



James Ellis

Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : ONLINE ZOOM MEETING - LIVESTREAMED
DATE : WEDNESDAY 31 MARCH 2021
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

MEMBERS OF THE COMMITTEE

Councillor B Deering (Chairman)

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

Substitutes

Conservative Group: Councillors S Bull, I Devonshire and S Newton
Liberal Democrat Group: Councillor J Dumont
Labour: Councillor M Brady
Green: Councillor J Frecknall

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

CONTACT OFFICER: PETER MANNINGS

01279 502174

peter.mannings@eastherts.gov.uk

This agenda has been printed using 100% recycled paper

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.

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

Public Attendance

East Herts Council provides for public attendance at its virtual meetings and will livestream and record this meeting. The livestream will be available during the meeting on the East Herts District YouTube channel (available from YouTube and then searching for the channel) or at this link:

<https://www.youtube.com/user/EastHertsDistrict/live>.

If you would like further information, email democratic.services@eastherts.gov.uk or call the Council on 01279 655261 and ask to speak to Democratic Services.

Accessing the Agenda Pack

To obtain a copy of the agenda, please note the Council does not generally print agendas, as it now has a paperless policy for meetings. You can view the public version of the agenda for this meeting on the Council's website in the section relating to meetings of Committees. You can also use the ModGov app to access the agenda pack on a mobile device. The app can be downloaded from your usual app store.

Implementing paperless meetings will save East Herts Council approximately £50,000 each year in printing and distribution costs of agenda packs for Councillors and Officers.

You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

Visit <https://www.eastherts.gov.uk/article/35542/Political-Structure> for details.

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 - 3 February 2021 (Pages 7 - 26)

To confirm the Minutes of the meeting of the Committee held on Wednesday 3 February 2021.

5. Planning Applications for Consideration by the Committee (Pages 27 - 30)

(A) 3/20/2285/FUL - Retention and refurbishment of the auditorium and back of house facilities, demolition of ancillary and supporting areas, and redevelopment to provide new performance, cinema and ancillary facilities. Provision of cycle parking and ancillary landscaping, public realm improvements and associated works at Hertford Theatre_(Pages 31 - 62)

Recommended for Approval

(B) 3/20/0113/FUL - Creation of a 29 bedroomed hotel with ancillary parking, landscaping and a new vehicle access at Woodlands Lodge, Dunmow Road, Bishop's Stortford, Hertfordshire, CM23 5QX_(Pages 63 - 96)

Recommended for Approval

6. Items for Reporting and Noting (Pages 97 - 152)

(A) Appeals against refusal of Planning Permission/
non-determination.

(B) Planning Appeals Lodged.

(C) Planning Appeals: Inquiry and Informal Hearing Dates.

(D) 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.

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD AS AN ONLINE MEETING
ON WEDNESDAY 3 FEBRUARY 2021, AT
7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett,
R Buckmaster, B Crystall, R Fernando,
J Kaye, I Kemp, T Page, C Redfern, P Ruffles
and T Stowe

ALSO PRESENT:

Councillors R Bolton and J Goodeve

OFFICERS IN ATTENDANCE:

| | |
|-------------------|--|
| Rachael Collard | - Principal Planning Officer |
| Ciaran MacCullagh | - Conservation and Urban Design Officer |
| Peter Mannings | - Democratic Services Officer |
| Femi Nwanze | - Service Manager (Quality Places) |
| Sara Saunders | - Head of Planning and Building Control |
| David Snell | - Service Manager (Development Management) |
| William Troop | - Democratic |

Victoria Wilders
Services Officer
- Legal Services
Manager

335 APOLOGIES

There were no apologies for absence.

336 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed any members of the public who were watching the meeting on youtube. He wished Members and Officers a happy new year as this was the first meeting of the Committee in 2021.

The Chairman said that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 came into force on Saturday 4 April 2020 to enable councils to hold remote committee meetings during the Covid-19 pandemic period. This was to ensure local authorities could conduct business during this current public health emergency. This meeting of the Development Management Committee was being held remotely under these regulations, via the Zoom application and was being recorded and live streamed on YouTube.

The Chairman said that the Committee would be changing the order of the agenda and application 3/19/0033/NMA would be considered before application 3/20/0897/FUL.

337 DECLARATIONS OF INTEREST

There were no declarations of interest.

338 MINUTES - 2 DECEMBER 2020

Councillor Ruffles proposed and Councillor Beckett seconded, a motion that the Minutes of the meeting held on 2 December 2020 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 2 December 2020, be confirmed as a correct record and signed by the Chairman.

339 3/19/0033/NMA - NON-MATERIAL AMENDMENT TO
3/17/2588/OUT - RELOCATION OF ELECTRICITY
SUBSTATION FROM WESTERN ELEVATION TO NORTHERN
ELEVATION UNDER BLOCK A2 TOGETHER WITH INTERNAL
AND EXTERNAL ALTERATIONS TO BLOCKS A1- A3
INCLUDING INTERNAL RE CONFIGURATION OF CAR PARK,
INTRODUCTION OF CANTILEVERED SUPPORT TO NE
ELEVATION AND MODIFICATION TO ROOF FORM AND
BUILDING HEIGHT AT BISHOP'S STORTFORD GOODS YARD,
STATION ROAD, BISHOP'S STORTFORD, HERTFORDSHIRE,
CM23 3BL

The Head of Planning and Building Control recommended that in respect of application 3/19/0033/NMA, the non-material amendment to planning permission 3/17/2588/OUT be granted.

The Service Manager (Quality Places) said that the scheme was a non-material amendment to an application that had been granted for the redevelopment of the Bishop's Stortford Goods yard. Members were advised that this planning decision needed to be taken in the context of the planning permission for the entire site.

The Committee was advised that non-material amendment applications were a mechanism that enabled developers to make minor changes without have to repeat the process of applying for planning permission.

The Service Manager said that this was not an opportunity to revisit all of the issues on what had been a controversial application. She presented a slide show that set out the non-material amendments to phase 1d of the development, which comprised residential and commercial floor space and a multi storey car park that had already been constructed.

Members were advised that the main change was the relocation of the plant to the left of the site next to the hotel to enable a more joined up use of the plant by both sites. The Service Manager said a consequence of this was some internal reconfiguration of the car park and changes to the entrance to satisfy the concerns of the Secured by Design Officer in terms of security for residents. She mentioned the proposed cantilever to the front of the building to assist with structural stability.

The Service Manager referred to the 80 cm proposed lift overrun and Members were advised that due to changes in floor to ceiling heights, the overall height of the building would reduce to 19.2 metres on the southern elevation. She said that the additional changes were corrections to errors on the elevation drawings and Officers felt that these changes were non-material and the application was recommended for approval.

Councillor Kaye sought clarification as to the location of the proposed plant, which he had understood was going to be moved closer to the hotel. The Service Manager referred to a zoomed in elevation to clarify the location of the plant, which was to be to the left of the proposed hotel building.

Councillor Kemp asked if the Committee could be shown the colour elevation so that he and other Members could visualise the proposed cantilever. The Service Manager explained that this elevation would also show the proposed lift overrun and the appearance of the vents at roof level.

Councillor Stowe proposed, and Councillor Fernando seconded, a motion that application 3/19/0033/NMA be granted in respect of the non-material amendment to planning permission 3/17/2588/OUT. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED - that in respect of application 3/19/0033/NMA, the non-material amendment to planning permission 3/17/2588/OUT be

granted.

340 3/20/0897/FUL - DEMOLITION OF ALL BUILDINGS AND ERECTION OF 49 DWELLINGS COMPRISING 17 APARTMENTS, 14 X 3 BEDROOM AND 18 X 4 BEDROOM HOUSES, CONSTRUCTION OF ASSOCIATED ROADWAYS, ACCESS, LANDSCAPE AND ANCILLARY WORKS AT HERTFORD MILL SITE, TAMWORTH ROAD, HERTFORD

The Head of Planning and Building Control recommended that in respect of application 3/20/0897/FUL, planning permission be granted subject a legal agreement and subject to the conditions detailed at the end of the report submitted. It was also recommended that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

The Principal Planning Officer, on behalf of the Head of Planning and Building Control, referred to the late representations summary and said that a financial contribution of £20,000 had been secured towards the implementation of a residents' parking zone (RPZ), which would be included within any Section 106 legal agreement.

Members were advised that due to a calculation error by Hertfordshire County Council, the affordable housing commuted sum had been increased to £343,539. The Principal Planning Officer said that her response to a question raised by a Councillor in advance of the meeting regarding viability and affordable housing was set out in the late

representations summary document.

The Principal Planning Officer said that a number of late representations had been received from residents and from the Tamworth Road Neighbourhood Association. She said that many of these comments had previously been raised during the course of the application process. The responses to these comments had been included and Members were advised that comments from the applicant had also been received which had sought to address the neighbour objections.

The Principal Planning Officer said that this was a full planning application and she detailed the full details of the proposed development which included the demolition of all existing buildings on the site. Members were advised that the key issues were the principle of the development, loss of employment floor space, flood risk management, housing, layout design and appearance, climate change and water efficiency, the impact on residential amenity, heritage and highways impact and the impact on parking provision, land contamination and noise and infrastructure delivery.

The Principal Planning Officer said that the site was located on the northern side of Tamworth Road and was a non-designated employment area which consisted of a collection of non-residential buildings as well as a large area of hardstanding. The site was outside of the Hertford conservation area but was located within an area of archaeological significance. Members were advised that the site was located within flood zones one, two and three.

The Committee was advised that the site was surrounded by residential development on all sides with the Hertford East railway line to the north. The Principal Planning Officer summarised the planning history of the site and spoke in detail about the proposed layout and design of the site. She said that a number of contributions would be secured by a Section 106 legal agreement and the application had been subjected to a viability appraisal in respect of affordable housing.

Members were advised that following discussions, it had been concluded that 1 three bed house could be provided for affordable rent with a top up commuted sum being the most appropriate solution and this would be secured via the Section 106 legal agreement. The Principal Planning Officer concluded that subject to the conditions and a signed Section 106 legal agreement, the application was considered to be compliant with national and local policy and having regard to all of the considerations; it was recommended that planning permission was granted.

Mrs Robinson addressed the Committee in objection to the application on behalf of Tamworth Road Neighbourhood Association. Mr Morris addressed the Committee in support of the application as the applicant.

Councillor Bolton addressed the Committee at length on behalf of residents and herself as the local ward Member. She concluded her address by stating that the application was contrary to policy DES1 and the

proposal was not of a high enough design quality. Councillor Bolton expressed her concerns about the loss of heritage, lack of green space, Sustainable Urban Drainage Solutions (SUDS), limited amenity of many units, specifically in block E.

Councillor Bolton encouraged Members to refuse the application and suggested that there should be funding for a local design code and also for a master planning exercise for this site immediately. She said that a site design code would assist with a speedier next stage for the applicant.

Councillor Beckett asked about the mitigation for commuter parking on Tamworth Road in the context of the residents parking zone (RPZ) that had been negotiated at the last minute. He asked about flooding and referred to the best practice of ensuring that there would no more run off from the site than was evident pre development.

Councillor Redfern said that she acknowledged the work that had gone into the report and she was happy with the mitigations in respect of climate change. She referred in particular to the 45 percent carbon reduction. She stated that her main area of concern was the level of affordable housing being 38 percent less than the up to 40 percent that was set out set out in housing policy three.

Councillor Redfern said that she found it hard to come terms with an offer of £343,539 and she wanted to know how many affordable homes this would equate to and also where they could be located. She said that

her other main area of concern was the proposed parking provision. She stated that one matter that been forgotten was that the fact that existing Tamworth Road residents used the present industrial part of site as an overnight car park. She said that the proposed development would result in extra pressure on the parking available on Tamworth and she did not believe an RPZ would alleviate this problem.

Councillor Redfern referred to District Plan policy that stated that restrictions in parking provision should not lead to displacement of parking to other areas. She said that she did not believe that this matter had been addressed and she was concerned that the design reflected industrial buildings that were to be removed as part of the scheme.

Councillor Ruffles said that he was very uneasy about the application and he did not believe the scheme was good enough in spite of the improvements had been made. He said that he was disappointed about the various formulae that had resulted in a recommendation of one affordable housing unit. Councillor Ruffles expressed concerns about the apparent lack of extra care that had been taken to maintain or enhance the setting of the conservation area.

Councillor Ruffles said that this application would not restore a genuine heritage feel to the site. He expressed a concern regarding the whole block of development that was being imposed on this site opposite the conservation area.

Councillor Ruffles referred to the themes in the well-designed places guidance in the national planning framework. He said that the duty of the Committee was to ensure that all opportunities were taken to maintain or enhance a conservation area. He asked what courses of action were open to Members to achieve a residential development on this site that better respected its setting.

The Principal Planning Officer said that £20,000 had been secured towards the provision of an RPZ. She reminded Members that the operation of an RPZ was outside of the planning system. The £20,000 was needed as there might need to be a much wider area included in an RPZ

The Committee was advised that a flood risk assessment had accompanied the application and this document had set out run off rates. The site was classed as a Greenfield site due to the onsite drainage that was in place. Members were advised that the Lead Local Flood Authority (LLFA) had not objected to the application subject to conditions.

The Principal Planning Officer referred to the increased commuted sum for affordable housing and said that the Housing Officer had stipulated that there should be the opportunity for this sum to be spent in the District. She said that this sum might not be for this particular site and there would need to be further Section 106 discussions.

Members were advised that the site was private land and was not a car park. The residents that had been

using this land to park could not rely on that space going forward. The Principal Planning Officer said that the proposed development did include parking spaces for all properties and this was compliant with planning policy.

The Service Manager (Development Management) reminded Members of what committed sums could be used for. He urged Members to be mindful that they must consider the planning application as it had been submitted.

The Conservation Officer said that the building was not capable of a straightforward conversion due to the low floor to ceiling heights. He stated that any attempt at a conversion would be very complex and would further diminish the significance of the building.

The Legal Services Manager reiterated the point that had been made by the Service Manager and the Chairman that Members must determine the application before them.

Councillor Kaye said that although the site was not in the conservation area; developments should nonetheless be attractive and should be in keeping with the surrounding area. He asked whether Officers could explain the meaning of tandem parking and whether there would be just one shared electric vehicle charging point for the apartments.

Councillor Crystall commented on why there had been no master planning for this site. He said that he was concerned over the loss of the granary and the mill as

these were rare local industrial buildings that were of real heritage value. He said that losing such buildings made a community culturally poorer terms and he was disappointed that the building could not be conserved.

Councillor Crystall said that the loss of the heritage structure would have a knock on effect in terms of overdevelopment and the proposed design was too dense, which would results in problems other Members had highlighted regarding the lack of green space and the parking issues. He said that he was pleased about the 45% carbon reduction above part L but he pointed out that if solar panels were removed, the houses only just met building regulations so would not perform any better than other new houses in winter and summer months.

Councillor Kemp said that this application had raised a lot of complex and quite interlinked issues. He referred in particular to the regrettable loss of employment space although this was a non-designated employment area. He said that the loss of the Hertford Town granary was regrettable but he could not imagine anyway how this building could be converted into something useful.

Councillor Kemp said that the point that had been raised about parking was a very valid one and he said that he was suspicious of tandem garages as the back half of the garage would be used for storage leaving space for one car. He said that he did not believe that the proposed new housing would be out of keeping with the considerable variety of dwellings on Tamworth Road.

Councillor Kemp expressed his disappointment at the less than 40 percent affordable housing provision. He said that this was a brownfield site and made the point that in terms of policy and principle, this would be preferable to a Greenfield site. He asked whether this was a typical situation where a brownfield location was preferable to a Greenfield site and he also asked how many affordable housing units would result from the revised commuted sum of £343,539.

The Principal Planning Officer explained the meaning of tandem parking and detailed the location of the garages and parking spaces for blocks A, B, C and D. She referred to the parking standards and stated that the proposed garages were well in excess of those standards in order to accommodate two vehicles and allow for storage space. Members were advised that Officers expected that the infrastructure would be put in place for a future increase in active electric vehicle charging points.

The Principal Planning Officer reminded Members that the cost of development Greenfield sites was less than for Brownfield sites, which meant the full 40% affordable housing could often be provided on a Greenfield site. She said that Officers would have a discussion with the Housing Officers in terms of how many units could result from the commuted sum of £343,539.

Councillors Buckmaster, Crystall, Kaye and Stowe made a number of points in respect of loss of employment land, railway related noise, tandem

parking and car clubs. Councillor Andrews expressed a number of concerns over the compromises that Members had been hearing about during the debate thus far on this application.

The Service Manager (Development Management) said the condition regarding double or triple glazing to address railway noise was fairly standard in order to meet the recommendations in terms of the standard that was required by Environmental Health Officers. He confirmed that there was no policy objection to tandem parking.

The Principal Planning Officer responded to the points that had been raised by Councillor Crystall in respect of part b of policy EDE1 and also in respect of electric car clubs. The Head of Planning and Building Control reminded Members of the District Plan and said that Members must link any reasons for refusal back to the policies in the District Plan.

The Legal Services Manager also reiterated that there must be very clear planning reasons which were linked back to policies if Members were minded to overturn an Officer recommendation for the approval of planning permission.

The Service Manager (Development Management) responded to a number of queries from the Chairman in respect of permitted development rights and the opportunities for development without the controls of a planning permission and a Section 106 legal agreement.

Members agreed that the meeting could be paused briefly at this point for a 5 minute comfort break. Councillor Buckmaster sought some clarification in terms of what guarantees there were in terms of whether the conditions could be met and adhered to by the applicant.

The Service Manager (Development Management) said that Officers were nearly always successful in securing close to 40 percent affordable housing on strategic Greenfield Sites. He said that previously developed brownfield or industrial sites invariably costed more to develop due to the potential for land contamination. He commented at length on the process of viability reviews for affordable housing.

The Principal Planning Officer responded to 5 specific policy positions that were referred to by the public speaker in objection to the application. She referred in particular to policies DES4, HA2 and a couple of WAT policies in terms of Water. She also commented on policies DES1 and DES3 as well as the policy position covered by the National Planning Policy Framework (NPPF).

The Conservation Officer made a number of further points in respect of non-designated heritage assets. The Principal Planning Officer gave an answer to a question from Councillor Page in terms of how the commuted sum had increased if there had been such a robust initial calculation. She referred in particular to the calculated contributions that had been made by Hertfordshire County Council. The Service Manager (Development Management) referred to a formulae

that was used by consultants on both sides that took into account all the costs of a proposed development.

Councillor Andrews expressed a number of concerns regarding protections for the residents from dust and noise during demolition and construction works on this site, due to the embedded nature of this site in a residential area. The Service Manager (Development Management) noted these concerns and summarised the powers that were available to Officers, in consultation with Highways Officers

The Chairman put a number of questions to the Legal Services Manager in terms of Liberty Rise and Hertford East Railway Station. The Legal Services Manager said that Members must determine this application and any matters outside of the application site should have no bearing on the decision making of the Committee.

Councillor Deering said that Members had made a number of comments regarding their concerns in respect of existing policies and regulations and he asked for some legal advice. The Legal Services Manager confirmed that the Committee must adhere to the regulations that Members should be using to determine this application. She said that detraction from policy could leave the Authority open to legal challenges or appeals on the grounds of unreasonable behaviour.

Councillor Deering asked Officers to confirm his understanding that the positions regarding affordable housing, parking and conservation were all compliant with policy. The Legal Services Manager and the

Service Manger (Development Management) confirmed that this was the case in terms of the policy position regarding affordable housing, parking and the conservation issues.

The Legal Services Manager and the Service Manager (Development Manager) responded to a number of questions from Councillor Deering regarding the importance of Members articulating policies and reasons if the Committee was minded to refuse or defer the application. The Legal Services Manager commented on the risk of an appeal for non-determination if the application was deferred as the target date for a decision had passed.

Councillor Kemp proposed and Councillor Kaye seconded, a motion that application 3/20/0897/FUL be granted, subject to a Section 106 legal agreement and the planning conditions detailed at the end of the report submitted and with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the Section 106 legal agreement and the planning conditions.

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

RESOLVED –that (A) in respect of application 3/20/0897/FUL, planning permission be granted subject to a Section 106 legal agreement and the planning conditions detailed at the end of the report now submitted; and

(B) authority be delegated to the Head of

Planning and Building Control to finalise the details of the Section 106 legal agreement and the planning conditions.

341 ITEMS FOR REPORTING AND NOTING

The Democratic Services Officer said that there were two sets of information for noting due to the cancelled January meeting of the Committee.

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.

342 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.47 pm

| |
|----------------------------------|
| Chairman Date |
|----------------------------------|

This page is intentionally left blank

East Herts Council Report

Development Management Committee

Date of Meeting: 31 March 2021

Report by: Sara Saunders, Head of Planning and Building Control

Report title: Planning Applications for Consideration by the Committee

Ward(s) affected: All

Summary

- This report is 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.

RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

A recommendation is detailed separately for each application and determined by the Committee, as appropriate, or as set out for each agenda item.

1.0 Proposal(s)

1.1 The proposals are set out in detail in the individual reports.

2.0 Background

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

3.0 Reason(s)

3.1 No.

4.0 Options

4.1 As detailed separately in relation to each matter if any are appropriate.

5.0 Risks

5.1 As detailed separately in relation to each matter if any are appropriate.

6.0 Implications/Consultations

6.1 As detailed separately in relation to each matter if any are appropriate.

Community Safety

As detailed separately in relation to each matter if any are appropriate.

Data Protection

As detailed separately in relation to each matter if any are appropriate.

Equalities

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.

Financial

As detailed separately in relation to each matter if any are appropriate.

Health and Safety

As detailed separately in relation to each matter if any are appropriate.

Human Resources

As detailed separately in relation to each matter if any are appropriate.

Human Rights

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.

Specific Wards

As detailed separately in relation to each matter if any are appropriate.

7.0 Background papers, appendices and other relevant material

7.1 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.

7.2 Display of Plans

7.3 Plans for consideration at this meeting will be displayed electronically on zoom on the day of the meeting and Officers will be present to advise on plans if required. 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 prior to the meeting.

- 7.4 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>
- 7.5 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.

Contact Member Councillor Jan Goodeve, Executive Member for Planning and Growth
jan.goodeve@eastherts.gov.uk

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
sara.saunders@eastherts.gov.uk

Report Author Peter Mannings, Democratic Services Officer, Tel: 01279 502174
peter.mannings@eastherts.gov.uk

DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2021

| | |
|---------------------------|--|
| Application Number | 3/20/2285/FUL |
| Proposal | Retention and refurbishment of the auditorium and back of house facilities, demolition of ancillary and supporting areas, and redevelopment to provide new performance, cinema and ancillary facilities. Provision of cycle parking and ancillary landscaping, public realm improvements and associated works. |
| Location | Hertford Theatre |
| Parish | Hertford Town Council |
| Ward | Hertford Castle |

| | |
|--|---------------------|
| Date of Registration of Application | 25.11.2020 |
| Target Determination Date | 24.02.2021 |
| Reason for Committee Report | Council Application |
| Case Officer | Jill Shingler |

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion of an appropriate mechanism to secure the planning obligation, and to the conditions set out at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and conditions.

1.0 Summary of Proposal and Main Issues

1.1 The site comprises the existing Hertford Theatre and the area immediately around the building. The site lies in the Historic heart of Hertford, to the north of The Wash and adjacent to the River. The site is within the Hertford Conservation Area and immediately to the rear of the site lie the Castle Gardens and Hertford Castle Motte which is a Scheduled Ancient Monument (SAM). There are

numerous listed buildings and structures around and adjacent to the site.

- 1.2 The proposal is to demolish the existing single storey ancillary elements to the front and side of the existing theatre building, retaining the central theatre auditorium and its conical fly tower and to remodel, refurbish and extend the building to expand the capacity of the theatre and introduce 3 cinema screens, a studio space and ancillary facilities. The area around the building is to be re landscaped and a walkway is proposed to the side of the building adjacent to the River, which will link from The Wash to and around the Motte.
- 1.3 The proposed extension to the building is designed as a series of 5 linked volumes that wrap around the front and side of the existing auditorium, fronting onto the Wash and the river (North and west elevations). The size and shape of the blocks has been dictated by the internal functions. They will contain the 3 proposed cinema screens, and ancillary office space around the front of the site, incorporating the main entrance and foyer space facing The Wash. Café space will overlook the river to the west with the new meeting room and studio theatre space sited towards the adjacent to the Motte.
- 1.4 The extensions are proposed to be of brick finish and incorporate a pattern of inset and protruding bricks, and inset glazed bricks to add interest to the façade. The existing auditorium to be retained is to be reroofed with metal sheet cladding, following the existing shape of the roof.
- 1.5 The boardwalk is proposed to link from The Wash, adjacent to the river, through to the Castle Gardens via the Motte. The intention is to make the Motte more publically visible and accessible.
- 1.6 The existing area to the front of the theatre adjacent to the Wash is proposed to become a shared surface with vehicular access as existing via the southern access with exit via the northern access.

- 1.7 The current limited car parking is to be removed from the site and the service yard area is to be retained and enhanced. The design is intended to improve the servicing of the theatre, which requires access for large vehicles. The scheme includes provision of 31 cycle parking spaces to the front and rear of the building.
- 1.8 Comprehensive hard and soft landscaping improvements are proposed around the building and to include the adjacent small park area to the west; and ecological enhancements are proposed, including along the river corridor.
- 1.9 The main issues for consideration of the application are:
- The principle of development
 - Design and Heritage Impacts
 - Flood risk management and climate change
 - Biodiversity and natural environment
 - Highway impacts and Sustainable Transport
 - Environmental quality and neighbour amenity
- 1.10 Consideration will need to be given to the overall planning balance and whether the proposed development will result in a sustainable form of development.

2.0 Planning History

- 2.1 The current Theatre building dates from the 1970's and small additions and alterations have taken place since then but there is no recent relevant planning history for the site.

3.0 Main Policy Issues

- 3.1 These relate to the relevant policies in the East Herts District Plan 2018, the National Planning Policy Framework 2019 (NPPF) and the Bengeo Neighbourhood Area Plan 2019-2033 (BNAP). The emerging BNAP policies have now been through examination and

at time of writing are being amended in response to the Inspectors comments, whilst they are not yet adopted they can be afforded significant weight.

| Key Issue | District Plan | NPPF | BNP |
|---|--|-------------|------------------------------|
| Principle of Development | CFLR7, HERT7, | | |
| Design and Heritage | HA1, HA2, HA3, HA4, HA6, HA7, DES2,DES3,DES4, DES5, DES6 HERT7 | | HBC3, HBC4, HBH2, HBH3 |
| Flood Risk and Climate Change | CC1, CC2, CC3, WAT1, WAT3, WAT4, WAT5, WAT6 | | HBH2 |
| Biodiversity and Natural Environment | NE1, NE2, NE3,NE4 | | HBH3, HBN3 |
| Highway impacts and Sustainable Transport | TRA1, TRA2, TRA3, | | HBT1, HBT2, HBT3, HBT4, HBT5 |
| Environmental quality and neighbour amenity | EQ1, EQ2, EQ3, EQ4 | | HBN5 |
| | | | |

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

4.0 Summary of Consultee Responses

- 4.1 Hertfordshire County Council Highway Authority – Does not wish to restrict the grant of permission, subject to conditions.
- 4.2 HCC Archaeological Advisor - Does not wish to restrict the grant of planning permission, subject to condition.

- 4.3 HCC Growth and Infrastructure Unit - advise that they are not seeking any contributions.
- 4.4 Historic England – Do not wish to raise an in principle objection but would like greater detail regarding the structure of the walkway around the Motte and more detail with regard to the proposed materials to ensure that they are appropriate.
- 4.5 Theatres Trust – advise that they welcome the scheme and have worked with the developers from the outset. The Trust consider that the proposals will bring considerable benefits not just to the theatre but to the town by strengthening and diversifying the theatre provision and increasing capacity. They suggest reviewing the volume and scale of the proposed advertising to improve wayfinding. The proposed cafe will draw people to the building during the day, which is welcomed and they suggest that external seating could be added. Overall they are highly supportive of the proposals.
- 4.6 Lead Local Flood Authority – Does not raise object to the proposal, subject to conditions.
- 4.7 Hertfordshire Ecology – Advise that they do not wish to raise objection, subject to the proposed ecological enhancements and suggest imposing a Landscape and Ecological Management Plan condition.
- 4.8 Police Crime Prevention Design Advisor- Advise that they have no concerns with regard to the proposals and that they fully support the application.
- 4.9 EHDC Environmental Health – Advise that they note the Air quality and contamination reports and mitigation measures and do not wish to restrict the grant of planning permission, subject to conditions.

- 4.10 EHDC Conservation and Urban Design Team - Considers the proposals will enhance and maintain the character of the Conservation area and will have a neutral impact on other heritage assets and does not wish to restrict the grant of permission, subject to conditions.

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

5.0 Town Council Representations

- 5.1 Hertford Town Council – comment that the design seems to incorporate a wide range of activities in a limited space which is welcomed. They note that this is a large structure but it is still in keeping with the area. This is largely a night time venue they would be keen to see improved public transport provision made available during the Theatre’s peak times of use. If the application is approved the Town Council would like to see continued provision for the community during construction either by leaving some areas of the site open or by providing alternative temporary facilities. They also request that the use of externally illuminated signage meets current guidance.

6.0 Summary of Other Representations

- 6.1 The application has been advertised by neighbour consultation to local residents and businesses, and by press and site notices. Two responses have been received making the following comments:
- Integrated bat and swift boxes should be provided.
 - Concerned that the toilet and changing room facilities for the performers are inadequate, particularly if children are involved.
 - Question the need for 3 cinemas, taking into account the impact of the pandemic?
 - Question whether the cinema spaces flexible and if they can they be used for other purposes?

- Question where will users park when all different elements are in use?

6.2 The Community Steering Group - Bengo Neighbourhood Plan also responded and advise that part of the western elevation falls within the Bengo Neighbourhood Plan (BNP) boundary. The Group comment that the proposals accord with Neighbourhood Plan policies for enhanced community facilities and business development. They would like to see increased cycle parking provision and covered spaces. They also recommend simultaneous upgrade of the children's play facilities in Hertford Castle Gardens and relocation to an area of better air quality within the gardens. The Group welcome the connectivity and ecological enhancement proposed, which accords with BNP policy. They would like to ensure development takes place to a schedule that minimises community impact without the facility.

7.0 Consideration of Relevant Issues

Principle of Development

- 7.1 The site comprises the existing Hertford Theatre and the Hertford Castle Motte which lies adjacent to it. The site is located within Hertford Town Centre and adjacent to the river. The site lies within Hertford Conservation Area and the Motte and the land to the south is a Scheduled Ancient Monument.
- 7.2 The existing theatre forms part of the immediate setting of the Motte, but it makes no effort to address the Motte, and it is considered that it does not make a positive contribution to its setting. The largely intact late-C12th bailey wall is Grade II* listed, and the much altered C15th castle gatehouse is Grade I listed. Next to Hertford Theatre on The Wash there is the Grade II listed "*Gates to the Grounds of Hertford Castle*" which date from 1912. There are various Grade II listed buildings opposite Hertford Theatre across The Wash including the former Green Dragon Hotel, 6A and 8 The Wash, 10-16 The Wash, The Seed Warehouse, and 18 The Wash.

There are many important listed buildings in the vicinity and the area is designated as an Area of Archaeological Significance.

- 7.3 The theatre is recognised as an important asset to the town and it is in a sustainable location with good access links. It is an appropriate use within the town centre and in principle the extension and improvement of the facility to include cinema screens would accord with the aspirations for the Town Centre and with the Community Facilities and Hertford policies of the District Plan.
- 7.4 The incorporation within the scheme of improved access from the Wash through to the Motte and the Castle Gardens, along the river frontage, accords with aspirations of the adopted Hertford Town Centre Urban Design Strategy that seek to improve access and improve the relationship of the town with the river.

Design and Heritage Impacts

- 7.5 The site is a particularly sensitive location within the heart of the Hertford Conservation Area and it is surrounded by various significant heritage assets, both designated and undesignated. It is clear from the submitted Heritage Statement submitted with the application that this factor is fully appreciated and has been integral to the development of the proposals from outset. The desire to improve the visibility and legibility of the Motte and improve the relationship of the theatre building to the historic environment has been part of the development process. The proposals have been developed through an extensive design process in consultation with Historic England, the Design Review Panel, Hertford Steering Group and Officers.
- 7.6 The Urban Design and Conservation Team advised that the danger with any building containing cinema space is it could become a featureless structure due to the lack of windows. However, great effort has been made to overcome this solid-to-void issue by giving the elevations playful and interesting textural finishes, which is an

expressive embellishment that is considered to be highly suitable to its use as an arts venue. The interesting use of glazed and protruding bricks will allow for a play of light and shadow both through the day and when the building is illuminated at night. The curtain walling and fins will create pleasingly crisp detailing around openings in the façade. The massing has been strategically pulled back from the river edge to enhance views of the Motte. The proposed building will relate far better to the Motte than the existing layout, and this would clearly result in an enhancement to the setting of the Motte. The boardwalk and riverside spaces created will also enhance the setting of the Motte, and assist in its interpretation by renewing its prominence and focus within the vicinity. The boardwalk will enhance the pedestrian permeability of the riverside and create a memorable new public place, which will complement the status of the theatre. The proposed public realm improvements are welcomed. Internally the spaces created will work well together and make the best of the beautiful riverside views.

- 7.7 Scheduled Monument Consent (SMC) is required for any works directly impacting on the Motte and these applications are determined by Historic England. With regard to the planning application, Historic England has confirmed that there is no in principle objection to the proposed boardwalk around the Motte, although the detail of its construction will need to be controlled to ensure that impacts are minimised.
- 7.8 An Archaeological Desk Based Assessment was submitted with the application, this identified that due to the high archaeological potential of the site a programme of archaeological trial trenching should take place, the results of which will inform further conservation and investigation. This is secured by a recommended condition.
- 7.9 It is considered that the proposals will enhance the character and appearance of the Hertford Conservation Area, and enhance the

setting of the Hertford Castle Scheduled Monument and will have a neutral impact on the setting of other nearby Listed Buildings.

Flood Risk

- 7.10 The site falls within Environment Agency Flood Zones 2 and 3. Generally, development should not take place within Flood Zone 3 which is the area at highest risk of flooding. However, as an extension to an existing building it cannot reasonably be located elsewhere. Furthermore, the use of the building is not categorised as being vulnerable to flood risk. In these circumstances pragmatic approach is appropriate ensuring that the building itself will not be at increased risk of flooding and that the development will not result in any increased flood risk elsewhere.
- 7.11 A Flood Risk Assessment was submitted with the application and additional details were requested by the Environment Agency were provided.
- 7.12 The Lead Local Flood Authority (LLFA) has raised no objection to the proposals on the basis that the development will include some 94.5 cubic metres of attenuation which is in excess of the current requirement calculated for the 1 in 100 year flood risk event plus 40%.
- 7.13 The Environment Agency normally seek to resist development within 8 metres of a river. However, in in this case the proposals will be an improvement over the existing situation. Following the submission of additional details, which explain the benefits of the boardwalk in meeting the wider objectives of public access to the river and the historic environment and demonstration that the works would not interfere with or damage the existing culvert, the Agency have advised that they have no objection to the development, subject to conditions.

Climate Change

- 7.14 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 also demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 7.15 From the outset the intention for this development has been to achieve a high level of sustainability and environmental performance using The Building Research Establishment Environmental Assessment Method (BREEAM) and targeting a rating of Excellent. An Energy and Sustainability Report was submitted with the application.
- 7.16 To reduce carbon emissions the following steps have been taken:
- Reduction of energy demand by improving building fabric parameters;
 - Increasing energy efficiency by using high efficiency mechanical and electrical services; and using onsite renewables, low and zero carbon technologies.

The proposed strategy includes:

- High performance building fabric properties that greatly surpass the requirements of Building Regulations Approved Document Part L2A.
- Electrically powered air source heat pumps using the heat rejected as part of the cooling process to satisfy the heat requirements elsewhere in the building.
- High efficiency mechanical systems including inverter driven pumps have been selected.
- Energy Efficient light fittings and controls will be used throughout the building.

- High efficiency mechanical ventilation with heat recovery throughout the building.
 - Building loads will be recorded and analysed using energy meters installed on all mechanical and electrical plant.
- 7.17 The report establishes that a 3% reduction in carbon emissions over current part L standards can be achieved. This is expected to rise to 58% once the Government's plans for decarbonising of the electricity grid are in place.
- 7.18 The report also states that the building has the potential to exceed its BREEAM design target of 75.75% and achieve up to 88.2% (still within the "Excellent" range.)
- 7.19 With regard to water resource, the proposals incorporate low flow fittings to reduce water consumption and leak detection and water metering are included
- 7.20 Due to the predicted long payback period (60 years) a grey water recycling system has not been included and it is not considered reasonable to require this.
- 7.21 The site is exceptionally well located to encourage access by public transport, on foot and by cycle, and the lack of on-site car parking and the increased cycle parking together with the proposed Transport Plan (which are explained further in the Highways section of this report) all contribute further to the sustainability of the development.
- 7.22 The proposals result is a building which will be significantly more energy efficient than the existing facility and which meets the requirements of the Climate Change policies within the District Plan.

Biodiversity and Natural Environment

- 7.23 Care has been taken in the preparation of the proposals to ensure that the development will improve and enhance the existing riverside habitat and result in a net increase in biodiversity. The proposals include provision of native planting and, in river, coir planting areas and provision of bird and bat boxes. The Environment Agency and Hertfordshire Ecology are satisfied that providing the proposals are properly completed and managed, they will not harm existing habitats and will result in a net increase in biodiversity.
- 7.24 The additional lighting proposed around the theatre including floodlighting of some elements of the building to enhance its appearance at night, are to be controlled by a recommended condition to ensure that they are appropriate aesthetically and also with regard to the potential impact on wildlife. Bat and bird boxes will be included within the scheme. A recommended condition requires the submission of a Landscape and Ecology Management Plan (LEMP) to ensure the benefits are provided and maintained.

Highway Impacts and Sustainable Transport

- 7.25 The proposals include increasing the overall capacity of the theatre auditorium by 150 seats and introduce 3 new cinema screens with seating for approximately 200 people and a studio theatre. Therefore the potential number of people utilising the theatre building at any one time will increase significantly. The limited existing on-site parking is being removed to improve the public realm and to enable better servicing of the theatre and studio theatre by large vehicles. The development therefore has the potential to result in increased traffic movements and increased pressure on parking facilities within the town.
- 7.26 Given the location of the theatre within the town centre with good pedestrian and cycle routes and good public transport links, by train and bus, there are significant opportunities to encourage

access to the facilities by means other than by car. A Framework Transport Plan has been produced with the objectives of increasing awareness of alternative transport modes available to staff and visitors to reduce the dependence of all users of the site on travelling by car. Incentives, such as a percentage ticket refund to those who on arrival can demonstrate that they used sustainable means of transport for their trip, are suggested within the Framework Transport Plan and are welcomed.

- 7.27 A Transport Assessment was submitted with the application, together with the Framework Transport Plan and a Delivery and Servicing Plan.
- 7.28 The Transport Assessment highlights that there are 7 public car parks within 800m walking distance of the theatre, providing some 766 spaces. Due to the current Covid restrictions, it was deemed that parking surveys would not be appropriate at the moment as they would not reflect normal usage. However analysis of the ticket data from these par parks has shown that usage drops off significantly in the evenings such that the likely additional peak demand of 110 additional vehicles between 8 and 9pm on weekdays, as a result of the development, could be accommodated within the existing spare capacity.
- 7.29 It is anticipated that the peak additional demand on Saturdays, will be between 2 and 3pm, but that this will only generate 34 additional parked vehicles and that this can be accommodated within the existing public car parking provision.
- 7.30 However, it is uncertain how accurate the parking figures are given current circumstances and therefore the intention is that once the development is in operation continued monitoring of car park capacity will be undertaken. In the event that demand is higher than anticipated then additional car parking spaces at Wallfields (Council offices) car park nearby will be dedicated for Hertford Theatre users during the weekends and evenings (outside of working hours).

- 7.31 The Highway Authority agree with the conclusions of the report and are satisfied that the combination of the main peak demand for parking being in the evenings and the adoption of a robust and monitored Travel Plan to reduce car dependence, provide that the development is unlikely to have an adverse impact.
- 7.32 The Highway Authority has requested a contribution of £6000 to cover the cost of monitoring the Travel Plan and this standard fee will be secured through an appropriate mechanism (the Council is unable to enter into a Section 106 Agreement with itself). It is considered that it is vital, given the lack of parking facilities at the site and the level of congestion often experienced in the area, that there is clear independent and robust monitoring of the Travel Plan to ensure it continues to achieve the modal shift envisaged.
- 7.33 Another vital element in achieving this shift is the provision of adequate waymarking and signage from public transport nodes and from the town centre to direct people to the best walking and cycling routes to the theatre. HCC have requested a contribution of £20,000 towards waymarking provision, however in this instance the District Council, as applicant, has the power to erect signage of this type and has suggested that a more targeted approach that fits with the signposting proposals for Hertford can be achieved. It is therefore considered that the requested contribution to HCC is not necessary. Alternatively, a condition is recommended requiring the submission of details of proposed waymarking to be submitted, approved and fully implemented prior to the first use of the development.
- 7.34 With regard to cycle parking the scheme includes provision for parking of up to 35 cycles; the number of spaces for the visiting public has been increased in the course of the application in response to comments raised. The provision will now exceed the current adopted standard. The proposed spaces will be located outside the front and rear of the building, and lockers are to be included within the building, for both staff and visitors who cycle.

- 7.35 There is some concern that some covered and secure cycle storage should be provided as this is more likely to encourage cycle use. It is therefore considered that as part of the transport plan, ways of improving cycle parking facilities at the site should be investigated and a condition is recommended to secure this.
- 7.36 The Highway Authority is satisfied that the design of the access and egress to the servicing area is adequate and has raised no highway safety concerns.
- 7.37 A Construction Traffic Management Plan (CMP) is needed to ensure that during construction the development of this constrained site does not cause undue disruption to traffic in the area, and a condition is recommended to secure a combined Construction Traffic and Environment Management Plan to minimise environmental impacts during construction..

Environmental Quality and Neighbour Amenity

- 7.38 The site is within a busy town centre location close to many existing night time venues and there is already significant footfall and activity. The expansion of the theatre and its increased usage is not expected to result in any increased noise and disturbance to neighbouring residents. The nature of the development with its multi-screen cinemas and live theatre activities taking place at the same time, mean that the highest levels of sound insulation are inherent in the design, so there will be no direct noise issues from the use.
- 7.39 Environmental Health Officers have raised no concerns' subject to conditions with regard to land contamination and noise from any external plant.
- 7.40 A daylighting and sunlight report was submitted with the application and this demonstrates that given the separation of the

site from the nearest residential properties the development will not result in unacceptable levels of overshadowing or loss of light.

- 7.41 There are windows proposed in development that will allow views out of the building from the first floor over the river and towards the properties to the west. However, given that the distance between is over 35m it is not considered that this will result in an unacceptable loss of privacy.
- 7.42 Full details of lighting and advertisements in connection with the development are required to be submitted, by condition, and Environmental Health will be consulted on such details to ensure that the proposals will not result in excessive light intrusion to neighbouring residents.
- 7.43 Given the conclusions already reached with regard to peak usage of the facility, the lack of on-site parking and the encouragement to utilise more sustainable means of transport to and from the site, it is not considered that the development will result in any material change to the air quality within the Air Quality Monitoring Area.

Other Issues

- 7.44 Concern was expressed by one respondent with regard to some of the details of the internal layout of the development, raising concerns about the practicality of the changing room facilities. The internal design and layout has been through a rigorous consultation process with the director of the theatre and with staff and with the Theatres Trust and is considered to provide an appropriate layout which also overcomes existing back of house inadequacies with regard to disabled access and inclusivity.
- 7.45 Concern has also been raised with regard to the appropriateness of building cinemas at a time when the future of such facilities may be threatened due to Covid 19. This is a commercial decision which is not relevant to the planning considerations; however the

spaces within the building have been designed to be adaptable to enable flexible use in the future.

- 7.46 It has been suggested that the opportunity should be taken to relocate the existing children's play area within the Castle Gardens, from its current location which has very poor air quality, to a less polluted location closer to the theatre. Whilst it is acknowledged there are aspirations to achieve this, it is not directly related to the current application, which must be considered on its own merits.

8.0 Planning balance and conclusion

- 8.1 The proposed development will significantly enhance the existing theatre provision within the town and provide additional appropriate leisure uses within a sustainable town centre location.
- 8.2 The extended building will be a more prominent feature in the street scene than the existing building, but it will achieve a high quality design that will maintain and enhance the character of this part of Hertford Conservation Area and will be an important modern addition to the historic environment.
- 8.3 The scheme will result in enhancements to the public realm, and the riverside, and improvements to the walking routes from the Wash to the Castle Gardens, in line with the Hertford Town Centre Urban Design Strategy, whilst improving the visibility, accessibility and interpretation of the Ancient Monument (Motte) which is currently largely hidden to the rear.
- 8.4 The development seeks to achieve a BREEAM "Excellent" rating and will improve significantly upon the sustainability of the existing building. It accords with the District Plan Climate Change policies and, in addition, biodiversity within the site will be enhanced.
- 8.5 The development will not result in any harm to highway safety or any significant increase in peak time traffic movements. Sustainable transport methods are to be promoted to all staff and

visitors. Parking within the town centre car parks is to be monitored and if the development subsequently results in demand for parking outstripping supply (despite the Travel Plan) then additional night time and weekend parking is to be made available at nearby Council offices at Wallfields.

- 8.6 Other considerations can be satisfactorily addressed by the imposition of conditions.
- 8.7 Overall, the scheme will result in significant benefits to the town centre and no significant adverse impacts have been identified. The development is considered to comply with the adopted policies of District Plan and the Hertford Urban Design Strategy, and accordingly recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion an appropriate mechanism to secure the planning obligation, and conditions.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of an appropriate mechanism to secure the planning obligation and conditions.

Planning obligation

To provide £6000 (index linked) to the Hertfordshire County Council as Highway Authority, towards the cost of considering and monitoring the Travel Plan.

Conditions:

1. 3 year time limit. (1T121)
2. Details of materials. Prior to their installation on site, full details and samples of all external materials, including the proposed

window fins, shall be submitted to and agreed in writing by the Local Planning Authority in consultation with Historic England. The details shall include a sample panel of the proposed brickwork (1m square) constructed on site to demonstrate the proposed pattern of brickwork, and drawings at an appropriate scale to illustrate the depth of inset of the proposed glazed brick. The development shall then be completed in accordance with the agreed details.

Reason: To ensure that the development achieves a high quality finish and appropriate level of visual interest appropriate to the historic setting in accordance with policy DES4 of the District Plan

3. Notwithstanding the approved drawings a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency prior to relevant works commencing. The landscaping scheme shall include the following details: a) specification to ensure successful establishment and survival of new planting. b) a schedule detailing sizes, species (native only) and number of all new trees/ plants c) a biodiversity statement detailing how the landscaping scheme maximizes biodiversity. d) Proposed trees: their location, species and size. e) soft plantings; including graded and turf areas, shrub and herbaceous areas. f) Specifications, plans, sections, plant species (native only) and detailing for the improvements to the eastern river bank. g) enclosures; including types, dimensions and treatments of walls, fences, screen walls, barriers, rails, retaining walls and hedges, especially those located at the site boundaries and/ or buffers around water bodies. h) hard landscaping; including ground surfaces, kerbs, edges, rigid and flexible paving, unit placing, furniture, steps. i) Details of any new habitats created on site.

Reason: To ensure the protection of wildlife and enhancement of habitat and to secure opportunities for enhancing the site's nature conservation value and the character and visual amenity of the area in accordance with Policies NE2, NE3, DES3 and DES4 of the District Plan.

4. Details of bird, bat and bee nesting boxes and/ or bricks shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency prior to the relevant works commencing. The details shall include the exact number, location, specification and design of the habitats. The nesting boxes/ bricks shall be provided strictly in accordance with the details approved, installed prior to the first occupation of the building to which they form part of or as part of the landscaping works (as appropriate) and shall be maintained as such thereafter.

Reason: To ensure the protection of wildlife and enhancement of habitat in accordance with policies NE2 and NE3 of the District Plan.

5. Prior to the occupation of the development a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the details of and responsibilities for the maintenance regimes and management responsibilities attached to the habitats created by the scheme.

Reason: To ensure the protection wildlife and enhancement of habitat in accordance with policies NE2 and NE3 of the District Plan.

6. Prior to the commissioning of the external lighting scheme a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. The report will include and consider, as a minimum, the following: a) Plans and elevations showing the location and direction of the proposed lighting, b) Specification of the lighting equipment to be installed including size, energy consumption, Lux levels, and light spillage c) Hours of operation, d) The final intensity, colour spectrum and transience of the illumination and the amount of light spill to the public realm, e) Details on how impacts on bat foraging will be minimised, f) Any additional measures that would be required to mitigate the

potential for glare and light spillage. The lighting scheme shall be implemented and maintained in accordance with the approved details for the lifetime of the scheme unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the protection of wildlife and habitat and to ensure that the character and amenity of the area is maintained or enhanced in accordance with Policies NE2, NE3 and DES4 of the District Plan.

7. No external fixed plant and / or equipment shall come into operation until details of the fixed plant and equipment serving the development hereby approved, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the Local Planning Authority. Noise from plant / equipment at the development shall not exceed a level of 10 dB below the LA90 background noise level when measured or calculated at 1 metre from the façade(s) of the nearest noise sensitive receptor(s). The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive receptor(s), with all plant / equipment operating together at maximum capacity and inclusive of any penalties for tonal, impulsive or other distinctive acoustic characteristics.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 of the East Herts District Plan 2018.

8. Prior to use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the East Herts District Plan 2018.

9. In connection with all site preparation, demolition, construction and ancillary activities, working hours shall be restricted to 08:00 – 18:00 hours on Monday to Friday, 08:00 – 13:00 hours on Saturdays, and not at all on Sundays or Bank / Public Holidays. Vehicles arriving at and leaving the site must do so within these working hours.

Reason: To safeguard the amenity for occupiers in the vicinity of the proposed development in accordance with Policy EQ2 of the East Herts District Plan 2018.

10. Prior to the commencement of the development hereby approved, a finalised combined Construction Traffic and Environmental Management Plan (CTEMP) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Environmental Health and the Highway Authority and the plan shall include the following:
- a) The demolition and construction programme and phasing
 - b) Hours of operation, delivery and storage of materials
 - c) Details of any highway works necessary to enable construction to take place
 - d) Parking and loading arrangements
 - e) Details of site security, lighting and hoarding
 - f) Management of traffic to reduce congestion and protect pedestrians
 - g) Control of dust and dirt on the public highway
 - h) Details of consultation and complaint management with local businesses and neighbours
 - i) Waste management proposals
 - j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.

- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.
- l) On site welfare facilities
- m) Siting and details of wheel washing facilities.
- n) Traffic and pedestrian management requirements
- o) Details of retaining servicing arrangements to the adjacent Public House
- q) Construction vehicle numbers, type and routing
- r) Construction storage compounds
- s) Cleaning of site entrances, site tracks and the adjacent highway

All works shall be carried out in accordance with the approved CTEMP thereafter.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policies EQ2 and EQ4 Air Quality of the East Herts District Plan 2018 and to protect safety and the amenity way in accordance with Policy TRA2 of the District Plan 2018 and Hertfordshire's Local Transport Plan 2018).

11. No demolition or intrusive ground works development shall take place until a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. No development, other than demolition to the level of the existing floor slab, shall be undertaken prior to the implementation of a programme of archaeological works undertaken accordance with the agreed WSI.

The WSI shall include:

- A. A statement of the potential significance of any archaeological evidence that may be present on the site and a set of research objectives that the archaeological works will seek to address.

- B. A detailed programme and methodology for the programme of archaeological works and the nomination of a suitably qualified competent person(s) and/or professionally accredited archaeological practice to undertake the agreed works.
- C. The programme for post-investigation assessment and subsequent analysis, reporting and dissemination and deposition of resulting material and if appropriate, a commitment to publication has been made.

The condition shall not be discharged in full until the programme of archaeological works set out under B and C above has been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure appropriate protection and or recording of any archaeological remains in accordance with Policy HA3 of the District Plan.

- 12. Notwithstanding the approved drawings full details of all external signage on and around the building hereby approved shall be submitted to and agreed in writing by the Local planning Authority prior to installation.

Reason: To ensure appropriate integration and to maintain the character and visual amenity of the Conservation Area and the historic environment in accordance with policy HA4 of the District Plan.

- 13. Prior to the first occupation or use of the development hereby permitted, the amended vehicular access/egress shall be provided and thereafter retained at the position(s) shown on the approved plan drawing number 1910-BA-XX-XX-DR-A-P10-0002. Arrangement 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: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the District Plan and Policy 5 of Hertfordshire's Local Transport Plan 2018)

14. Prior to the first occupation or use of the development hereby permitted, the proposed access, onsite car and cycle parking, servicing / loading, unloading / turning /waiting area(s) shall be laid out, demarcated, levelled, surfaced and drained in in accordance with a detailed scheme submitted to and approved in writing by the Local Planning Authority and retained thereafter available for that specific use.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance with Policy 5 of Hertfordshire's Local Transport Plan and Policy TRA2 of the District Plan.

15. Notwithstanding the a[proved plans, prior to the first use of the development hereby permitted, a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policy TRA1 of the District Plan and Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan.

16. Prior to the first use of the approved development, the Framework Travel Plan shall be updated to form a Full Travel Plan based upon the Hertfordshire Council document 'Hertfordshire's Travel Plan Guidance', and shall be submitted to and approved in writing by

the Local Planning Authority in consultation with the Highway Authority. The approved Travel Plan shall be implemented at all times.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policy TRA1 of the District Plan and Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan.

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment prepared by Integral Engineering Design, Revision A dated October 2020 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 19.2 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 86 m³ (or such storage volume agreed with the LLFA) of total storage volume in permeable paved area. 3. Discharge of surface water from the private drain into the River Lea. 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 of surface water in accordance with Policy WAT1 of the District Plan.

18. 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 drainage strategy should demonstrate the surface water run-off

generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include: 1. 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. 2. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change event. 3. 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 in accordance with policy WAT1 of the District Plan.

19. Notwithstanding the approved plans, prior to installation full details of the design, materials and colour of the proposed boardwalk shall be submitted to and approved in writing by the Local Planning Authority in consultation with Historic England.

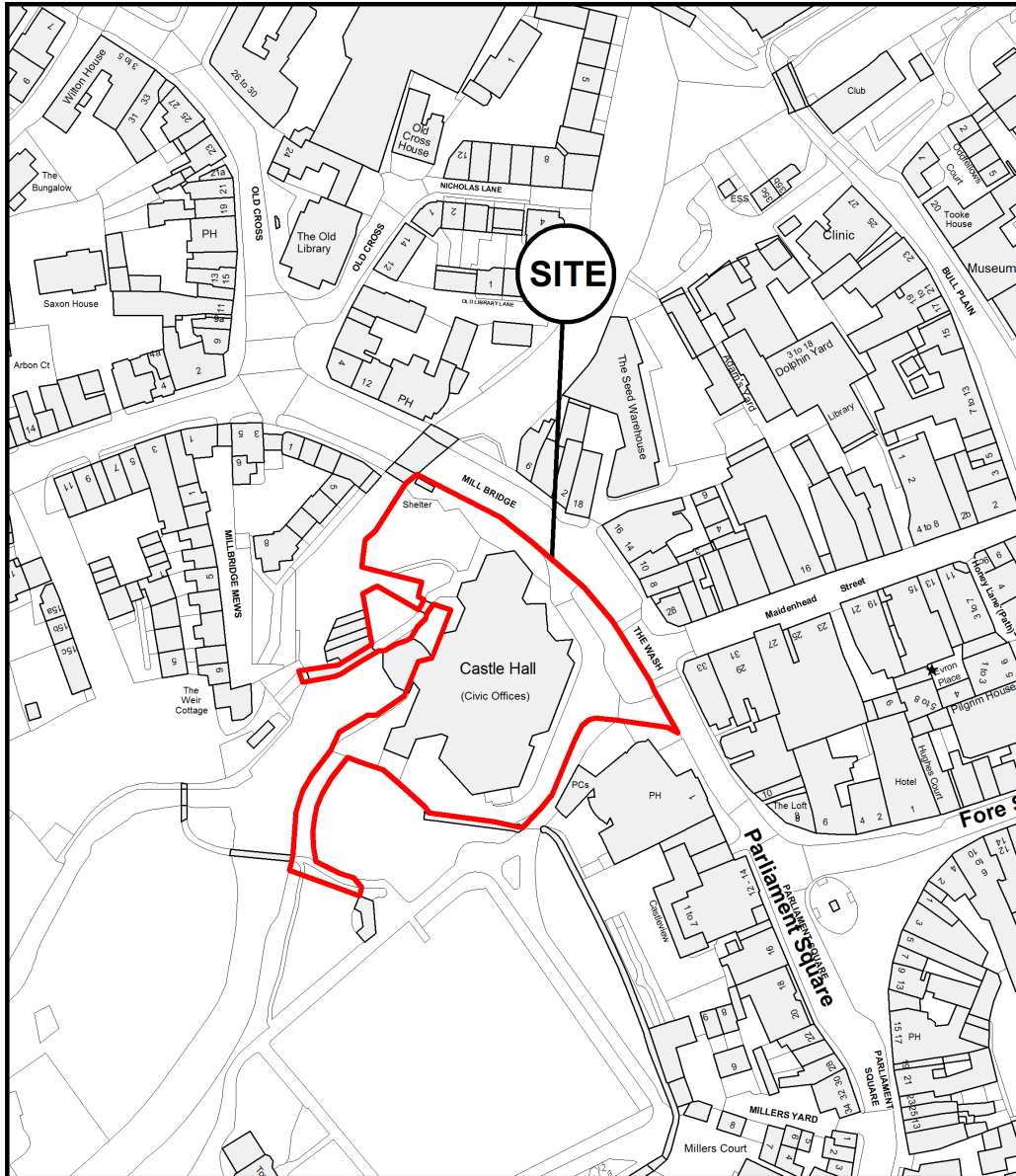
Reason: To ensure that the boardwalk design is appropriate and to minimise impact on the Scheduled Ancient Monument in accordance with Policy HA1 of the District Plan.

20. Prior to the first use of the development hereby approved, a comprehensive waymarking and direction signage shall be provided by the District Council in Hertford in accordance with details which are to be submitted to and agreed in writing in consultation with Highway Authority.

Reason: To ensure that walking and cycling routes from car parks, public transport hubs and the Town Centre to the theatre are clearly signposted in the interests of improving accessibility and sustainability in accordance with Policy TRA1 of the District Plan.

21. Approved plans. 2E101

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
 Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
 2021 East Herts Council. LA Ref: 100018528



East Herts Council
 Wallfields
 Pegs Lane
 Hertford
 SG13 8EQ
 Tel: 01279 655261

Address: Hertford Theatre, the Wash, Hertford, SG14 1PS
Reference: 3/20/2285/FUL
Scale: 1:1250
O.S Sheet: TL325126
Date of Print: 18 March 2021

This page is intentionally left blank

DEVELOPMENT MANAGEMENT COMMITTEE – 31 MARCH 2021

| | |
|---------------------------|---|
| Application Number | 3/20/0113/FUL |
| Proposal | Creation of a 29 bedroomed hotel with ancillary parking, landscaping and a new vehicle access |
| Location | Woodlands Lodge, Dunmow Road, Bishop's Stortford, Hertfordshire, CM23 5QX |
| Parish | Bishops Stortford Town Council |
| Ward | Bishop's Stortford All Saints |

| | |
|--|----------------------------|
| Date of Registration of Application | 20 January 2020 |
| Target Determination Date | 22 April 2020 |
| Reason for Committee Report | Major Planning Application |
| Case Officer | James Langsmead |

RECOMMENDATION

That planning permission be **GRANTED** subject to a Legal Agreement and to the conditions set out at the end of this report

That delegated Authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

1.0 Summary of Proposal and Main Issues

1.1 Full planning permission is sought to erect a part two/part three-storey, 29 bedroom hotel. This would be in addition to the 11 room bed and breakfast accommodation that is currently on the site. The proposal includes a manager's flat; car parking for 56 cars (inclusive of 3 disabled spaces adjacent to the hotel entrance); a refuse bin store; and, a covered cycle rack for up to 6 cycles.

1.2 The 29 rooms would each be approximately 23sqm in floor area and contain two beds, a kitchenette and an en-suite shower room. The ground floor would contain the reception / office, the manager's two bedroom flat, 14 rooms and a laundry room. Access to the upper floors would be by stairs (three staircases) where a further 15 rooms would be located.

1.3 A submitted landscaping scheme illustrates removal of a number of trees on site and selective retention of the trees in the grounds of the existing Lodge. The trees on Dunmow Road frontage (southern boundary) will be partly retained and the north-eastern corner boundary would be partly replaced with native deciduous species of trees. The site plan shows a bin store provided within the car park to the front of the hotel.

1.4 The main issues for consideration are:

- Principle of development;
- Design and layout;
- Highways and parking;
- Waste and recycling;
- Environmental considerations;
- Sustainable drainage;
- Ecology and Biodiversity;
- Climate change adaptation;
- Archaeology;
- Section 106 Obligations.

2.0 Site Description

2.1 The site is approximately 0.4Ha in area and is located on the northern side of Dunmow Road on the eastern edge of Bishop's Stortford. The site contains a two storey building, used as an eleven bedroomed guest house facility with a car park on the western part of the site granted permission on appeal in 1992 (3/92/1661/UT) and extended in 2001 (3/01/0531/FP).

2.2 The part of the application site to the east of the existing lodge is currently unused and contains small, low outhouse structures. The site is edged by trees and is screened from view from Dunmow Road by mature deciduous and evergreen trees. The boundary with the adjacent industrial area is similarly screened by trees from

within the site. The trees on the central and western parts of the site are protected by Tree Preservation Orders.

- 2.3 The site was previously in the Green Belt but was removed from Green Belt designation in the District Plan 2018. The site is bounded by Green Belt to the south of Dunmow Road. To the east and north of the site is Bishop's Stortford Football Club which contains low level spectator stands around the pitch, a strip of open land around and a car park to the north. To the west is the Woodside Employment Area, which contains modern industrial buildings.
- 2.4 The site is approximately 300m from the junction of Dunmow Road with the A120 and beyond that is a motorway services area, the M11, which is approximately 3.7 miles to the east.

3.0 Planning History

| | | |
|---------------|---|-------------------------|
| 3/19/1318/FUL | Construction of 44 room hotel with ancillary vehicle parking and landscaping and a new vehicle access. - | Withdrawn 30.10.2019 |
| 3/06/0059/CL | Existing usage- parking area for persons using Stansted Airport | Refused 29.06.2021 |
| 3/06/1546/CL | Airport related car park | Refused: 15.09.2006 |
| 3/01/0531/FP | Two storey extension to provide additional private accommodation and 2no. Additional bedrooms for bed and breakfast guests. | Approved 18.07.2001 |
| 3/92/1661/UT | Change of use from residential to guest house - bed and breakfast | Refused 25.09.1992 |
| 3/77/1392/UT | Single storey rear extension to be used as a conservatory | Approved 16.01.1978 |
| 3/77/1382/UT | Modernisation and extensions. | Approved 29.04.1977 |
| 3/77/1384/UT | Proposed pitch roof garage. | Approved 15.06.1977 |

4.0 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) and the Bishop's Stortford Central, South and All Saints (2017)

| Key Issue | DP | NP | NPPF |
|--|---------------------|----------------|------------------------|
| Principle of development | DPS2, ED5 | | Section 6 |
| Layout and Design | DES4, DES3, DES5 | HDP2, HDP3 | Section 12 |
| Impact on Neighbour Amenity | DES4 | | Section 12 |
| Climate Change and Mitigation | CC1, CC2, CC3, WAT4 | | Section 14 |
| Highway impact and parking provision | TRA1, TRA2, TRA3 | TP1, TP7, TP11 | Section 9 |
| Land Contamination and Noise Pollution | EQ1, EQ3 | | Section 15 |
| Ecology / Biodiversity | NE2, NE3 | | Section 15 |
| Archaeology | HA3 | HDP9 | Section 16 |
| Sustainable Drainage / Flood Risk | WAT1, WAT5 | GIP7 | Section 14 |
| Infrastructure delivery and planning obligations | DEL1, DEL2 | BP5 | Section 2 Section 4 |

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

5.0 Summary of Consultee Responses

5.1 Cadent Gas – There is apparatus in the vicinity of the development.

5.2 Thames Water– With regard to foul water sewerage network infrastructure capacity no objection is raised. With regards to

surface water drainage, it is advised the developer follows the sequential approach to the disposal of surface water.

- 5.3 Crime Prevention Officer – Objection, insufficient information with regards to cycle storage and security; insufficient detail regarding security of car park; and, accommodation is unlikely to be suitable for disabled guests (wheelchair users in particular).
- 5.4 EHDC Waste Services – No objection, subject to a condition requiring the on-site storage facilities for commercial waste, including waste for recycling and the arrangements for the disposal of waste detailed on the approved plans to be set up and provided and shall include provision for a minimum of 50% recycling/organic capacity.
- 5.5 Environment Agency – No comments received, however, comments on the previous application for the same development the Environment Agency advised: The development is proposed within approximately 140 meters of Bishop's Stortford Household waste recycling centre. This facility could have an adverse impact on new development due to noise and odour. The applicant should be required to provide suitable mitigation through design and/or financial contributions. Not all impacts may be mitigated and full account should be taken of paragraph 182 of the NPPF.
- 5.6 EHDC Environmental Health – No objections subject to conditions and informatives, concerning contaminated land, noise and air quality
- 5.7 EHDC Conservation and Urban Design – No objection to the overall principle of the scheme, however some concerns are raised to some aspects of the design. Additional soft landscaping could be provided. The design is improved but still utilitarian.
- 5.8 EHDC Landscape Officer – No comments received to revised scheme. Previous comment state that there are no objections relating to impact on existing trees and the surroundings. However, more/improved soft landscaping is required.

- 5.9 HCC Ecology – No objection. The submitted bat survey demonstrates no evidence of bats on site, and the Biodiversity Enhancement Plan contains precautionary measures to safeguard protected species, which should be followed.
- 5.10 HCC Historic Environment – No objection subject to an archaeology condition.
- 5.11 HCC Highways – No objections subject to conditions, a Section 278 agreement for highway works; and Section 106 contribution towards the improvement of the bus stops to encourage sustainable transport and an accessibility contribution.
- 5.12 Lead Local Flood Authority – No objections, subject to condition.
- 5.13 HCC Growth and Infrastructure Unit – No financial contributions are sought.
- 5.14 Herts and Middlesex Wildlife Trust – No comments received.

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

6.0 **Town Council Representations**

- 6.1 Bishops Stortford Town Council – No objection.

7.0 **Other Representations**

- 7.1 The application has been advertised by neighbour consultation, press and site notices. No responses have been received.

8.0 Consideration of Relevant Issues

Principle of Development

- 8.1 Policy DPS2 (The Development Strategy 2011-2033) of the District Plan sets out that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites, the second of which is "sites within the urban areas" including Bishop's Stortford. The application site has been included within the urban area of Bishop's Stortford since October 2018 through the District Plan process and is no longer in the Green Belt.
- 8.2 The boundary of the Green Belt is marked by Dunmow Road along the south boundary of the site. The Green Belt boundary is characterised by street frontages with mature vegetation and low density developments that are set back from the road frontage, with the exception of Woodlands Lodge which is close to the site frontage set within a line of mature trees. The site is close to the junction of Dunmow Road with the A120. To the east beyond the junction is a motorway service area, the M11 and the approach to Stansted Airport.
- 8.3 Policy ED5 of the District Plan states that new or extended tourism enterprises will be supported in principle, where they meet identified needs that are not met by existing facilities, are appropriately located and do not conflict with other policies of the District Plan.
- 8.4 The principle of development of the site for hotel use is therefore considered to be acceptable.
- 8.5 The application seeks permission for a Class C1 hotel. The proposed hotel would not provide a dining room/restaurant or other communal areas. The applicant has commented, in the submitted Transport Statement (Para 4.11), that pubs and restaurants are within walking distance of the site and no other on-site catering would be provided.

- 8.6 In summary, there are no objections in principle to the creation of a budget hotel in this location, and this would be of benefit to tourism and the economy of the District.

Design / Layout

- 8.7 Policies DES3, DES4 and DES5 of the District Plan seek design quality that respects the constraints of a site and integrates landscaping into the design.
- 8.8 Members are advised that a previous application for a 44 bedroom hotel was withdrawn, following Officer advice that the development by reason of its height, scale, bulk, form, siting and materials, would result in a cramped and visually failed to achieve a high standard of design. There were also concerns about such a large building being so close to the existing hotel on site. A revised scheme of 38 dwellings was then submitted, however, similar concerns remained.
- 8.9 Revisions have been negotiated reducing scale and height of the proposed building. The revised scheme provides a more appropriate design form.
- 8.10 The revised scheme has resulted in reduction of the height of the building by 1 storey and a consequent reduction in the number of rooms proposed to 29. The design of the building has been positively improved.
- 8.11 The mix of roof forms and staggered heights to the front principal elevation have significantly reduces the perceived visual bulk of the development on its principal elevation and an its visual interest has been improved. To the rear this is less apparent, as there are no breaks in the elevation; however, this elevation fronts Woodside Industrial Estate which is characterised by modern industrial buildings that are utilitarian in appearance. It is considered visually this is the least important elevation of the proposed building and

that it does feature an acceptable degree of design articulation between the roof, elevation and window openings.

- 8.12 To the east the application building would face Bishop's Stortford Football Club. The elevation on this side is much smaller in bulk and it is considered to be appropriately proportioned and articulated with both stair cores at each side set back, providing a staggered appearance. To the western end of the building, the elevation width is much narrower and is the least 'bulky' elevation of the overall scheme.
- 8.13 The proposed building is suitably spaced from the site's boundaries, and owing to its size reduction would not result in an unduly cramped appearance. The proposed access and car parking would wrap around two sides of the existing Woodlands Lodge building, and the proposed building would be positioned circa 16m north of the existing lodge, providing an appropriate spacing distance between the two buildings. Space has also been left to accommodate planting along the east and northern boundaries of the site which will help to soften the appearance of the development. It is therefore considered that the development would have an acceptable appearance when viewed from neighbouring sites i.e. such as the football club and the industrial estate.
- 8.14 The proposed materials of construction comprise of brickwork, eternity cement boarding (render) and metal clad roofing. The ratio mix and ratio of materials as illustrated are considered to be appropriate and in keeping with the context of the site and the adjacent neighbouring sites. In order to ensure that an appropriate colour scheme and quality of materials is attained, a condition requiring the approval of details is recommended.
- 8.15 In terms of landscaping, it is considered that the proposed development would achieve an appropriate balance between hard and soft landscaping. A suitable mix of tree and planting species have been provided on the submitted Landscape Plan (Drawing No.

PR153-01 Rev G), which illustrates that the proposed building will be suitably screened from the site's boundary frontage, mitigating its prominence as a large building in the backdrop of the existing hotel building. Along the northern and eastern boundaries of the site, appropriate species have been proposed to minimise the level of maintenance required, and ensure that they will not compromise the amenity of the rooms.

- 8.16 The Landscape Officer and Conservation and Urban Design Team have advised that they consider that the amount of soft landscaping should be improved. However, it should be acknowledged that there are limitations to amount of landscaping that can be provided without compromising the development's parking provision and a reasonable number of rooms within the hotel. Given the built up nature of the industrial estate to the north/north west and the football club to the east, and the sites location close to a motorway (M11) and associated road network it is considered that, on balance, the proposal achieves an acceptable level of hard and soft landscaping, in accordance with Policy DES3 of East Herts District Plan.
- 8.17 Overall, it is considered that the proposed development would achieve a satisfactory design appearance in context with the site and surrounding area, and would not detract from distinctiveness, in accordance with Policies DES3 and DES4 of the District Plan 2018, and Policies HDP2 and HDP3 of the adopted Neighbourhood Plan for Bishop's Stortford Central, South and All Saints.
- 8.18 There are no specific space standards relating to hotel accommodation. The proposed rooms would be double rooms each including a kitchenette and en-suite shower/WC and a floor area of approximately 23sqm. This is on the small size but not uncommon in budget hotels. It is noted that the Crime Prevention Officer raised concerns about the suitability of the accommodation for disabled guests - wheel chair users in particular. Whilst this is not specifically a matter relevant to crime prevention, it is a relevant matter with regards to quality and inclusivity of the development.

Notwithstanding the concern raised, the plans illustrate that the entrance door to the rooms and to the bathrooms are all 838mm wide and are therefore DDA compliant. The applicant has confirmed in subsequent correspondence that any specific provision to make some bathrooms fully equipped for disabled persons (e.g. installing rails etc) will be addressed through the Building Regulations process. Accordingly, it is considered that the quality and functionality of the proposed accommodation, for a budget hotel, is acceptable.

- 8.19 The Manager's accommodation comprises a two bedroom flat with a floor area of 69sqm (Gross Internal Area), which meets the Nationally Described Space Standard of 61-69sqm. The flat has an amenity area of approximately 34sqm to the front of the building. The space is considered to be adequately functional to provide private amenity space for the future occupants, which could be a young family (with children). Privacy of this space can be secured by appropriate planning conditions.

Impact on Neighbour Amenity

- 8.20 Policy DES4(c) of the District Plan requires developments to avoid detrimental impacts on the amenities of occupiers of neighbouring properties.
- 8.21 No objections have been received from neighbouring.
- 8.22 The properties most likely to be affected in this case are the existing bed and breakfast operation on the site. The remaining neighbouring uses are the football club to the east, industrial units in Woodside to the north and west and Bishop's Stortford golf club to the south.
- 8.23 Given the characteristics of surrounding uses they are unlikely to be materially affected by the proposed use.

Highways and parking

- 8.24 The Highway Authority has considered the trip generation assessment in the submitted Transport Statement and is content that the hotel may be accommodated on the local highway network without a material impact. The previously approved vehicle access point would be closed and a new one created adjacent to the existing building on the site of the existing garage, which would be removed. The Highway Authority has no objection to the proposal subject to provision of the new access, closure of existing access, provision of adequate visibility splays for the principal road (A1250) and speed of traffic (30mph) and submission of a Construction Management Plan. These requirements would be secured by conditions on planning permission.
- 8.25 A Section 278 Agreement would be required for works to the public highway associated with the new access.
- 8.26 Given the location of the site on the main road into Bishop's Stortford, it is considered that a Construction Management Plan (CMP) would be required for the proposed development to demonstrate that construction of the new building would be managed to prevent adverse impacts on the highway network. This would be secured by a condition.
- 8.27 Accordingly, subject to conditions, the development would accord with Policy TRA2 of the East Herts District Plan (2018) and TP11 of the adopted Neighbourhood Plan for Bishop's Stortford Central, South and All Saints.
- 8.28 In accordance with Policy TRA3 and the Vehicle Parking Standards 2015, the proposed development requires 46 spaces to be provided (one per new bedroom - including staff accommodation), one space per manager, and two spaces for other staff). Combined with the eleven rooms of the existing bed and breakfast, the site as a whole, would require 46 spaces to be provided and an additional provision

of 3 disabled parking spaces (or 6%, which yields 3.48 spaces) within the application site.

- 8.29 The site layout (Drawing number 400/P/001/G) shows 46 spaces on the site (inclusive of 3 disabled parking spaces); eleven for the existing B and B and the remainder for the proposed hotel. Provision of the car parking spaces prior to first occupation would be secured by planning condition. Accordingly, it is considered that proposed development would accord with parking requirements of Policy TRA3 of the District Plan (2018).
- 8.30 Policy BP5 of the Neighbourhood Plan (BSNP) seeks to secure electric car charging points in new developments at a rate of 10% of spaces. Four electric vehicle charging points have been illustrated on the Landscape Master Plan (Drwg No. PR153-01 Rev J). The proposed provision is considered to be acceptable.
- 8.31 The cycle parking standards for hotels require one weatherproof and secure space per ten bedrooms. A total of four spaces would be required (3 spaces for 29 beds, and 1 for staff). Drwg no. 400/P/001G details a secure cycle store location to the front of the hotel in front of the manager's accommodation amenity area, and the Transport Statement suggests that this would provide 5 spaces. This would be acceptable in principle, however, a condition is recommended requiring the approval of details of design and functionality.
- 8.32 There is currently a dedicated pedestrian access into the site which coincides with dropped kerbs on Dunmow Road and marked with directional bollards in the central reservation area. The Highway Authority have advised that this pedestrian access into the site should be preserved, as illustrated on the Landscape Masterplan drawing and the Site Plan drawing. Since the original submission, and in response the Highway Authority's comments, a revised Landscape Masterplan has been provided, making the pedestrian access route more distinguishable - a light grey block paving different from the rest of the block paving proposed - which clearly

delineates pedestrian and vehicle surfaces for pedestrians and motorists. This is considered to be appropriate, and in line with the recommendations of the Highway Authority. A condition requiring details of clear sign posting to direct pedestrians safely within the site is recommended.

- 8.33 Subject to conditions, the proposed development would accord with Policies TRA2 and TRA3 of the District Plan and Section 9 of the NPPF.

Waste and Recycling

- 8.34 Policy DES4(e) requires developments to provide adequate refuse and recycling facilities to be provided on site. A bin store position is shown on the layout plan as being to the front left side of the development. As the proposal is a commercial operation the bins would be serviced by a contractor. Appendix C of the Transport Statement contains swept path analysis for large cars and refuse vehicles accessing the site. The Highway Authority has not objected on these grounds. Illustrative details of the bin store have been provided on Drawing No. 400/P/002C and are considered appropriate. The development would accord with Policy DES4(e) of EHDP 2018.

Environmental Considerations

- 8.35 Policy EQ1 of the District Plan 2018 requires applications to undertake a site assessment and provide evidence that unacceptable risks from contamination and land instability would be addressed by remediation during or following the development. This aligns with Paragraphs 178-9 of the NPPF.
- 8.36 The applicant has submitted a Phase I Desk Study Report into stability and Contamination, a Ground Stability Assessment and a Ground Stability Investigation Report.

- 8.37 Environmental Health have considered the report and recommendations made in the submitted "Phase One Desk Study", Woodlands Lodge, (Report reference 49764 Rev A, dated April 2019 by Richard Jackson Engineering Consultants). A pre-commencement condition requiring the submission of a Phase II intrusive investigation report, in accordance with BS 10175:2011, to establish whether further contamination is present, and whether subsequent remediation is required is recommended. This would accord with Policy EQ1 of the District Plan.
- 8.38 With regard to noise from surrounding land uses affecting the internal noise levels of hotel rooms, the Environmental Health Department has not requested that a noise assessment be carried out. The application indicates that the rooms would be triple-glazed and it is therefore considered that a condition for noise assessments is not required.
- 8.39 It is noted that the Environment Agency have previously raised concerns about the potential noise and odour impacts from the household waste site. Given the temporary and less sensitive nature of the accommodation (not residential) and the fact that there is an established hotel use on site, it is considered that mitigation and contributions to mitigate impacts, as suggested by the Environment Agency, is not be reasonable or necessary.

Sustainable Drainage

- 8.40 Policies WAT1 and WAT5 of the District Plan seek to ensure that new developments do not increase the risk of flooding on site or on other sites and that sustainable forms of drainage are used and maintained.
- 8.41 A Sustainable Drainage Assessment prepared by Richard Jackson Engineering Consultants, June 2019 (Revision C – 16.09.2020) has been submitted. The LLFA have reviewed the report and advised that they have no objections subject to conditions requiring the that the development be carried out in accordance with the above report

and that the detailed drainage scheme be submitted for approval. These conditions are considered both reasonable and necessary to ensure that the development will accord with Policies WAT1 and WAT5 of the District Plan.

Ecology and Biodiversity

- 8.42 Policies NE2 and NE3 of the District Plan require developments to enhance biodiversity and create opportunities for wildlife and retain/maintain features of biodiversity value, particularly the protection of habitats of protected species.
- 8.43 The applicant has submitted a Bat survey for the site, which concluded that bats were not likely to be present. Hertfordshire Ecology have advised that they have no reason to disagree with the findings of the survey. They have further advised that the landscaping plan and the Biodiversity Enhancement Plan (produced by T4 Ecology Ltd, report date September 2020) provides adequate details of planting and the type, number and location of bat, bird and insect boxes, which will enhance the site for ecology. A condition is recommended in order to secure implementation in accordance with these details, to ensure that the development accords with Policies NE2 and NE3 of the District Plan (2018).

Climate Change

- 8.44 All development must have regard to climate change adaptation and mitigation policies CC1 and CC2 and the building design requirements of Policy DES4, all developments should demonstrate how carbon dioxide emissions will be minimised and how the design, materials, construction and operation of development will minimise heating and cooling requirements.
- 8.45 The application is supported by a Renewable Energy Strategy Report (produced by the Consult Us International group; Rev 0 – September 2020) and TM52 Overheating Assessment Report (produced by the Consult Us International group; Rev 0 – October 2020). The design

and access statement also makes reference to climate adaptation and mitigation measures.

- 8.46 The information supplied in these reports demonstrate that it would not be appropriate, given the size of the development, to explore combined heat and power (CHP) as a means of heating and powering the building. It would not be viable. The use of photovoltaic panels (on the roof of the hotel) as renewable energy source has been explored, which would achieve a reduction in carbon dioxide emissions of 3,944 kgCO₂ per annum, which equates to 5.0%. The incorporation of the energy efficiency measures (97% efficient gas fired boiler supplying under floor heating; 95% efficient direct gas fired water heaters; local mechanical extract in bathrooms, kitchenettes and laundry; and 80 lamp lumens per circuit watt) together with the photovoltaic panels equates to a reduction of 9.6% against the TER 2013 for the scheme, which would exceed policy requirements.
- 8.47 The Overheating Assessment Report demonstrates that the building can achieve a satisfactory degree of thermal comfort without overheating subject to the adoption of the recommendations:
- 8.48 A condition is recommended to require compliance with the assessments to ensure that the development delivers against the climate change and adaption objectives of Policies CC1, CC2, and CC3 of the District Plan.

Archaeology

- 8.49 The proposed development is located adjacent to in Area of Archaeological Significance no. 274. This covers an area where significant archaeological remains comprising Early Iron Age to Roman period pits, ditches and ring gullies were observed prior to the construction of Woodside Industrial Park in 1992 [Historic Environment Record No 9816].

- 8.50 Subsequent archaeological investigations carried out when the football ground was constructed uncovered evidence of early/middle Iron Age occupation [HER 10181] just to the north of the development site. Dunmow Road, on the southern boundary of the site, follows the course of the Roman highway known as Stane Street, which ran east from Braughing to Bishop's Stortford into Essex, and ultimately to Colchester [HER 4680].
- 8.51 The Historic Environment advisor concludes that the development would be likely to have an impact on heritage assets of archaeological interest. Accordingly, in accordance with Policy HA3 an archaeological field evaluation will be required. A condition is therefore recommended.

Section 106 Obligations / Contributions

- 8.52 Further to Policies TRA1 and DEL2 of the District Plan obligations towards sustainable transport can be sought where they are necessary to make a development acceptable in planning terms.
- 8.53 The Highway Authority requests a financial planning obligation of £19,000.00 towards the following sustainable transport improvements:
- a contribution £16,000 to improve the bus stop facilities at Shortcroft ;
 - a contribution of £3,000 towards cycle facilities in Parsonage Lane and Dunmow Road.
- 8.54 The provision of fire hydrants is also requested.

9.0 Planning Balance and Conclusion

- 9.1 The application has been assessed in terms of the principle of the development and found to be acceptable in terms of the use as a hotel in this location, subject to compliance with the other policies of the Development Plan. Use for a hostel has not been considered.

Change of use to a hostel would require planning permission to enable full assessment of the impacts.

- 9.2 The design, siting and scale of the proposed hotel, is considered to be acceptable and in keeping with local distinctiveness. The layout is functional and would provide a reasonable standard of accommodation as a budget hotel.
- 9.3 A suitable landscaping scheme is proposed which would soften and complement the site as well as provide appropriate biodiversity and ecology enhancements.
- 9.4 Adequate parking provision, and cycle storage provision is proposed.
- 9.5 The site proposal complies with the climate change adaptation and mitigation requirements of Policies CC1, CC2, and CC3 of District Plan and provides for sustainable transport mitigation in accordance with Policy TRA1.
- 9.6 The remaining issues detailed in the report can be satisfactorily addressed by the imposition of conditions
- 9.7 Accordingly, on the balance of considerations the proposal is considered to be acceptable and is therefore the application is recommended for approval.

RECOMMENDATION

That planning permission be **GRANTED** subject to a Section 106 legal agreement and the draft conditions set out below at the end of this report.

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions.

Draft Legal Agreement

| Terms | Contribution (£) |
|---|------------------|
| A contribution to improve the bus stop facilities (shelters) at Shortcroft (£16,000.00 for shelters). | £16,000.00 |
| A contribution towards cycle facilities in Parsonage Lane and Dunmow Road. | £3,000.00 |
| The provision of fire hydrants | |

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 Notwithstanding the approved plans, prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted 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: In the interests of amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

- 4 All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policies DES3 and DES4 of the East Herts District Plan 2018.

- 5 All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policy DES3 of the East Herts District Plan 2018.

- 6 Prior to the first occupation of the development hereby approved details of any 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.

- 7 Prior to occupation of the development, a scheme of site security measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be installed and be operational prior to first occupation of the development. The scheme shall be retained for the life of the development.

Reason: To deter crime and antisocial behaviour in accordance with Policy DES5 of the East Herts District Plan 2018.

- 8 Prior to the commencement of the development hereby approved a scheme to deal with contamination of land and/or groundwater shall be submitted to and approved by the Local Planning Authority and the development should be implemented in accordance with the approved scheme. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- 1). A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until
 - (i) The requirements of the Local Planning Authority for site investigations have been fully established; and

(ii) The extent and methodology have been agreed in writing with the Local Planning Authority.

Copies of a report on the completed site investigation shall be submitted to the Local Planning Authority without delay on completion.

- 2). A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: Details are required prior to the commencement of the development to minimise and prevent pollution of the land and the water environment in accordance with Policy EQ1 of the East Herts District Plan 2018.

- 9 Prior to first occupation of the development, the biodiversity enhancement measures set out in the hereby approved Biodiversity Enhancement Plan (produced by T4 Ecology Ltd; report date: September 2020), shall be implemented in full, and retained in perpetuity thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development enhances, protects and preserves the sites biodiversity, ecology, and species on site in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

- 10 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 in accordance with Policy HA3 of the adopted East Herts District Plan (2018).

- 11 Prior to the first use of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number 400 / P / 001F, Proposed Site Plan. Arrangement 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: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the East Herts District Plan 2018 and Policy 5 of Hertfordshire's Local Transport Plan.

- 12 Prior to the first occupation, the vehicular access to and egress from the adjoining highway shall be limited to the access shown on drawing number 400 / P / 001F only. Any other access or egress shall be permanently closed, and the footway / highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority, concurrently with the bringing into use of the new access.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the East Herts District Plan 2018 and Policy 5 of Hertfordshire's Local Transport Plan.

- 13 Prior to the commencement of the use hereby permitted, a visibility splay shall be provided in full accordance with the details indicated

on the "entran" drawing number SK03 revision C. 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: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway in accordance with Policy TRA2 of the East Herts District Plan 2018 and Policy 5 of Hertfordshire's Local Transport Plan.

- 14 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:
- a. Construction vehicle numbers, type, and routing;
 - b. Access arrangements to the site;
 - c. Traffic management requirements
 - d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e. Siting and details of wheel washing facilities;
 - f. Cleaning of site entrances, site tracks and the adjacent public highway;
 - g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h. Provision of sufficient on-site parking prior to commencement of construction activities;
 - i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
 - k. 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 and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan.

- 15 The building shall be used only as hotel under Class C1 and for no other purposes including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure that no alternative use is made of the premises which would be detrimental to the amenities of occupants of adjoining premises in accordance with Policy DES4 of the East Herts District Plan 2018.

- 16 Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure (including the hotel manager's flat private amenity space) to be erected 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: In the interests of amenity and good design, in accordance with Policy DES4 of the East Herts District Plan 2018.

- 17 Prior to first occupation of the building, details of motorist and pedestrian signage within the site to identify safe routes to and from the hotel and parking, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure safe routing of vehicles and pedestrians within the site, in accordance with Policy TRA1 and TRA2 of the East Herts District Plan 2018.

- 18 Prior to first occupation of the building, the refuse and recycling facilities illustrated within the hereby approved plans shall be provided on site, and retained as such thereafter.

Reason: To ensure that adequate means of disposal of refuse and recycling waste on site in accordance with Policy DES4 of the East Herts District Plan 2018.

- 19 The development permitted by this planning permission shall be carried out in accordance with the Sustainable Drainage Assessment carried out by Richard Jackson Engineering Consultants Ltd, project number 49764 issue C, dated September 2020 submitted in support of this application.

1. Limiting the surface water run-off rates to maximum of 1l/s for all rainfall events up to and including the 1 in 100 year + 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 in permeable paved area.
3. Discharge of surface water from the private drain into the Thames Water sewer network.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

20 No development shall take place until the final design of the drainage scheme is completed and sent to the LPA for approval. The surface water drainage system will be based on the submitted the Sustainable Drainage Assessment carried out by Richard Jackson Engineering Consultants Ltd, project number 49764 issue C, dated September 2020 submitted in support of this application. The scheme shall also include:

1. Detailed engineered drawings of the proposed SuDS features including their, location, size, volume, depth and any inlet and outlet features including any connecting pipe runs.
2. Final detailed post-development network calculations to ensure the scheme caters for all rainfall events up to and including the 1 in 100 year + climate change event. Also to include half drain down times.
3. 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 flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

21 The development hereby approved shall be implemented in full accordance with the details and recommendations within the submitted Renewable Energy Strategy Report Rev 0 (dated: September 2020; produced by the Consult US International Group) and the TM52 Overheating Assessment Report Rev 0 (dated: October 2020; produced by the Consult Us International group); and the climate adaptation and mitigation measures within the Design and Access Statement. These mitigation measures shall be retained as such thereafter.

Reason: To ensure that the development delivers against the climate change and adaption objectives of Policies CC1, CC2, and CC3 of the District Plan 2018.

Informatives:

- 1 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.
- 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 Where works are required within the public highway to facilitate vehicle access, the Highway Authority require the construction of such works to be undertaken to their specification and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to Highways Operations, Hertfordshire County Council, County Hall, Hertford, SG13 8DE (Telephone 0300 123 4047) for further information and to determine the necessary procedures.
- 4 Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

- 5 Obstruction of public highway land: It is an offence under Section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

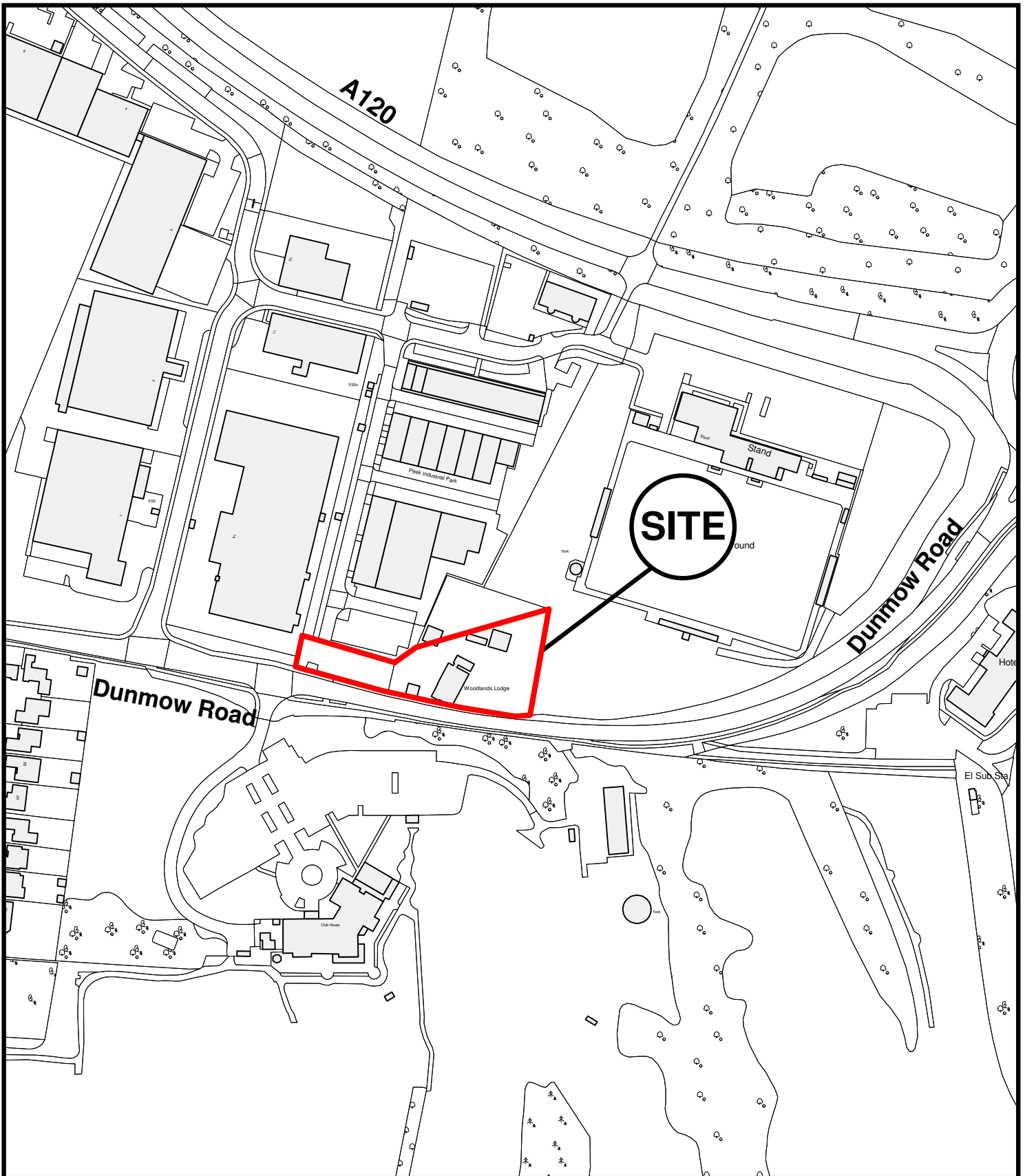
- 6 Road Deposits: It is an offence under Section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

- 7 Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority

to obtain their permission and requirements. Further information is available via the website:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

This page is intentionally left blank



This copy has been produced specifically for Map Control Scheme purposes only. No further copies may be made
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings
Reproduced from the Ordnance Survey map data with the permission of the controller of Her Majesty's Stationery Office Crown Copyright
2009 East Herts Council. LA Ref: 100018528



East Herts Council
Wallfields
Pegs Lane
Hertford
SG13 8EQ
Tel: 01279 655261

**Address: Woodlands Lodge, Dunmow Road, Bishops Stortford
Hertfordshire, CM23 5QX**

Reference: 3/20/0113/FUL

Scale: 1:2500

O.S Sheet: TL5021

Date of Print: 16 March 2021

This page is intentionally left blank

Agenda Item 6

**EAST HERTS DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
JANUARY 2021**

| | |
|---------------------------|--|
| Application Number | 3/19/1132/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 8 Cherry GardensBishops StortfordHertfordshireCM23 2AJ |
| Appellant | Mr Anthony O'Reilly |
| Proposal | First floor rear extension. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/20/0189/OUT |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Rear Of 19 Winding ShottBramfieldHertfordHertfordshireSG14 2QP |
| Appellant | Mr And Mrs N Crook |
| Proposal | Outline planning with all matters reserved except for access for the erection of a two bedroomed bungalow |
| Appeal Decision | Allowed |

| | |
|---------------------------|--|
| Application Number | 3/20/0236/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Cromer Hill CommonNear B1037, ArdeleyWhite HillCromerStevenageHertfordshireSG2 7QA |
| Appellant | Mr Paul King |
| Proposal | Erection of barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter. |
| Appeal Decision | Allowed |

| | |
|---------------------------|---|
| Application Number | 3/20/0717/FUL |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Rooks Nest PaddockStevenage RoadWalkernHertfordshire |
| Appellant | Mr Wakeley And Miss Hilton |
| Proposal | Change of use of land from agricultural/equestrian to residential and erection of a new two bedroom dwelling with associated parking - revised scheme |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/20/0772/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 66 High StreetWalkernStevenageHertfordshireSG2 7PG |
| Appellant | Mr Perry |
| Proposal | Demolition of rear extension and demolition of outbuilding attached to garage. Erection of part single, part two storey rear extension. Installation of replacement windows to entire house. Retention of temporary annexe for the duration of work to the main dwelling. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/20/0981/CLPO |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 16 Hollybush LaneDatchworthKnebworthHertfordshireSG3 6RE |
| Appellant | Mr And Ms K And V Mead And Arther |
| Proposal | Proposed single storey side extension |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/20/1055/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 8 Farm CloseWareHertfordshireSG12 7SQ |
| Appellant | Mr Michael Payne |
| Proposal | Construction of single storey side and rear extension. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/20/1114/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Woolpack CroftWestmillBuntingfordHertfordshireSG9 9LJ |
| Appellant | Mr Richard DeBohun |
| Proposal | Single storey oak framed garden room rear extension. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/20/1115/LBC |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | Woolpack CroftWestmillBuntingfordHertfordshireSG9 9LJ |
| Appellant | Mr Richard DeBohun |
| Proposal | Single storey oak framed garden room rear extension. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/20/1129/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 172 Stansted RoadBishops StortfordHertfordshireCM23 2AR |
| Appellant | Mr Neil Watts |
| Proposal | Ground floor side and rear extension, first floor rear extension. Hip to gable roof extension with rear dormer, insertion of 3 roof lights to front elevation and insertion of window to side. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|--|
| Application Number | 3/20/1194/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 279 Ware RoadHertfordHertfordshireSG13 7EL |
| Appellant | Mr Neal Grainger |
| Proposal | Erection of two storey detached garage/gym/office with first floor rear terrace. |
| Appeal Decision | Dismissed |

| | |
|---------------------------|---|
| Application Number | 3/20/1250/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 5 Sacombs Ash LaneAllens GreenSawbridgeworthHertfordshireCM21 0LU |
| Appellant | Ms Elizabeth Webb |
| Proposal | Removal of conservatory and detached garage. Construction of single storey rear extension, two storey side extension and new front porch. |
| Appeal Decision | Allowed |

| | |
|---------------------------|---|
| Application Number | 3/20/1313/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 32 Manston DriveBishops StortfordHertfordshireCM23 5EL |
| Appellant | Mr James McGrath Dolan |
| Proposal | Hip to Gable first floor side extension above the garage and two storey rear extension. |
| Appeal Decision | Allowed |

| | |
|---------------------------|---|
| Application Number | 3/20/1505/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 5 ApplegateSawbridgeworthHertfordshireCM21 0DR |
| Appellant | Mr Peter Hehir |
| Proposal | Erection of wooden car port to front of property. |
| Appeal Decision | Allowed |

| | |
|---------------------------|---|
| Application Number | 3/20/1575/HH |
| Decsn | Refused |
| Level of Decision | Delegated |
| Address | 36 Scotts RoadWareHertfordshireSG12 9JQ |
| Appellant | Mrs M Dixon |

| | |
|------------------------|------------------------------|
| Proposal | First floor front extension. |
| Appeal Decision | Allowed |

Background Papers

Correspondence at Essential Reference Paper 'A'

Contact Officers

Sara Saunders, Head of Planning and Building Control – Extn: 1656

This page is intentionally left blank



Appeal Decision

Site Visit made on 3 September 2020

by **S Thomas BSc (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/J1915/D/19/3239890

8 Cherry Gardens, BISHOP'S STORTFORD, CM23 2AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Anthony O'Reilly against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1132/HH, dated 30 May 2019, was refused by notice dated 25 July 2019.
 - The development proposed is First floor rear extension and internal alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area including the existing dwelling and (ii) the living conditions of neighbouring occupiers of Nos 7 Cherry Gardens (No 7) with particular regard to outlook and daylight.

Reasons

3. The appeal property is an end of terrace dwelling and is located within a residential area. It contains an existing large single storey rear extension. The properties along Cherry Gardens in the immediate vicinity of the site are characterised by typically modest terraced properties with a flat roof. Due to the prominent corner position, the side and rear elevations of the property are very visible in the street scene. Whilst a number of the terrace properties along this part of Cherry Gardens have single storey extensions, first floor rear extensions are not a common feature.
4. The proposed first floor rear extension would span the width of the property adding considerable bulk at first floor level. Given the existing large single storey rear extension, the additional first floor extension would increase the size, scale and mass of the dwelling and together would dominate this modest terrace property and would lead to it appearing overly bulky.
5. Furthermore, the proposed extension would be an uncharacteristic addition to the street scene appearing at odds with the surrounding built form. Although the proposed extension would include matching materials to the existing dwelling, due to the increased bulk, and the large flank wall at first floor level the side and rear elevations of the property would appear imposing in the

street scene and unduly prominent on this corner plot. Consequently, the proposal would be an intrusive feature that would fail to integrate successfully into the area.

6. For the above reasons, I conclude that the proposed development would result in harm to the character and appearance of the area including the existing dwelling. Accordingly, the proposal would conflict with Policies DES4 and HOU11 of the East Herts District Plan (2018) (District Plan). Amongst other things, these policies seek that development proposals should be of a high standard of design to reflect local distinctiveness and extensions should be of a size, scale, mass, siting and design that is appropriate to and respects the character of the area and the existing dwelling.

Living Conditions

7. The proposed first floor extension would project approximately 3m from the existing rear elevation. I observed that No 7 has a habitable room window at first floor level. Given the close proximity of the proposed extension to this window, the side elevation would appear imposing and overbearing to occupiers of this adjoining property and would harm outlook from this window. Furthermore, given the depth of the proposed extension and the relationship to the first-floor habitable window of No 7, it would lead to overshadowing and a loss of daylight to this window. Together, this would not provide a high standard of amenity for existing occupiers and the proposal would be unacceptable.
8. For the above reasons, the proposal would result in harm to the living conditions of the neighbouring occupiers of No 7 with regard to outlook and daylight. Thus, the proposal would conflict with Policy DES4 of the District Plan which seeks that development avoids significant detrimental impacts on the amenity of occupiers of neighbouring properties and ensures that their environments are not harmed by inadequate daylight.

Other Matters

9. I acknowledge the appellant wishes to provide additional living space and a first-floor bathroom at the property. Whilst I am sympathetic to the appellant's personal circumstances, I remain to be convinced that there are not alternative ways of addressing these issues which would be less harmful. Accordingly, the personal circumstances identified do not outweigh the harm the proposal would cause to the character and appearance of the area including the dwelling and on the living conditions of adjoining occupiers. The absence of an objection from the neighbouring occupiers does not alter my findings on the unacceptability of the proposal. Given this harm, the proposal does not comply with the policies of the development plan.

Conclusion

10. For the above reasons, the appeal does not succeed.

S Thomas

INSPECTOR



Appeal Decision

Site visit made on 11 November 2020

by **Benjamin Clarke BA (Hons.) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 12 January 2021

Appeal Ref: APP/J1915/W/20/3254158

19 Winding Shott, Bramfield, Hertfordshire SG14 2QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs N. Crook against the decision of East Hertfordshire District Council.
 - The application Ref: 3/20/0189/OUT, dated 29 January 2020, was refused by notice dated 1 April 2020.
 - The development proposed is the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of a two-bedroom bungalow with drive access to side of 19 Winding Shott and shared road access to Winding Shott. Car parking area provided for bungalow at 19 Winding Shott, Bramfield, Hertfordshire SG14 2QP in accordance with the terms of the application, Ref: 3/20/0189/OUT, dated 29 January 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matter

2. The application was submitted in outline, with all matters reserved aside from access. I have had regard to the details not pertaining to access on an indicative basis only.

Background and Main Issue

3. The appeal site is within the Metropolitan Green Belt. Whilst the National Planning Policy Framework (the Framework) regards the erection of new buildings in the Green Belt as generally being inappropriate, there are some exceptions. One of the exceptions listed is a limited infill within a village.
4. By reason of the proposed development being for a single dwelling and being located near to several other dwellings and within Bramfield, the proposed development would be a limited infill. Accordingly, the proposed development would not be inappropriate in the Green Belt as defined by the Framework.
5. Accordingly, from the evidence before me, the main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

6. The appeal site consists of part of the rear garden of 19 Winding Shott. This is a semi-detached dwelling and whilst the adjoining dwelling is of broadly similar proportions, there are some variations in terms of individual designs. Within Winding Shott, there are houses constructed to several different designs that are also set back from the highway by varying amounts. The appeal site is near to Turners Court, which contains different houses, bungalows and flats.
7. Owing to this context, the proposed development would be viewed alongside a backdrop of dwellings that are constructed to different designs and proportions. Owing to their varying forms, the existing buildings have contrasting amounts of landscaping and different relationships with the highway network. In result, the proposed development would not erode any distinctive, or unusual, character within the surrounding area.
8. Whilst the proposed dwelling is likely to be, in part, visible from Winding Shott itself, any such views are likely to be relatively limited owing to the pattern of development in the surrounding area. Furthermore, any views are likely to be concentrated on the gap to the side of the existing house. Currently, this gap provides limited views of existing dwellings in Turners Court.
9. In consequence, the addition of further fleeting views of the proposed dwelling would not result in a significant change to the character and appearance of the surrounding area as it would be viewed alongside existing developments in a similar context.
10. In addition, the siting of the proposed dwelling is such that it would be screened, to a degree, by dwellings in Winding Shott and Turners Court which are closer to the highway. This means that the proposed development would not appear unduly prominent within the surrounding area.
11. Whilst the proposed dwelling would be a detached dwelling, the limited views of the development combined with the lack of prominence are such that this would not be particularly injurious to the character and appearance of the surrounding area.
12. The proposed dwelling would be visible from Turners Court, however owing to the nature of the existing boundary treatments, clear views of the rear elevation of the existing house are available. Accordingly, within this context, views of the rear elevation of the proposed dwelling would not appear particularly incongruous and would not erode the character of the surrounding area.
13. Furthermore, from Turners Court, the proposed dwelling would be viewed alongside a large outbuilding at the adjoining property of 18 Winding Shott and a garage court. Due to their position and their varying designs, the presence of an additional dwelling would not be unduly detrimental to the character and appearance of this section of Turners Court.
14. The proposed development would utilise an access running from Winding Shott. Whilst this driveway would be relatively long, the existing site features an area of hard standing and a car port to the side of the dwelling. Therefore, when viewed from Winding Shott, the lengthened driveway would not appear substantially different. In addition, within the surrounding area properties have several different driveway designs and positions. As such, the lack of a unifying

trend means that this element of the proposed development would not appear unduly discordant.

15. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development is therefore in conformity with Policies DES4 and VILL2 of the East Hertfordshire District Plan (2018). These, amongst other matters, seek to ensure that new developments, make the best possible use of the available land by respecting, or improving upon, the character of the site and the surrounding area; and be well designed and relate well to the village in terms of location, layout and connectivity.

Other Matters

16. The proposed development, as an additional dwelling, would result in an increase in vehicle movements. However, by reason of the scale of the proposed development, this would not be significant.
17. As the proposal before me has been submitted in outline form, the final design of the development would be subject to approval and consideration by the Council. However, I have not been directed towards any development plan policy breach that is indicative that the proposed development would cause any adverse effects upon the living conditions of the occupiers of the neighbouring properties.

Conditions

18. I have had regard to the list of conditions suggested by the Council. A condition specifying the time limits for the submission of the reserved matters and the implementation of the development, in addition to a condition setting out the reserved matters are necessary in the interests of precision. I have also included a condition that requires the development to be carried out in accordance with the submitted plans that specify the extent of the appeal site and the position of the proposed access in the interests of consistency.
19. Although the proposed development would utilise the existing point of access within Winding Shott, its use would be intensified. In result, it appears necessary and reasonable to include a condition requiring the installation of visibility splays in the interests of highway safety. However, I have amended the wording of the condition to include a retention clause.
20. In order to prevent parked vehicles from being displaced onto the surrounding area, it is appropriate to include a condition allowing the Council to consider details of the required parking area. I have amended this condition to make it clear that the details should include a timetable for implementation and to include a retention clause.
21. Owing to the proximity of the appeal site to other residential properties, a condition limiting the hours in which works on site can take place. This is to avoid excessive noise and disturbance from occurring, which might have an adverse effect upon the living conditions of the occupiers of neighbouring properties. However, I have amended the wording of the condition to include reference to Public Holidays, in addition to Bank Holidays, as these are typically days when residents might reasonably expect a greater level of peace and quiet.

Conclusion

22. For the preceding reasons, I conclude that the appeal should be allowed, and outline planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

1. Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of three years commencing on the date of this notice. The development to which this permission relates shall be begun by not later than the expiration of a period of two years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; and Site Plan 1.
4. Prior to the first use of the access by the proposed dwelling, details including a layout plan illustrating the parking, hardstanding and turning areas within the site, and timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained thereafter.
5. Prior to the first occupation of the new dwelling, 0.65 metre x 0.65 metre visibility splays shall be provided and permanently maintained each side of the access. Such splays shall be measured from the point where the edge of the access crosses the highway boundary. Within the splays, there shall be no obstruction to visibility between 0.6 metres and 2.0 metres above the carriageway and these shall be retained thereafter.
6. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated: before 08.00hrs Monday to Saturday, after 18.00hrs on weekdays nor after 13.00hrs on Saturdays. Plant and machinery shall not be operated at any time on Sundays, Bank Holidays or Public Holidays.



Appeal Decision

Site visit made on 3 December 2020

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27th January 2021

Appeal Ref: APP/J1915/W/20/3255734

Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Paul King against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0236/FUL, dated 5 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter at Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA in accordance with the terms of the application, Ref 3/20/0236/FUL, dated 5 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan (received 14/2/2020); Site plan (received 14/2/2020); 001 (received 18/2/2020); 0002-Side views of proposed barn (received 18/2/2020; and, 0003-Base Plan except in respect of the window in the western elevation referred to on plan 0003. That elevation shall be constructed without a window in accordance with plan 0002.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials identified on the associated planning application form or in materials the details of which shall have been approved in writing by the local planning authority prior to incorporation in the building.
 - 4) Any demolition, site preparation or construction works associated with the development hereby permitted and the operation of plant and machinery involved in those works shall take place only between 0800 hrs to 1800 hrs Monday to Friday and 0800 hrs to 1300 hrs on

Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Application for costs

2. An application for costs was made by Mr Paul King against East Hertfordshire District Council. This application is the subject of a separate Decision.

Procedural matters

3. The appeal form acknowledges that the description of the proposed development changed from that stated on the application to that used by the Council in its Refusal Notice, which was '*erection of barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter*'. I have taken this into account and used the revised wording in the summary information and formal decision set out above.

Main Issue

4. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the site, the surrounding rural area and the wider countryside.

Reasons

5. The appeal site comprises a grassed field, which is situated directly to the northwest of the village of Cromer. The appeal site and the adjoining field to the southwest comprise a small agricultural holding, which the appellant has indicated is used for a truffle plantation, hay growth and as grazing land. The proposed barn is intended to support those uses.
6. The appeal site forms part of an area of countryside designated as the 'Rural Area beyond the Green Belt'. With the aim of maintaining the Rural Area beyond the Green Belt as a valued countryside resource, Policy GBR2 of the *East Herts District Plan 2018* (DP), identifies a number of types of development which will be permitted, provided that they are compatible with the character and appearance of the rural area. The types of development listed include buildings for agriculture. DP Policy DES4 seeks to ensure that all development is of a high standard of design and layout to reflect and promote local distinctiveness and it expects proposals to respect the character of the site and surrounding area.
7. I saw the existing plantation and some machinery on site, and I have no reason to doubt that the land is used for the purposes identified. Furthermore, I consider that utilisation of the proposed building for storage and shelter in association with the identified land uses would qualify as a building for agriculture; a view shared by the Council.
8. The proposed building would have timber clad walls and a pitched roof clad in dark coloured, corrugated sheets. The Council acknowledges that the form and materials of the building would give it a rural appearance. However, it has expressed the concern that, in the absence of further details regarding the scale of the enterprise and how long the activities have been established, it is not clear that the size of building proposed is necessary.
9. The ridge level of the proposed building would be approximately 3.6 metres high and it would have a footprint some 14.5 metres by 7.3 metres.

The appellant has indicated that the building would be sub-divided into 4 areas, which would include: a secured bay for the storage of a tractor; a bay for other machinery; a bay for livestock shelter and feed; and, a secured bay which would be used for a number of purposes, including storage of chemicals needed for the truffle plantation. In my view, the proposed purposes for which the bays would be used are reasonably related to the use of the land and in the context of those purposes, the space allowed for does not seem to me to be unduly large.

10. The proposed barn would be located close to the northeastern corner of the appeal site, which is bounded by relatively tall hedgerows to the north and east and is close to the built-up area of the village. In comparison with other areas of the field, the position chosen would be relatively unobtrusive. Nonetheless, I agree with the Council it is likely that the proposal would be visible from a number of public vantage points to the south and west of the site. However, from those locations it would be seen together with, and would appear to be closely physically related to, the neighbouring complex of commercial buildings within Cromer, which are taller than the proposal and have a much larger footprint. In this context, the proposed barn with a rural appearance, positioned in the corner of the field close to a built-up part of the village would not appear unusually large or incongruous, nor would it materially harm the openness of the appeal site, notwithstanding the current absence of development there. In my view, the proposal, which would not harm the character or appearance of the site, its surroundings or the wider countryside, would be compatible with, and respect, the character and appearance of the rural area.
11. I conclude that the effect of the proposal on the character and appearance of the appeal site, the surrounding rural area and the wider countryside would be acceptable. It would not conflict with the aims of DP Policies GBR2 and DES4.

Other matters

12. Planning permission was granted in 2004 for the erection of a barn to house agricultural machinery equipment on land that included the appeal site field. However, that permission has lapsed. Furthermore, the approved barn would have been sited on land to the north of the appeal site. Although it is likely that it would have been visible from an adjacent public footpath, I consider that it would have been less likely than the appeal scheme to be visible from those public vantage points to the south and west which I have referred to above and were identified as a concern by the Council. This is due to planting along the northern boundary of the appeal site and alongside the site of the approved barn. In addition, the planning policy framework has changed since the previous approval was granted. Therefore, the circumstances are not directly comparable to those in the case before me, which I have considered on its own merits.
13. I have no doubt that the proposal would support existing activity on the smallholding. However, I have not been provided with any compelling evidence to show that the proposal would be likely to materially increase the contribution that agricultural activity at the appeal site makes to the rural economy. It would not benefit from the support given by DP Policy ED2 to development resulting in economic growth and employment in the rural area.

14. Located as proposed, the appeal barn would not be visible from the road through the village and it would be set well apart from other highways and public rights of way. It would be unlikely to attract passers-by. The rear gardens of a number of dwellings back onto the field that adjoins the northern boundary of the appeal site, which is enclosed by hedging. I consider that the combination of the separation distances between the proposal and those properties and intervening planting would be sufficient to ensure that the scheme would be unlikely to have an unacceptable effect on the living conditions of the residents of those properties or their security. In relation to this matter, the appeal proposal would accord with DP Policies DES4 and EQ2 insofar as they seek to safeguard residential amenity.
15. I give little weight to the concern raised that the proposal may lead to residential development on the appeal site in the future, as that is not what is now proposed and each case must be considered on its own merits.

Conditions

16. The Council has suggested 4 conditions that it considers should be imposed in the event that the appeal is allowed and planning permission granted. In addition to the normal commencement condition, I consider that a condition would be necessary to ensure that the works for which planning permission is granted would be carried out in accordance with the approved plans, in the interests of certainty for all parties. However, whilst the notes included on the proposed floor plan drawing make reference to a window inserted in the western elevation of the proposed barn, no windows are shown in that wall on the proposed elevation drawing. I see no need for a window there and consider, in the interest of certainty, that it would be necessary to clarify that the wall should be constructed without a window. Conditions would also be necessary: firstly, to control the materials used in the external surfaces of the building, in the interests of visual amenity; and secondly, to control the hours during which the approved works could be constructed, in the interests of safeguarding the amenities of neighbouring residents.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR



Costs Decision

Site visit made on 3 December 2020

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 27th January 2021

Costs application in relation to Appeal Ref: APP/J1915/W/20/3255734 Cromer Hill Common, (near) B1037, Ardeley, Stevenage, East Hertfordshire, SG2 7QA

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Paul King for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to grant planning permission for erection of a barn to be used for secure storage of agricultural machinery and animal feed, together with an area for shelter.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The appellant's costs application was submitted in writing, as were the Council's response and the appellant's final comments.
3. The national *Planning Practice Guidance* (PPG) indicates that costs may be awarded where a party has behaved unreasonably, and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Furthermore, awards against a local planning authority may be either procedural, relating to the appeal process, or substantive, relating to the planning merits of the appeal.
4. The appellant has indicated, in summary, the main reasons for his costs application are: in 2004 the Council granted planning permission for similar development, the details of which it concealed until a late stage in the appeal process; the Council failed to determine similar cases in a consistent manner; and, it has prevented development which should clearly be permitted. The appellant considers that this amounts to unreasonable behaviour which has led to him incurring expense in the appeal process which would not otherwise have been necessary. His application is for a full award of costs.
5. The examples given by the PPG of behaviour that may give rise to a procedural award against a local planning authority include deliberately concealing relevant evidence at planning application stage or subsequent appeal. However, in my judgement, the appellant's claim that the Council concealed evidence is without merit. The Council has indicated that the Public Access system on the Council's website has a record of that previous application. Furthermore, the Delegated Officer Report clearly identifies and references the

- previous grant of planning permission referred to (Ref. 3/02/2433/FP). It was open to the appellant to request the associated details from the Council at any point.
6. The PPG indicates that the types of behaviour that may give rise to a substantive award against a local planning authority include, amongst other things, not determining similar cases in a consistent manner, and preventing or delaying development which should clearly be permitted, having regard to its accordance with the Development plan, national policy and other material considerations.
 7. However, as I have indicated in my appeal decision, the circumstances of the previous approval are not directly comparable to those in the case before me. Firstly, the siting of the previously approved barn was materially different to that which is the subject of the current appeal and secondly, the planning policy framework has changed in the intervening period since 2004. In my judgement, the 2 cases are not similar.
 8. The Council's reason for refusal indicates that the proposed barn, by reason of its inappropriate size, scale and siting, would impact on the character of the site, the surrounding rural area and the wider countryside in a manner contrary to Policies GBR2 and DES4 of the *East Herts District Plan, 2018*. Whilst I disagree with that view, it is a matter of judgement and having reached that conclusion, I consider that it was not unreasonable for the Council to regard it as a legitimate reason for refusal. I am satisfied that the Council has provided evidence at appeal to substantiate the reason why it chose to refuse permission, with reference to location and scale of development and Development Plan policy. The evidence provided by the Council provides a respectable basis for its stance.
 9. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated and an award of costs is not justified.

I Jenkins

INSPECTOR



Appeal Decision

Site visit made on 3 December 2020

by **I Jenkins BSc CEng MICE MCIWEM**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 19 January 2021

Appeal Ref: APP/J1915/W/20/3256691

Rooks Nest Paddock, Stevenage Road, Walkern, SG2 7NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Wakeley & Miss Hilton against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0717/FUL, dated 7 April 2020, was refused by notice dated 6 July 2020.
 - The proposed development is described as a change of use of land from agricultural/equestrian to residential and erection of a new two bedroom dwelling with associated parking-revised scheme.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. On 22 November 2019, the Planning Inspectorate issued an appeal decision (Ref. APP/J1915/W/19/3236656) on a previous application for planning permission for development at the appeal site described as *a change of use of land from agricultural/equestrian to residential and erection of a new three bedroom dwelling with associated parking-revised scheme*. That appeal was dismissed. Whilst I do not know the full circumstances, I understand that, in comparison with the previous proposal, the dwelling now proposed is in a different location and of a smaller footprint, lower height and simpler design.

Main Issue

3. I consider that the main issue in this case is the effect of the proposal on the character and appearance of the Rural Area.

Reasons

4. Rooks Nest Paddock (RNP) is situated on elevated ground to the south of Stevenage Road. Whilst it shares its eastern boundary with residential development, RNP adjoins fields to the north, south and west. It is positioned outside the defined boundary of the village of Walkern and forms part of an area designated as the Rural Area beyond the Green Belt. Whilst Policy VILL1 of the *East Herts District Plan, October 2018* (DP) gives encouragement to housing development within the village, DP Policy GBR2 identifies the types of development that will be permitted in the Rural Area beyond the Green Belt, with the aim of maintaining it as a valued countryside resource. They include: the replacement, extension or alteration of a building, provided the size, scale,

- mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas; and, limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.
5. The main area of the appeal site, where the proposed dwelling would be located, forms part of a fenced area at RNP, the eastern section of which is occupied for the most part by a manège with a stable block along its southern side. To the west of the stable block is a short row of single-storey buildings, the tallest of which has a shallow mono-pitched roof. The remainder of the fenced area generally comprises hardstanding where a number of small structures, livestock pens, some vehicles and trailers are sited.
 6. Whilst the appeal site includes the accessway leading from Stevenage Road up to RNP, the main section of the appeal site is an area of hardstanding, which is occupied by a number of buildings/structures, including small stores, containers and a small chicken shed. The proposed dwelling, which would replace those buildings/structures, would comprise a chalet bungalow, with first floor accommodation within the roof space.
 7. I acknowledge that the proposed dwelling would not be isolated, as there is residential development to the east of RNP as well as to the north on the opposite side of Stevenage Road. However, its immediate surroundings would be generally characterised by open areas comprising fields, a manège and yard areas and a range of small-scale buildings and structures consistent with the use of the land for agricultural/equestrian purposes.
 8. The proposed external materials of the dwelling, which would include a brick plinth topped by dark stained timber clad walls and a grey slate roof, would reflect some of the materials on site. However, based on the application plans, it appears to me that the footprint of the proposed building would be larger than that occupied by the existing buildings/structures which it would replace. Furthermore, whilst the proposed dwelling would be partly lowered into the ground, I consider that the massing of the building, which would have a pitched roof, front dormers and a chimney, would be far greater than those existing buildings/structures.
 9. The land to the north of the appeal site does contain some planting, which, when in leaf, would be likely to limit the visual impact of the proposed dwelling when viewed from vantage points along Stevenage Road. However, when I visited in the winter, that planting did not screen the site to any material extent. To my mind, when viewed from Stevenage Road at that time of year, the proposed building would be a prominent and obtrusive addition, out of keeping both with the character of the existing main RNP buildings, which are low-profile and set further back from the highway, and the relatively open nature of RNP. Furthermore, irrespective of the time of year, the proposal would be likely to be clearly visible from the public footpath that runs across the fields to the west of the site. I consider that the proposal would harm the character and appearance of the Rural Area.
 10. I acknowledge that the site is a location from which services and facilities within Walkern would be reasonably accessible by modes of transport other than the car, such as on foot. The proposal would not constitute infill development in the sense of occupying a gap between buildings.

However, even if it were regarded as infilling in a broader sense, by taking up part of the existing RNP site, under the terms of the *National Planning Policy Framework* (the Framework) the RNP would not fit within the definition of previously developed land (brownfield land), which excludes land occupied by agricultural buildings. Furthermore, the proposal would not be appropriate to the character, appearance or setting of the site, for the reasons set out above.

11. I conclude that the proposal, with particular reference to its form, mass and location, would harm the character and appearance of the Rural Area, contrary to DP Policies GBR2 and DES4, which seeks to ensure that development respects or improves upon the character of the site and the surrounding area. Furthermore, as I have indicated, the appeal site is located outside the village boundary and it is separated from the nearest residential development to the east by the RNP manège. To my mind therefore, it would not benefit from the support given by Policy 9 of the *Walkern Neighbourhood Plan 2017* to development immediately adjacent to the village.
12. I consider that the Development Plan policies referred to are consistent with the Framework, which: indicates that planning policies should identify opportunities for villages to grow and thrive (DP Policy VILL1 and WNP Policy 9); and, allows some opportunities for development in the countryside, whilst recognising the intrinsic character and beauty of the countryside and expecting development to be sympathetic to local character (DP Policies GBR2 and DES4), an aim not met by the proposal.

Other matters

13. The appellants have suggested that the 'tilted balance' set out in paragraph 11d)(ii) of the Framework is triggered in this case. In my judgement it is not: firstly, as there are relevant Development Plan policies, which I have referred to above; and, secondly, the policies which are most important for determining the application are not out of date. Those policies referred to above form part of relatively recently adopted plans and they are consistent with the Framework.
14. The Framework gives some support for the provision of rural housing for a rural worker, where there is an essential need. In support of the proposal, the appellants have suggested that their livestock needs a fulltime presence on site. However, I understand that livestock have been kept on site since around 2004, initially horses followed by the addition of turkeys and then pigs. Whilst the appellants have indicated that over the years some turkeys have been killed by vermin and horses have fallen ill overnight, there is no evidence to show that there has been any serious loss of livestock in that time, or that the risks referred to could not be satisfactorily controlled through reasonable security measures and regular visits during the working day. Furthermore, as regards the risk of crime, the appellants have indicated that in 2018 a barn was built at RNP to provide secure storage for their machinery, safeguarding it from theft. Based on the evidence presented, I am not convinced that there is an essential need for a rural worker to be on hand 24 hours a day, either in the interests of animal welfare or security. The proposal would make only a small contribution to housing supply in the area and although new employment would be associated with the construction of the proposal, given that only one dwelling is involved, it would be likely to be limited and short lived. I give those benefits little weight.

15. Although I have had regard to the appellants' farming background, the active roles they take in community life and their family's desire to live on site, in my judgement, their personal circumstances would not outweigh the harm that I have identified. Whilst I understand that the appeal scheme is also supported by a Ward Councillor, the Parish Council and some members of the community, that does not alter the planning merits of the proposal upon which my decision is based.

Conclusions

16. I conclude that the proposal would conflict with the Development Plan taken as a whole and on balance, the other material considerations in this case would not justify a decision other than in accordance with the Development Plan.

17. For the reasons given above, I conclude on balance that the appeal should be dismissed.

I Jenkins

INSPECTOR



Appeal Decision

Site visit made on 5 January 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2021

Appeal Ref: APP/J1915/D/20/3259373

66 High Street, Walkern, Stevenage, Hertfordshire SG2 7PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Perry against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0772/HH, dated 20 April 2020, was refused by notice dated 23 June 2020.
 - The development proposed is described as 'demolition of rear extension and part demolition of out building attached to garage. Two storey rear extension and creation of link to new garage with 2 storey rear extension. External refurbishment of existing windows.'
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above is taken from the application form. At Part E of the appeal form, it is stated that the description of development has not changed. Nevertheless, a different wording has been entered, describing the proposal as 'demolition of rear extension and demolition of outbuilding attached to garage. Erection of part single, part two storey rear extension. Installation of replacement windows to entire house. Retention of temporary annexe for the duration of work to the main dwelling'. As this reflects the description stated on the Council's decision notice and I consider it a more accurate representation of the proposal shown on the submitted plans, I have determined the appeal accordingly.
3. No response was received to a request to the appellant for access onto the site for my visit on the date noted above. Nevertheless, I was satisfied that I was able to see all necessary features from the surrounding area and therefore carried out my site visit on an unaccompanied basis.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Walkern Conservation Area; and
 - ii) the effect of the proposal on the living conditions of the occupiers of Stafford House and 64 High Street with particular regard to light and outlook.

Reasons

Character and Appearance

5. The appeal site is within the Walkern Conservation Area (CA) and comprises a deep but fairly narrow plot which includes a detached dwelling fronting the High Street. The CA centres around the High Street, where buildings of varied but typically traditional styles are arranged along fairly strong building lines fronting either side of the street, with interspersed areas of open space. Buildings vary in depth and some have outbuildings or other structure to the rear. Nevertheless, those parts of buildings fronting the street are of generally greater scale and thus prominence, and the overall layout emphasises the broadly linear form of the village and its relationship with the surrounding rural landscape which is also apparent in views between a number of the buildings. In my view, this pattern of development, together with the attractive detailing and materials retained to many of the buildings add much to the character and appearance, and thus significance of the CA.
6. The position of the main two-storey dwelling on the appeal site close to the High Street and spacing to its sides means that it is fairly prominent in views from the street scene. It includes varied projections to the rear, although these are of lesser visual impact and prominence as a result of their lower height and their set back from the street. The building also retains many traditional features, and for these reasons, I find that it makes a positive contribution to the CA.
7. I see no reason from the information before me to disagree with the Council's view that demolition of the rear parts of the appeal building may be justified given their condition. In addition, I do not find that the scale of the two-storey and single-storey link sections of the proposed extensions, which would be no wider than the host dwelling, would be excessive with regard to the existing development on the site. The form and design of these elements would also be sympathetic to the host dwelling, and their visual impact on the street scene and CA would be fairly limited.
8. However, the extension would also include a further section with first-floor accommodation. This deepest section of the extension would be of considerable bulk and mass as a result of its large width and depth, both of which would exceed the dimensions of the retained part of the building, and would result in a substantial spread of development beyond the rear of the host dwelling. The roof to this part of the extension would also be higher than the existing rear section of the building and the eaves of the host dwelling. Dormer additions would occupy much of the depth of its roofslopes, and the bulky pitched roof form would add further to the scale and upper mass of this part of the development. These factors in combination would cause the extension to appear oversized and disproportionate against the host dwelling.
9. Moreover, the shallow pitched roof to the deepest section of the extension would be incongruous and out of keeping with the steeper pitch typical to roofs within the wider CA, and would appear discordant against the form and angle of the host dwelling roof. The use of UPVC windows and doors to both the extension and within the retained part of the dwelling would additionally contrast with the timber materials that I saw were characteristic within the CA, further compounding the unsympathetic nature of the proposal.

10. I note that the proposal includes reductions in ground levels, but the visual impact of the built form on the site would be increased according to the additional depth, height and overall scale of the extensions. The appellant suggests that there would be limited views of the development, but I saw that it would be apparent, including from the High Street to the front of the site where the rear of the extension would project wider than the host dwelling, as well as in views along the track beside 68 High Street. It would also be visible from Kitcheners Lane between 64 High Street and Stafford House. In these views, I find that the development would be jarring, and would dominate and overwhelm the appeal dwelling. This would be to the detriment of its character and appearance, and to the positive contribution that it makes to the CA.
11. In accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Walkern CA. For the reasons above, I find that the proposal would result in significant harm to the character and the appearance of the CA and thus its significance. Given the scale of the development and that visual impacts would be relatively localised, I find that harm to the CA would be less than substantial in the terms of the National Planning Policy Framework (the Framework) which goes on to advise that this harm should be weighed against the public benefits of development.
12. The appeal dwelling is not currently occupied. The proposal would enlarge the dwelling and help to facilitate family living, and I do not doubt that it would offer improved living standards which would benefit future occupiers. However, while I acknowledge the existing dwelling is in need of some renovation, there is no firm evidence before me to show that future residential use could not be secured in the absence of the extensions before me, or that the building could not otherwise be retained.
13. The harm to the significance of the CA would be less than substantial, but I nevertheless give this harm considerable importance and weight in accordance with the Framework. In this context, I find that the public benefits of the proposal would not outweigh the harm that it would cause.
14. For these reasons, I conclude on this main issue that the proposal would cause unacceptable harm to the character and the appearance of the Walkern CA. It would accordingly conflict with Policies VILL1, HOU11, DES4, HA1 and HA4 of the East Herts District Plan 2018 (DP) and Policies 3 and 12 of the Walkern Parish Neighbourhood Plan 2018. Collectively, these policies broadly require preservation and where possible enhancement of the historic environment including the Walkern CA, and seek well-designed development of an appropriate scale, mass, form, design and materials and which reflects local distinctiveness.

Living Conditions

15. For much of the depth of the extensions, there would be significant separation to the boundary with 64 High Street. This would reduce somewhat to the side of the rear section of the extension, but it would be similar to the existing spacing at the rear of the appeal building and would retain views from the site of No 64 between the extension and the adjacent building at Stafford House. The scale of the rear part of the extension would be greater than currently, but the increase in height would be fairly small, and the additional bulk would largely result from the depth of development beyond the existing building, further from No 64. These factors would limit the visual impact as seen from

- this neighbour. Given also the separation that would be retained to the boundary and the rear of No 64, I am satisfied that the extension would not become unacceptably dominant, and that it would not result in a significant increase in the degree of enclosure above that already experienced by occupiers or cause a harmful loss of outlook. Similarly, and in view of the fairly limited height of the rear part of the extension, I find that it would not cause harm to the quality of life of these occupiers through a significant loss of light.
16. However, there would be much less separation between the rear part of the extension and the facing windows and garden serving Stafford House. I note that Stafford House has been reduced in size and that there is ongoing construction for a new property adjacent to it, but the proposal would nevertheless result in development spreading along a significant proportion of its boundary with the appeal site. The bulky pitched roof of the rear part of the extension would add mass to the upper level of this closest section, and I find that its height, depth and bulk in combination with its very close proximity to the rear windows and garden of Stafford House would lead to a degree of enclosure and loss of outlook that would be oppressive. Given the position of the extension to the south of this neighbour, it would also be likely to cause some overshadowing and a loss of light.
17. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of Stafford House. As a consequence, it would conflict with Policy DES4 of the DP which includes a requirement that development avoids significant detrimental impacts on the amenity of neighbouring occupiers.

Other Matters

18. The proposal includes an annexe to the rear of the site. While mindful that this was not a reason for refusal of the application, I note that the annexe would be beyond Walkern village and within the 'Rural Area Beyond the Green Belt', and I have no firm evidence that the annexe would meet the requirements of Policy GBR2 of the DP which is concerned with development within this area. Moreover, the parties have described the annexe as temporary for the duration of work to the main dwelling. I have no substantive evidence that the annexe would be otherwise required or sought independently of the works proposed to the dwelling which I have found for the reasons above to be unacceptable, and since it could not alter my findings on the main issues, I have not pursued this matter further.
19. The appellant comments that many neighbouring properties have extensions and that the relationship of the development with neighbouring properties is a common feature in historic village centres and in Walkern. However, no details have been submitted in this regard and therefore I can only give this matter limited weight. In any event, I have determined the appeal before me on its own planning merits and found that it would cause harm.
20. The appellant has made changes following refusal of earlier proposals on the site. I also acknowledge comments regarding communication and advice given by the Council, but these are not factors which alter my conclusions on the planning merits of the proposal. That direct neighbours of the site have not submitted objections to the proposal is a neutral factor which weighs neither for nor against the proposal.

21. The Council advises that the proposal is supported by a bat report which considers the potential of the site to support roosting bats and provides a suitable outline mitigation strategy, and comments that a follow-up emergence survey could be secured by condition ensuring that protected species would not be harmed. From the information before me, I have no reason to reach an alternative view. However, this is also a neutral factor and does not weigh in favour of the proposal.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

J Bowyer
INSPECTOR



Appeal Decision

Site visit made on 23 November 2020

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2021

Appeal Ref: APP/J1915/X/20/3257334 16 Hollybush Lane, Datchworth SG3 6RE

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr & Ms K & V Mead & Arther against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0981/CLPO, dated 26 May 2020, was refused by notice dated 21 July 2020.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is single storey side extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council considered the insertion of 2 rooflights in its determination of the application. The roof lights are shown as being located on the roof slopes of the main part of the building and do not therefore form part of the proposed extension. The appellants advise that these were not intended to be part of the application since they are aware of the limitations and conditions relating to other alterations to the roof. Given the wording of the application and the appellants' clarification in this regard, I am satisfied that these do not fall to be considered as part of this appeal.

Reasons

3. An application under S192(1)(b) of the Act¹ seeks to establish whether any operations proposed to be carried out in, on, over or under land would be lawful. S192(2) sets out that if on application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect.
4. Planning merits form no part of the assessment of an application for a lawful development certificate (LDC) which must be considered in the light of the facts and the law. In an application for a LDC, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.

¹ Town and Country Planning Act 1990 (as amended)

5. S191(2)(a) and (b) sets out that uses and operations are lawful at any time if:
 - i) No enforcement action may be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - ii) They do not constitute a contravention of any enforcement notice then in force.The main thrust of the appellants' case is that the proposed development is granted planning permission by virtue of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO).
6. The appeal building is a substantial brick built dwelling which forms part of a terrace of dwellings which front onto Hollybush Lane. The proposal would involve removing a single storey store and flat roofed link to an outhouse and replacing it with a single storey garden room. The utility room would be converted into a bathroom and provide the link between the existing kitchen and new garden room. The extension would be finished in brickwork, with a natural slate roof to match the existing building.
7. The appellants state that the terrace and associated outbuildings existed on 1 July 1948 and comprise the original dwelling, under the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)(GPDO). The appellants have provided 'Existing Plans & Elevations', which show the outbuilding as being connected to the main dwelling. However, planning permission 3/89/0602/FP for the formation of a roofed passage between the house and outhouse was not granted until 6 July 1989. I am therefore not persuaded that this represents the original dwelling for the purposes of the GPDO.
8. Class A of the aforementioned order permits the enlargement, improvement or other alteration of a dwellinghouse subject to certain conditions and limitations. This part of the GPDO is concerned with the original dwellinghouse, which means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.
9. Although the appellants confirm that they have no objection to the appeal proceeding on the basis that the proposed development is a single storey rear extension, the application was submitted on the basis that it would be a side extension. The appellants confirm that they considered the principal elevation and the main entrance to be in its south facing elevation. Consideration of the proposal as a rear extension would therefore be at odds with the appellants' own understanding as to what constitutes the principal elevation of the original dwelling.
10. Furthermore, although the Council describes the proposal as a 'single storey rear extension to an existing outbuilding' in its officer report, I do not believe this means it considered the proposal as a single storey rear extension for the purposes of applying the GPDO. Rather the description used by the Council reflects the fact that it considers the garden room would connect to and project from the rear of the existing outbuilding. In the absence of evidence to the contrary, I cannot therefore consider the proposal to be a rear extension.
11. Although the outbuilding existed on 1 July 1948, the Council advise that it was connected to the main dwellinghouse following a small infill extension, a matter which is not disputed by the appellants. Since the proposed garden room would project from and be connected to the outbuilding, the proposed extension

would not extend beyond a wall forming a side elevation of the original dwellinghouse.

12. The Technical Guidance² explains that if a new extension is being joined to a previous enlargement, it will not be permitted development if the size of the total enlargement exceeds the relevant limitations. In my view, this must include the outbuilding and lean to, since the overall extension would link to it and extend beyond it, forming one overall enlargement.
13. As set out under A.1.(ja) of Class A, any total enlargement would only be permitted where it complies with the limitations set out under A.1.(j), including that its width is no more than half the width of the original house. The proposed garden room, together with the outbuilding and lean to, would be more than half the width of the original house. As a consequence, it would exceed the limitations set out under A.1.(j)(iii) of Class A, Part 1 of Schedule 2 of the GPDO and is development for which planning permission is required.
14. Even if I were to accept that the elevation facing the highway forms the principal elevation and consider the appeal scheme to be an extension to the rear of the dwelling, the same difficulties are encountered. The depth of the proposed extension is stated to be 4.8m, which would exceed the limitations set out under A.1.(f) of Class A and would therefore be required to comply with the conditions set out under A.4. of Class A, Part 1 of Schedule 2 of the GPDO. This requires the developer to provide certain specified information to the local planning authority prior to commencing the development. I am not aware that this has been done.
15. Furthermore, as stated above, since the extension would be joined to a previous enlargement, the total enlargement must be considered, i.e. the existing enlargement in addition to the proposed. This would exceed the 6m allowed under A.1.(g) of Class A and would therefore be development for which planning permission is required.

Conclusion

16. Thus, for the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey side extension was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

M Savage

INSPECTOR

² Permitted development rights for householders, Ministry of Housing, Communities and Local Government (2019)



Appeal Decision

Site Visit made on 7 January 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/J1915/D/20/3258572
8 Farm Close, Ware, Hertfordshire SG12 7SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Payne against the decision of East Herts District Council.
 - The application Ref 3/20/1055/HH, dated 5 June 2020, was refused by notice dated 5 August 2020.
 - The development proposed is the construction of single storey side and rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a corner plot on a modern housing estate and consists of a two and half storey property with a front porch. To the side of the property is an area of garden land beyond which is the road. Alongside the rear garden there is a small area of landscaping and an area of car parking parallel to the side garden wall.
4. Given the corner location of the plot, and the siting of the proposed extension, it would be highly visible in the streetscene. However, this does not automatically result in a proposal being unacceptable.
5. At my site visit I saw that the immediate area of the appeal site is densely developed with limited landscaping to the properties fronting onto the site. I also noted that this area was dominated by the roadway and parking facilities. Therefore, the limited areas of landscaping which do exist form an important element of soft relief to the otherwise hard, built form.
6. That said, the parts of the extension alongside the existing property would only result in the loss of a grassed area and an area with low level planting. Taking this into account, this part of the proposal would not result in a significant change in the character of the streetscene. It is also significant that there would still be some soft landscaping in the streetscene at this point as a result of the retention of the existing hedge planting alongside the carriageway.

7. However, the extension would also extend beyond the rear wall of the existing dwelling. Unhelpfully, the plans submitted with the application do not accurately reflect the existing situation as they do not show the landscaped area between the rear access path and the parking space to the side, nor do they accurately reflect the alignment of the road.
8. The proposal would result in the relocation of the pathway and garden gate and the loss of the landscaped area between the parking space and the path. Given the limited amount of landscaping in this area I consider that this loss, in combination with the loss of the area to the side of the house itself, would be harmful to the overall character and appearance of the streetscene which already suffers from limited soft landscaping.
9. For the above reasons the proposal would harm the character and appearance of the area in conflict with Policies HOU11 and DES4 of the East Herts District Plan 2018 which amongst other matters seek to ensure that all development is of a high standard of design which reflects the character and appearance of the area, including landscaping of the site.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 22 December 2020

by **A Blicq BSc (Hons) MA CMLI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

Appeal A - Ref: APP/J1915/W/20/3259570

Woolpack Croft, Westmill, Buntingford, Hertfordshire SG9 9LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard DeBohun against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1114/HH, dated 16 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is single storey oak framed garden room extension to rear.
-

Appeal B - Ref: APP/J1915/Y/20/3259572

Woolpack Croft, Westmill, Buntingford, Hertfordshire SG9 9LJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Richard DeBohun against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1115/LBC, dated 16 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is single storey oak framed garden room extension to rear.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matter

3. Although not mentioned in the Council's decision, the evidence before me indicates that the site lies within the Westmill Conservation Area. In line with the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, I have included the effects of the development on the conservation area as a main issue. As this is considered in the design and access statement, I am satisfied that this would not be prejudicial to the main parties.

Main Issues

4. The main issues are:

- Whether the development would preserve the special architectural or historic interest, including setting, of the Grade II listed Woolpack Croft; and,
- Whether the development would preserve or enhance the character or appearance of the Westmill Conservation Area (WCA).

Reasons

Woolpack Croft

5. Woolpack Croft is a 17th century timber framed cottage with steep thatched roof and eyebrow dormers on its front facing roof slope. To the rear it has a 20th century extension, built in a traditional style and clearly separated from the original dwelling. The extension is noted in the listing as not of special interest. However, it has retained the scale and proportions of the host dwelling, as it has a similar ridge line and roof form, and an asymmetric and restrained fenestration.
6. From Woolpack Croft's rear garden, there is direct appreciation of the surrounding pasture and open countryside which abuts the garden. Looking the other way, there is a fine view of Woolpack Croft's original thatched rear elevation as well as a view of the listed church tower framed between Woolpack Croft and the flank wall of the listed timber framed Church Cottages next door. Although Woolpack Croft's 20th century extension is seen in the same visual context, it does not particularly detract from this view, which I conclude has changed little since the 17th century.
7. The significance of Woolpack Croft arises from its intact historic fabric, evident on both front and rear elevations, as well as its spatial relationship with the other period and listed buildings in the immediate vicinity. These provide context and setting, and contribute to Woolpack Croft's appreciation, as well as the appreciation of the other listed buildings nearby.
8. The single storey extension would comprise a central oak framed gable framed by sections of flat roof, and with full and half height glazing. The gable would be offset from the 20th century extension's centreline to sit between the asymmetric dormers. There would be small set-backs from the flank walls of the 20th century extension, although these would have different dimensions. The sections of flat roof would also be of slightly different lengths. Although the gable would dominate the rear elevation, the associated lack of symmetry to the sides would appear incongruous and unsatisfactory. The extension would have neither the studied asymmetry of the 20th century extension, which blends seamlessly into its vernacular context, nor the design finesse that might be expected with a high end and bold piece of joinery.
9. It would also intrude into views of Woolpack Croft's 17th century rear elevation, and into the contingent views of the church tower and Church Cottages. It would appear oversized in the context of the careful vernacular references of Woolpack Croft's 20th century extension, and would fail to reflect or relate to the nearby period buildings, appearing as an incongruous suburban addition to a cottage that has retained much of its original rural character. The differing dimensions of the set-backs and the flat roofs would also appear as poorly resolved design.

10. The development would therefore be intrusive and incongruous. It would diminish the distinctiveness of this group of buildings and their intervening spaces. This would be detrimental to the setting of Woolpack Croft, which would amount to less than substantial harm as set out in Paragraph 193 of the National Planning Policy Framework (the Framework).
11. Lack of visibility from the public realm is not determinative in respect of the significance of either the WCA or Woolpack Croft. The significance of heritage assets remains unchanged whether they are publicly visible or not.
12. Although I see no reason to disagree that an extension could not in principle be built, what is proposed does not necessarily constitute natural progression. Buildings evolve and the extension's overall scale and bulk would be proportionate, but this does not alter my reasoning with regard to its design and its incongruity with the original fabric of Woolpack Croft and local views. In any case as far as I can see the Council's concerns are mainly concerned with design rather than the principle of development.
13. I also acknowledge that the 20th century extension is clearly an addition to the original 17th cottage. However, this does not alter my reasoning in respect of Woolpack Croft's setting and the harm that would be caused by an unsympathetic extension.
14. The benefits arising from the development are entirely private and carry very little weight when assessing the overall planning balance. There is nothing before me to indicate that the Woolpack Croft would not continue to be a well-maintained dwelling in what appears to be a highly attractive village if the appeal were to be dismissed.
15. Paragraph 193 of the Framework states that great weight should be given to an asset's conservation, irrespective of whether this amounts to substantial harm, total loss, or less than substantial harm to its significance. This is reinforced by Sections 16 (2) and 66 (1) of the Act which require the decision maker to have special regard to the desirability of preserving listed buildings or their setting.
16. The development would also be contrary to Policy HOU11 of the Local Plan (LP) which requires extensions to be appropriate to the character, appearance and setting of the existing dwelling and/or surrounding area, and LP Policy DES4 which requires development to reflect and promote local distinctiveness. It would fail to accord with LP Policy HA1 which requires development to preserve and where appropriate enhance the district's historic environment, and LP Policy HA7 which seeks to safeguard the setting of listed buildings.

Conservation Area

17. The Westmill Conservation Area Appraisal (WCAA) outlines the development of the village from a pair of manorial estates mentioned in the Domesday Book, to its emergence as a trading stop close to Ermine Street, now the A10.
18. Today Westmill is a very small settlement, close to but not fronting the A10. Small period cottages of a varied and largely vernacular style front the quiet roads. There is a very strong architectural coherence and underlying rural and undeveloped character.
19. There is also a wealth of listed buildings in Westmill, particularly in the vicinity of Woolpack Croft. These include Church Cottages, Church House and Little

Bury to the immediate east, which are Grade II listed. These together with the Grade II listed Sword in Hand public house, on the other side of the road, are designated as having group value. The Grade II* listed church and its churchyard, with what appears to be an original lych gate opening directly onto the road, is a dominant feature in the street scene. This opposes the aforementioned dwellings. The siting of the church and the public house, together with the tiny village green at the nearby crossroads, suggest that this stretch of road and its cluster of listed dwellings formed the original village core.

20. I conclude that the significance of the WCA is derived from its impressive and intact historic fabric apparent across a range of varied structures, the spatial relationship between those buildings, and the undeveloped nature of the intervening spaces and the surrounding farmland. This is reflective of Westmill's evolution, and its economic and social history, as well as presenting fine examples of early architecture and building skills.
21. My reasoning in this regard is reinforced by the WCA Appraisal which highlights Westmill's historic coherence, the large number of high quality traditional buildings and groupings. This document sets out that in addition to the individual qualities of the buildings themselves, factors such as the inter-relationships of those buildings, the quality of spaces and the vistas and views that unite or disrupt also contribute to the very special character and appearance of this village.
22. I have set out above that the development would intrude into the setting and context of Woolpack Croft, and would therefore also fail to preserve or enhance the character or appearance of the WCA, contrary to the aforementioned sections of the Act, as well as Section 16 of the Framework which is concerned with conserving and enhancing the historic environment. It would also be contrary to LP Policies HOU11, DES4, HA1 and HA7 as set out above.

Conclusions – Appeals A and B

23. The development would fail to accord with the Local Plan, national guidance and the Act and I have not found public benefits of sufficient weight to outweigh the harm identified. I conclude that both appeals should be dismissed.

A Blacq

INSPECTOR



Appeal Decision

Site visit made on 11 January 2021

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2021

Appeal Ref: APP/J1915/D/20/3259054

172 Stansted Road, Bishops Stortford CM23 2AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Watts against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1129/HH, dated 17 June 2020, was refused by notice dated 13 August 2020.
 - The development proposed is Ground floor rear extension, first floor rear extension, ground floor side extension and hip to gable loft conversion with 3no rooflights to front elevation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the header above is taken from the planning application form. However, the description on the appeal form and the Council's decision is "Ground floor side and rear extension, first floor rear extension. Hip to gable roof extension with rear dormer, insertion of 3 roof lights to front elevation and insertion of window to side". This more accurately describes the proposal and I have dealt with the appeal on this basis.
3. The Council suggested that I visit the neighbouring property, 170 Stansted Road (No 170), in order to assess the proposal from within that site. Due to the proximity of the appeal site to No 170, I was able to clearly view the relationship between the two properties from the public realm and from within the appeal site, without the need to enter No 170. No party has therefore been prejudiced in the determination of this appeal.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the host property and the street scene and (ii) on the living conditions of the occupiers of No 170 Stansted Road, with particular regard to outlook.

Reasons

5. The appeal building is a semi-detached, hipped roof two storey dwelling. It forms part of a group of three pairs of similarly designed properties, each of which have two storey flat roof rear projections. There is approximately 2

metre separation between the flank walls of the appeal property and No 170. The group is in an elevated position in relation to Stansted Road but separated from it by a mature landscape buffer.

6. The proposal would not exceed the height of the existing ridge line. However, the alteration from hipped roof to gable, with the addition of a full width, flat roof rear dormer, would result in a significant increase in the overall scale and bulk of the dwelling. The proposed alterations would unacceptably dominate the roofscape and the rear elevation of the property. Its form would be a prominent and incongruous feature, inconsistent with the host property and surrounding development. The use of composite weatherboarding to the gable end and the walls of the dormer would only increase the dominant effect of the proposal.
7. Notwithstanding the screening of the appeal building provided by the landscape buffer at the front of the site, it is possible to clearly see the group of dwellings from Cannons Close, opposite the site. Although the building line and front elevation would be unaltered, the alterations to the roof would be obvious in the street scene. The modest width of the appeal building, and its attached neighbour, would further highlight the resulting differences in the shared roofscape and the otherwise consistent roof form of the group.
8. The rear of the appeal building, and its wider group is similarly clearly visible from Orchard Road to the south. Therefore, although the effect would be localised in terms of views from outside of the site, the appeal proposal would nevertheless diminish the character and appearance of the host building, with consequent harm to the character and appearance of the street scene.
9. The gap between the appeal building and the flank wall of No 170 is limited. No 170 has two windows at first floor level within their flank wall, one of which is said to serve a bedroom. Whilst I recognise that the outlook from this window is already restricted and faces a similar window within the appeal building, some relief from this close relationship is provided by the hipped roof design of the dwellings, which opens up the space above the side elevations. Due to the combined depth and height of the proposed roof alterations in such close proximity to the first floor flank wall windows of No 170, the development proposed would be overbearing, and would lead to an unacceptable sense of enclosure to the occupiers of that property.
10. No concern has been raised by the Council with regard to the proposed single storey extension or the proposed extension to the existing two storey rear projection. Whilst I see no reason to reach a different conclusion in this respect, the acceptability of these elements of the proposal does not outweigh the harm already identified.
11. The appellant has drawn my attention to other developments within the vicinity of the appeal site which he considers offers support to the acceptability of the appeal scheme. However, from what I was able to see on my site visit, it is clear that these developments do not represent direct parallels to the appeal proposal. In addition to other differences in site characteristics, an example of a hipped to gable enlargement of a semi-detached property at Bishop Gray Rise did not appear to incorporate a flat roof dormer and was to a much larger dwelling, such that the differences in the roofscape of that building were not easily read together and were not obvious in the street scene. Similarly, an example within Orchard Road was not a full gable extension, part of the hip

remained, and no flat roof dormer was apparent from public view. I was unable to identify an example referred to by the appellant as 'within Parsonage Lane'. As such, I can only conclude that it is not prominent in the street scene, and thereby does not alter my conclusions with regard to the appeal proposal which I have necessarily considered on its own merits.

12. I have had regard to the appellant's desire to improve the living space, the acceptability of some elements of the proposal and the lack of objection to the proposal by statutory consultees, however these factors do not alter my decision.
13. In conclusion, I have found that the proposed development would unacceptably harm the character and appearance of the host property and the street scene, and the living conditions of the occupiers of No 170 Stansted Road with regard to outlook. Thus, it would conflict with Policies DES4 and HOU11 of the East Herts District Plan 2018 and Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for Silverleys and Meads Wards 2014. Together these policies require high quality design and protection of residential amenity.
14. The proposal also conflicts with the National Planning Policy Framework where it seeks to ensure good design that is sympathetic to local character and developments that provide a high standard of amenity for existing users.

Conclusion

15. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector



Appeal Decision

Site Visit made on 7 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/J1915/D/20/3259395
279 Ware Road, Hertford, Hertfordshire SG13 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Neal Grainger against the decision of East Herts District Council.
 - The application Ref 3/20/1194/HH, dated 26 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is the erection of two storey detached garage/gym/office with first floor rear terrace.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal development would be located at the bottom of the rear garden of 279 Ware Road and would front onto a spur of Cromwell Road. There are allotments on the opposite side of Cromwell Road to the appeal site. The prevailing topography of the area is that the land slopes down sharply from Ware Road to Cromwell Road, although the rear garden of the appeal property has been re-graded so that it steps down in stages.
4. At my site visit, I saw that there were several examples of garages and outbuildings to the rear of the properties on Ware Road and fronting onto Cromwell Road. From the evidence before me planning permission¹ has been granted for a single storey garage with a pitched roof at the appeal site. The ridge line of that garage would be around 4.6 metres in height and the roof would slope away from Cromwell Road. To that end, I consider that the principle of such a building is acceptable.
5. The merits of the proposal before me therefore turn on the design and height of the appeal building itself. In that sense it is noted that the proposal would have a part pitched and part flat roof (although this has been described as a mansard roof). When viewed from Cromwell Road, the roof would appear as a gable end albeit with the upper parts of the gable removed and replaced with a flat roof section.

¹ Reference 3/16/27789/HH

6. From my site visit I saw that the existing garages and outbuildings fronting onto Cromwell Road largely consisted of simple flat or pitched roof structures. With the exception of the large garage building to the rear of 263 Ware Road these ancillary outbuildings are also of a much smaller scale than the proposal before me. However, it is also significant that the garage to the rear of No.263 has a roof slope away from Cromwell Road which helps to reduce the impact of this large building.
7. In contrast to that, the appeal proposal would have a vertical brick wall almost to the Cromwell Road boundary which would extend to around 5.7 metres in height. To my mind, a building of this height in such proximity to Cromwell Road would stand out as an overly prominent and dominant feature. This harm is principally owing to the design and shape of its roof relative to Cromwell Road. However, the blank façade does nothing to break up the massing of the building which only adds to this harm.
8. In coming to the above view, I acknowledge that the building would not result in an unacceptable level of obstruction of views from the neighbouring properties on Ware Road or to general views in the area as a whole. I also acknowledge that the height of the building is not too dissimilar to the bungalow to the rear of 325 Ware Road. That said, the siting and design aspects of that bungalow differ significantly from the proposal before me.
9. The Appellant has stated that this section of Cromwell Road has a low footfall and that the proposal would provide visual interest in a location lacking in innovative character. However, in my view the design of the proposal is far from innovative nor do I consider that a low footfall is a suitable justification for the development before me.
10. The Appellant has also drawn my attention to a development at 249 Ware Road which also involves a first-floor element above a garage with what has also been described as a mansard roof. However, I saw from my site visit that the setting of this development is very different from the appeal site with residential properties on the opposite side of Cromwell Road. As noted by the Council, the first-floor element is also set back from the road frontage. Furthermore, that development does not provide for a compelling reason to permit an otherwise unacceptable development.
11. For the above reasons the proposal would harm the character and appearance of the area in conflict with Policies HOU11 and DES4 of the East Herts District Plan 2018 which amongst other matters seek to ensure that all development is of a high standard of design and of a size, scale, mass and form that is appropriate to the character and appearance of the surrounding area.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR



Appeal Decision

Site Visit made on 7 January 2021

by Chris Forrett MRTPI, DipTP, BSc(Hons)

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/J1915/D/20/3263511

**5 Sacombes Lane Cottages, Sacombes Ash Lane, Allens Green,
Sawbridgeworth, Hertfordshire CM21 0LU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Elizabeth Webb against the decision of East Herts District Council.
 - The application Ref 3/20/1250/HH, dated 6 July 2020, was refused by notice dated 1 September 2020.
 - The development proposed is described as single storey rear and double storey side extensions and front porch.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and double storey side extensions and front porch at 5 Sacombes Lane Cottages, Sacombes Ash Lane, Allens Green, Sawbridgeworth, Hertfordshire CM21 0LU in accordance with the terms of the application, Ref 3/20/1250/HH, dated 6 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S019-DSSE-PP02-00; S019-DSSE-PP02-03; S019-DSSE-PP02-04; S019-DSSE-PP02-05; S019-DSSE-PP02-06 and S019-DSSE-PP02-07.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The Council have described the proposal as the 'removal of conservatory and detached garage. Construction of single storey rear extension, two storey side extension and new front porch'.
3. However, from the evidence before me, there has been no agreement to the change in the description of the development. Given that both descriptions describe the proposal before me, I have utilised the Appellants description for my decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is located in a rural area where there is only sporadic development. The site is part of a group of 6 properties, which are formed as three pairs of semi-detached dwellings.
6. The proposal includes three distinct elements. The Council have not raised any concern in respect of two of these, the single storey rear extension and the front porch. Given the nature of these extensions, I have no reason to disagree with that assessment.
7. The third element would be a two-storey side extension. This would be set back from the front elevation of the host property and would be sited a little over 1 metre from the side boundary, which is the standard set out in Policy HOU11 of the East Herts District Plan (2018) (EHDP). It would also have a roof line set down from the main ridge line of the dwelling. To my mind, these elements assist in ensuring that it would appear as a subservient addition to the host dwelling, particularly when viewed from Sacombes Ash Lane.
8. The Council have given very little justification to explain their decision and have largely relied on the comment that the previous reason for refusal¹ had not been overcome. Notwithstanding that, the Appellant has indicated that the Council's concern now related largely to the depth of the two-storey extension which would extend rearwards in line with the rear wall of the existing two storey projection.
9. However, in my view, the two-storey extension would not project rearwards by an excessive degree and would not appear as an overly large or bulky extension when combined with the existing two storey projection or the other elements of the appeal proposal. To that end, I consider that the extension would be appropriately sited, and would be of a suitable size, scale and mass.
10. For the above reasons the proposal would not harm the character and appearance of the host dwelling or the wider area and would accord with Policies DES4, HOU11, VILL3 and GBR2 of the EHDP which amongst other matters seek to ensure that extensions are well designed and are of a size and scale to ensure that the proposal is a subservient addition to the host dwelling, and appropriate to the character and appearance of the rural area. It would also accord with the overarching design aims of the National Planning Policy Framework.

Conditions

11. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

¹ Reference 3/19/2552/HH dated 4 March 2020

Conclusion

12. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR



Appeal Decision

Site visit made on 11 January 2021

by **S Tudhope LLB (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 January 2021

Appeal Ref: APP/J1915/D/20/3261018

32 Manston Drive, Bishops Stortford CM23 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Jim McGrath Dolan against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/1313/HH, dated 13 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is first floor side extension above the existing garage and two storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for first floor side extension above the existing garage and two storey rear extension at 32 Manston Drive, Bishops Stortford CM23 5EL in accordance with the terms of the application, Ref 3/20/1313/HH, dated 13 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 1093-19.PL.006; Existing & Proposed Ground Floor Plans Drawing Number 1093-19.PL.001 Rev. D; Existing & Proposed First Floor Plans Drawing Number 1093-19.PL.002 Rev. B; Existing & Proposed Roof Plans Drawing Number 1093-19.PL.003 Rev. A; Existing & Proposed Elevations 1/2 Drawing Number 1093-19.PL.004 Rev. B; and Existing & Proposed Elevations 2/2 Drawing Number 1093-19.PL.005.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council suggested that I visit the neighbouring property, 30 Manston Drive (No 30), in order to assess the appeal proposal from within that site. I note that the evidence does not indicate that the Council's Planning Officer carried out any assessment from within this neighbouring property. Nevertheless, due to the proximity of the appeal site to No 30, I was able to clearly view the relationship between them from both the public realm and from within the

appeal site itself. I am satisfied that no party has therefore been prejudiced in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 30 Manston Drive, with particular regard to daylight and sunlight and outlook.

Reasons

4. The appeal building (No 32) is a two storey semi-detached dwelling. The unattached neighbouring property, No 30, is a two storey dwelling with a single storey side extension which abuts the common boundary with the appeal site. There is a staggered building line within this stretch of the road, such that No 30's front elevation sits over 5 metres back from the principle elevation of No 32. No 30 has a double casement, high-level, obscure glazed window at first floor level that faces the appeal site, it is the only window in this elevation.
5. The Council's Planning Officer report suggests that this window serves a bedroom and is that room's only window. No assessment of daylight or sunlight impacts has been submitted with the appeal documents. Nevertheless, although there would be a slight infringement of the 45 degree sightline in relation to this window, this would result in only a negligible difference to the existing outlook from it. This is because its outlook is already restricted due to its obscure glazing and high-level position.
6. Taking this into account, and given that the proposed development would not result in built form directly opposite the window and the proposed roof form would be fully hipped, thereby sloping away from No 30 and maintaining upward openness, the effect of the proposal would not be overbearing.
7. In addition, there would be a limited difference to the amount of daylight and sunlight reaching this window. Even considering this window to serve a bedroom and for it to be its only window, the orientation and relationship of the proposed development to No 30, in relation to the path of the sun, is such that any overshadowing and reduction in daylight and sunlight would not be so significant as to cause unacceptable harm to the living conditions of the occupiers of No 30.
8. Such a close relationship is a feature of many properties within Manston Drive and having regard to the above factors, including that the proposed development would be separated from the flank wall of No 30 by approximately 3.5 metres and would not extend directly in front of the flank wall window of that neighbour, leads me to consider that the effect of the proposed development on the living conditions of the occupiers of No 30 would not be unduly harmful.
9. I therefore conclude that the proposal would not result in an unacceptable impact on the living conditions of the occupiers of 30 Manston Drive with particular regard to daylight and sunlight and outlook. Thus, it would comply with Policy DES4 of the East Herts District Plan 2018 and Policy HDP2 of the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley 2017.

Conditions

10. In addition to the standard implementation condition, I have imposed a condition specifying the approved drawings as this provides certainty. A condition requiring matching materials is necessary to ensure the development is in keeping with the existing property.

Conclusion

11. For the above reasons the appeal is allowed.

S Tudhope

Inspector



Appeal Decision

Site Visit made on 7 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 22nd January 2021

Appeal Ref: APP/J1915/D/20/3262722

5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Hehir against the decision of East Herts District Council.
 - The application Ref 3/20/1505/HH, dated 5 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is the erection of wooden carport (with polycarbonate roof) to the front of the property.
-

Decision

1. The appeal is allowed and planning permission is granted erection of wooden carport (with polycarbonate roof) to the front of the property at 5 Applegate, Sawbridgeworth, Hertfordshire CM21 0DR in accordance with the terms of the application, Ref 3/20/1505/HH, dated 6 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing 1, Drawing 2, Drawing 3 and Drawing 4.
 - 3) The development hereby approved shall be constructed in the materials specified on the application form.

Preliminary Matters

2. The application form, decision notice and appeal form all describe the proposal before me differently. In the absence of a consensus of the description of the development, I have utilised a combination of these descriptions which succinctly describes the proposal for my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located within a residential area of Sawbridgeworth. The property is accessed off a private driveway (Applegate) and the carport would only be partially visible from public vantage points on Burnside and Brook Lane.

However, such views would be restricted and in the context of other residential properties and outbuildings in the area. I therefore agree with the Council that the carport would not have a detrimental impact on the surrounding area.

5. Notwithstanding that, the Council consider that it would be out of keeping with the grain of development in the area and would harm the character and appearance of the host property and the immediate streetscene owing to its siting and design.
6. Whilst the carport would be positioned in front of the existing dwelling, I saw at my site visit there was a large garage/outbuilding to the fore of 3 Applegate at the head of the private driveway.
7. Whilst the carport would be closer to the host property than the building at No.3, I am also conscious that it would be open on all sides and there would be clear views of the host property through the open structure. With that in mind, I consider that it would not result in any significant harm to the character of the host dwelling or the immediate surroundings of Applegate.
8. My attention has also been drawn to the adjacent trees which are the subject of a Tree Preservation Order and are arguably the most prominent feature in the immediate vicinity. However, given the nature of the proposal, and the limited groundworks required to construct the carport, I consider that it would not result in any harm to these trees.
9. The appeal site is also located adjacent to The Dell which is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
10. The Council has set out that the carport would not harm the setting of this listed building as its closest part would be near to a modern conservatory which has been added to The Dell. Given the nature of the proposal and what I observed on site, I consider that the carport would not have any adverse impact on the setting of this listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
11. For the above reasons the carport would not harm the character and appearance of the host property or the wider area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that residential outbuildings are of a high standard of design, and are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

Conditions

12. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to the specified materials on the application form is also necessary.

Conclusion

13. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR



Appeal Decision

Site Visit made on 7 January 2021

by **Chris Forrett MRTPI, DipTP, BSc(Hons)**

an Inspector appointed by the Secretary of State

Decision date: 20th January 2021

Appeal Ref: APP/J1915/D/20/3263329
36 Scotts Road, Ware, Hertfordshire SG12 9JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Manda Dixon against the decision of East Herts District Council.
 - The application Ref 3/20/1575/HH, dated 18 August 2020, was refused by notice dated 12 October 2020.
 - The development proposed is a first-floor front extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a first-floor front extension at 36 Scotts Road, Ware, Hertfordshire, SG12 9JQ in accordance with the terms of the application, Ref 3/20/1575/HH, dated 18 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan and drawing 40-20-1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site located within the built-up area of Ware and consists of a two-storey residential property which has been previously extended to the front. The property sits in an elevated position well back from the road and is between two similarly designed dwellings. Numbers 40-46 Scotts Road are terraced properties set much closer to the road.
4. The proposal is for a first-floor over the existing single storey extension and would project from the front main wall of the dwelling by around 3.9 metres. However, there is not a strong building line in the street given that the siting of the terrace of Nos 40-46 is significantly closer to the road than the appeal property and its immediate neighbours. The design of the extension, together

with its set back from the road frontage, leads me firmly to the view that the proposal would appear as a subservient addition to the host property and would not give rise to any harm to the wider area. This is particularly the case as there is not a strong architectural vernacular in the area, a point which is acknowledged by the Council.

5. In coming to the above view, I also acknowledge that first floor front extensions are not a typical characteristic of the street. However, this is not a justifiable reason to withhold planning permission for an otherwise acceptable development.
6. In addition to the above, the appeal site is located close to Scotts Grotto which is a Grade I listed building set in a heavily landscaped area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this building.
7. Given the location and nature of the proposal, I consider that it would not have any adverse impact on the setting of this important listed building and as such the proposal would accord with the heritage aims of the National Planning Policy Framework and Policy HA7 of the East Herts District Plan 2018 (EHDP).
8. For the above reasons the extension would not harm the character and appearance of the area and would accord with Policies HOU11 and DES4 of the EHDP which amongst other matters seek to ensure that extensions are of a high standard of design, and are subservient additions which are appropriate to the character, appearance and setting of the host dwelling and the surrounding area.

Other Matters

9. I have also had regard to the comments made in the representations, including the potential loss of light, privacy and outlook to the occupants of 40 Scotts Road and the proximity of the development to the pine tree in the front garden. However, I consider that none of the matters raised provide for a compelling reason why planning permission should not be granted.

Conditions

10. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

Chris Forrett

INSPECTOR

| Application Number | Proposal | Address | Decision | Appeal Start Date | Appeal Procedure |
|--------------------|--|---|--------------------------|-------------------|---------------------------|
| 3/20/0278/FUL | Erection of a single self-build bungalow and basement, with associated landscaping and creation of 2 off street car parking spaces. | Land Opposite 23 Tatlers Lane Aston End SG2 7HL | Refused Delegated | 15/01/2021 | Written Representation |
| 3/20/0626/HH | Proposed two storey extension and new bi-folding vehicle access gates. | 35B Bull Plain Hertford SG14 1DX | Refused Delegated | 15/01/2021 | Written Representation |
| 3/20/0627/LBC | Proposed two storey extension and internal alterations to convert kitchen into lounge. | 35B Bull Plain Hertford SG14 1DX | Refused Delegated | 15/01/2021 | Written Representation |
| 3/20/0835/FUL | Demolition of double garage and erection of an additional detached dwelling and outbuilding, along with associated landscaping. | 34 Hertford Road Great Amwell Ware SG12 9RX | Refused Delegated | 25/01/2021 | Written Representation |
| 3/20/1314/FUL | Restoration and change of use of water tower to provide ancillary residential use to the Goldings Estate; insertion of cladding and windows to the lower structure. | Water Tower Devey Way Goldings Hertford SG14 2WU | Refused Delegated | 29/01/2021 | Written Representation |
| 3/20/1320/LBC | Restoration and conversion of water tower for ancillary residential use for Goldings Estate. External western red cedar cladding and windows on all four elevations, restoring of the steel drum to be painted light grey, and with new internal floors and staircase. | Water Tower Devey Way Goldings Hertford SG14 2WU | Refused Delegated | 29/01/2021 | Written Representation |
| 3/20/1381/FUL | Demolition of half of existing garage and erection of 2 bedroom chalet bungalow with 2 off street car parking spaces. | Land To The Rear Of 2 Rectory Lane Watton At Stone SG14 3SG | Refused Delegated | 25/01/2021 | Written Representation |
| 3/20/1504/HH | Formation of front basement lightwell and extension. | 97 Pye Corner Gilston Harlow CM20 2RD | Refused Delegated | 25/01/2021 | Fast Track |
| 3/20/1553/FUL | Single storey extension to scout hut and erection of detached barn. | 142 London Road Ware SG12 9NH | Grant with Conditions | 06/01/2021 | Written Representation |
| 3/20/1566/HH | New gable end roof (1.5m in length) to garage and replacement of a window to side elevation of garage with replacement matching fenestration. | Keepers Cottage Westmill Buntingford SG9 9LX | Refused Delegated | 22/01/2021 | Written Representation |
| 3/20/1567/LBC | New gable end roof (1.5m in length) to garage and replacement of a window to side elevation with replacement matching fenestration. | Keepers Cottage Westmill Buntingford SG9 9LX | Refused Delegated | 22/01/2021 | Written Representation |
| 3/20/1580/HH | Erection of a two-storey side extension, single storey side/rear extension and replacement garage, together with the introduction of new materials. | Griff 30 Foxley Drive Bishops Stortford CM23 2EB | Refused Delegated | 14/01/2021 | Fast Track |
| X/20/0177/CND | Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL | Land Off Chapel Lane Little Hadham | Refused Delegated | 21/01/2021 | Inquiry |

Background Papers

None

Contact Officers

Sara Saunders, Head of Planning and Building Control - Ext 1656

This page is intentionally left blank

Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

| Application | Case Officer | Address | Proposal | Appeal Status | Procedure Type | Date |
|---------------|----------------|---|--|---------------|----------------|------------|
| 3/19/1492/FUL | Eilis Edmonds | Greenleys Slough Road Allens Green Sawbridgeworth CM21 0LR | Demolition of an existing barn, nissen huts and hard standing. Construction of five detached dwellings. Construction of associated access roads and landscaping. | INPROG | Public Inquiry | 03/02/2021 |
| 3/19/2099/FUL | Nick Reed | Land Adj To Long Leys Barn Fanshaws Lane Brickendon Hertford SG13 8PG | Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective). | VALID | Hearing | TBA |
| 3/19/2202/FUL | Ashley Ransome | Kecksys Farm Cambridge Road Sawbridgeworth CM21 9BZ | Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement. | INPROG | Hearing | TBA |
| 3/19/2226/FUL | Susie Defoe | Agricultural Land West Of Orchard Road Tewin | Siting of a mobile home for a temporary period of up to 2 years in connection with the husbandry of cattle herd. | INPROG | Hearing | TBA |
| 3/20/1040/FUL | Eilis Edmonds | Land At Millfield Lane Bury Green Little Hadham Ware SG11 2ED | Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank. | INPROG | Public Inquiry | TBA |
| X/20/0177/CND | Eilis Edmonds | Land Off Chapel Lane Little Hadham | Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL | LODGED | Public Inquiry | TBA |

This page is intentionally left blank

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2020)

| | Apr-20 | May-20 | Jun-20 | Jul-20 | Aug-20 | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 |
|------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| <i>Total Applications Received</i> | 143 | 298 | 488 | 706 | 873 | 1072 | 1300 | 1552 | 1759 | 1977 | 2303 | |

| <i>Percentage achieved against Local and National Targets</i> | Apr-20 | May-20 | Jun-20 | Jul-20 | Aug-20 | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 | Targets for Local Performance (set by East Herts) | National Targets (set by Government) | |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|---|------------|
| | | | | | | | | | | | | | | | |
| Major % | 100% | 100% | 100% | 100% | 100% | 87% | 77% | 83% | 85% | 85% | 87% | | Major % | 60% | 60% |
| Minor % | 92% | 93% | 92% | 92% | 92% | 92% | 90% | 89% | 89% | 90% | 89% | | Minor % | 80% | 65% |
| Other % | 92% | 92% | 90% | 91% | 92% | 91% | 92% | 92% | 91% | 91% | 91% | | Other % | 90% | 80% |

| Appeals | Apr-20 | May-20 | Jun-20 | Jul-20 | Aug-20 | Sep-20 | Oct-20 | Nov-20 | Dec-20 | Jan-21 | Feb-21 | Mar-21 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Total number of appeal decisions (Monthly) | 4 | 6 | 3 | 5 | 2 | 14 | 13 | 18 | 8 | 13 | 13 | |
| Number Allowed against our refusal (Monthly) | 1 | 2 | 1 | 3 | 1 | 6 | 3 | 6 | 3 | 6 | 1 | |

| | | | | | | | | | | | | |
|---|---|----|----|----|----|----|----|----|----|----|----|--|
| Total number of appeal decisions (Cumulative) | 4 | 10 | 13 | 18 | 20 | 34 | 47 | 65 | 73 | 86 | 99 | |
| Number Allowed against our refusal (Cumulative) | 1 | 3 | 4 | 7 | 8 | 14 | 17 | 23 | 26 | 32 | 33 | |

AGENDA ITEM NO. 6D

This page is intentionally left blank