works, used for the production and storage of town gas. A Pressure Reduction Station (PRS) was installed in the early 1960's and remains on site along the southern boundary of the northern parcel. The gasholders were dismantled approximately 10 years ago, with the site remaining vacant.
- 2.3 The northern boundary of the northern parcel of land abuts the River Lea, a public right of way on the tow path, which runs alongside the River leading to Hertford Town Centre and Hartham Common. Immediately to the west of the northern and southern parcels lie residential properties in the form of two storey terraced housing and the contemporary flatted development of Smeaton Court. The wider area to the east and south comprises a designated employment area containing a number of uses.
- 2.4 The site is also located within Flood Zone 2 and 3 and whilst the site lies outside of the Hertford Conservation area, a number of listed buildings are located relatively nearby and include the Hertford East train station and signal box.
- 2.5 Prior to the submission of this application, the details of the proposed development have been the subject of a request for a Screening Opinion under the Town and County Planning (Environmental Impact Assessment) Regulations 2017, to

determine whether or not the proposed development should be accompanied by an Environmental Impact Assessment (EIA).

- 2.6 The Local Planning Authority considered the request and determined that whilst the proposal amounts to an Urban Development Project where the development includes more than 150 dwellings within the Infrastructure Projects category 10(b) of Schedule 2 of the Town and Country Planning Environmental Impact Assessment, Regulations 2017. As such the proposal has been screened to determine whether significant effects are likely. It has been concluded that the proposals do not constitute EIA development. Accordingly, the application is not required to be accompanied by an Environmental Impact Assessment.
- 2.7 It should also be noted that during the course of the planning application the description of development has altered and amended plans and associated documents have been submitted to the Local Planning Authority for consideration. The Council have re-consulted consultees and neighbours in relation to these amendments.

### **3 Planning History**

- 3.1 There is no relevant planning history for the site.

### **4 Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan and the National Planning Policy Framework 2018 (NPPF). There is no Neighbourhood Plan in place, or emerging, in relation to this site.

| <b>Key Issue</b>                     | <b>District Plan</b>   | <b>NPPF</b>            |
|--------------------------------------|--|------------------------|
| Principle of a mixed use development | INT1, DPS1, DPS2, DPS3, DPS4, HERT1, HERT2, HERT6, ED1, DEL1, DEL2, CC1, | Chapter 6<br>Chapter 4 |

|  |   |                          |
|--|---|--------------------------|
|  | CC2   |                          |
| Delivery of Housing                        | HERT2, HOU1,<br>HOU2, HOU3, HOU6,<br>HOU7, HOU8                             | Chapter 12<br>Chapter 11 |
| Delivery of Employment                     | ED1   | Chapter 12               |
| Design Quality                             | HERT2, DES1, DES2,<br>DES3, DES4, DES5,<br>DES6, HA1, HA2,<br>HA3, HA4, HA7 | Chapter 12<br>Chapter 16 |
| Impacts on neighbour amenity and occupiers | DES3, DES4, CFLR1,<br>CFLR3   | Chapter 12               |
| Highway, parking and transport impacts     | TRA1, TRA2, TRA3  | Chapter 9                |
| Flood risk and drainage                    | WAT3, WAT4, WAT5  | Chapter 14               |
| Viability and delivery of Infrastructure   | DEL1, DEL2  |                          |

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

## **5 Summary of Consultee Responses**

- 5.1 Consultees as set out below have provided feedback received in relation to the proposals as follows.
- 5.2 Hertfordshire County Council Highways – Objects to the planning application and recommends refusal.
- 5.3 Hertfordshire Constabulary – No objections raised.
- 5.4 Thames Water - The development is located within 15m of a strategic sewer. Thames Water have requested a condition

regarding piling on the site. Thames Water advise that with regard to waste water network and waste water process infrastructure capacity, they would not have any objection to the above application.

- 5.5 Affinity Water – No objections subject to conditions.
- 5.6 HCC Historic Environment Unit - advises that there is the potential for heritage assets of archaeological interest to be impacted. Therefore if planning permission is granted a condition requiring a field evaluation and monitoring is requested.
- 5.7 Cadent Gas – The developer is required to contact Cadent Gas prior to any works on the site.
- 5.8 NHS England – No objections subject to the requested monetary contributions.
- 5.9 Herts Fire and Rescue - Based on the information provided to date we would seek the provision of fire hydrant(s), as set out within HCC's Planning Obligations Toolkit.
- 5.10 Natural England – No comments to make
- 5.11 Lead Local Flood Authority Confirm that there is no objection in principle on flood risk grounds and advise the LPA that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy. Conditions advised
- 5.12 HCC Minerals and Waste – No objections subject to removal of waste appropriately.
- 5.13 Environment Agency – No objections subject to conditions.

- 5.14 HCC Obligations – Recommends that a number of obligations are sought towards education, childcare, library and youth services.
- 5.15 EHDC Environmental Health – Object to the scheme on contamination grounds and recommends refusal.
- 5.16 EHDC Conservation and Urban Design – Object to the scheme and recommends refusal.
- 5.17 Canal and Rivers Trust – We are satisfied with the assessment of the impact on transient towpath users and the canal corridor more widely, we would remind the LPA that the moorings opposite the site may be occupied for extended periods of time.
- 5.18 EHDC Landscape Advisor – Objects to the scheme and recommends refusal.

## **6 Town Council Representations**

- 6.1 Hertford Town Council - objects to the application. The committee opposes any development in the Mead Lane area which is likely to add to the road traffic numbers and therefore has a fundamental objection to this whole application unless provision is made for an additional access route other than by Mill Road.
- 6.2 The committee feels that 375 units would be gross overdevelopment of the land described in the district plan for mixed use development to include about 200 homes.
- 6.3 The proposal fails to demonstrate fully to the Town Council that road traffic access using Mead Lane rather than Claud Hamilton Way will not further compromise the free access to the industrial and business premises in Mead Lane and Dicker Mill.
- 6.4 The proposals fail to provide adequate infrastructure for local green space within the site and enhance biodiversity on the river,

including the concern that the height of the buildings and their proximity to the river will deprive the river of essential daylight.

- 6.5 It also fails to provide a clear green boundary between footpath and the new development. Overall, it is felt that it fails to provide a high standard of visual amenity to both within and beyond the site (The Meads). The application also fails to indicate how charging points will be made available for households without private off street parking adjacent to their homes. The committee would also like to see that pedestrians and cyclists along the river tow path have the ability to transit without conflict with one another. It is also felt there is a failure to indicate clearly where facilities for new residents will be provided (such as schools, doctors surgery, community places).
- 6.6 The committee saw no reference to the way in which the applicant might seek to enhance and protect the nearby heritage buildings such as Hertford East Railway Station and the Signal box.

## **7 Summary of Other Representations**

- 7.1 The application has been advertised by neighbour consultation to local residents and businesses, by press and site notices. 236 responses have been received. The objections received can be summarised as:
- Difficulties running existing businesses due to highway issues;
  - Hertford has been overdeveloped in recent years with lack of infrastructure to support the vast number of new residents;
  - The developer should be required to improve the adjacent towpath, increase capacity, resurface and reduce the risk to users of the towpath of accident involving the canal;
  - No extra transport is available and the train line cannot cope with the amount of people using it;
  - Concerns over local businesses and where they will trade from. Lots of new homes and nowhere to work;



- If there is a major incident in any of the flats or houses on Mill Road or at the railway station, access to the road will be blocked;
- A reduction in scale of the development is required;
- No mention of road widening or improvement;
- There is a mention of a bus route through Marshgate Drive but you have already built a bus stop on Claud Hamilton Way which has been there months and is still not active;
- Lighting is not good;
- Facilities for pedestrians and cyclists are poor;
- Cycle paths should be provided with proper crossing points or signage giving cyclists priority on the Mill Road/Railway Street roundabout;
- Too many flats in the area;
- Most of our skyline will disappear, the effectiveness of our solar panels will be impacted;
- Natural light in particular the sunlight through the winter months to the river is totally blocked having a negative impact on the local wildlife;
- Overlooking of property;
- Development only has access via Mill Road and is very difficult to get out past the store from both the industrial units in the area and the apartment blocks already built;
- Access to Mead Lane and Marshgate Drive is already limited and heavily restricted. Concerned over the additional 400-600 Vehicles potentially added to the situation without provisions made for additional entry/exist points;
- No planned new road infrastructure;
- Lack of information regarding traffic calming measures;
- Hertford needs a bypass;
- What provision will be made for the construction traffic not to interfere with our business everyday;
- Regular queues along Mead Lane and Claude Hamilton Way are having an economic impact on businesses operating from Mead Lane as well as on air quality;
- Wear and Tear on existing roads;
- The main entrance should be on Mead Lane;

- 3-5 storey buildings will dominate the landscape;
- It will spoil one of the most beautiful parts of Hertford by the river;
- The area is losing its character, which Mead Lane and Marshgate have with their Victorian houses. The new builds don't look anything like Victorian;
- Scale of the development is unsustainable;
- The vernacular is generic and although the DAS makes a big point of making it seem tailored to the site it is not and does not take into account the proximity to the river and the heritage importance that area holds for Hertford;
- I will be directly overlooked by roughly 100 flats rendering my garden pretty much unusable;
- Extremely densely built upon. Buildings are too high;
- Dominate the surround area. Negatively and directly effecting the lock keepers cottage and permanently moored canal boats in terms of light, noise and intrusion due to close proximity;
- Lack of parking provision for the site;
- Removal of existing on street parking that residents use;
- Concerns the scheme will have on the existing residents parking scheme on Marshgate Drive and Spencer Street;
- Recent similar developments have averaged 1.25 parking spaces per dwelling which has resulted in severe parking problems in the surrounding streets and made access for emergency vehicles extremely difficult;
- Lose an incredible amount of man hours every week due to the traffic in Hertford and Mead Lane;
- Plans will see the removal of trees, which a number of wildlife currently love and should not be disturbed;

## **8 Consideration of Relevant Issues**

### Principle of Development

- 8.1 Whether or not the proposals are considered to be acceptable in principle is, to a large degree, dependent on a range of key issues

set out below. Insofar as the principle of the redevelopment of this site is concerned, the following discussion is most relevant.

- 8.2 The application site together with the timber yard site forms an allocated strategic site under policy HERT2 of the District Plan development strategy for housing growth in the District as detailed in policies DPS1, DPS2, DPS3 and HERT2. Policy HERT2 is allocated to provide 'around 200' homes by 2027, as part of a mixed-use development. In addition 3000m<sup>2</sup> of B1 employment floor space or other employment generating uses that would be compatible with a residential use would be sought.
- 8.3 Given the above details and the designation of the site for this form of development, it is considered that the principle of a mix of residential and commercial development is acceptable however, this is subject to the discussions that form part of this report. The bringing forward of the site, which has been vacant for a number of years must be seen as a significantly positive proposal in principle. In addition, bringing the site forward for development has the ability to deliver a number of new homes, both for the market and subsidised. The NPPF continues to place a requirement on the Council to identify sufficient land in this way.
- 8.4 The proposal seeks to provide 375 residential units comprising a mix of 1 and 2 bedroom flats and 3 and 4 bedroom houses. It is clear that the proposal is in excess of the 'around 200' units as stated within policy HERT2. In relation to part (c) of policy HERT2, 3,000m<sup>2</sup> of B1 employment floor space, or other employment generating uses that would be compatible with the uses on neighbouring land. The application seeks to provide 2,710m<sup>2</sup> of commercial floor space, (this is an increased offer from the original submission of 1,500m<sup>2</sup>). Unlike the original submission the amendment seeks a D2 gym (420m<sup>2</sup>), 70m<sup>2</sup> of residents co-working floor space and 2,220m of employment floor spaces (B1c).

- 8.5 In order to establish the principle of development it is considered necessary to provide a review and background of the Council's policy position and how the quantum of development contained within the HERT2 policy was reached.
- 8.6 The East Herts District Plan was adopted in October 2018 and sets out the ambitions of the Council in delivering development across the district and covers a period of 2011-2033. The policies seen at chapter 7 are specific to Hertford, of which the HERT2 policy is solely in relation to the development site, although it should be noted that there are a number of policy requirements that need to be taken into consideration as part of the current application.
- 8.7 The submitted scheme seeks 375 residential units and 2,710m<sup>2</sup> of employment floor space, although the majority of this floorspace would be for a B1(c) use and other employment generating uses, the residential numbers are approaching double the amount of dwellings allocated within the policy, whilst the amount of employment floor space is a shortfall of the amount required. As noted elsewhere within this report, the proposed development is located on two parcels of land whilst the timber yard site is omitted but forms part of the allocation. Therefore it is not unreasonable to assume that a separate planning application seeking additional dwellings on the timber yard site could be submitted, which would further increase the numbers of units at HERT2.
- 8.8 Policy HERT2 seeks the provision of 'around 200' homes and 3000m<sup>2</sup> of B1 or employment generating floor space, these amounts have been subject to detailed consideration and is based on technical work relating to both access and highway capacity issues.
- 8.9 The Council has sought to regenerate the Mead Lane area of Hertford for a number of years. However, a key constraint to the area is that it is served by a single point of access onto Mill Road, which for safety reasons by the mid to late 2000's had become a

constraint on further development in this location without the introduction of a second point of access coupled with the ability of the local road network to accommodate increased trips being an additional concern.

8.10 In order to understand if further development could take place in the area, a study was undertaken as part of the wider Hertford and Ware Urban Transport Plan, November 2010 (UTP), which was commissioned by Hertfordshire County Council. Appendix E of this document discusses the Mead Lane traffic modelling that was undertaken and the conclusions reached by the study in relation to the scope for additional development in this location. This study found that subject to suitable mitigation works and improved emergency access arrangements in the Mill Road/Hertford East Station area, a second point of access would no longer be an essential prerequisite. In addition the conclusions of the detailed traffic modelling were subject to the delivery of a sustainable transport strategy as part of any future scheme and therefore there was scope for development in the area.

8.11 Three options were presented in the UTP document:

- Either 300 residential flats plus 3000sqm B1 employment; or
- 500 residential flats; or
- 5000sqm B1 employment.

8.12 The Council considered this further and concluded that it was important that existing and future potential business operations in the currently functioning parts of the Mead Lane area should not be compromised by environmental impacts on any new residents in the area. Therefore the mixed use development option consisting of 300 residential flats plus 3,000sqm B1 employment was the approach chosen by the Council.

8.13 The Council worked to develop a document that could steer what form of development this location could take. The Mead Lane Urban Design Framework 2014 (MLUDF) is an adopted

Supplementary Planning Document (SPD) that sets out the Council's aspirations for the regeneration of the Mead Lane area. Predominantly focusing on long-vacant derelict areas, its aim is to facilitate the construction of an amount of residential development in the area, in addition to bringing forward increased employment provision and introducing improved sustainable transport initiatives. As set out above this document is informed by various evidence strands and in particular the work undertaken in connection with Paramics transport modelling, which underpins the recommendations of the Hertford and Ware Urban Transport Plan, 2010 (UTP).

- 8.14 Following this work a development has been completed north of the station with the construction of 120 units taking up a proportion of the chosen option of 300 units, this development also included the secondary access into the Mead Lane area (Claud Hamilton Way).
- 8.15 Congestion issues on the A414 through Hertford, causing air quality problems in the area (a declared AQMA), and has been identified as an impediment restricting growth beyond that proposed for Hertford within the District Plan. This has had the implication of limiting delivery of the strategic site at the North and East of Ware beyond 1,000 dwellings until suitable mitigation measures to identified constraints on the local and wider strategic road networks can be resolved (to allow for the total policy allowance of 1,500 dwellings to be delivered in that location) as a direct consequence of congestion on the A414. While a long-term strategic solution is currently being sought through the Hertfordshire Local Transport Plan 4 (LTP4) process, and its supporting draft A414 Corridor Strategy this has yet to result in any such scheme being fully identified and delivery timescales are unclear.
- 8.16 Throughout the District Plan's formulation, the Council had continued discussions with HCC in respect of access and overall highway capacity issues. During the public examination of the

District Plan, the Highway Authority's position did not change and maintained this stance in respect of the site in the context of both local and strategic issues. It is important to note that the highway Authority have been consulted and have raised an objection to the application, which will be explained in more detail elsewhere within this report.

- 8.17 The applicant has been aware of the Council's aspirations for the site and the issues surrounding the quantum of development. The applicant made representations during the District Plan examination in support of increasing unit numbers at the site, having appeared at hearing sessions. The Planning Inspector had the opportunity to consider increasing the unit numbers at this site but did not recommend any alteration to the HERT2 policy in this regard.
- 8.18 The Council accepts that some form of development on this site will be forthcoming and there is a need to make the best use of land, while ensuring a quality development in the context of its setting. However, the significant amount of work undertaken has highlighted that there are significant constraints in terms of the local and strategic highway network that have limited the number of dwellings that can be brought forward in this location.
- 8.19 The quantum of development proposed is significantly in excess of the policy requirement, which was informed by a number of SPD's and evidence to support the Council's position. The scheme which excludes a portion of the allocated site and proposes almost twice as many residential units is totally in conflict with the District Plan Policy position established in Policy HERT2 I.

#### Compatibility with the Masterplan Framework

- 8.20 Policy DES1 of the District Plan requires that all significant proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses, sustainable high quality design and layout principles, necessary infrastructure, the

relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters, The Masterplan will be prepared collaboratively with the Council, town and parish councils and other relevant stakeholders.

- 8.21 A Masterplan Framework for the site was developed in consultation with Officers through pre-application discussions. A Steering Group was set up and comprised Officers, local ward Members and representatives from Hertford Town Council and other relevant stakeholders.
- 8.22 The Masterplan Framework does not provide full details of all aspects of the design and layout nor does it provide a quantum of development. It sets out key masterplanning principles that the site as a whole will meet. The Masterplan Framework sets out the proposed areas for different land uses along with maximum building heights, it also addresses sustainable credentials and the pedestrian routes throughout the site.
- 8.23 Whilst the land uses are in compliance with the Masterplan Framework the application as submitted excludes part of the site and therefore this fails to comply with the vision of the Masterplan Framework and the ability for the development of the entirety of the HERT2 allocation in a holistic manner. As such it is considered that the proposed development fails to be in compliance with the Masterplan Framework and would be contrary to Policy DES1 of the East Herts District Plan 2018.

Design, layout and whether the proposal would sufficiently maintain or enhance the character and appearance of the application site and surrounding area

- 8.24 The National Planning Policy Framework (NPPF) sets out the view of the Government in respect of good design, indeed this is noted as forming a key aspect of sustainable development as it can contribute positively to making places better for people. In particular paragraph 124 of the NPPF sets out that, amongst other



things, *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*

- 8.25 Policies DES2, DES3, DES4 and DES5 seek design quality that respects the constraints of a site and integrates landscaping into the design to minimise impacts on the landscape character. An assessment of the design and layout will be provided below.
- 8.26 Whilst the site has been vacant for a number of years it is important to get the design approach right due to its prominent riverside position. The site would be one of the first residential sites members of the public will encounter on their approach along the river towpath into Hertford Town centre.
- 8.27 With regards to the ‘detailed’ aspect of this application, the proposal seeks to provide five flatted blocks on the northern parcel of land and 29 dwelling houses on the southern parcel of land. As noted within the report the two parcels of land are separated by the timber yard. This has implications for the overall layout and delivery of a comprehensive scheme at HERT2.
- 8.28 The development on the northern parcel consists of three large ‘H’ shaped flatted blocks fronting the river and two flatted blocks to the rear of the site close to the boundary with the industrial estate. These blocks would be separated by the main spine road running through the site, providing access to the communal parking areas. Areas of soft landscaping are proposed on the southern side of the spine road as well as additional landscaping and areas of green between the flatted blocks and at the end of the spine road.
- 8.29 It is important to note that the land levels vary across the northern parcel of land and generally there is a fall from west to east with the north eastern corner some 2m lower than the existing tow path. As a result, changes to the levels across the site are proposed.

- 8.30 The three large flatted blocks (N1-N2, N3-N4 and N5-N6) fronting the river are similar in terms of their style and design, benefitting from undercroft car parking and access to communal podium gardens. Each block features two long flank elevations that are asymmetric as each of the block features one side that is shorter than the other and a section that is set back from the front and rear elevations that join the two sections. The blocks would feature large pitched roofed gables when viewed from the riverside and the internal road. The Design and Access statement discusses the design approach of the flatted blocks and states that it follows a mill vernacular. The buildings would be punctuated with fenestration, balcony detailing to help break up large expanses of wall and would feature a mix of materials such as brickwork, and cladding.
- 8.31 The Mead Lane Urban Design Framework sets out that the scale of buildings should reflect the broader character of Hertford as a market town and be generally low to medium rise with good street enclosure. The Masterplan Framework sets out that the development could be up to five storeys in scale. However, it is for the detailed planning application to demonstrate that such a scale is acceptable in the context of ensuring high quality design and a development that is in keeping with the character of the surrounding area and Hertford as a whole.
- 8.32 The overall scale, siting, design and layout of the three blocks fronting the river with their pitched roofed gable sections achieving an overall height of approximately 19m, combined with changes in land levels and steep banking along the tow path results in buildings appearing excessive and dominant, sitting uncomfortably close to the tow path. As a result they have a poor relationship with the riverside location and fail to respond positively. In addition, wider views of these buildings would be possible due to their overall scale and massing and they would fail to respond to the character of the street scene of Marshgate Drive and river frontage in which they are located. The buildings would

not reflect the character of the immediate area or Hertford. The Council's Urban Design Officer considers the roof forms to be repetitive and overbearing and this was reiterated by the members of the Design Review Panel (DRP) prior to submission. The overall ridge heights are far higher than a normal 5 storey building due to a combination of raised land levels and steep roof pitches, which would appear in various longer views from around Hertford. In addition, the flank elevations which would be clearly visible from the tow path due to the breaks between buildings would result in monotonous built form of excessive depths and limited setbacks to help break up this elevation. Whilst amendments have been made to the buildings, these changes do not overcome the serious concerns identified. As a result of the design of the buildings it results in long internal corridors on the upper floors most noticeable on blocks N1-N2 and N3 and N4 and are not considered to be designed appropriately and considering how these spaces will work which was raised as a concern at DRP.

- 8.33 As a result of the massing and scale of the buildings, concerns are raised regarding overshadowing of the buildings themselves and the areas in between the blocks. Development should aim to provide quality living environments and quality areas for residents and members of the public to enjoy. The submitted Daylight and Sunlight assessments shows overshadowing of the canal corridor and areas of the podium gardens would be in shadow for the most part of the day. In turn this would result in some of the apartments being in shadow for the majority of the day. It is considered that this is due to the overall scale and form that the buildings take and if a different design approach was taken and a reduction in the scale of the buildings these concerns could be resolved.
- 8.34 Each of the blocks would benefit from undercroft car parking, following amendments some areas of external car parking between two of the larger riverfront blocks have been removed. This allows for additional areas of soft landscaping helping to ensure permeability and create a greener setting. It is assumed

that this is in response to the Council's landscape Officer comments and the comments of the Highway Authority. However, it is still considered that some of these areas whilst providing some relief between buildings would be dominated by cars with limited landscaping.

- 8.35 Positive weight can be attributed to the enhancement of the canal side by widening the existing tow path to create a shared route and open up the site, however, the steepness of the banks particularly in relation to blocks N3-N4 and N5-N6 counteract this positive aim.
- 8.36 With respect to amenity space, the flats would have access to a communal podium garden and some of the flats would have their own private balcony. The Council do not have any standards in relation to private amenity for flatted buildings. However, it is expected that facilities and useable areas are provided for occupiers. No concerns are raised regarding this aspect of the development.
- 8.37 The Landscape Officer comments, raise objections to the scheme and states that the level change from the tow path to the development results in an 'unjustifiably steep landscape slope' creating a partition between the towpath and courtyards. No substantial changes have been made with regards to the design and appearance of the buildings to overcome the concerns raised, the applicant has altered the layout, removing external car parking spaces and enabling additional areas of green space in between blocks.
- 8.38 In relation to the two flatted blocks located to the south of the northern parcel of land (N7 and N8), these would be five storeys in scale reaching an overall height of approximately 18.5m, a depth of 25m and a width of 42m and would be mirror images of one another. They would utilise the same materials as seen on the blocks fronting the river. It is considered that, their overall appearance, siting and design would result in an incongruous

appearance, with various roof forms competing with one another, making for odd and awkward elevations. Furthermore, a block would be positioned at the edge of the communal amenity area and due to the scale would appear dominant on this area.

- 8.39 29 dwelling houses are proposed on the southern parcel of land, 15 of those units would be within three rows of terraces fronting onto Marshgate Drive, set back approximately 8m from the roadside. Three of the properties would benefit from off street car parking in the form of tandem spaces and additional parking spaces would be available for the remaining properties to the rear within a shared parking court. Six parallel spaces on the roadside provides public parking, however 2, of those spaces would be allocated to a car club. The remaining 14 units within two rows of terraces would face onto the internal access road and would be served by additional communal parking areas.
- 8.40 Following amendments to the scheme, the layout has altered and removes the bay parking immediately in front of the dwellings fronting Marshgate Drive. This is seen as a positive as this avoids unnecessary conflict with pedestrians and is viewed more positively by the Highway Authority. In addition an area which was originally amenity space, which would facilitate a green corridor that could potentially provide a connection into the timber yard (should a scheme be submitted) and the northern parcel in the future has been omitted. This would ensure permeability through the site and ensure green corridors can be established enhancing the area. The loss of this area would compromise the ability for a suitable connection should development come forward in the manner that was originally envisaged.
- 8.41 The properties would feature pitched roofs with their principle elevations consisting of gable features punctuated by fenestration and associated detailing with the use of Juliet balconies to provide interest to the dwellings. The choice of material consists of brickwork and metal panelling, should planning permission be granted a condition would be imposed requiring samples of

materials to be submitted to ensure the quality of the materials are acceptable. It is acknowledged that concerns have been raised by third parties regarding the style and design of the dwellings as they would not reflect the traditional character of the terraces opposite. Whilst the dwellings would appear modern in character, it is not considered necessary for the development to be a pastiche.

- 8.42 The dwellings fronting Marshgate Drive would be approximately 9.4m in overall height, appearing as two storey properties from the front elevation, however, due to the change in land levels within this part of the site from the rear they would appear as three storey dwellings. Whilst the rear of these properties would appear greater in scale, this is no different to the situation seen to the Victorian terraces opposite on Marshgate Drive and Spencer Street. With regards to the terraces to the rear, due to the lower land levels in this part of the site, the dwellings are presented as three storey town houses. Due to their location they are not considered to be prominent within the wider street scene of Marshgate Drive. However, it is noted that the street scene plans show the roof forms of the rear terraces are visible due to the pitched roof gable designs. Whilst it is acknowledged that views may be possible from certain angles, due to the separation distance maintained it is not considered that this would be readily visible when stood at street level on Marshgate Drive. Therefore the design approach in this part of the site is not objectionable and respects the domestic the lower scale buildings in this part of Marshgate Drive.
- 8.43 Each dwelling house would benefit from individual rear gardens. The Council have no adopted garden size standards, however, it is expected that gardens are commensurate to the size of the dwelling to which they belong. Whilst the widths of the gardens would be limited to the width of the house, the gardens achieve depths of approximately 10m and are acceptable. It is considered reasonable for the removal of permitted development rights for extensions to ensure that suitable amenity space is maintained.

- 8.44 Having regard to policy HOU8, developments of over 200 units are expected to provide 1% self-build units. It was not intended for this site to provide self-build plots, however as the scheme meets the threshold consideration needs to be made. The applicant suggests that the requirement is incompatible with development on an urban, brownfield contaminated site. In addition it would not be compatible with the apartments or terraced housing proposed, furthermore the site is subject to contamination. The Design and Access statement, states that as part of the sale contract the developer was required to enter into an Environmental Deed, taking responsibility for past, present and future liability for contamination. The Council acknowledges the severe contamination on the site and the Environmental Health Officer does not consider that it would be suitable to seek self-build units on the site due to the contamination risks. The Council is not seeking to pursue self-build on the site at this time.
- 8.45 Having regard to climate change adaptation and mitigation (Policies CC1 and CC2) and the building design requirements of Policy DES4, the application is supported by a Sustainability and Energy Statement. The Statement assesses the use of different renewable energy solutions. The applicant's preferred approach, and one that is in line with the Council's policy approach and energy hierarchy, is to employ what is known as a 'fabric-first' approach. This means that the design of new homes achieves consistently high energy efficiency in order to achieve low CO2 emission rates. This is achieved through the choice of construction materials, levels of insulation and internal design to reduce the need for mechanical heating and cooling, rather than relying on the use of bolt-on renewable energy technologies. This will result in building design specifications that exceed the requirements of Building Regulations.
- 8.46 The Sustainability and Energy Statement concludes that the development will achieve a reduction in CO2 emissions when compared to the target values set out in Building Regulations. This

is in accordance with District Plan Policies CC1 and CC2 and DES4 and carries positive weight. In addition, the application makes provision for broadband infrastructure to be installed, facilitating changing working patterns and reducing the need to travel and can be conditioned.

- 8.47 Overall, the proposed development represents a density of 107dph across the two land parcels. It is considered that the flatted element of the scheme would be of an inappropriate scale, form, siting and design resulting in buildings that are excessive, dominant and overbearing within the river corridor and the street scene. The proposal does not contribute positively or reflect the character of Hertford. Overall, it is considered that the proposal represents overdevelopment of the site which fails to respond to its market town and riverfront location appropriately.

#### Employment Use

- 8.48 The Outline aspect of the application is for some of the provision of the commercial element required as part of policy HERT2 (c) for the delivery of 3000m<sup>2</sup> of B1 or employment generating uses compatible with the uses on neighbouring land.
- 8.49 The application originally proposed the provision of 1,500m<sup>2</sup> of employment floor space, a significant shortfall of the policy requirement. Discussions with the developer sought further information to justify this position as at the time the developer did not consider that the site was appropriate or necessary for employment development as there was not enough demand in the area.
- 8.50 Amendments to the scheme revised the amount of employment floor space to 2,710m<sup>2</sup>. The developer proposes a gym (420m<sup>2</sup>) and co-working floor space (70m<sup>2</sup>) which is to be considered under the detailed part of the submission. Whilst the largest portion of employment floor space 2,220m<sup>2</sup> (B1c) is being considered as part of the outline application. It is clear that whilst an increased offer has been presented, this is still short of the



policy requirement and no additional information has been submitted to justify the developers change in position or why there is still a shortfall. As such the proposal is not considered to be compliant with policy HERT2 (c) of the East Herts District Plan 2018.

- 8.51 With regards to the gym and residents co-working space, this would be accommodated at ground floor level within buildings N5-N6 and N7 on the northern parcel of land. They would be contained within the footprint of the existing buildings. It is considered that should planning permission be granted, details regarding noise mitigation will need to be submitted to ensure that disturbance to residents would be limited and acceptable.
- 8.52 With regards to the proposed B1(c) use this would be located on a piece of land (equating to an area of approximately 2,714m<sup>2</sup>) on the corner with Marshgate Drive and Mead Lane. The outline proposal seeks all matters to be reserved except for access and therefore design and layout are not being considered as part of this application and would form part of a future reserved matters application. Ordinarily the applicant may wish to submit indicative plans as part of the application, which would not necessarily form part of the permission but give the Local Planning Authority a steer in terms of what sort of building and scale could be accommodated on the site.
- 8.53 Whilst the discussion elsewhere in this report focuses on the amount of commercial floor space to be provided, there is a requirement for the Council to be satisfied that the employment provision on the land within the submitted plans, could be brought forward in the future and would not result in a building that would be out of character in terms of its overall size and scale, particularly as the employment provision would be adjacent to residential dwellings. The applicant is not seeking to provide floor space that is policy compliant. In addition the Council need to consider that the employment uses are split across the two parcels of land.

- 8.54 With regards to the area of land which would accommodate the majority of the proposed commercial floor space, the plans submitted show a footprint of a 'commercial building' when scaled from the plans, this equates to a footprint of approximately 1048m<sup>2</sup>. In addition the applicant has provided an indicative image showing a two storey building. Whilst scale plans at this stage would not be required there are concerns that the overall scale and the proximity of the building to the highway (as shown within the submission) could make for a large and dominant building on a prominent corner location with limited set-backs and the inability to provide for substantial areas of soft landscaping. Given the concerns regarding the scale of buildings to the north of this part of the site, it is not considered unreasonable to believe that the scale of building could be excessive and may not be appropriate.
- 8.55 Whilst the site is located adjacent to an employment site, the site is also located on a prominent corner plot which would lie adjacent to two storey Victorian terraced properties opposite on Marshgate Drive, three storey town houses located on Claud Hamilton Way and the proposed dwelling houses forming part of the detailed proposals in this application. Therefore the Local Planning Authority need to be satisfied that a building or buildings that could come forward would not have a detrimental impact on the amenity of residential occupiers (existing or proposed).
- 8.56 Due to the uncertainty surrounding the employment provision and the amount that will come forward on this allocated site. Concerns are raised that should permission be granted, this would undermine the aspirations of the Council and the employment need identified. Furthermore, due to its sensitive position, there is insufficient information for the Council to determine that the land allocated as part of this outline application for employment provision would be acceptable and could provide suitable provision that is of a size, scale and design that would be compatible with the surrounding character of the

area and would deliver the amount of floorspace required. The proposal is therefore considered to fail to comply with policies HERT2 (c), DES3 and DES4.

### Neighbour impact

- 8.57 Policy DES4 requires a high standard of design, avoiding significant detrimental impact on the amenity of neighbouring occupiers, ensuring their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy and overlooking. Noise and light pollution are the subject of policies EQ2 and EQ3 respectively. Good relationship between new and existing development is one of the themes underlying the well-designed places guidance in the NPPF.
- 8.58 The proposed development is surrounded to the east and south by commercial premises. However it is important to assess the impact the proposed development would have in relation to the occupiers of Smeaton Court. Block N5-N6. The building would be located approximately 18m from Smeaton Court (at its closest point). The western elevation of this block would feature balconies, whilst a degree of overlooking would result it is not considered that this would warrant a reason for refusal.
- 8.59 Immediately opposite are the rear elevations of commercial premises of which no concerns are raised, however it is noted that there are a number of permanent moorings for house boats located in front of these buildings. Residents along the canal have raised concerns regarding the impact of the development and the potential to cause loss of light along the river. A plan was requested showing the distance between the proposed blocks and the canal boats. The separation distances seen are not considered insignificant. However, it is considered that the proximity of the buildings to the edge of the application site combined with land level changes, the size and scale of the buildings which would benefit from balconies would result in an

unacceptable and overbearing impact on the living environments of those occupiers.

- 8.60 In relation to the dwellinghouses located on the southern parcel of land, due to the separation distance maintained between the properties opposite, no objections are raised with regards to overlooking. Concerns are raised with regards to the impact the scale and form of the commercial building that is proposed immediately to the east would have on the private amenity areas of the dwellinghouses. Insufficient information has been submitted to assess this impact.

#### Impact on Heritage Assets and Archaeology

- 8.61 There are two Listed Building in relatively close proximity to the site. These are the Grade II listed buildings of Hertford East Station and the Signal Box. The relevant District Plan policies, HA1 and HA7 require that development proposals preserve and where appropriate enhance heritage assets. In addition policy HERT2 (n) requires development to protect or where appropriate enhance heritage assets and their settings. The NPPF requires *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 8.62 The higher scale buildings are located furthest from the heritage assets with the scale of the development decreasing the closer to Mead Lane. It is not considered that the proposed development would have an impact on Hertford East Station due to its distance from the site and existing buildings disrupting views.
- 8.63 With regards to the signal box, this is located closer to the site, with views possible from Claud Hamilton Way. It is acknowledged that there are aspirations for a platform extension at the station and as a result the signal box will need to be relocated. However

at this point in time the signal box remains in situ. Due to the separation distance maintained and its railway setting remaining unchanged, it is not considered that the development would have an unacceptable impact on the heritage asset.

- 8.64 The application site is not located within an Area of Archaeological Significance itself but it abuts an Area of Archaeological Significance No.172, which denotes the historic core of the last Saxon and medieval town of Hertford. Hertfordshire County Council's Historic Environment advisor has been consulted on the application and states that given its location on the gravel terraces of the River Lea it has the potential to contain buried early prehistoric settlement and associated palaeo-environmental remains.
- 8.65 An archaeological desk-based assessment has been submitted concluding that the site has a 'generally low archaeological potential'. The County Historic Environment advisor agrees with this conclusion, however considers that the position of the proposed development is such that it should be regarded as likely to have an impact on heritage assets of archaeological interest. Therefore should planning permission be granted a pre-commencement condition would be appropriate.

#### Highway Impacts and parking

- 8.66 This section of the report will consider the impact of the proposals on the surrounding highway network, the proposed on and off site highway improvement works, proposed levels of car and cycle parking and public transport provision. It has already been established that the quantum of development for the site hinges on highway capacity issues and the cumulative impact of developments in the area putting increased pressure on the highway network.
- 8.67 Policy TRA1 relates to sustainable transport measures and sets out that development proposals should primarily be located in places which enable sustainable journeys to be made, ensuring that a range of sustainable options are available and ensure that

site layouts prioritise the provision of modes of transport other than the car. Policies TRA2 and TRA3 require proposals to ensure safe and suitable access and suitable parking provision.

- 8.68 The Highway Authority were consulted on the application and raised an objection to the scheme setting out a detailed response. Following amendments to the scheme the Highway Authority were re-consulted and continue to raise an objection to the application. Following discussions with the developer further amendments were made. As such two consultation responses from the highway authority are relevant and should be read in conjunction with one another. Whilst the Highway Authority is satisfied that many of the detail highway concerns originally raised have been successfully addressed. The issues surrounding highway capacity impact of the development on key parts of an already congested network remains a fundamental issue and refusal is recommended on this basis. In addition the level of parking proposed within the site is also of concern and is considered to be a key contributing factor to the capacity constraints that this development places on the highway network. These issues will be discussed in more detail below.
- 8.69 The proposed development shows 2 accesses off Marshgate Drive one for each parcel of land (northern and southern). Concerns were originally raised regarding the lack of pedestrian dropped kerbs, tactile paving and lack of detail around the new footway north of the accesses. The revised drawings have overcome those issues identified. In addition the amended plans remove the 24 perpendicular parking spaces and replaced with 6 parallel bays within the highway. Three individual dwelling crossovers will be retained but the highway authority does not consider these to cause a 'severe' impact in the context of the NPPF.
- 8.70 With regards to parking on site, due to the revised development mix and layout this has altered the parking provision from that originally submitted. In addition the most recent changes have resulted in a reduction in the on-site parking provision. In accordance with the adopted parking standards 704 spaces would

be required for the residential element, however as the site is located within Zone 4 a reduction of up to 25% can be applied, which equates to 528 spaces. The proposal seeks to provide 260 spaces for the apartments and 58 spaces for the dwellinghouses equating to 2 spaces per dwellinghouse. It is noted that the site is on the border with zone 3 (which allows up to 50% reduction).

- 8.71 With regards to the B1(c) element this equates to 62 spaces or 47 spaces if the zonal approach is taken. In this instance 47 spaces are proposed.
- 8.72 The D2 (gym) element of the scheme would require 28 spaces in accordance with the Council's parking standards, or 21 spaces should the zonal approach be taken. The proposal seeks to provide 14 spaces. This is an under provision. The co-working space is not considered to generate additional parking need as it would only be available to residents of the scheme.
- 8.73 The Highway Authority have commented on the level of on-site parking as it has implications on highway capacity and the proposed mitigation strategy which seeks to increase capacity and undermines the sustainability of the site. It is identified that the reduction in on-site parking provision alone does not overcome the concerns of the Highway Authority and exacerbates them. This is because it is likely that the majority of residents will own at least one car whether they have an allocated on site space or not and this will place additional pressure on the public highway to accommodate them.
- 8.74 The modelling undertaken shows significant impacts arising from the development on the free flow of traffic at Mill Road/Ware Road junction and the Bluecoats roundabout. It is clear from these outputs that even with a range of sustainable travel measures and lower parking levels proposed at this site, the surrounding highway network is not able to accommodate the additional vehicle traffic without there being a severe impact.
- 8.75 The applicant has provided a Response Note which presents revised LINSIG models based on the reduced vehicle trip rates

and continues to state that the proposed mitigation scheme will significantly improve junction capacity at the Mill Road/Ware Road junction. However the latest Response Note does not include LINSIG model outputs with 'no mitigation' and therefore the County are not able to assess the true impact of the development on the current network design for comparative purposes.

- 8.76 As outlined in the previous highway response, the appropriateness of using a LINSIG model at a junction of this nature is seriously questionable, and a VISSIM microsimulation model is more likely to show the real impact. As such the County do not consider that the latest model outputs, including the estimated changes to bus timings through the heavily congested junctions modelled, are not accurate.
- 8.77 Unlike the original submission additional tracking plans have been submitted showing larger vehicles including refuse vehicles can turn within the site

#### Sustainability credentials

- 8.78 The highway authority stress the importance of the site having '*excellent sustainable travel opportunities*'. The NPPF at Paragraph 108 states that developments should ensure that "safe and suitable access to the site can be achieved for all users", and that "appropriate opportunities to promote sustainable transport modes can be – or have been – taken up". Paragraph 110 goes on to states that "development should give priority first to pedestrian and cycle movements... create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians, cyclists and vehicles". Hertfordshire Council Council's Local Transport Plan 4 (2018) places greater emphasis on the importance of sustainability/accessibility. In addition policy HERT2 of the District Plan places importance on sustainable transport measures.
- 8.79 The proposal seeks to provide a 3m wide segregated footway/cycleway towards the southern end of Marshgate Drive, around the eastern radius of the Mead Lane/Marshgate Drive



junction and for a short distance along Mead Lane to tie into the informal crossing point opposite Claud Hamilton Way. However, it is unfortunate that there is a lack of dedicated cycle facilities within the site. This undermines the sustainable travel credentials of the proposal.

- 8.80 A requirement of policy HERT2 (h) is to allow for the extension of bus routes into the area. The aim was to have a circulatory route as seen within the Mead Lane Urban Design Framework. Issues with land ownership have arisen and as such at this time this cannot be progressed. The developer has been encouraged to explore this further as the site falls outside of the recommended 400 metre distance from an active bus stop. If access to the closest bus stops is not improved, this undermines the sustainable travel credentials of the site. It is noted that a meeting with Arriva the largest bus service provider in the area was facilitated. It was concluded that extending a bus service into the site would not be financially viable in the long term. However, a pooled financial contribution from the development and the two proposed residential developments at HERT3 may enable services to be extended to Claud Hamilton Way or the site itself. The estimated cost would result in the need for the three developments to each pay £570,000 over a 3 year period, which the applicant strongly objected to. Following this the applicant has had ongoing discussions with HCC Passenger Transport Unit, and since the Response Note has been submitted, agreement on the figures and triggers has been reached. The Highway Authority has agreed a proportional split over 5 years of which the development would be required to contribute £397,800. This would be payable prior to first occupation to ensure the service can operate from day one to establish sustainable travel habits and visibility of the bus service and would ensure the sustainability credentials of the site.
- 8.81 With regards to other aspects it is expected that the developer pays towards pooled contributions for various schemes which are expected to equal £462,125. Those schemes identified by the Highway Authority are as follows:

- **An improvement scheme to the level crossing on Mead Lane.**  
Identified in the Hertford and Ware Urban Transport Plan 2010 as scheme number MDL5 and was estimated at £15,000 at the time. Revised costings would be provided when this scheme is taken forward for further consideration. It is considered necessary as it forms part of HERT2 policy and will improve pedestrian access to the east of the town and Ware.
- **A public realm scheme outside Hertford East Station.**  
A recently commissioned scheme being led by the Major Projects team and will improve the pedestrian environment along Mill Road and Railway Street outside the rail station. It is considered necessary as it incorporates an emergency vehicle access lane, which forms part of HERT2 policy. In addition without the improved crossings which form part of the scheme, users of the site with sight problems will not be suitably accommodated.
- **Upgrade works to the Hertford to Ware towpath.**  
This is a scheme being led on by the Canal and River Trust and includes measures such as improved signage, surfacing, railings, and access to road levels. It is considered necessary to improve pedestrian access to the town centre and Ware, providing greater travel choice for users of the site.

8.82 In addition a number of other sustainable travel related works and initiatives are proposed by the applicant:

- The provision of a new footway and shared footway/cycleway (at the southern end) along the eastern side of Marshgate Drive. Residential and Employment Travel Plans, which are both subject to their own evaluation and support contributions, each at £6000 (payable to the County Council before occupation and subject to CPI indexation from the date planning permission is granted).

- Vouchers to encourage bus and rail use.
- The provision of six car club spaces within the proposed scheme
- The provision of 10% EV charging spaces and the infrastructure to allow a further 10% spaces to be EV charging spaces in the future.
- Cycle parking
- Infrastructure for a potential future bus route connection through the site.

8.83 It is acknowledged that many of the detailed highway aspects have been successfully addressed. However the additional modelling has demonstrated that the development will have a severe capacity impact on the surrounding highway network, adversely affecting existing bus services, undermining the sustainability of the site. The level of on-site parking will encourage residents to own and use a car contributing towards the severe capacity impact on the network. Therefore the scheme fails to comply with policies HERT2, TRA1, TRA2 and TRA3 and fails to comply with the aims of Policy 2 of Hertfordshire County Council's new Local Transport Plan 4 (2018).

8.84 A total of 408 cycle parking spaces will be provided within the development. Secure cycle spaces will be provided for the flatted units in secured storage within the buildings with access located directly from the undercroft car parks, to provide added security and is in the most convenient and secure location for residents to access. The Design and Access statement states that for all internal stores, two-tier cycle parking racks will be used. In addition external visitor cycle parking will be provided next to the main entrances for each block. Should permission be granted it is considered reasonable for details and location of the cycle parking to be submitted.

8.85 With regards to the dwelling houses, each property will have a shed in the rear garden together with independent access in

order for bicycles to be stored in the rear gardens. The total numbers of cycle parking provision is considered to be in excess of the Council's parking standards and is therefore acceptable.

### Other Planning Considerations

#### Contaminated Land, Air Quality, Noise impacts

- 8.86 The application site is a vacant brownfield piece of land and as discussed above was used for the production of town gas. In accordance with part (k) of policy HERT2 remediation of land contamination resulting from former uses is a requirement. Policy EQ1 encourages the remediation of contaminated land to ensure that land is brought back into use. Part II of this policy requires evidence to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation.
- 8.87 A ground investigation report has been submitted and alongside the amendments to the scheme an additional 'Options Appraisal and Remediation Strategy' report was submitted. It should be noted that there has been some historic remediation on the site following the previous gas works use, however the site presents complex challenges.
- 8.88 Environmental Health have been notified of the application and raise an objection in relation to ground contamination, stating that the current state of the site is 'highly contaminated' and poses a risk of significant harm to future occupants. As such the Environmental Health Officer has not been satisfied that the current site conditions have been adequately assessed or adequate mitigation provision has been proposed to demonstrate that the risk of harm can be appropriately managed to protect public health of future occupants. The gas monitoring carried out on site is insufficient and does not comply with CIRIA C665 or NHBC guidance. The gas and soil sampling carried out are insufficient and fail to specifically cover all potential on site sources. The remediation reports are lacking in detail and the

proposals within them are deemed inadequate to deal with the severity of the contamination on site. Until additional information is submitted demonstrating that the developer has assessed the contamination risks appropriately and robustly, the Council cannot be satisfied that the contaminated land issues will be adequately resolved. Therefore the proposed development fails to comply with policy EQ1 and HERT2 (k) of the East Herts District Plan 2018.

- 8.89 Policy EQ4 requires all applications to take account of the Council's Air Quality Planning Guidance Document. Environmental Health have commented on air quality and noted that this is a large scale development that will lead to increased traffic movements in the locality in proximity to the existing AQMA. An appropriate strategy to ensure that the development is sustainable in the long term and to prevent any adverse impact on air quality in the area is required. A condition has been requested should planning permission be granted requiring a scheme for protecting and enhancing the air quality of future occupiers to be submitted.
- 8.90 As noted above, the site is located adjacent to the designated Mead Lane Employment Area as specified in Policy HERT6. A noise assessment was submitted in support of the application. Environmental Health were notified of the application and raised an objection to the application commenting that the assessment fails to complete the noise assessment for adjacent commercial noise sources in accordance with the provisions of BS4142:2014. Therefore the assessment has not fully considered or reported the significant noise impacts that the monitoring results suggest are likely to arise from the adjacent industrial estate, both during the day and during the night.
- 8.91 Following amendments to the scheme the developer submitted an updated and amended noise impact assessment following further noise modelling work undertaken. The results show that there remains a residual element of risk with part of the site in terms of potential noise impacts. Although the available evidence

suggests these may only be occasional and intermittent. The Environmental Health Officer acknowledges the site is allocated for a mixed use development and considers that a more robust and practicable mitigation scheme for the layout proposed has been put forward. It is concluded that in relation to the residential aspect of the scheme future residents should be able to have an acceptable internal acoustic environment with the specified mitigation measures in place. However it is advised that should planning permission be granted a condition would need to be added requiring post-completion testing to verify the mitigation scheme works have been undertaken.

- 8.92 With regards to the commercial element of the scheme, as all matters are reserved the Environmental Health Officer does not wish to raise an objection but requests a condition is added to any consent to ensure that commercial plant, machinery or equipment does not exceed the background level that would have an impact on the living conditions of residents.

Flood risk management, including climate change, water efficiency and quality

- 8.93 It is noted that the site lies adjacent to the River Lea Navigation Channel and the south eastern part of the northern parcel lies within Flood Risk Zone 2. Due to the scale of the development and the site at risk of flooding. A Flood Risk Assessment (FRA) has been submitted. The Lead Local Flood Authority (LLFA) has been consulted on the application and do not raise an objection to the proposal. They note that the northern site proposes to discharge into the River Lea Navigation Channel which flows adjacent to the northern boundary. Due to site levels it is proposed to pump at 5l/s to the Navigation Channel. With regards to the southern site due to land levels the same method would not be possible and therefore it is proposed to discharge the southern site to the existing Thames Water network at 5l/s. The LLFA note that both Thames Water and the Canal and Rivers Trust have been contacted and do not have any objections in principle to the proposals.

- 8.94 In addition the Environment Agency (EA) has been consulted and removes their original objection to the application, subject to conditions being imposed on any planning permission granted. The conditions sought are for the implementation of the Flood Risk Assessment, Landscape and Ecological Management Plan, a remediation strategy, verification report and unsuspected contamination, piling and SuDS. All of which are considered reasonable and necessary in order for the proposed development to be acceptable. It is noted that there is an element of crossover in relation to the conditions relating to contaminated land. The EA has a different remit to the Council's Environmental Health Officer as the EA are concerned with groundwater contamination. The submitted assessments and drainage strategy are considered to meet the requirements of Policies WAT1 and WAT3.
- 8.95 In terms of water efficiency, Policy WAT4 requires that developments achieve a target consumption rate of 110 litres per person per day. Water policies in the Plan seek to ensure the efficient use of water resources and the most sustainable form of drainage system. There is limited information within the submission, however the applicant has stated that the Berkeley Group aim to achieve water use of 105 litres per day per person. It is considered reasonable for a condition to be placed on any grant of consent which would require further information to be provided to demonstrate the water efficiency measures.

#### Ecology

- 8.96 Policy NE2 requires all proposals to achieve a net gain in biodiversity. Policy NE3 requires that a development should always seek to enhance biodiversity and to create opportunities for wildlife. This is stipulated within the Policy HERT2 (e) which requires quality local green infrastructure including maximising opportunities for linking into and improving existing assets and enhancing biodiversity, especially along the river corridor.

8.97 A Phase 1 Preliminary Ecological Appraisal has been submitted. The site is not subject to any statutory or non-statutory nature conservation designations. The majority of the site comprises hard standing associated with the former use and therefore holds limited intrinsic ecological value. The assessment states that the site is not of particularly high intrinsic value from an ecology and nature conservation perspective. The loss of existing vegetation would be more than off-set through the provision of new landscape planting within the development. It highlights that appropriate mitigation and enhancement measures have been proposed including measures to safeguard nesting birds, and foraging and commuting bats. Natural England has been consulted on the application and do not wish to raise an objection.

## **9 Viability, Infrastructure Planning Obligations**

9.1 This section of the report will consider issues associated with the financial viability of the scheme, the planning obligations heads of terms for the Section 106 Agreement and other planning gain from the development. Policies DEL1 and DEL2 are relevant and require developers to demonstrate adequate infrastructure capacity can be provided both on and off site to enable the delivery of sustainable development.

9.2 It should be noted that the Council and the developer are still negotiating and as such the Heads of Terms have not been agreed.

9.3 The NPPF sets out that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended):

- Necessary to make the development acceptable in planning terms
- Directly related to the development, and



- Fairly and reasonably related in scale and kind to the development
- 9.4 With regard to development viability, developers will normally be expected to pay all of the planning obligations identified as being required and meeting these three tests, and to deliver a policy compliant proportion of affordable housing, in this case 40%.
- 9.5 The NPPG advises that: “in making decisions, the local planning authority will need to understand the impact of planning obligations on the proposal. Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations. This is particularly relevant for affordable housing contributions which are often the largest single item sought on housing developments. These contributions should not be sought without regard to individual scheme viability”
- 9.6 The applicant submitted a financial viability appraisal which has been assessed by the Council’s viability consultant. Whilst the assessment is based on 100% market housing, the developer proposes the provision of 57 shared ownership apartments (15%) *‘to respond positively to the newly adopted District Plan’*. It should also be noted that the assessment is based on a financial contribution figure that is not based on the actual sums required in order to make the scheme acceptable. The Council’s viability consultant has concluded that based on the information to date, affordable housing over the 15% can be achieved. However the Council’s viability consultant recommended that a cost plan was undertaken and the Council have commissioned this work, which at the time of writing this report remain outstanding.
- 9.7 Due to amendments to the scheme which included the reduction in the number of residential units, an increase in the amount of commercial floor space and a significant increase in the financial contributions sought, at the time of writing this report the viability issues are outstanding and have not been concluded. In addition an updated viability assessment reflecting the amended scheme

has not been received. There is insufficient information to justify the developer's position in relation to the affordable housing provision on the site. Particularly as the viability assessment currently would demonstrate that the scheme could provide more affordable housing than the 15% offer of shared ownership units. Therefore the proposed development would fail to comply with Policy HOU3.

9.8 HCC request financial contributions towards, nursery education, childcare, primary education, secondary education, youth provision, library provision and the provision of fire hydrants:

|                       |             |
|-----------------------|-------------|
| • Primary Education   | £309,492.00 |
| • Secondary Education | £172,329.00 |
| • Nursery Education   | £58,202.00  |
| • Childcare Service   | £18,691.00  |
| • Library Service     | £38,088.00  |
| • Youth Service       | £4,201.00   |

9.9 The Highway Authority have identified the following projects:

- Improvement scheme to the level crossing on Mead Lane
- A public realm scheme outside Hertford East Station
- Upgrade works to the Hertford and Ware towpath

9.10 Based on HCC Planning Obligations Toolkit a total of £462,125, would be sought. SPONS indexation would continue to be applied from January 2019 until the date of payment, unless revised figures are calculated.

9.11 In addition a contribution towards residential and employment travel plans is required at a cost of £6,000.

9.12 The other sustainable travel related works and initiatives proposed by the applicant and accepted by the Highway Authority include:

- Provision of a new footway and shared footway/cycleway (at the southern end) along the eastern side of Marshgate Drive
- Vouchers to encourage bus and rail use.

- Provision of six car club spaces.
- Provision of 10% EV charging spaces and infrastructure to allow a further 10% spaces to be EV charging spaces in the future.
- Cycle parking.
- Infrastructure for a potential future bus route.

9.13 These are all seen as key factors in ensuring the scheme can be as sustainable as possible and change resident's behaviours at the outset.

9.14 In addition the Highway Authority seeks a financial contribution towards the provision of extending the bus service that would serve the application site and the two HERT3 sites. Provisional costings from Hertfordshire County Council's Network and Travel Planning team are based on 2 additional vehicles. The estimated cost was £340,000 per year over a 5 year period resulting in each development to contribute £570,000. It is noted that the applicant has strongly objected to this and has been in discussion with the highway authority. As such HCC have suggested a proportional split of this amount per annum over 5 years, which needs to be attributed to the three sites across Hertford to achieve the necessary level of pooled contributions. This would be split as follows: Archers Spring site: 342 units (35%), Thieves Lane: 254 units (26%), Marshgate Drive: 383 units (39%).

9.15 Therefore for the Marshgate Drive development a revised headline figure of £397,800 would be required to be paid in five instalments with the first being prior to occupation.

9.16 The cost of any off-site highway works will be delivered by planning condition (via a Section 278 agreement). The following works, which the applicant has agreed to, would fall into this category:

- Tactile paving to be installed either side of Marshgate Drive/Mead Lane junction and the Mitre Close/Railway Street junction.

- 9.17 The NHS have responded to the consultation regarding the amended scheme and are requesting financial contributions towards General Medical Services (GP Provision) of £265,426.20, Mental Health Costs £72,922 and Community Health Care costs £68,261, which are all considered to meet the CIL tests. Whilst an additional contribution was requested in relation to Acute costs amounting to £830,422, it is not considered that there is sufficient justification to meet the CIL tests.
- 9.18 The Local Plan Planning Obligations SPD dates from 2008. A replacement Open Space, Sport and Recreation SPD is currently being prepared now that the District Plan has been adopted. In respect of this application, in recommending financial planning obligations, Officers have had regard to the categories of provision that are likely to form the basis of the new SPD. Obligations are to be sought in respect of Parks and Public Gardens, Outdoor sports, children and young peoples and recycling, subject to the identification of projects and compliance with the CIL Regulations, estimated as follows:

|                              |             |
|------------------------------|-------------|
| • Parks and Public Gardens   | £93,255.47  |
| • Outdoor Sports             | £258,272.84 |
| • Children and Young Peoples | £38,145.99  |
| • Recycling                  | £27,000.00  |
| • Community Centres          | £68,872.00  |

## **10 Conclusion**

- 10.1 The proposal would result in the redevelopment of this vacant brownfield site, however it fails to accord with the relevant District policies of the East Herts District Plan and is therefore recommended for refusal.

## **RECOMMENDATION**

That planning permission in relation to the detailed planning application be **REFUSED** for the following reasons:

1. The proposed development would fail to provide the quantum of B1 or other employment generating uses required on the site, failing to accord with policies HERT1 and HERT2 III (c) of the East Herts District Plan 2018.
2. The application site comprises two disconnected parcels of land on the HERT2 site, excluding the timber yard which is located between the two parcels. This prejudices the ability for the HERT2 site to be delivered holistically and to achieve regeneration of that area. The proposal would fail to be in accordance with the approved Masterplan Framework for the site which seeks to ensure that the site is delivered comprehensively. The proposal therefore fails to be in accordance with policies HERT2 and DES1 of the East Herts District Plan 2018.
3. The development proposed, by reason of the excessive scale in relation to the proposed number of dwellings, density and massing, and taking into account East Herts District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary and undesirable development that would prejudice a more balanced distribution of housing growth planned for the whole of HERT2 site and other allocated site in the East Herts District Plan (2018). Consequently the proposal is unacceptable in principle and contrary to Policies DPS1, DPS2, DPS3, HERT2, DES1 and DES4 of the East Herts District Plan (2018) and the guidance contained within the National Planning Policy Framework and the provisions of the Mead Lane Urban Design Framework (2014).
4. The proposed flatted blocks, by reason of their size, scale, form siting, orientation and design fail to represent good quality design. The flatted blocks would fail to respond appropriately to its river side location resulting in an overbearing and dominant form. The rear flatted blocks would have roof forms that would appear incongruous and overall would relate poorly to the site. The development does not contribute to the sense of place and fails to draw on positive qualities of the site, surrounding area, landscape character across the river and the existing Public Rights of Way.

Overall the proposed development would not be in keeping with the character of area or Hertford. The proposal is therefore contrary to Policies HERT2, DES1 and DES4 of the East Herts District Plan (2018) and guidance contained within the National Planning Policy Framework (2019) and the provisions of the Mead Lane Urban Design Framework (2014).

5. The proposed development by reason of its overall scale, siting, design and layout would result in a development that would have a dominant and overbearing impact on the canal boat residents of the permanent moorings located opposite the site. This impact is made worse by the changes in land levels, the podium garden areas and the steep banking. As such the proposal would lead to the loss of light, overlooking and loss of privacy and overbearing impact. In addition insufficient information has been provided to demonstrate that the proposed dwellinghouses would not be adversely impacted by the commercial element and therefore fails to comply with policy DES4 of the East Herts District Plan 2018.
6. The proposed development would significantly increase the numbers of residential properties beyond 'around 200 homes' which is identified in HERT2 I. The amount of development proposed will have a severe capacity impact on the public highway, adversely affecting the free flow of traffic on the approach routes to, and at, the key strategic junctions of Mill Road / Ware Road and the Bluecoats roundabout. This is contrary to Policy TRA2 of the East Herts District Plan 2018, Paragraph 109 of the National Planning Policy Framework (2019) and Policy 5d of Hertfordshire County Council's Local Transport Plan 4 2018.
7. The severe capacity impact on the public highway as outlined in reason 6 above will adversely affect the reliability of existing bus services and rail replacement bus services in the area, further undermining the sustainable travel credentials of the site. This is contrary to paragraphs 108, 109 and 110 of the NPPF 2019, policies 1, 2, 4, 5, 6, 9 and 12 of Hertfordshire County Council's Local

Transport Plan 4 (2018), and Policy HERT2 and TRA1 of East Herts District Plan 2018.

8. The proposed development would significantly increase the numbers of residential properties beyond 'around 200 homes' which is identified in HERT2 I, as an appropriate amount of residential development. As a result the level of on-site parking proposed encourages at least one occupier of each dwelling to own a car, contributing to the severe capacity impact outlined in reason 6 above. This is contrary to paragraphs 108, 109 and 110 of the NPPF (2019), policies 1, 2, 4, 5, 6, 9 and 12 of Hertfordshire County Council's Local Transport Plan 4 2018 and Policy TRA2 of East Herts District Plan 2018.
9. Insufficient information has been submitted to demonstrate to the satisfaction of the Local Planning Authority that the B1(c) commercial floor space can be delivered in an appropriate manner on the land that is allocated for such a use. The lack of clarity surrounding the scale and siting of the building does not enable the Local Planning Authority to fully understand if the floorspace proposed could be delivered in the future as such this would be contrary to policies DES4 and HERT2 (c) of the East Herts District Plan 2018.
10. The proposed development fails to demonstrate that the contaminated land issues on the site have been adequately assessed. Nor has adequate mitigation been proposed to demonstrate that the risk of harm can be appropriately managed to protect public health of future occupants. As such the proposal would fail to provide a satisfactory living condition for the future occupiers contrary to policies HERT2 (k) and EQ1 of the East Herts District Plan 2018 and paragraph 178 of the National Planning Policy Framework.
11. Insufficient information has been submitted in the form of a financial viability assessment to demonstrate and justify the failure to deliver a policy compliant level of affordable housing in

accordance with policies HOU3 and HERT2 (b) of the East Herts District Plan 2018.

12. The applicant has failed to satisfy the aims of the plan to secure the proper planning of the area by failing to ensure that the development proposed would provide suitable mitigation against likely impacts on infrastructure and services, which are necessary for the grant of planning permission. The applicant has failed to provide a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended) relating to the above contributions. The Local Planning Authority considers that it would be inappropriate to secure the financial contributions by any method other than a legal agreement and the proposal is therefore contrary to Policies DEL1 and DEL2 of the East Herts District Plan 2018.

### **Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner and whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to accord with the Development Plan.



**KEY DATA****Residential Development**

|                                     | Bed spaces | Number of units |
|-------------------------------------|------------|-----------------|
| Number of existing units demolished |            |                 |
| Number of new flat units            | 1          | 136             |
|                                     | 2          | 210             |
|                                     | 3          |                 |
|                                     |            |                 |
| Number of new house units           | 1          |                 |
|                                     | 2          |                 |
|                                     | 3          | 14              |
|                                     | 4          | 15              |
| Total                               |            | 375             |

**Residential Vehicle Parking Provision**

Current Parking Policy Maximum Standards (EHDC 2007 Local Plan)

| Parking Zone                       | 4               |                 |
|------------------------------------|-----------------|-----------------|
| Residential unit size (bed spaces) | Spaces per unit | Spaces required |
| 1                                  | 1.25            | 170             |
| 2                                  | 1.50            | 315             |
| 3                                  | 2.25            | 31.5            |
| 4+                                 | 3.00            | 45              |
| Total required                     |                 | 561.5           |
| Proposed provision                 |                 | 338             |

## Updated 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            | 204             |
| 2                                  | 2.00            | 420             |
| 3                                  | 2.50            | 35              |
| 4+                                 | 3.00            | 45              |
| Total required                     |                 | 704             |
| Accessibility reduction            | 25%             | 176             |
| Resulting requirement              |                 | 528             |
| Proposed provision                 |                 | 338             |

**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.

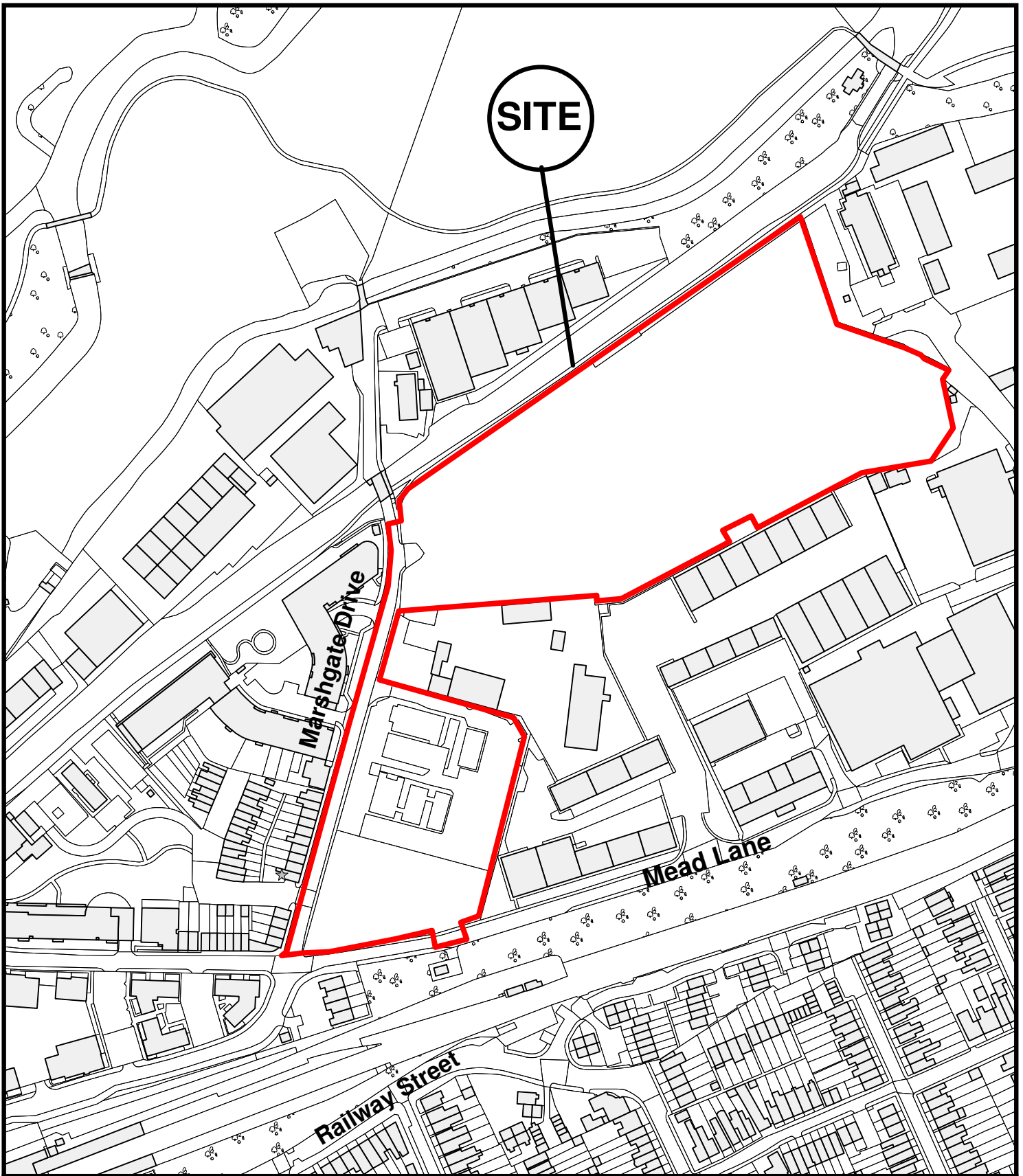
| <b>Obligation</b>         | <b>Amount sought by EH Planning obligations SPD</b> | <b>Amount recommended in this case</b> | <b>Reason for difference (if any)</b> |
|---------------------------|---|--|---------------------------------------|
| Affordable Housing        | Not agreed  | Not agreed                             |                                       |
| Parks and Public Gardens  | £93,255.47  | £93,255.47                             |                                       |
| Outdoor Sports facilities | £258,272.84   | £258,272.84                            |                                       |
| Children and Young People | £38,145.99  | £38,145.99                             |                                       |
| Recycling                 | £27,000.00  | £27,000.00                             |                                       |

|                   |            |            |  |
|-------------------|------------|------------|--|
| Community Centres | £68,872.00 | £68,872.00 |  |
|-------------------|------------|------------|--|

| <b>Obligation</b>   | <b>Amount sought by Hertfordshire County Council</b> | <b>Amount recommended in this case</b> | <b>Reason for difference (if any)</b> |
|---------------------|--|--|---------------------------------------|
| Primary Education   | £309,492.00  | £309,492.00                            |                                       |
| Secondary Education | £172,329.00  | £172,329.00                            |                                       |
| Nursery Education   | £58,202.00   | £58,202.00                             |                                       |
| Childcare Service   | £18,691.00   | £18,691.00                             |                                       |
| Library Service     | £38,088.00   | £38,088.00                             |                                       |
| YC Hertfordshire    | £4,201.00  | £4,201.00                              |                                       |
| Highway Works       | £462,125   | £462,125                               |                                       |
| Bus Contribution    | £397,800   | £397,800                               |                                       |
| Monitoring          | £6,000   | £6,000                                 |                                       |

| <b>Obligation</b>                       | <b>Amount sought by NHS England</b> | <b>Amount recommended in this case</b> | <b>Reason for difference (if any)</b> |
|---|-------------------------------------|--|---------------------------------------|
| General Medical Services (GP Provision) | £265,426.20                         | £265,426.20                            |                                       |
| Mental Health                           | £72,922                             | £72,922                                |                                       |
| Community Health Care costs             | £68,261                             | £68,261                                |                                       |

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**Address: (HERT2) Land East Of Marshgate Drive, Hertford, Herts, SG13 7AQ**  
**Reference: 3/18/2465/OUT**  
**Scale: 1:2500**  
**O.S Sheet: TL3313**  
**Date of Print: 01 July 2019**

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/19/1039/HH and 3/19/1040/LBC   |
| <b>Proposal</b>           | Single storey rear extension to partially infill the courtyard, and levelling of a large lawn by use of retaining walls. |
| <b>Location</b>           | The Gables, 19 Green End, Braughing  |
| <b>Parish</b>             | Braughing  |
| <b>Ward</b>               | Braughing  |

|  |  |
|--|--|
| <b>Date of Registration of Application</b> | 20 May 2019  |
| <b>Target Determination Date</b>           | 26 July 2019   |
| <b>Reason for Committee Report</b>         | A Member of the Council is a resident of the property. |
| <b>Case Officer</b>                        | Emma Mumby   |

### **RECOMMENDATION**

3/19/1039/HH - That planning permission be **GRANTED** subject to the conditions set out at the end of this report.

3/19/1040/LBC - That listed building consent 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 to extend the existing dwelling with a single storey extension to partially infill a courtyard and to level the lawn by use of retaining walls.
- 1.2 The main issues for consideration are impact on rural area, design, neighbour amenity and heritage impact.

#### **2.0 Site Description**

- 2.1 The site is an expansive plot set within the village of Braughing that lies within the Rural Area beyond the Green Belt. Within the

East Herts District Plan (2018), the village is classified as a Group 1 Village.

- 2.2 The site lies within Braughing Conservation Area and within Area of Archaeological Significance no. 238, as identified in East Herts District Plan (2018).
- 2.3 The site comprises of a detached two storey Grade II Listed Building which is presently used as a dwellinghouse.

### **3.0 Planning History**

The following planning history is of relevance to this proposal.

| Application Reference | Proposal  | Decision                        | Date        |
|-----------------------|---|---------------------------------|-------------|
| 3/75/0331/LB          | Conversion of barn to dwelling.   | Granted, subject to conditions. | 30 Jun 1975 |
| 3/75/1002             | Double garage.  | Granted, subject to conditions. | 27 Jan 1976 |
| 3/08/2092/LB          | Removal of window to south wing and replaced with patio doors. Weather boards to be fitted to the south and west elevations at first floor level. | Granted, subject to conditions. | 26 Mar 2009 |

### **4.0 Main Policy Issues**

These relate to the relevant policies in the National Planning Policy Framework (NPPF), East Herts District Plan 2018 (DP) and Braughing Neighbourhood Plan (NP).



| <b>Main Issue</b>                | <b>NPPF</b>    | <b>DP policy</b>         | <b>NP Policy</b> |
|----------------------------------|----------------|--------------------------|------------------|
| Rural Area Beyond the Green Belt | Section 11, 12 | GBR2                     | N/A.             |
| Design                           | Section 12     | VILL1, HOU11, DES3, DES4 | Policy 2         |
| Heritage Impact                  | Section 16     | HA1, HA3, HA4, HA7       | Policy 10        |

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

## **5.0 Summary of Consultee Responses**

5.1 HCC Historic Environment Unit comment that the scheme may encounter below ground archaeological remains. The proposed development is therefore regarded as likely to have an impact on heritage assets of archaeological interest. A condition is recommended to address this issue.

5.2 EHDC Conservation Officer does not object to the scheme, subject to conditions regarding materials.

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

## **6.0 Parish Council Representations**

6.1 Braughing Parish Council does not have an objection.

## **7.0 Summary of Other Representations**

7.1 No representations have been received.

## **8.0 Consideration of Issues**

Rural Area Beyond the Green Belt, appropriateness of development

- 8.1 Part (d) of Policy GBR2 of the District Plan sets out that in order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the replacement, extension or alteration of a building will be permitted, provided that it is compatible with the character and appearance of the rural area.
- 8.2 In respect of this, the principle of development is acceptable.

### Design

- 8.3 District Plan Policies DES3, DES4, HOU11 and VILL1 set out the requirements relating to design matters.
- 8.4 In this respect, the proposed single storey extension is considered to be of a scale, form and siting that is appropriate to the character, appearance and setting of the existing dwelling and surrounding area. The extension would equate to a subservient addition in relation to the dwelling and is considered to be of an acceptable design.
- 8.5 With regard to the landscaping alterations to the rear residential garden, these would equate to minor engineering works. The re-levelling of the garden would result in a tri-stepped lawn featuring 3 no. structural retaining walls to support the earth and prevent slumping. In addition, the patio area would be widened and re-paved with a permeable surface to direct water flow away from the building. The design and materials of these aspects are considered to be appropriate.

### Neighbour Amenity

- 8.6 District Plan Policies VILL1 and DES4 aim to protect the living conditions of residents who may otherwise be harmfully impacted on by adjacent development.
- 8.7 The orientation of the application dwelling and the surrounding dwellings is such that the single storey extension would not create any significant harm. The extension is single storey and would partially infill the courtyard to the rear of the property, it

would avoid any significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and would ensure that their environments are not harmed by noise, disturbance, inadequate daylight, privacy or overshadowing.

- 8.8 The re-levelling of the rear residential garden would not significantly alter the present land levels. It is therefore considered that no significant harm would arise from the proposal by way of loss of privacy or overlooking to the immediately adjoining neighbouring occupants.

#### Impact on Heritage Assets

- 8.9 District Plan Policies HA1, HA3, HA4 and HA7 set out the requirements relating to heritage assets.
- 8.10 The proposed works would impact the rear of the building, and so there is no impact to the character or appearance of the Conservation Area.
- 8.11 The proposed works would further extend an existing structure that already partially infills the courtyard between the two wings of the hall house. The proposed structure would not entirely fill the courtyard. The existing extension is a later addition and the proposed enlargement has been design in such a way as to not impact any historic fabric. The proposed works are therefore considered to be acceptable in the context of the listed building.
- 8.12 With regards to the proposed materials of construction, the clay tiles on the current extension are to be removed and re-used for the new extension. Where this is not possible, reclaimed tiles will be used.
- 8.13 The Conservation Officer has suggested the use of a natural oak for the proposed bi-fold doors. The details of the materials and style of the bi-fold doors are the subject of a recommended condition.

8.14 The proposed development is within Area of Archaeological Significance no. 238. This covers the core of historic Braughing, which has its origins as a Saxon minster. The proposed extension, while small in size, may encounter below ground archaeological remains of medieval or earlier post medieval date. The landscaping in the rear garden may also have an archaeological impact. A condition is therefore recommended to secure a programme of archaeological investigation.

## **9.0 Planning Balance and Conclusion**

9.1 As extensions to a building, the type of development is considered to be an appropriate type of Rural Area Beyond the Green Belt development proposal. The proposed scheme is considered to be acceptable in terms of its design and layout, impacts upon neighbouring occupants and impacts on heritage assets and therefore accords with the various relevant policies. Thus, it is recommended that the proposals are granted.

## **RECOMMENDATION**

### **3/19/1039/HH**

That planning permission is **GRANTED**, subject to the following conditions:

1. The development to which this permission relates shall be begun within a period of three years commencing on the date of this notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. No development or groundworks shall take place until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

4. The exterior of the development hereby approved shall be constructed in the materials specified on the submitted application form/plans, or in materials which have been approved in writing by the Local Planning Authority.

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

### **3/19/1040/LBC**

That listed building consent is **GRANTED**, subject to the following conditions:

1. The works to which this consent relates shall be begun no later than the expiration of three years beginning with the date on which this consent is granted.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (As Amended).

2. The development hereby approved shall be carried out in accordance with the approved plans listed at the end of this Decision Notice.

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications.

3. Prior to any building works being first commenced, detailed drawings including sections, showing the new and/or replacement door(s) which it is proposed to install, together with a detailed description or specification, shall be submitted to, and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

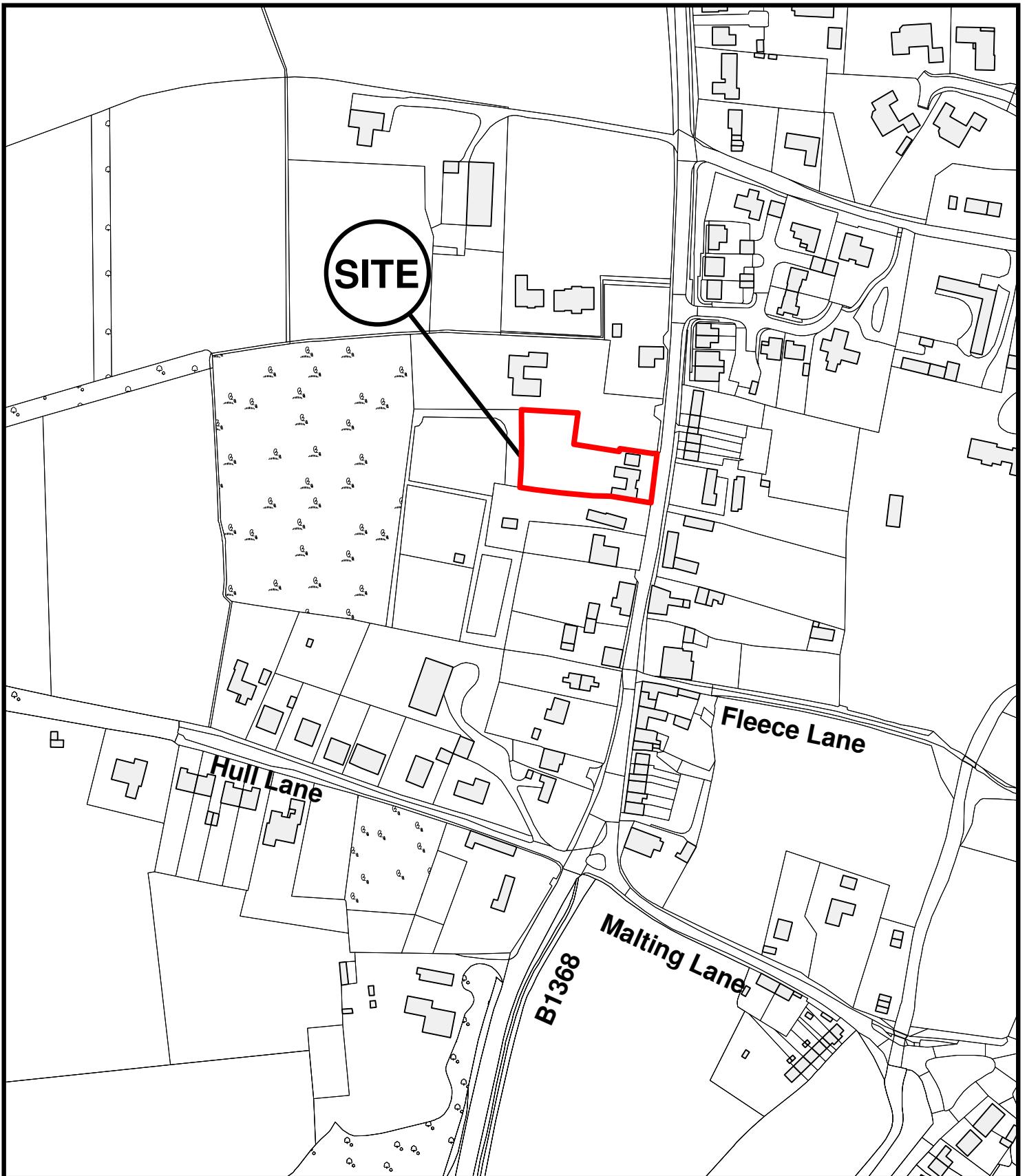
Reason: To ensure the historic and architectural character of the building is properly maintained, in accordance with Policy HA7 of the East Herts District Plan 2018.

### **Informatives**

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

### **Summary of Reasons for Decision**

The proposed development accords with the relevant policies and would be acceptable in terms of its impact on the rural area, design, neighbouring amenity and heritage impact. With regard to the above, it is therefore recommended that the applications are approved.



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**Address: The Gables, 19 Green End, Braughing, Hertfordshire, SG11 2PG**

**Reference: 3/19/1039/HH**

**Scale: 1:2500**

**O.S Sheet: TL3925**

**Date of Print: 12 June 2019**

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## DEVELOPMENT MANAGEMENT COMMITTEE – 17 JULY 2019

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/18/1228/FUL   |
| <b>Proposal</b>           | Erection of 8no. dwellings, new access and landscaping.         |
| <b>Location</b>           | Land West of Hoddesdon Road, St Margaretsbury, Stanstead Abbots |
| <b>Parish</b>             | Stanstead St. Margarets   |
| <b>Ward</b>               | Stanstead Abbots  |

|  |                 |
|--|-----------------|
| <b>Date of Registration of Application</b> | 31 May 2018     |
| <b>Target Determination Date</b>           | 9 November 2018 |
| <b>Reason for Committee Report</b>         | Member referral |
| <b>Case Officer</b>                        | David Snell     |

### **RECOMMENDATION**

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

#### **1.0 Summary of Proposal and Main Issues**

- 1.1 The application was originally submitted for 10 dwellings on the site and was amended to 8 dwellings and further consultation was undertaken. The 8 dwellings include 6 x 3 bedroom and 2 x 4 bedroom. The access for the site is proposed to be located at the northern end of the site and visibility splays are proposed to address highway safety matters.
- 1.2 The main issues relating to the proposal include the mix of dwellings, the loss of trees, highway safety and improvements, impact on the conservation area and listed buildings.

#### **2.0 Site Description**

- 2.1 The site is vacant of buildings and is located on the western side of Hoddesdon Road, within the village of Stanstead Abbots and St.

Margarets. There are a number of trees located on the site, some of which are proposed to be felled, but the majority being retained and pruned. The site lies within the Stanstead Abbots conservation area opposite several listed buildings and it is partly within an area of archaeological significance.

- 2.2 The southern boundary of the site finishes where the A414 bypass is located. Beyond this boundary is the Grade II Listed Rye Common Pumping Station and the Green Belt. The New River forms the western boundary, which is also in the Green Belt. To the north and also adjoining the New River is a terrace of 6 dwellings at 59 – 69 Hoddesdon Road, which were built in the mid-1970s. The eastern side of Hoddesdon Road comprises residential development, including listed buildings fronting Hoddesdon Road. These buildings are all Grade II Listed and include Garden House within the Clock House garden that is opposite the access to the proposed development, St Margarets Farm House at 102 Hoddesdon Road, The Clock House, the Former Granary at St Margarets Farm and the Long Barn at St Margarets Farm.
- 2.3 The eastern side of Hoddesdon Road has a footpath for the length of the development site.

### **3.0 Planning History**

The site does not have any relevant planning history.

### **4.0 Main Policy Issues**

- 4.1 These relate to the relevant policies in the East Herts District Plan National Planning Policy Framework (NPPF). There is no Neighbourhood Plan in final or draft form relevant to this site.

| <b>Main Issue</b>        | <b>DP policy</b>  | <b>NPPF</b>             |
|--------------------------|-------------------|-------------------------|
| Principle                | INT1, VILL1       | Chapter 2<br>Chapter 11 |
| Design, layout and scale | DES3, DES4, VILL1 | Chapter 12              |

|                                 |  |            |
|---------------------------------|--|------------|
| Historic environment            | HA1, HA3, HA4                          | Chapter 16 |
| Housing                         | HOU1, HOU2,<br>HOU3                    | Chapter 5  |
| Highways and parking provision  | TRA1, TRA2, TRA3                       | Chapter 9  |
| Biodiversity and Sustainability | DES2, DES3, NE3,<br>CC1, CC2, EQ2, EQ4 | Chapter 15 |
| Flood risk and drainage         | WAT1,WAT5                              | Chapter 14 |

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

## **5.0 Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict planning permission, subject to conditions. It considers that small-scale residential development on the site is acceptable in principle subject to highway safety being improved with the provision of visibility splays, refuse vehicles accessing the site and surface water not flowing onto the road network. The Highway Authority has requested conditions.
- 5.2 Lead Local Flood Authority acknowledges the applicant has submitted a Flood Risk Assessment and Drainage Statement and the scheme utilises infiltration and surface water drainage by permeable paving with the potential to discharge into the public sewer after suitable attenuation. The drainage calculations have included a 40% increase for climate change. The drainage strategy demonstrates that the site is suitable for the development proposed regarding flooding and conditions are proposed.
- 5.3 Environment Agency advises that the proposed development site lies within flood zone 2 and the Flood Risk Assessment should be reviewed by the Local Planning Authority.

- 5.4 EHDC Conservation and Urban Design Advisor does not raise concern with the contemporary architectural approach to the scheme. Units 9 and 10 of the original scheme were requested to be removed and the vegetation near to the A414 requested to be retained as greenspace.
- 5.5 Historic England does not object to the principle of dwellings on the site but raises concerns about the massing, design and use of materials and landscaping within the conservation area. Historic England suggests the Council seek amendments as it considers the development is incongruous with the general character of the conservation area.
- 5.6 HCC Historic Environment Unit comments that the site is likely to have an impact on heritage assets of archaeological interest and requests a condition accordingly.
- 5.7 Herts Ecology notes that the Ecological Appraisal submitted indicates that the site does not support notable ecological interest and no ecological constraints but the wider area has species/features. To ensure there is no net loss of biodiversity on the site a condition is proposed.
- 5.8 Natural England does not consider the proposal will have significant impacts on the Lee Valley Special Protection Area and will not damage or destroy Rye Meads and Amwell Quarry Sites of Special Scientific Interest. It recommends that the decision that there are no likely significant effects is recorded to meet the Habitat Regulations requirements.
- 5.9 EHDC Environmental Health Advisor raises no objections and requests the conditions relating to noise attenuation for internal and external areas, construction hours and the discovery of any unsuspected contamination.
- 5.10 EHDC Waste Services advise that the site should be accessible for a full-sized freighter with a length of 12.1m. The 9.86m provided is inadequate to use the local authority's waste collection service.

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

## **6.0 Parish Council Representations**

6.1 Stanstead St Margaret's Parish Council advises that many local residents have raised concerns with Parish Councillors about the proposal with respect to highway safety, loss of natural woodland and mature trees in the conservation area and the visual impact during winter months and the impact on wildlife. Other concerns relate to flooding and the sewer main capacity.

## **7.0 Summary of Other Representations**

7.1 Sixty-one letters of objection were received from neighbours in response to the two rounds of consultation. The main objections are summarised below:

- Overdevelopment of a small site;
- Highway safety, access is located on a bend of a busy road with a bus route and is in a dangerous location;
- Vehicles travel faster than 30mph speed limit, which creates difficulties accessing onto the highway;
- Visibility splays do not meet the requested splay by the Highway Authority;
- Development contrary to Government Guidance, 'Manual for Streets' regarding traffic safety, including pedestrian safety;
- Transport Statement submitted does not adequately address health and safety and pedestrian safety of Hoddesdon Road
- Contrary to the key principles of the NPPF on sustainable transport;
- Inadequate pedestrian safety for crossing to footpath on the eastern side of the road. There have been numerous collisions on this part of Hoddesdon Road creating further pedestrian safety concerns;
- Inadequate parking provision;
- Inadequate refuse vehicle access;

- Flood risk and sewerage system capacity issues;
- Modern 3 storey dwellings are out of character;
- Loss of trees and adverse conservation area impact;
- Site should be protected as it is not allocated for housing;
- Loss of wildlife habitat;
- Loss of outlook;
- Train services are already at capacity;
- Lack of school places;
- Adverse impact during construction.

## **8.0 Consideration of Issues**

### Principle

- 8.1 The site lies within the village of Stanstead Abbots and St Margarets which is a Group 1 Village, where housing will be permitted subject to VILL1 and other policies of the plan. Therefore the principle of housing development is acceptable.
- 8.2 In accordance with Policy VILL1, developments are required to relate well to the village, be of an appropriate scale, be well designed and in keeping with character, not represent a loss of significant open space or important gap, not represent isolated ribbon development, not block views or vistas and not have a significant impact on amenity of neighbours.

### Design, layout and scale

- 8.3 The proposed dwellings are three storeys and the land is slightly higher than the eastern side of Hoddesdon Road, which is visible in the cross section on Drawing No. 196 P02 Rev C. The applicant sought pre-application advice and one request was to ensure that the dwellings had the appearance of being 2 storeys with rooms in the roof as this is the character of some of the dwellings on The Granary, which are also in the conservation area. It is considered that the front elevation achieves this and picks up some of the other designs and materials used in The Granary development with timber panelling and bricks.

- 8.4 The layout of the development makes the most of the adjoining New River with the dwellings having the upper floors as habitable rooms allowing future occupants to enjoy the natural attributes of the site. The room size and dimensions are consistent with national standards. The layout is similar to other recent developments such as The Spinney granted planning permission under planning reference 3/17/0274/FUL for 6 dwellings.
- 8.5 It is unfortunate that some of the trees are required to be removed to ensure there is adequate visibility for pedestrians and drivers, however the trees on the site have not been cared for with many being covered in ivy so the proposed development provides the opportunity of providing much needed maintenance to ensure the long-term survival of the retained trees, which includes the three TPOs on the northeast of the site. Policy DES3 states that where losses of landscape features are unavoidable then compensatory planting and habitat creation will be sought. The maintenance of the trees and of the entire site required by condition will ensure that there is a long-term management plan for the site.
- 8.6 It is considered that the proposed design has made the best possible use of the site with its constraints. This is consistent with Policy DES4 and the NPPF. The location of the car parking areas will enable electric vehicle charging points to be fitted adjacent to the proposed dwellings. The design characteristics of the development therefore carry positive weight.

#### Historic Environment

- 8.7 The comments from Historic England are noted. However, contemporary design can sit comfortably within a conservation area and it is considered that the proposal respects the nearby historic buildings and conservation area as a whole by trying to retain as many trees on site as possible and locating the proposed dwellings away from the listed buildings, sited around 24 metres from the front of the proposed dwellings.

- 8.8 The Conservation Officer initially raised concerns with the number of dwellings proposed but not their style and design. It is considered that the proposed development preserves the conservation area with the retention of the mature trees at the front of the site and well-designed dwellings behind. The proposal is considered to be consistent with Policy HA4 and conditions are proposed to limit any potential permitted development on the site due to its sensitive location.
- 8.9 The permanent occupancy of the site will also ensure the landscaping is maintained whilst providing 8 additional dwellings in the village thus achieving sustainable development in accordance with Policy HA1 and other relevant policies.
- 8.10 A condition is recommended to provide for archaeological investigation of the site in accordance with Policy HA3.
- 8.11 The heritage impact of the development is considered to be neutral.

### Housing

- 8.12 Paragraph 63 of the NPPF provides that affordable housing should not be sought for residential developments that are not major developments (less than 10 dwellings) other than in designated rural areas.
- 8.13 The dwellings have been designed so that there are no habitable rooms on the ground floor as the upper floors would provide better internal amenity for future residents regarding light and outlook.
- 8.14 The mix of 6 x 3 bedroom and 2 x 4 bedroom houses is considered to be satisfactory given the site constraints. The layout has provided good internal amenity and suitable open space areas have been retained on site for biodiversity and amenity reasons.



- 8.15 The dwellings will provide good internal amenity with natural ventilation and insulation to mitigate impacts of climate change. A noise and air quality assessment has been submitted with the application due to the location of the A414. The site is not within or close to an Air Quality Management Area and the site will not generate a significant amount of traffic to impact on air quality. The air quality assessment indicates that the future occupants of the dwellings would not be exposed to significant concentrations of poor air quality.
- 8.16 A condition is proposed to ensuring there are no significant noise impacts both internally and externally.
- 8.17 The provision of eight residential units carries significant positive weight.

#### Highways and Parking Provision

- 8.18 The site is less than ½ mile (approximately 8 minute walk) from St Margaret's Railway Station therefore travel by rail for some journeys, mostly commuting, is a reasonable prospect. Other services and facilities are within walking distance and therefore in accordance with Policy TRA1 the location of the site will enable sustainable journeys.
- 8.19 The parking requirement is 2.5 spaces for three bedroom and 3 spaces for 4 bedroom units, a total requirement of 21spaces. The site lies within accessibility zone 4 reducing the requirement to 16 spaces. The proposed parking provision is 16 spaces in compliance with the adopted parking standard. Each dwelling is also provided with adequate internal or external space for cycle storage.
- 8.20 Many of the objectors raised concern about the highway safety matters as the proposed access point is located on a bend in Hoddesdon Road and many drivers are considered to exceed the speed limit.

- 8.21 The Highway Authority advise that the development is not considered to have a material impact in terms of trip generation on the local highway network. The Highway Authority note the submission of drawings illustrating the access and visibility splays. With respect to visibility to the south, it is noted that a higher than standard visibility splay has been provided further to comments made previously by the Authority, including those relating to higher speeds of vehicles on this section of Hoddesdon Road and visibility around the bend. The visibility splays has meant some additional trees were required to be removed from the site and some lower level vegetation clearance is required but this was kept to a minimum. This means that this part of Hoddesdon Road will have better visibility for existing users as well as the future occupants of the site. The Highway Authority is satisfied that the existing pedestrian footway provision which is on the eastern side of the road is satisfactory. The proposal is therefore considered to meet the requirements of Policy TRA2 , subject to the conditions required by the Highway Authority.
- 8.22 It is acknowledged that Waste Service advise that the site should be accessible for a full-sized freighter with a length of 12.1m. However, the layout will allow for larger vehicles on site and it is not considered that of itself this would amount to a reason for refusal. The restricted nature of the site provides that the turning circle for this size of vehicle may not be achieved. In the circumstances the applicant therefore proposes that refuse will be collected by a private contractor secured through the sales agreements. This matter is the subject of recommended condition 16 which provides that it be demonstrated that access by the Council's refuse vehicles can be achieved or that other arrangements be detailed and demonstrated and secured prior to the commencement of development.
- 8.23 The highway impact of the development is regarded as neutral.

### Biodiversity

- 8.24 Herts Ecology notes that the Ecological Appraisal submitted indicates that the site does not support notable ecological interest and no ecological constraints but the wider area has species/features. They advise that there is no reason to disagree with this conclusion. To ensure there is no net loss of biodiversity on the site a condition is proposed.
- 8.25 A number of conditions are proposed to ensure the site is developed with minimal impacts on biodiversity.
- 8.26 It is acknowledged that there will be some loss of trees but overall the adverse impact on biodiversity is limited.

### Flood Risk and sustainable drainage

- 8.27 The Flood Risk Assessment submitted with the application addresses on-site drainage and potential flooding and the proposed dwellings are not proposed to be built on the area of the site that is within the flood zone 2.
- 8.28 Lead Local Flood Authority acknowledges the applicant has submitted a Flood Risk Assessment and Drainage Statement and the scheme utilises infiltration and surface water drainage by permeable paving with the potential to discharge into the public sewer after suitable attenuation. The drainage calculations have included a 40% increase for climate change. The drainage strategy demonstrates that the site is suitable for the development proposed regarding flooding and conditions are proposed.
- 8.29 Subject to these conditions the proposal would not negatively impact on flood risk.

### Other matters

- 8.30 It is acknowledged that the proposal has generated significant local objection. However, site is not designated open space such as the land to the west of New River, known as The Wilderness. The proposal is similar to other developments that have been permitted on the strip of land between the New River and Hoddesdon Road, such as that at the Spinney (LPA reference: 3/17/0274/FUL).
- 8.31 The applicant has addressed the concerns raised by consultees, Officers and some objectors with regard to dwelling numbers, highway safety and design.
- 8.32 In order to address climate change adaptation, energy demand and the efficient use of water resources a condition is recommended requiring the submission and approval of the construction and fitting out of the dwellings.

### **9.0 Conclusion - the planning balance**

- 9.1 The proposal will provided 8 family homes within the village boundary. The development has been designed with the site constraints and attributes taken into consideration and will provide a good standard of living accommodation. This must be regarded as a significant positive benefit of the proposal.
- 9.2 The Highway Authority are satisfied that the proposal provides for pedestrian and vehicular safety and parking provision accords with the adopted standard. Subject to conditions, the highway impact of the development is regarded as neutral.
- 9.3 A part of the site lies in Flood Zone 2 but the proposed dwellings are not located in this area and the Flood Risk Assessment has been accepted by the Lead Local Flood Authority. The flood risks associated with the proposal are regarded as neutral.

- 9.4 The proposal preserves the character of the conservation area and there would be no adverse impact on the setting of listed buildings. The heritage impacts of the proposal are regarded as neutral.
- 9.5 The loss of trees from the site is regrettable but this impact is not considered significant given the number that is to be retained and managed.
- 9.6 It is considered that recommended conditions will ensure the proposal in the long-term will have minimal impact on biodiversity.
- 9.7 Overall, the proposal is considered to meet relevant policy requirements and it is regarded as a sustainable form of development. The application is therefore recommended for approval, subject to conditions.

## **RECOMMENDATION**

That planning permission be **GRANTED** subject to the conditions set out below:

### **Conditions**

1. Three year time limit (1T12)
2. Approved plans (2E10)
3. No development shall take place within the proposed development site until the applicant, or their agents, or their successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted to the planning authority and approved in writing. This condition will only be considered to be discharged when the planning authority has received and approved an archaeological report of all the required archaeological works, and if appropriate, a commitment to publication has been made.

Reason: To ensure any archaeological significance is recorded.

4. No development shall commence (including demolition, ground works, site clearance etc.), but excluding works to undertake site investigations, until a landscaping and mitigation plan that adopts the measures described in Sections 4.6, 4.10, 4.12, 4.14 7 4.15 of the Ecological Appraisal (LUC March 2018) has been submitted to and approved in writing by the local planning authority. This shall include, but not necessarily be limited to, the:
- a) Purpose and biodiversity objectives for the proposed works;
  - b) Detailed design(s) and/or working methods necessary to achieve these objectives (including, the provenance of native trees etc);
  - c) Extent and location of proposed works shown on appropriate scale plans;
  - d) Timetable for implementation;
  - e) Persons responsible for implementing the works;
  - f) Details of initial aftercare and long-term maintenance;
- These works shall be carried out strictly in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To avoid no net loss of biodiversity.

5. Prior to commencement of development, a construction vehicle access will be constructed to base course for the first 12m from the back of carriageway in accordance with a plan that has first been submitted to and approved by the Local Planning Authority.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

6. Prior to the commencement of the development hereby permitted, a visibility splay measuring 2.4m x 43 metres shall be provided to north of the access and 2.4m x 57m to the south of the access (as illustrated on drawing number MBSK181023-03) where it meets the highway and such splays shall thereafter be maintained at all times

free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.

Reason: In the interests of highway safety.

7. Construction of the development hereby approved shall not commence until a Construction Traffic Management Plan has been 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 Traffic Management Plan shall include details of:
  - a) Construction vehicle numbers, type, routing;
  - b) Traffic management requirements;
  - c) Construction and storage compounds (including areas designated for car parking);
  - d) Siting and details of wheel washing facilities;
  - e) Cleaning of site entrances, site tracks and the adjacent public highway;
  - f) Timing of construction activities to avoid school pick up/drop off times;
  - g) Provision of sufficient on-site parking prior to commencement of construction activities;
  - h) Post construction restoration/reinstatement of the working areas.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

8. No development shall take place until a detailed surface water drainage scheme for the site in accordance with the FRA and Drainage Statement prepared by Canham Consulting ref.209679 P1 dated 2<sup>nd</sup> May 2018 has been submitted to and approved in writing by the local planning authority.

The drainage strategy must demonstrate the viability of the scheme and confirm which option will be implemented. Preference should

be given to shallow infiltration and if that is not achievable evidence to not follow the hierarchy of destinations for the discharge of surface water runoff must be provided.

The drainage strategy should subsequently demonstrate how the infiltration based scheme will be able to cater for the surface water runoff generated by the new development. Alternatively, if infiltration based strategy is demonstrated to not be feasible, details of an alternative feasible drainage strategy based upon attenuation and discharge into watercourse or surface water sewer should be demonstrated achievable.

The scheme shall subsequently be implemented in accordance with the approved details.

The scheme shall as a minimum include:

- detailed drainage design supported by suitable calculations for all rainfall return periods up to and including the 1 in 100 year + climate change event for the entire site area not just impermeable areas
- evidence of ground conditions and permeability including BRE Digest infiltration tests undertaken on the proposed location of the infiltration features
- if infiltration is not feasible an attenuation based drainage strategy including any SuDS feature required, final required volume and discharge rate, the exact location and connectivity to the public sewer or to the ordinary watercourse with evidence that the receiving system is suitable.
- Engineering details of all the SuDS feature should be provided and in line with The SuDS Manual (CIRIA C-753)

Reason: To ensure the feasibility and the suitability of the drainage scheme.

9. Prior to the completion of the foundations, samples of external materials of construction shall be submitted to and approved in writing by the Local Planning Authority and the development shall



thereafter be implemented in accordance with the approved materials.

Reason: In the interest of the appearance of the development and in accordance with Policies ENV4 and DES4 of the East Herts District Plan.

10. Prior to completion of the foundations, a scheme for protecting the proposed dwellings and external amenity space from noise from road traffic has been submitted to and approved in writing by the local planning authority.  
None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

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

11. Before occupation of the development, the new access serving the development shall be completed in accordance with the drawing number MBSK181023-03 and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.

12. Before the development hereby approved is first occupied, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved in principle plan.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Statement prepared by Canham Consulting ref.209679 P1 dated 2<sup>nd</sup> May 2018 and the following mitigation measures as detailed within the above mentioned report.

The scheme must provide either a permeable paving (infiltration scheme option - dwg 209679-SK004-P1), a combination of permeable paving, attenuation tank with flow control valve restricting the final discharge rate to the combined public sewer (TW sewer scheme option – dwg 209679-SK005-P1) or to the ordinary watercourse along 'The Granary' to the east of the site.

The required attenuation volume will be designed to accommodate the volume of water generated by the development up to the 1 in 100 year storm event including a 40 % allowance for climate change.

The mitigation measures shall be fully implemented prior to occupation in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

14. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 0730hrs on Monday to Saturday, nor after 1830hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenity of residents of nearby properties, in accordance with policies EQ2 of the East Herts District Plan.

15. Upon completion of the development a final management and maintenance plan shall be supported by a full set of as-built drawings, a post-construction location plan of the SuDS

components cross-referenced with a maintenance diagram to secure the operation of the scheme throughout its lifetime.

Reason: To ensure the SuDS components are fully recorded.

16. Prior to the commencement of the development hereby approved details of the provision of refuse collection from the site shall be submitted to and approved in writing by the local planning authority. The details shall include:

Full details (in the form of scaled plans and / or written specifications), shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- a) Access arrangements for vehicles expected to access the development including a swept-path analysis (Mercedes-Benz Econic vehicle, or as specified by East Herts District Council refuse services), or
- b) Details of the form of private refuse collection and how these arrangements are secured for the benefit of residents of the site.

Refuse collection arrangements shall be secured prior to first occupation of the development and shall thereafter be retained.

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

17. Prior to the completion of foundations details of the design and construction of the dwellings and to demonstrate how the design, materials and operation of the development minimises overheating in summer and reduces the need for heating in the winter to reduce energy demand and reduces water demand shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: To adapt to climate change, reduce carbon emissions and efficiently use water resources in accordance with Policies DES4, CC2 and WAT4 of the East Herts District Plan 2018.

### **Informatives**

1. Other legislation (OL01)
2. Street naming numbering (19SN)
3. Further general advice on waste provision for developments is available at <http://www.north-herts.gov.uk/home/planning/waste-and-recycling-provision> The bin requirements stated there are specific to North Herts, but the rest of the advice is general.
4. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site should be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
5. Highways works (05FC02)

### **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 East Herts District Plan, 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.

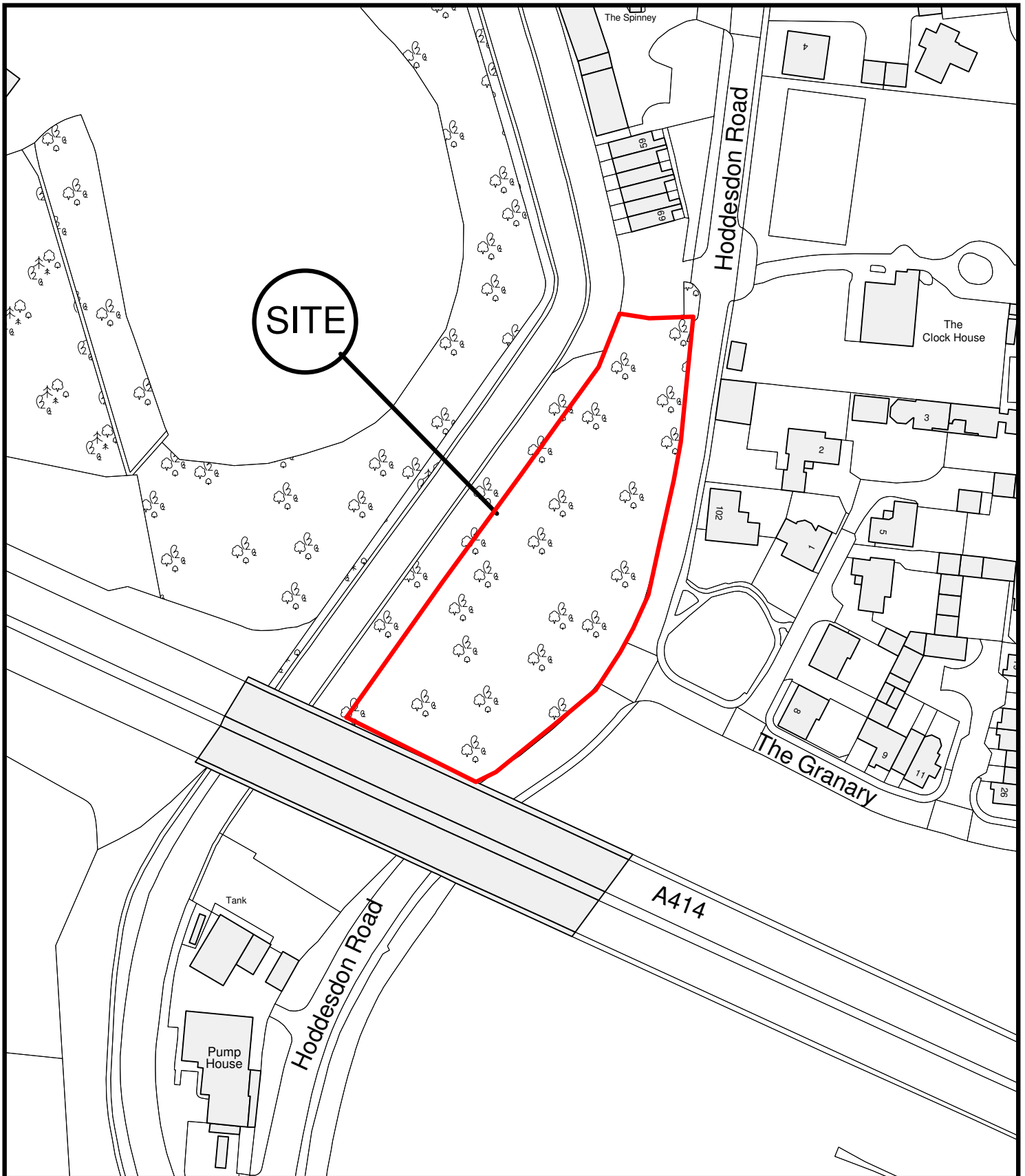
**KEY DATA****Residential Development**

| Residential density                 | dwellings/Ha |                 |
|-------------------------------------|--------------|-----------------|
|                                     | Bed spaces   | Number of units |
| Number of existing units demolished |              |                 |
| Number of new housing units         | 1            |                 |
|                                     | 2            |                 |
|                                     | 3            |                 |
|                                     |              |                 |
| Number of new house units           | 1            |                 |
|                                     | 2            |                 |
|                                     | 3            | 6               |
|                                     | 4+           | 2               |
| Total                               |              | 8               |

**Residential Vehicle Parking Provision**

| Parking Zone                       |                 |                 |
|------------------------------------|-----------------|-----------------|
| Residential unit size (bed spaces) | Spaces per unit | Spaces required |
| 1                                  | 1.5             |                 |
| 2                                  | 2               |                 |
| 3                                  | 2.5             | 15              |
| 4                                  | 3               | 6               |
| Total required                     |                 | 21              |
| Accessibility reduction            | 75- 100%        |                 |
| Resulting requirement              |                 | 16              |
| Proposed provision                 |                 | 16              |

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# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
(calculated from April 2019)

|                                    | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 |
|------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| <i>Total Applications Received</i> | 202    | 438    | 641    |        |        |        |        |        |        |        |        |        |

| <i>Percentage achieved against Local and National Targets</i> | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 | <b>Targets for Local Performance (set by East Herts)</b> | <b>National Targets (set by Government)</b> |            |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|---|------------|
| <b>Major %</b>  | 0%     | 0%     | 75%    |        |        |        |        |        |        |        |        |        | <b>Major %</b>   | <b>60%</b>                                  | <b>60%</b> |
| <b>Minor %</b>  | 92%    | 95%    | 92%    |        |        |        |        |        |        |        |        |        | <b>Minor %</b>   | <b>80%</b>                                  | <b>65%</b> |
| <b>Other %</b>  | 96%    | 95%    | 94%    |        |        |        |        |        |        |        |        |        | <b>Other %</b>   | <b>90%</b>                                  | <b>80%</b> |

| <i>Appeals</i>                               | Apr-19 | May-19 | Jun-19 | Jul-19 | Aug-19 | Sep-19 | Oct-19 | Nov-19 | Dec-19 | Jan-20 | Feb-20 | Mar-20 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Total number of appeal decisions (Monthly)   | 16     | 17     | 8      |        |        |        |        |        |        |        |        |        |
| Number Allowed against our refusal (Monthly) | 4      | 9      | 2      |        |        |        |        |        |        |        |        |        |

|   |    |    |    |  |  |  |  |  |  |  |  |  |
|---|----|----|----|--|--|--|--|--|--|--|--|--|
| Total number of appeal decisions (Cumulative)   | 16 | 33 | 41 |  |  |  |  |  |  |  |  |  |
| Number Allowed against our refusal (Cumulative) | 4  | 13 | 15 |  |  |  |  |  |  |  |  |  |

**AGENDA ITEM NO. 6D**

**Agenda Item 6**

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