



James Ellis

Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : PLEASE NOTE THAT THIS MEETING WILL BE HELD
VIRTUALLY ON ZOOM
DATE : WEDNESDAY 12 AUGUST 2020
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

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

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

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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 25 June 2020 (Pages 7 - 24)

To confirm the Minutes of the meeting of the Committee held on Wednesday 25 June 2020.

5. Planning Applications and Unauthorised Development for Consideration by the Committee (Pages 25 - 28)

(A) 3/19/2211/FUL - Part conversion and part demolition of existing buildings. Provision of mixed use development for B1 Use (business) and retention of existing agricultural buildings. Erection of 26 dwellings, 10 to be affordable housing. Works to include access, landscaping, engineering and associated works. Provision of car parking spaces and cycle spaces at Land at Home Farm, Munden Road, Dane End_(Pages 29 - 60)

Recommended for Approval, subject to a legal agreement and conditions

6. Items for Reporting and Noting (Pages 61 - 80)

(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 VIRTUAL MEETING -
VIRTUAL MEETING ON THURSDAY 25 JUNE
2020, AT 7.00 PM

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

ALSO PRESENT:

Councillors J Goodeve and S Rutland-
Barsby

OFFICERS IN ATTENDANCE:

Peter Mannings	- Democratic Services Officer
Sara Saunders	- Head of Planning and Building Control
Rachael Collard	- Principal Planning Officer
Kay Mead	- Principal Planning Officer
David Snell	- Service Manager (Development Management)
Victoria Wilders	- Legal Services Manager
John Williams	- Electoral Services

Manager

57 APOLOGY

An apology for absence was submitted on behalf of Councillor Page. It was noted that Councillor Fernando was substituting for Councillor Page.

58 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed all attendees and those viewing online to the meeting. He stated 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 invited each Member and Officer in attendance at the meeting to introduce themselves.

59 DECLARATIONS OF INTEREST

No declarations of interest were made by Members in any item on the agenda.

60 3/19/2614/FUL - MIXED USE RE-DEVELOPMENT
COMPRISING PARTIAL DEMOLITION OF EXISTING
BUILDINGS AND REPLACEMENT WITH 3,419 SQUARE
METRES OF COMMERCIAL FLOORSPACE (USE CLASSES A1-
A4, D1), AN 86-BED HOTEL (USE CLASS C1), 98 RESIDENTIAL
APARTMENTS (USE CLASS C3), ALTERATIONS TO AN
EXISTING CAR PARK, NEW BUS STATION FACILITIES AND
ASSOCIATED WORKS AND IMPROVEMENTS AT BIRCHERLEY
GREEN SHOPPING CENTRE, BIRCHERLEY GREEN,
HERTFORD, SG14 1BN

The Head of Planning and Building Control recommended that in respect of application 3/19/2614/FUL, planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report now submitted and for the reasons also set out therein. The report also sought delegated authority for 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, introduced the report and gave a detailed presentation of the proposed development for which planning permission was being sought and the range of issues and considerations that were material to the determination of the application.

The Principal Planning Officer reported that:

- the proposal was for a mixed use redevelopment of the 1970s Bircherley Green shopping centre, the main modern retail area in Hertford town centre. The shopping centre

closed in 2018 following the determination of planning application 3/17/0392/FUL, approved in January 2018 for a mixed-use redevelopment scheme. Partial demolition of the site commenced but the then owners sold the site in the latter part of 2019 citing that due to market conditions, the scheme had become unviable.

Chase New Homes purchased the site and sought to redevelop it for mixed use.

- the site was located within the Hertford Conservation Area and the Area of Archaeological Significance and was immediately adjacent to the River Lea, which in its canalised section formed the northern boundary of the site. The proposals raised a range of issues relevant to an important development located in the town centre. Given its location and a scheme having previously been approved, redevelopment of the site was acceptable in principle. The current development comprised retail space, parking, the bus station, public circulation areas including a river walkway and a public multi-storey car park providing 188 parking spaces, accessed via Bircherley Street. As with the approved scheme, the proposal introduces new uses to the site, including residential development and a hotel use.
- Policy HOU3 sets out the Council's Affordable Housing policy and seeks the provision of up to 40% of residential units as affordable. Where a lower provision is proposed a financial viability assessment is required. A viability report accompanied the application to justify the

applicant's position, which was that no affordable housing is proposed. The Council engaged an independent viability consultant to scrutinise that submission, who had concluded that the scheme was not sufficiently viable to deliver an affordable housing contribution.

The Principal Planning Officer drew Members' attention to the summary of additional representations received after completion of reports submitted to the Committee but by 5pm on the date of the meeting, which had been circulated to Committee Members. This document included corrected wording for the summary for reason of decision on Page 91 of the agenda pack as follows: "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."

Mr Norman addressed the Committee in objection to the application. Mr Ward spoke for the application.

Councillor Rutland-Barsby, as a local councillor for Hertford Castle Ward, addressed the Committee. She stated that the proposal was not perfect and the lack of affordable housing was disappointing, but the scheme did include a number of important social benefits. The viability assessment had been tested by experts and if the development was not approved there was a danger that the site would remain derelict. Councillor Rutland-Barsby urged the Committee to support the application.

Councillor Ruffles asked whether the applicant could address the issues raised by the Canal and River Trust and in particular the waterside landscaping and whether it would be possible to introduce moorings. The Principal Planning Officer stated that the single mooring currently in existence (used by the Hertford to Ware riverboat service) would be retained but the applicant was not proposing any additional moorings. Councillor Andrews stated that the riverboat service did not require a mooring but simply a stop to allow passengers to alight and board. He also clarified the difference between a mooring and a mooring point. Councillor Andrews supported the provision of additional moorings but considered that these should be subject to a limit of 24 or 48 hours to attract visitors to the town rather than longer term occupation. He suggested that this could be a matter for discussion between the applicant, the Canal and River Trust and the Town Council. Councillor Crystall also considered the provision of additional moorings adjacent to the proposed development could help to create a sense of place, for example by enabling traders to visit the site.

The Service Manager (Development Manager), on behalf of the Head of Planning and Building Control, noted that there were currently temporary visitor moorings on the opposite side of the river adjacent to allotments and that these were often taken up by long-term occupants. The Principal Planning Officer, on behalf of the Head of Planning and Building Control, stated that one issue that could be problematic in relation to the provision of moorings was the height of the site above the river level.

Councillor Crystall referred to the principles guiding the Hertford Town Centre Urban Design Strategy (HUDS) and questioned whether these were addressed by the proposal, particularly in relation to the riverside area, much of which would remain available for vehicular access. Councillor Crystall asked whether the landscaping plan could be submitted to Members prior to approval. The Service Manager Development Management advised that it would be possible for officers to consult Members on the detailed landscaping proposals when these were received but that in accordance with the Council's Constitution the discharge of planning conditions was delegated to the Head of Planning and Building Control.

Councillor Kemp asked what measures would be in place to avoid disturbance to people enjoying the proposed riverside area from delivery vehicles, and whether it would be possible to avoid vehicles using this area at all. Councillor Redfern asked about the arrangements for parcel deliveries to the private flats as well as commercial premises. Councillor Ruffles asked whether a physical barrier should be installed. The Principal Planning Officer advised that the existing planning consent provided for deliveries to be made via this route which was the only practical option, but that a condition was proposed that would restrict deliveries to between 7.00 a.m. and 10.00 a.m. and that a detailed Delivery and Servicing Plan would have to be submitted for approval by the local authority and subsequently enforced by the management company as the area was private land. No physical barrier was currently proposed although this could be discussed

with the applicant.

Councillor Crystall asked whether it would be possible to provide a dedicated path for safe access on foot from the bus station to the riverside. The Principal Planning Officer stated that a condition was proposed that would require a Stage 1 Road Safety Audit for all access arrangements and any necessary mitigation measures to be approved before the commencement of any above ground works.

Councillor Kemp noted that an NHS facility could potentially be provided in the development and asked what arrangements would be in place to enable users to be dropped off within easy walking distance of this facility. The Principal Planning Officer stated that this was not currently specified but could be discussed with the applicant if the potential health facility went ahead.

Councillor Ruffles asked whether it would be possible to implement Hertford Town Council's suggestion for a condition requiring each occupant of the residential accommodation not to own a car without an allocated space. The Principal Planning Officer advised that such a condition would not be considered reasonable.

With regard to car parking provision, the Principal Planning Officer stated that the existing car park would be retained and access would continue to be from Bircherley Street. The car park would retain a total of 188 car parking spaces. The proposal sought to allocate 40 of the total spaces for the residential units, plus 5 spaces for a car club. 143 'Pay and Display' spaces were provided for general use and would be

operational 24 hours a day. 15 spaces could be allocated to the NHS facility if this proceeded, leaving 128 publicly accessible spaces.

Councillor Kemp asked how the 40 car parking spaces reserved for the residential development would be allocated amongst the 98 units. The Principal Planning Officer advised that one space would be allocated to the proposed residential unit with wheelchair access. The allocation of the remaining 39 spaces was not yet known but a condition would require these details to be provided in a parking strategy to be submitted for approval.

Councillor Jones regretted that the proposals for the car park included only ten electric charging points. He asked whether a condition could be included to future-proof the development by requiring the laying of cables to enable additional charging points to be installed in future. Councillor Buckmaster concurred. The Principal Planning Officer confirmed that this could be discussed with the applicant.

Councillor Buckmaster asked whether the proposed height limit for the car park could be raised from 1.95 metres to 2.00 metres, which she stated was the standard height limit to which constructors of SUVs and people carriers worked. The Principal Planning Officer advised that this was unlikely to be possible due to the physical constraints of the car park building, which would remain unchanged.

Councillor Jones asked what arrangements the applicant proposed to ensure the cycle storage

facilities would be secure and attractive to residents to use. He noted that in many developments such facilities remained unused and suggested that the applicant should consult with local cycling organisations in this regard. Councillor T Beckett endorsed the importance of good cycle storage facilities and suggested that the applicant should consider implementing the BREEAM guidance. The Principal Planning Officer advised that a total of 112 secure cycle parking spaces were proposed in five locations at ground floor level. Cycle parking for residents would be located in these stores. In relation to cycle spaces for the public, the applicant considered that 78 spaces could be provided within racks positioned around the site, with overlooked cycle spaces adjacent to the wall with Lombard House and along the riverfront. There were concerns that some of the locations chosen could obstruct servicing arrangements, but this was addressed by a condition requiring that further details of cycle parking spaces be provided and approved. The Head of Planning and Building Control drew members' attention to Policy TRA1 which set out that development proposals should primarily be located to enable sustainable journeys to be made by a range of options including walking, cycling and public transport.

Councillor Crystall referred to the increasing popularity of electric cycles and asked whether charging points would be provided in the cycle storage areas. The Principal Planning Officer confirmed that this was a matter that could be discussed with the applicant.

Councillor Beckett asked whether the bus station

facilities could be expanded to provide additional ladies' toilets. The Principal Planning Officer advised that the toilets would be in the same location as now and would remain separate from the bus station waiting room.

Councillor Ruffles welcomed the proposed retention of the bus station, feeling that this was a crucial facility for the town. He did however consider that the bus station could benefit from improvements and expressed the hope that County Council investment would be forthcoming in this regard. The Chairman agreed that the bus station was an important facility and stated that in his capacity as a County Councillor he would work with others to ensure that the quality of that facility was maintained and improved as possible.

Councillor Crystall asked what measures were proposed to address any 'wind tunnel' affects that might be experienced in the central walkway of the proposed development. The Principal Planning Officer reported that this had not been modelled but limited planting could be undertaken as the area was a delivery route.

Councillor Crystall referred to possible concerns of residents of Folly Island regarding their privacy and asked whether a condition could be included to require planting along that frontage. The Principal Planning Officer stated that this could not be required as the area was outside the development site, but planting along the front of the development itself could be discussed with the applicant.

Councillor Jones questioned the conclusions of the viability assessment. He did not feel that it was acceptable for the Council to be asked to accept such a significant development with no Section 106 contribution and no affordable housing provision. Councillor Jones pointed out that the 2018 consent included the provision of seven affordable units, which equated to 10% of the residential accommodation proposed in that development. He considered that a similar requirement should be applied to the current proposals. The development of Bircherley Green was important but the Council should not be forced into accepting an unsatisfactory proposal. Councillor Jones also considered that improvements to the bus station should be included in the scheme rather than seeking additional funding from the County Council.

Councillor Ruffles stated that the whole of the bus station was not included within the developer's ownership. Councillor Andrews pointed out that the previous developer had walked away from that scheme as it could not be made viable.

Councillor Redfern expressed disappointment at the lack of any Section 106 contribution or affordable housing and was concerned about how the extra amenities required because of the development could be funded. She felt that the Council was faced with a very difficult choice in relation to what was a crucial site for the town.

Councillor Beckett was disappointed at the lack of any affordable housing but understood the reason for this and did not feel that the application would set a

precedent as there were unique factors in relation to this site including the bus station.

Councillor Kemp stated that the Council had acted properly in obtaining an independent financial assessment which had confirmed the scheme was not viable with affordable housing or a Section 106 contribution. The scheme therefore had to be seen as an exception to the normal requirements set out in the Development Plan in this respect.

The Head of Planning and Building Control referred to Policy HOU3 and confirmed that officers had followed all required steps in relation to assessment of the viability of the development. A viability assessment accompanied the application and was based on 0% affordable housing and Section 106 costs of £277,866. The assessment produced a residual land value and when compared to the benchmark land value the scheme showed a deficit of over £4,480,000. The Council's viability consultant undertook further viability 'sensitivity' testing, with scheme adjustments resulting in an increased residual land value; however it too remained below the amended benchmark land value with the scheme remaining in deficit.

In response to a question from the Chairman, the Service Manager Development Management confirmed that provision did exist for a potential second viability review to be undertaken after construction took place and if appropriate for Section 106 funds to be agreed at that stage in a process known as 'clawback'.

The Head of Planning and Building Control stated that the overall planning balance was one of considering the identified benefits of the proposals, the introduction of residential use, improvement to the public realm, the enhancement of the Conservation area and other benefits against the harm. Whilst the viability situation gave rise to a non-policy compliant affordable housing offer and no Section 106 contributions, overall the balance was considered to be such that the benefits clearly outweigh the identified harm.

Councillor J Jones proposed a motion that in respect of application 3/19/2614/FUL, consideration of the application be deferred for further work on the viability of the scheme with a view to achieving some affordable housing element and/or Section 106 contribution from the development. Councillor Jones' proposal was not seconded.

Councillor Kemp expressed reservations about certain aspects of the development including its appearance but on balance he welcomed the proposal for the site to be developed and considered the scheme was the best that could be achieved.

Councillor Huggins felt that compromises had to be made in relation to the proposed development. He expressed concern about the long term future of the bus station which was an important sustainable transport facility but was on private land.

Councillor Ruffles also expressed reservations about certain aspects of the proposed scheme. He did not

share the view of some residents that any development would be better than the current situation, but he did feel on balance that there were enough positive aspects to the application to justify its approval. Councillor Ruffles drew attention to the information regarding town centre economies at paragraph 8.13 of the report and also pointed out that the proposed hotel was not significantly different to that previously consented.

The Chairman summarised a number of issues raised during the debate that were of key concern to the Committee. Officers undertook to hold further discussions with the applicant in the event that the application was approved and, in finalising the detail of the legal agreement and conditions, to have regard to the matters raised by Members during the debate and in particular:

- future-proofing of the car parking facilities by the provision of sufficient cabling and infrastructure to allow the future installation of additional electric charging points (condition 20 refers);
- ensuring that cycle parking provision was secure and adequate for both residents and the general public and the possible provision of charging points for electric cycles (condition 22);
- measures to minimise conflict between delivery and other vehicles and pedestrians in the riverside area (conditions 15 and 19); and
- scrutiny of the hard and soft landscaping proposals including planting, any riverside railings and the potential for additional mooring

points (condition 39)

Councillor Beckett proposed and Councillor Ruffles seconded, a motion that in respect of application 3/19/2614/FUL, the Committee approve the recommendation that planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report now submitted for the reasons also set out therein (as amended by the updated wording included in the summary of additional representations circulated); and that delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

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

RESOLVED – that (A) in respect of application 3/19/2614/FUL, planning permission be granted subject to a legal agreement and subject to the conditions detailed in the report now submitted for the reasons also set out therein, subject to amendment of the summary for reason of decision on Page 91 of the agenda pack to read: “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”; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

The meeting closed at 9.11 pm

Chairman
Date

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East Herts Council Report

Council/Executive/Committee

Development Management Committee

Date of Meeting:

12 August 2020

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

Report title: Planning Applications and Unauthorised Development 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 outside the Council Chamber from 5.00 pm on the day of the meeting. An Officer will be present from 6.30 pm to advise on plans if required. A selection of plans will be displayed electronically at the meeting. Members are reminded that those displayed do not constitute the full range of plans submitted for each matter and they should ensure they inspect those displayed outside the room prior to the meeting.

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 – 12 AUGUST 2020

Application Number	3/19/2211/FUL
Proposal	Part conversion and part demolition of existing buildings. Provision of mixed use development for B1 Use (business) and retention of existing agricultural buildings. Erection of 26 dwellings, 10 to be affordable housing. Works to include access, landscaping, engineering and associated works. Provision of car parking spaces and cycle spaces.
Location	Land at Home Farm, Munden Road, Dane End
Parish	Little Munden
Ward	Mundens and Cottered

Date of Registration of Application	29 th October 2019
Target Determination Date	18 th June 2020
Reason for Committee Report	Major application
Case Officer	David Snell

RECOMMENDATION

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

Delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

1.0 Summary of Proposal and Main Issues

1.1 This application seeks planning permission for part conversion and part demolition of existing buildings. Provision of mixed use development for B1 Use (business) and retention of existing agricultural buildings. Erection of 26 dwellings, 10 to be affordable housing. Works to include access, landscaping, engineering and associated works. Provision of car parking spaces and cycle spaces at Home Farm, Dane End.

- 1.2 The main issue for consideration is whether the proposed development is acceptable in-principle and meets the aims of Policy GBR2, with regard to development in the Rural Area Beyond the Green Belt. Other matters for consideration relate to the quality of the layout and design, employment, highway impact surface water drainage, the provision of housing and affordable housing and the overall sustainability credentials of the proposed development.
- 1.3 The application has been substantially amended since its original submission in 2019 reducing the number of residential units proposed from 38 to 26 and omitting some land from the site proposed to be developed.

2.0 Site Description

- 2.1 The site lies outside the village boundary of Dane End and comprises land occupied by former agricultural buildings that have for some years been occupied by various commercial uses.
- 2.2 The site area is approximately 1.6 hectares and it is bounded by existing residential development.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/19/0049/CLXU	To confirm the lawful use of buildings for employment purposes, comprised of: Building A2 for commercial storage (Use Class B8); Building A3 for furniture restoration (Use Class B1(c);	Granted	14/11/2019 Appeal lodged

	Building A4 for commercial storage (Use Class B8); Building B1 for auto repairs business (sui generis); Building B2 for commercial storage (Use Class B8); Building D for the use as music studio (Use Class B1); Building F for the storage of vehicles in connection with auto repairs (sui generis); Building G for commercial storage (Use Class B8); Building H for commercial storage (Use Class B8) and Building I for commercial storage (Use Class B8).		
3/19/2619/CLXU	Established B8 employment use within Building H at Home Farm for a period exceeding 10 years.	Refused	02/03/2019 Appeal lodged
3/19/2620/CLXU	Established use of Building I for B8 use over a period exceeding 10 years.	Refused	24/02/20 Appeal lodged

4.0 Main Policy Issues

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

Main Issue	NPPF	DP
Principle of housing development	Chapter 2	DPS1, DPS2, GBR2
Employment	Chapter 6	ED1, ED2
Quality of design and landscaping	Chapter 12	DES2, DES3, DES4, DES5
Delivery of housing	Chapter 5	HOU1, HOU2, HOU3, HOU7
Neighbour amenity and amenities of future occupiers	Chapter 12	DES4, EQ2, EQ3 and EQ4
Highways and parking	Chapter 9	TRA1, TRA2, TRA3
Flood risk, drainage and climate change	Chapter 12	WAT1, WAT2, WAT3, WAT4, WAT5, WAT6, CC1
Delivery of Infrastructure		DEL2

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

5.0 Summary of Consultee Responses

5.1 HCC Highway Authority does not wish to restrict the grant of planning permission, subject to conditions.

5.2 Lead Local Flood Authority have no objection, subject to conditions.

5.3 Environment Agency raise no objections.

5.4 Thames Water advise that waste water infrastructure improvements will be required to accommodate the development and request a condition.

5.5 EHDC Housing Development Advisor comments that the affordable housing proposals are acceptable.

- 5.6 HCC Historic Environment Unit commented that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a pre-commencement condition is therefore recommended if permission is to be granted.
- 5.7 Herts Ecology have no objection, subject to conditions.
- 5.8 EHDC Environmental Health Advisor has no objection, subject to conditions.
- 5.9 Herts Police Crime Prevention Advisor raised concerns about the parking layout proposed in the original proposals. No response has been received to consultation on the revised layout.
- 5.10 Thames Water have advised that infrastructure improvements may be required and request a condition.
- 5.11 Affinity Water have issued advice on water quality.
- 5.12 The Conservation and Urban Design Advisor confirms that layout design issues raised have been addressed in the revised proposals.
- 5.13 The Landscape Advisor raised some concerns about the layout originally proposed.
- 5.14 HCC Growth and Infrastructure Unit request financial planning obligations.

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

6.0 Parish Council Representations

- 6.1 In response to consultation on the initial proposal the Parish Council responses are summarised below. Parish Councils have been re-

consulted on the latest amended proposals and responses received will be reported at the meeting.

- 6.2 Little Munden Parish Council raise concern about road safety and the Highway Authority's requirement for the provision of a footpath and traffic calming on Munden Road. The footpath will result in existing residents parking on the opposite side of the road and the resulting restricted width will result in unsafe conditions for users of the footpath. Residents may park on the footpath making its provision ineffective. There is also no street lighting in Munden Road and the proposals would impede bus routes. The proposal would harm the setting of nearby listed buildings and they would urbanise and ruin overall views of the village.
- 6.3 Watton-at-Stone Parish Council comment that they take the view that the proposal is not what the Council had in mind for Group 2 Villages particularly where sustainability is an issue. Most residents will commute to work adding to the traffic burden on the A602.
- 6.4 Benington Parish Council consider that the proposal is unsustainable. It does not constitute limited infill in the village and it would put additional pressure on village facilities and infrastructure and the A602.
- 6.5 Sacombe Parish Council consider that the proposal does not meet Policies VILL2 or GBR2 and that it would result in the loss of agricultural and employment uses.
- 6.6 Standon Parish Council consider that the Group 2 village should have limited infill only. This is a major application outside the boundary of the village. The proposal would result in significant loss of employment at the site should the application be granted. The increase in population would be disproportionate to the existing population level. This speculative application designed to maximise profit only. Whilst a 40% affordable element may be included at this stage, Standon Parish Council has first-hand experience of this not being achieved, and the affordable element is not ring-fenced for people with a local connection in perpetuity. The comments on

application 3/15/1080/FUL for the lagoon dismissed at appeal apply. Munden Road the dangerous road. Waste water provision is at capacity. The addition of, in all likelihood, 100 plus residents will impact the infrastructure of Standon as they will require access to the doctors and the schools. The road congestion is demonstrably very poor particularly at school times. It must be noted that the Buntingford surgery is to close which will increase the number of people travelling into Puckeridge from Buntingford. The addition of some 100 more will cause great stress on an already overloaded system.

7.0 Summary of Other Representations

7.1 In response to consultation on the originally submitted proposals the responses are detailed below.

7.2 56 responses were received objecting to the proposal on the following grounds:

- Considerable increase in the size of the village;
- Residents would need to drive to amenities;
- Lack of infrastructure;
- Would prejudice highway safety on Munden Road;
- More pedestrians on busy road;
- Change to landscape;
- Lack of school places;
- Detriment to listed building;
- Conflict with Development Plan policy.

7.3 31 letters of support were received for the following reasons:

- Safer to walk on highway;
- Would provide safer highway conditions;
- Its poor driving on country roads not the amount of traffic that is an issue;
- Will sustain the future of the village;
- Of benefit to the support for village businesses and facilities;
- Would provide much needed housing and affordable housing;

- Would significantly improve this untidy site;
- Proposal is sympathetic to the village;
- Would support the continued need for school.

7.4 Re-consultation on the amended proposal attracted the response detailed below.

7.5 39 responses were received objecting to the proposal.

7.6 35 responses were received supporting the proposal.

7.7 Members are advised that the above includes a limited number of responses both objecting and in support of the proposal from address outside the district or a considerable distance from the application site.

7.8 5 responses were received making comment not raising objection or support for the proposal. The comments included:

- No objection overall but concern over proposed footpath;
- Should not be permitted before A602 improvements are completed;
- Concern regarding the future of a site boundary wall.

7.9 A letter from Little Munden Primary School in response to consultation by the applicant supports the proposal advising that the school role fluctuates from year to year and the provision of the new housing will help to sustain the schools future. Similarly, the applicants have submitted a letter of support from Datchworth village shop.

8.0 Consideration of Issues

Principle of development

8.1 Policy DPS2 sets out that the strategy of the District Plan is to deliver sustainable development in accordance with a hierarchy, which seeks to direct development towards sustainable brownfield sites,

sites within and extensions to the towns and limited development within the villages. The application site is a brownfield site which lies outside the designated village boundary of the Group 2 Village of Dane End.

- 8.2 Members are advised that as the site lies outside the village boundary Policy VILL2 which deals with development policy within the village is not relevant to the proposal. The principle of the proposal falls to be considered having regard to Policy GBR2 which deals with the policy requirements for the Rural Area Beyond the Green Belt.
- 8.3 In order to preserve the countryside resource Policy GBR2 restricts development to a number of categories. Of the stated categories GBR2(e) permits the partial or complete redevelopment of previously developed land (brownfield land) whether redundant or in continuing use, in sustainable locations and where appropriate to the character and appearance of the site and surrounding area.
- 8.4 In this policy context the site is occupied by a variety of established commercial uses and it should be noted from the planning history that a Certificate of Lawfulness of existing use was granted for the majority of the existing commercial uses under application reference: 3/19/0049/CLXU. Furthermore, the application site area has been reduced to omit land which lawfully remains in agricultural use. It is therefore considered that the site comprises previously developed land (a brownfield site) and therefore that the proposal to re-develop the site is acceptable in principle having regard to the district's development strategy and Policy GBR2.

Design and Layout

- 8.5 The application has progressed through substantive change since its original submission. The application is supported by a Design and Access statement and officers are satisfied that the design approach taken is robust. A number of issues raised by officers including the quantum of development proposed and specific layout design issues have been addressed. It is now considered that the design

and layout of the development is of good quality and that having regard to Policy DES4 it responds well to the site and its surroundings.

- 8.6 The proposal utilises the retention of some existing buildings by conversion and the traditional design of new buildings reflects the location of the site, retained buildings and the surrounding area.
- 8.7 In response to officer comments there is now a distinct separation between the employment and residential elements of the proposed development.

Loss of Employment

- 8.8 As previously noted, the site is previously developed land and it accommodates a number of existing employment uses that would be lost. In floor space terms 1865m² would be lost. However, the application is for a mixed residential and employment development and it would include the provision of 442m² of modern employment floor space by the remodelling of retained Building N and the provision of 3 new units. The applicant advises that employment space is aimed at uses within Use Class B1 which are compatible with the adjoining proposed residential development.
- 8.9 Policy ED1 outlines that development which would cause the loss of an existing site which is currently or was last in employment use will only be permitted where the retention of the site has been fully explored without success. However, the Policy sets out that for non-designated employment sites, a proportionate approach should be taken.
- 8.10 A significant proportion of the existing employment floorspace is in poor re-used buildings and their surrounds and is in low employment car associated use such as vehicle recovery. Therefore its loss to modern employment development more suited to the location of the site is considered to be acceptable. Therefore, it is considered that very limited negative weight should be attributed to

the loss of this employment site and that this is outweighed by the provision of modern replacement employment space.

- 8.11 The provision of modern employment floorspace will support the rural economy in accordance with Policy ED2 of the District Plan.

Delivery of Housing and Affordable Housing

- 8.12 The proposal will provide 26 residential dwellings in a mix of 5 x 2 bed, 18 x 3 bed and 3 x 4 bed houses.
- 8.13 The area of the site comprising the residential development is approximately 1.0ha and the proposed development of 26 units would be at a density of approximately 26 dph. It is considered that the proposed density of development is compatible with the site and its surroundings and provides for an effective use of this brownfield site.
- 8.14 10 affordable units are to be provided (40%) in accordance with Policy HOU3 in a tenure split of 4 x 2 bed units and 4 x 3 bed units for affordable rent and 2 x 3 bed units for shared ownership.
- 8.15 The development is laid out in courts and affordable housing is laid out in three clusters in the central part of the site mixed with market housing. This distribution across the site is considered to be acceptable.
- 8.16 The Council's Housing advisor is content with the housing mix, distribution and tenure mix proposed.
- 8.17 The provision of housing and affordable housing carries significant positive weight.

Neighbour amenity and amenities of future occupiers

- 8.18 There is no direct material impact on the residential amenity of occupiers of nearby residential properties.

- 8.19 It is considered that the proposed development provides good quality of accommodation and environment for future occupiers.
- 8.20 The development therefore accords with Policy DES4 (c).
- 8.21 A recommended condition requires the submission of a Construction Management Plan (CMP) to address the temporary adverse impact of implementation.

Highways and parking

- 8.22 The application is supported by a Transport Statement dated May 2020 and a package of highway mitigation measures are proposed by the applicant following consultation with the Highway Authority as follows:
- The provision of a virtual footway on the north side of Munden Road;
 - Changes to the junctions at Munden Road/Whempstead Lane and Munden Road/Easinton Road on the edge of the village to make them more suitable for pedestrian crossing;
 - The provision of two gateway carriageway narrowing marking points on Munden Road and Whempstead Lane to reduce vehicle speeds;
 - The existing access on Munden Road towards the north of the site to be narrowed to form a pedestrian access only;
 - A new bus stop and shelter on Munden Road to the north of the pedestrian access.
- 8.23 The package of highway works is of critical importance to ensuring the sustainability of the scheme in transport terms and the provision of a virtual footway on the north side of Munden Road will enhance pedestrian access to services and facilities in Dane End and connecting access onwards to Little Munden Primary School.
- 8.24 The Highway Authority are content with the proposed access arrangements mitigation and sustainability measures, subject to

conditions. The mitigation will be secured via a S278 Agreement with the Highway Authority.

- 8.25 A Construction Management Plan (CMP) is to be secured by condition and this is required to take account of improvement works to the A602 and diversions arising.
- 8.26 It is considered that the proposed development provides safe and suitable accesses, and the proposal therefore accords with Policy TRA2. The highway impacts of the development are therefore regarded as neutral, but positive weight can be attributed to the local improvements to sustainable transport.
- 8.27 With reference to parking provision the parking SPD advises that development should seek to provide a maximum of 67 parking spaces for the residential element of the proposal. But regard may be had to a 25% Zone 4 reduction. The highway impact and parking aspects of the proposal are in accordance with policy requirements and therefore carry neutral weight.
- 8.28 65 parking spaces are proposed for the residential element of the scheme which is considered to be an acceptable level of provision.
- 8.29 15 spaces are provided for the employment space which accords with the adopted standard.
- 8.30 In accordance with the adopted standard 15 cycle parking spaces are provided for the employment uses and each dwelling will be provided with a cycle parking space within its curtilage.
- 8.31 The parking provision accords with adopted standards and Policy TRA3 of the District Plan.

Flood risk and sustainable drainage

- 8.32 The land to be developed lies within Flood Zone 1 and therefore is not at risk of fluvial flooding. The Environment Agency raise no objection.

8.33 The Lead Local Flood Authority observes that two surface water drainage strategies have been put forward:

- By infiltration, or;
- By swale storage and discharge into The Old Borne water

8.34 Both strategies are feasible and acceptable but the preferred strategy is infiltration. The issue is addressed by condition which requires drainage details to be submitted and approved.

Sustainability

8.35 Members are advised that whilst the application site lies outside the village boundary it is not regarded as isolated and access to village facilities are within walking distance. The highway mitigation measures proposed will improve the accessibility position. It is considered that the reduced number of dwellings now proposed is acceptable in terms of the locational context of the site. Having regard to Policy GBR2 it is therefore considered that the site is a sustainable location for the scale of residential and employment development proposed.

8.36 A full energy statement by Sadler Energy and a Sustainable Design Strategy by King and Co have been submitted in support of the application.

8.37 The building design adopts the approach of the Building Futures - Building Design Toolkit. A fabric first approach to building design proposes to achieve a 20-29% reduction in carbon emissions over Part L of the Building Regulations. A range of renewable energy options are being actively considered by the applicant such as photovoltaics and ground and air source heat pumps. Further details and finalisation of the renewable energy proposals are sought by condition.

8.38 Energy saving devices and low energy lighting are proposed in both the residential and employment buildings.

- 8.39 It is therefore considered that the proposal successfully responds to climate change and mitigation and Policies CC1 and CC2 of the District Plan.
- 8.40 Water saving measures are proposed to achieve a consumption of 110 litres per person per day compared to the Building Regulations baseline of 125 litres per person per day in accordance with Policy WAT4 of the District Plan.
- 8.41 In terms of accessibility and adaptability all dwellings are to meet Part M(2) of the Building Regulations and 2 x 3 bed dwellings and 1 x 2 bed dwelling are to meet Part M4(3) and are to be suitable for wheelchair users.
- 8.42 All dwellings are to have access to an electric car charging point and two charging points are to be provided for the employment uses.
- 8.43 The applicants are in discussion with Open Reach and high speed broadband infrastructure is to be provided. This is secured by a condition requiring the approval of details.
- 8.44 Positive weight may be attributed to the good response of the application to sustainable design.

Ecology

- 8.45 The application included the submission of an Ecological Appraisal. As set out by Herts Ecology and further to that 3 reports relating to bat and reptile surveys.
- 8.46 Herts Ecology have considered the submissions and advise that the site is of relatively low ecological value. Herts Ecology note the recently submitted additional information regarding planting and are satisfied with the strategy for biodiversity gain. The ecological impact of the proposed development is regarded as neutral and a condition is recommended to provide for a Landscape Management Plan (LEMP) to ensure biodiversity net gain.

Archaeology

- 8.47 HCC Historic Environment Unit advise that the site lies within a designated Area of Archaeological Significance associated with Little Munden which may have origins dating back to the Medieval period.
- 8.48 Home Farm originally known as Dane End Farm is documented from 1730.
- 8.49 The site is therefore regarded as one which is likely to have impact of archaeological heritage assets and a program of archaeological investigation is recommended. This is to be secured by condition.

Contamination

- 8.50 Due to the site being previously developed a condition requiring a contamination survey and remediation is recommended in accordance with normal practice.

9.0 Planning Obligations

- 9.1 With regard to the provision of financial support for the delivery of services and infrastructure, as the application is for the provision of 26 residential units, the need for financial contributions is required under Policy DEL2.
- 9.2 HCC has confirmed that they will require contributions based on Table 2 of HCC's Planning Obligations toolkit:
- Secondary education - £313,097 (index linked to PUBSEC175)
 - Youth Services - £1,118 Ware Youth Centre outdoor seating (indexed linked to PUBSEC175)
 - Library Services - £2,654 Ware Library improvements (to be indexed linked to PUBSEC175)
- 9.3 On considering the comments from the County Council, the contributions requested are considered to be necessary and

reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.

- 9.4 The applicants are in discussion with HCC in regard to the education contribution sought and this has not as yet been finalised.
- 9.5 Given the scale of the proposed development and the likely cost of highway and sustainable transport mitigation no other financial planning obligations have been sought.
- 9.6 The highway mitigation is secured by condition and delivered by a separate Section 278 Agreement with the Highway Authority.

10.0 Planning Balance and Conclusion

- 10.1 The proposal involves the redevelopment of a brownfield site which is acceptable in principle in the rural area having regard to the restrictions placed on new development by Policy GBR1. The development results in an efficient use of previously developed land and general environment of the site will be improved.
- 10.2 The loss of existing employment carries limited negative weight as this is compensated for by replacement modern employment floor space. This will support the local rural economy and this is supported by Policy ED2 and the NPPF and carries positive weight.
- 10.3 The design of the proposed development is of good quality and it responds well to the site and its surroundings.
- 10.4 The provision of housing on the brownfield site and the provision of 40% affordable housing carries significant positive weight.
- 10.5 Subject to the highway and sustainable transport mitigation proposed the highway impact of the development is regarded as neutral.

- 10.6 The proposal provides for sustainable drainage and responds well to climate change, energy conservation and water saving policy. The sustainability credentials of the proposed development should be attributed positive weight.
- 10.7 Overall, it is considered that the proposal is of good quality and that it complies with District Plan policy. The application is therefore recommended for approval.

RECOMMENDATION

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

That delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

Legal Agreement

The legal agreement shall provide for:

- 10 affordable housing units (1 x 3 bed Shared ownership and 4 x 3 bed, 4 x 2 bed affordable rent).
- The following financial contributions:
 - Secondary education - £313,097 (index linked to PUBSEC175)
 - Youth Services - £1,118 Ware Youth Centre outdoor seating (indexed linked to PUBSEC175)
 - Library Services - £2,654 Ware Library improvements (to be indexed linked to PUBSEC175)
- The provision of fire hydrants.

Conditions

1. Three year time limit (1T12)
2. Approved plans (2E11)
3. Details of lighting (2E27)
4. Communal TV (2E28)
5. Contamination (2E33)
6. Samples of materials (2E12)
7. Details of Hard Surfacing (3V21)
8. Landscape design (4P12)
9. Landscape implementation (4P13)
10. Levels (2E05)
11. Prior to first occupation of the development hereby permitted, the vehicular access (es) shall be provided and thereafter retained at the position shown on the approved in principle drawing number PL02 Rev A. 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 in accordance with Hertfordshire's Local Transport Plan 2018 and Policy TRA2 of the East Herts District Plan 2018.

12. Prior to commencement of development, the scheme as shown on the approved in principle drawing number PL01 Rev A relating to a package of off-site highway works to improve pedestrian accessibility, safety and public transport infrastructure shall be submitted to and approved in writing by the Local Planning

Authority. Prior to first occupation, the scheme shall be constructed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and in the interests of highway safety in accordance of Hertfordshire's Local Transport Plan 2018 and Policy TRA2 of the East Herts District Plan 2018.

13. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The CMP shall include details of:
- a) Construction vehicle numbers, type, routing (to also consider the effects of the wider A602 improvement works on routing);
 - b) Access arrangements to the site;
 - c) Traffic management requirements;
 - d) Construction and storage compounds (including details of fencing, hoarding, 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.

Reason: In order to protect highway safety in accordance with Hertfordshire's Local Transport Plan 2018 and Policy TRA2 of the East Herts District Plan 2018.

14. Travel Plan Statement(s) for both the residential and commercial elements of the site shall be submitted and approved by the Highway Authority at least three months prior to the first occupation of the development, which shall include:
- a) the objectives/provisions detailed in the GTP Guidance as are appropriate to the Development or the relevant part thereof;
 - b) the means whereby the effectiveness of the Green Travel Plan can be reviewed and recorded including details of targets and annual reporting to the County Council; and
 - c) the monitoring of trip rates to and from the Site in accordance with the Monitoring Strategy.

Reason: To ensure that sustainable travel options associated with the development are promoted and maximised in accordance with Hertfordshire's Local Transport Plan 2018 and Policy TRA1 of the East Herts District Plan 2018.

15. Prior to first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a Private Management and Maintenance Company has been established.

Reason: To ensure the satisfactory maintenance of the development and in the interests of amenity and highway safety.

16. The development shall not be occupied until confirmation has been provided to the Local Planning Authority that either:- all sewage works upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place

other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: To avoid sewage flooding and/or potential pollution incidents.

17. 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 and approved in writing by the Local Planning Authority. 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: In the interests of safeguarding archaeological interests in accordance with Policy HA3 of the East Herts District Plan 2018.

18. The development permitted by this planning permission shall prioritise discharge via infiltration, with the final scheme seeking to reflect the SuDS hierarchy.
- Discharging via infiltration if BRE Digest 365 infiltration testing and contamination investigations demonstrate infiltration is feasible on site.
 - Priority given to the provision of above-ground SuDS features to provide biodiversity and amenity benefits.

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site in accordance with Policy WAT5 of the East Herts District Plan 2018.

19. The development permitted by this planning permission shall be carried out in accordance with the approved surface water drainage assessment carried out by Pinnacle Consulting Engineers, project number C181203, dated June 2020, submitted in support of this application and the following mitigation measures:

- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate during the 1 in 100 year event plus 40% of climate change event.
- b) 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 1,127 m³ (or such storage volume agreed with the LLFA) of storage volume in infiltration basins.
- c) Discharge of surface water from the private network into the ground via infiltration, or to the main river The Old Bourne if infiltration tests demonstrate infiltration is unfeasible.

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

Reason: To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site in accordance with Policy WAT5 of the East Herts District Plan 2018.

20. 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 that 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:

- a) Detailed infiltration tests conducted to BRE Digest 365 standards at the exact locations and depths where infiltration is proposed.
- b) A detailed geotechnical investigation into any sources of contamination on site, including proposed remediation measures if required.
- c) 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.
- d) Final post-development calculations of run-off rates and volumes to consider the entire site, including half drain down times for attenuation and infiltration features.

Reason: To prevent the increased risk of flooding, both on and off-site in accordance with Policy WAT5 of the East Herts District Plan 2018.

21. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangements, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Confirmation of the installed system.
3. A photo record demonstrating the installation of the SuDS features.
4. Maintenance and operational activities.
5. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy WAT5 of the East Herts District Plan 2018.

22. The development shall be carried out in accordance with the mitigation measures in sections 6 of the Bat survey and assessment (report date September 2019) by BABEC Ltd Ecological Consultants and within the constraints of any relevant EPS licence.
23. Prior to the commencement of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted and approved in writing by the Local Planning Authority. The LEMP shall describe how it is planned to incorporate biodiversity as part of the development, achieve overall net gains for biodiversity and how this will be sustained over a period of 30 years. The approved plan shall be implemented in accordance with the approved details.

Reason: To enhance biodiversity In accordance with Policy NE4 of the East Herts District Plan 2018.

24. The construction of the development hereby approved shall be carried out in accordance with the provisions for CO2 emissions, energy and water savings identified in the Energy Strategy by Sadler Energy, the Sustainability Statement and other supporting documents. The development shall include the renewable energy measures as identified details of which shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be installed and maintained.

Reason: To ensure appropriate adaption to climate change in accordance with Policy CC1, CC2 and CC3 of the East Herts District Plan 2018.

25. Prior to the commencement the development hereby permitted details of the installation of and measures to facilitate the provision of electric vehicle charging points to the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery. Once approved, electric vehicle charging points shall be installed in accordance with the approved details and made available for use prior to first occupation.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with Policy DES5 of the East Herts District Plan 2018.

26. Prior to the commencement of any Phase of the development hereby permitted (as Outlined in the Phasing Plan, once approved) details of the measures required to facilitate the provision of high speed broadband internet connections to the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential and commercial unit. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and made available for use prior to first occupation of the residential and commercial to which it relates.

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

27. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015, or any amending Order, the enlargement, improvement or other alteration of any dwelling house as described in Schedule 2, Part 1, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

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

28. In accordance with the statements supporting the application in respect of accessible and adaptable homes all the dwellings shall meet the provisions of Part M(2) of the Building Regulations and 2 x 3 bed houses and 1 x 2 bed bungalow are to Part M4(3) and are to be suitable for wheelchair users.

Reason: To support the needs of occupiers and independent living in accordance with Policy HOU7 of the District Plan.

29. The commercial buildings forming part of the application hereby approved shall only be used for purposes within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987, or any amending Order, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the residential amenities of adjoining occupiers in accordance with Policies DES4 and EQ2 of the East Herts District Plan 2018.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner 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.

Informatives

1. Other legislation (1OL1)
2. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
3. The applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.
4. Section 278 Agreement: The applicant will be required to enter into a Section 278 to agree any alternations or improvements to the public highway. This includes the proposed new access arrangements and any off site works.

5. The discharge of domestic sewage associated with this development will require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. You can find more information online at <https://www.gov.uk/permits-you-need-for-septic-tanks/permits> or contact us on 03708 506506 for an application form and guidance. You should be aware that the permit may not be granted. A permit will only be granted where the risk to the environment is acceptable.

6. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

KEY DATA**Residential Development**

Residential density	26 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	5
	3	18
	4+	3
Total		26

Affordable Housing

Number of units	Percentage
10	40%

Parking

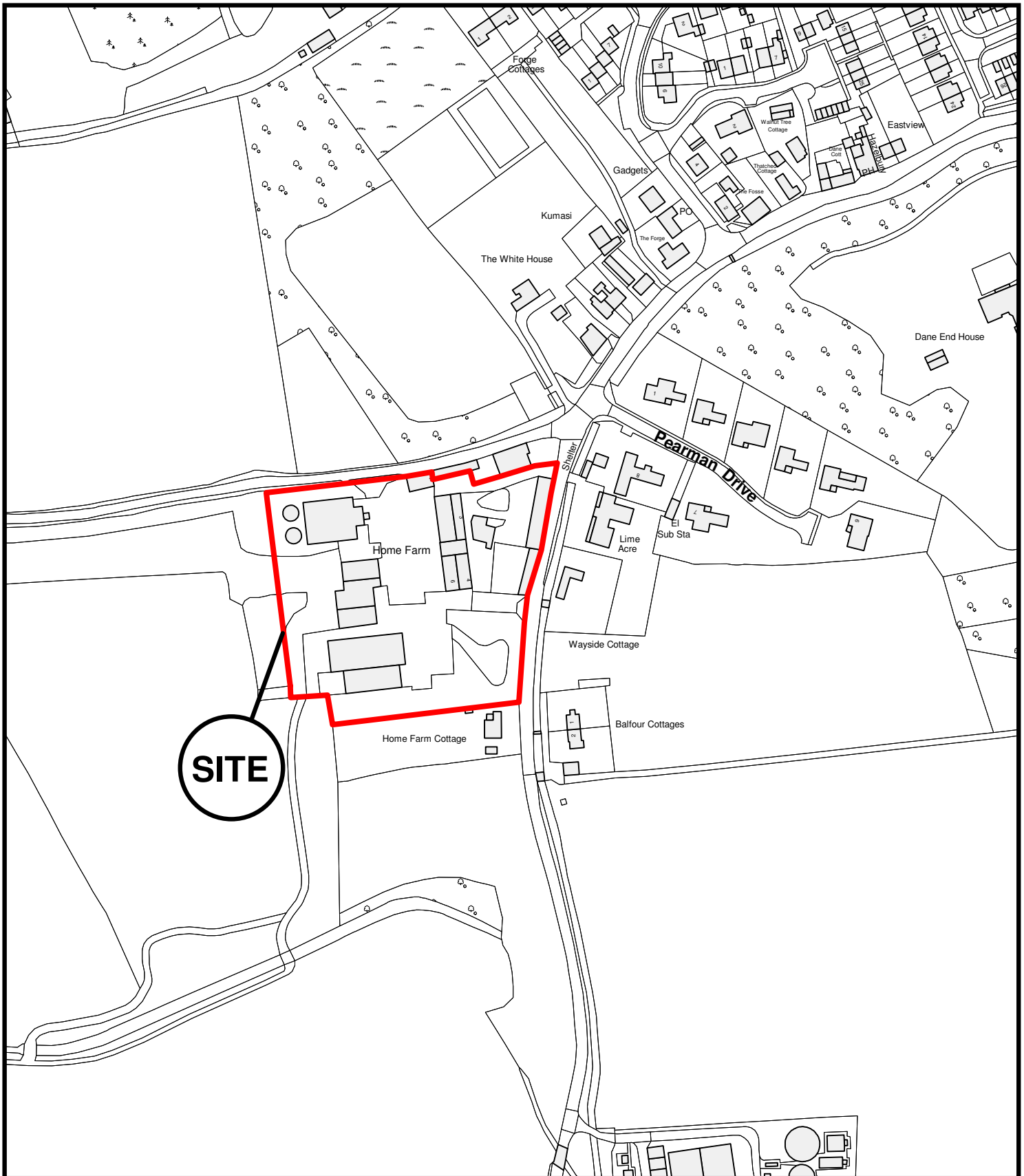
Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	0	0
2	2.00	10
3	2.50	45
4+	3.00	12
Total required		67
Accessibility reduction	Zone 4 25%	16
Resulting requirement		51
Proposed provision		65

Non-Residential Development

Use Type	Floorspace (sqm)
B1	442

Non-residential Vehicle Parking Provision

Use type	Standard	Spaces required
B1	1space 30 m2 floorspace	
Total required	15	
Accessibility reduction	25%	
Resulting requirement	12	
Proposed provision	15	



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

Address: Land At Home Farm, Munden Road, Dane End, SG12 0LL

Reference: 3/19/2211/FUL

Scale: 1:2500

O.S Sheet: TL3321

Date of Print: 28 July 2020

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**EAST HERTS DISTRICT COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
JUNE 2020**

Application Number	3/19/0970/OUT
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To LamornaHare StreetHertfordshireSG9 0DX
Appellant	Mr Steve Lathbury
Proposal	Outline planning application for residential development of three detached dwellings, three detached garages and the creation of a new road - All matters reserved apart from Access, Appearance, Layout and Scale.
Appeal Decision	Dismissed

Application Number	3/19/1734/HH
Decsn	Refused
Level of Decision	Delegated
Address	The OrchardsDuck LaneBeningtonStevenageHertfordshireSG2 7LJ
Appellant	Mr Chris Caulfield
Proposal	Demolition of rear porch and construction of new two storey rear extension and first floor rear extension.
Appeal Decision	Dismissed

Application Number	3/19/1763/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Moorwood HouseMoor GreenArdeleyStevenageHertfordshireSG2 7AU
Appellant	Mrs K Luetchford
Proposal	Change of use of existing residential annexe to an independent dwelling.
Appeal Decision	Allowed

Background Papers
Correspondence at Essential Reference Paper 'A'

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

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Appeal Decision

Site visit made on 9 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/J1915/D/19/3243401

The Orchards, Duck Lane, Benington SG2 7LJ

- 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 Chris Caulfield against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1734/HH, dated 22 August 2019, was refused by notice dated 21 October 2019.
 - The development proposed is the demolition of rear porch and construction of new two storey rear extension and first floor rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council granted planning permission for a two-storey rear extension at the appeal property in 2018¹ which is a material consideration in the determination of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and surrounding area.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling on a large plot within a rural location. The site is surrounded by trees and landscaping and is located at the end of a single-track lane, with the side of the property adjacent to Duck Lane. The proposed development includes a two-storey rear extension, projecting from an existing two-storey gable and a first-floor rear extension over an existing single storey lean-to.
6. The proposed two-storey rear extension would have a significant depth of over 6 metres, about some 2 metres longer than the 2018 proposal. Consequently,

¹ 3/18/0962/HH (the 2018 proposal)

it would create a large side elevation wall facing Duck Lane. The existing original gable roof form on this side elevation would remain, however the expansive side elevation of the proposed extension would appear large and imposing in comparison. Although the proposal would use materials which match the host dwelling and follow the design principles of the 2018 proposal, its excessive depth would not result in a subservient addition and would appear disproportionate with the modest and rural appearance of the current property.

7. The front elevation of the dwelling would remain unchanged, however the side and rear elevations are also equally visible from the public realm due to the orientation of the dwelling on the site and gaps within the boundary landscaping. Although additional landscaping may have provided sufficient screening for the 2018 proposal, the current package of works is significantly larger and therefore would have a greater visual impact from the adjacent lane which would be difficult to effectively screen.
8. The proposed first floor extension would not increase the depth of the original dwelling and would be lower in height than the ridge of the existing rear gable, with a matching eaves height. It is noted that the appellant considers the first floor of the property as restrictive and the proposal would provide additional floor area. However, although it would be less visible, the cumulative impact of this alongside the proposed two-storey extension would create an overdeveloped and dominant appearance to the rear of the property which would be out of keeping within the rural surroundings. Although the appeal site is self-contained by hedges and planting, due to its location it would still form part of the rural landscape and the open and spacious nature of the site would contribute to the wider rural character.
9. For the reasons above I consider that the proposed development would be harmful to the character and appearance of the host dwelling and surrounding area. It would therefore be contrary to Policies GBR2, DES4 and HOU11 of the East Herts District Plan (2018) which collectively seek to ensure extensions to dwellings are appropriate to the character, appearance and setting of the site and surrounding area with a high standard of design and generally appear as a subservient addition, along with the design objectives of the National Planning Policy Framework.

Other Matters

10. The appellant has highlighted an approved planning application for two-storey side extension also located on Duck Lane, which is in a Conservation Area and is identified as having similar planning issues to this appeal. No details of the application, apart from a reference number, have been provided and the specific circumstances of this neighbouring development are unknown. However, as it is located within a Conservation Area it would be subject to different considerations and therefore would not be directly comparable to the appeal before me.
11. It is noted that there are no objections to the proposal from third parties. However, this would not outweigh the resultant harm of the proposed development.

Conclusions and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR



Appeal Decision

Site visit made on 29 May 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 9th June 2020

Appeal Ref: APP/J1915/W/19/3243449

Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU

- 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 K Luetchford against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/1763/FUL, dated 27 August 2019, was refused by notice dated 31 October 2019.
 - The development proposed is change of use of existing residential annexe to an independent dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing residential annexe to an independent dwelling at Moorwood House, Moor Green, Ardeley, Nr Stevenage SG2 7AU in accordance with the terms of the application, Ref 3/19/1763/FUL, dated 27 August 2019, 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: NH/807/01, NH/807/04 and NH/807/05.
 - 3) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any amending Order, no development as specified in Schedule 2, Part 1, Classes A, and E shall be undertaken without the prior consent, in writing, of the local planning authority.
 - 4) Prior to first occupation of the development hereby approved, facilities for the storage and removal of refuse from the site shall be provided, in accordance with details having been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be maintained in accordance with those details.

Main Issue

2. The main issue is whether the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area having regard to local and national policies.

Reasons

3. The site is located outside of settlement boundaries within the open countryside and in an area designated within the East Herts District Plan October 2018 (DP) as a Rural Area Beyond the Greenbelt (RABGB).
4. The site consists of a plot of land adjacent to Moorwood House, a detached dwelling, that is occupied by a number of outbuildings. These include an annexe that is currently in incidental use as a residential annexe and a stable building. The proposal seeks subdivision of the land and the use of the annexe as a separate permanent residential dwelling.
5. Since there are other dwellings along the road a short distance away, the site is not isolated in the terms of paragraph 79 of the National Planning Policy Framework (Framework). In any event, even if the site was isolated, there is no definition of dwelling in the Framework or DP to suggest that part (d) of paragraph 79 only relates to the primary building and does not include any ancillary outbuildings. Therefore an 'existing residential dwelling' can reasonably be defined as a primary building and any ancillary outbuildings. From the evidence before me the outbuilding was constructed as an annexe to support the main house known as Moorwood House. It is in close proximity to the host dwelling and is ancillary to it. Therefore, even if the provisions of paragraph 79 of the Framework were engaged in this case, the proposed development would accord with it.
6. The nearest settlement is Wood End, which, as indicated by the evidence, has no services or facilities. Ardeley is a larger settlement to the north which has limited services and facilities including a school and shop. In addition, the road linking the site with these settlements largely lack footpaths and streetlights such that future occupiers would be mostly reliant on the private vehicle for access to services and facilities.
7. However, the larger settlements of Buntingford and Stevenage with a wide range of services and facilities, are a short car journey away and, given the modest scale of the annexe with one bedroom, the number of future occupiers and number of car trips generated by the proposal would be limited. Moreover, given the existing, incidental use, any increase in trips resulting from the proposal would be nominal. Therefore, the harm in this regard would be limited such that refusal of permission on these grounds alone would not be justified.
8. Turning my attention to character and appearance, no physical changes are proposed to the existing buildings and the appellant has indicated that no changes are proposed to the access or driveway. A fence would be erected between Moorwood House and the appeal site, and some landscaping changes have been suggested in the evidence.
9. Since the site currently lies within the existing residential property of Moorwood House and given that the proposal would result in the permanent rather than temporary occupation of the one bedroom annexe, any additional domestic paraphernalia would be unlikely to be to an extent that would adversely affect the character and appearance of the area. Furthermore, given the tall trees along the boundary of the site with the road, views of the development from the public realm would be limited.

10. DP Policy GBR2 lists a number of types of developments that will be permitted in the RABGB provided that they are compatible with the character and appearance of the area. While I have found that the proposal would not harm the character and appearance of the area, since the proposed development does not fall within these criteria, in strict terms it would conflict with this Policy.
11. However, since DP Policy GBR2 does not mention the change of use of existing buildings, and the policies before me do not relate to such development, the development plan appears to be silent on these types of developments. DP Policy INT1 states that where there are no policies relevant to the application, then the Council will grant permission unless material considerations indicate otherwise taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.
12. Since the proposal includes the provision of a single dwelling to the local housing supply, the benefit in this regard would be limited. However, since the harm that would result from the location of the proposal outside of settlement boundaries would also be limited, the adverse impacts would not significantly and demonstrably outweigh the benefits. Therefore, the proposal would not conflict with DP Policy INT1.
13. DP Policy DPS2 permits developments in sustainable brownfield sites. Since the site has permanent structure and is previously developed land, it constitutes a brownfield site. Given my findings regarding the accessibility of services and facilities, the size of the appeal building and its current use, the proposal would not conflict with this Policy.
14. Consequently, the proposed development would provide a suitable location for housing with particular regard for accessibility of services and facilities and the character and appearance of the area. While the proposal would conflict with DP Policy GBR2, it would not conflict with DP Policies DPS2 and INT1. Given that the development plan appears to be silent regarding this type of development and that the limited harm would not significantly and demonstrably outweigh the benefits, in this particular case, other considerations outweigh the development plan conflict. In addition, for the foregoing reasons, the proposal would not conflict with the Framework.

Other Matters

15. The appellant has indicated that the 'L' shaped building would continue its current use as a stable building and that the land to the north would be retained as part of the appeal scheme. Therefore, this point has not altered my overall decision.
16. I note the comments of the Inspectors for the cases at Hill Farm¹ and The Oaks². However, these schemes have different positions in relation to their nearest settlements when compared to the appeal scheme such that they do not provide direct comparisons. In any event, each case must be determined on its individual merits and they have not altered my overall decision.

¹ Appeal Ref: APP/J1915/W/18/3205317

² Appeal Ref: APP/J1915/W/18/3210408

Conditions

17. I note the Council's suggested conditions and have made some minor amendments having regard to paragraph 55 of the Framework and in the interests of precision and clarity.
18. Conditions relating to the standard time limit and specifying the approved drawings are necessary in the interests of certainty.
19. Since the scheme does not involve the construction of new buildings, the suggested conditions relating to details of the proposed buildings and construction are not necessary.
20. Given the rural location of the proposal and proximity to the existing dwelling, a condition removing certain permitted development rights is necessary to safeguard the character and appearance of the area.
21. While I note that there appears to be sufficient space for the storage of refuse and recycling, since the proposal would result in a separate dwelling and given the proximity of the proposal to the existing dwelling, a condition relating to the location of refuse and recycling storage is necessary.

Conclusion

22. For the reasons given above, the appeal should be allowed.

R Sabu

INSPECTOR



Appeal Decision

Site visit made on 9 June 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J1915/W/19/3242278

Land adjacent to Lamorna, B1368 North from Junc With Hare Street Road to Biggin Hill, Hare Street, SG9 0DX

- 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 Steve Lathbury against the decision of East Hertfordshire District Council.
 - The application Ref 3/19/0970/OUT, dated 25 April 2019, was refused by notice dated 16 July 2019.
 - The development proposed is a residential development of three detached dwellings.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter

3. The application was submitted in outline form, and I have considered the appeal on the same basis. The matters for consideration are access, appearance, layout and scale, with landscaping a reserved matter for future consideration.

Main Issues

4. The main issues in the appeal are:
 - whether the proposed development would provide a suitable site for housing, including in terms of the proximity of services and facilities,
 - the effect of the proposed development on the character and appearance of the surrounding area,
 - whether sufficient information has been submitted with regards to the possible existence and remediation of contaminated land,
 - whether the proposal is suitable with regard to meeting local housing need.

Reasons for the Recommendation

Suitable Site for Housing

5. The appeal site is an area of land adjacent to the dwelling known as 'Lamorna' and a residential site of 5 dwellings which are currently under construction. The land is largely covered with hardstanding and has a commercial use as a haulage and storage yard.
6. Policy GBR2 of the East Herts District Plan (2018) stipulates which types of development in the rural area beyond the green belt, in which the appeal site is located, would be permitted. The appellant claims that the proposed development would fall under the stipulation of paragraph (e) which states 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings) in sustainable locations, where appropriate to the character, appearance and setting of the site and/or surrounding area.'
7. Although the appeal site is a hard-surfaced yard with a lawful commercial use, I saw from my site visit that there are no permanent buildings located on the site and no evidence that there previously has been. In line with the definition in Annex 2 of the National Planning Policy Framework, this site would therefore not fall under the definition of previously developed land. As such, the proposal would not accord with the requirements of Policy GBR2. This appeal site differs from the adjacent residential development site in this respect as that, I understand, contained permanent buildings and so would have been considered previously developed land.
8. Furthermore, the appeal site is substantially outside of the defined village boundary of the closest village to the appeal site, Hare Street, with that village containing only a limited number of services and facilities. Therefore it is likely that the residents of the proposed dwellings would be required to travel outside the village regularly by car to access other facilities. It is acknowledged that in a rural area many trips will often need to be undertaken by car. However in this case, due to the site's significant distance from the nearest services or facilities, it is unlikely that any trips, even for day to day needs, would be undertaken by sustainable means. Therefore, the appeal site is not within a sustainable location in terms of its access to services and facilities.
9. In conclusion, the proposed development would not provide a suitable site for housing and would be contrary to Policy GBR2 as set out above.

Character and Appearance

10. The site is currently used commercially, however, as it is set back from the road and has no permanent buildings, it has little visibility from the public realm and therefore makes a limited contribution to the character and appearance of the area. Although the proposed development would reduce the amount of hardstanding and would not encroach onto the surrounding countryside, due to the height of the proposed buildings, the proposal would be more visible from the main road and surrounding area than at present and therefore would have a greater visual impact. In this respect also, this scheme would differ from the development on the adjacent site as that site contained buildings, and hence their impact upon the character and appearance of the area would have been greater and so the benefit of their removal also greater.

11. Although the design and layout of the proposed dwellings is typical in nature, the visual impact of the proposed development on the currently open and inobtrusive piece of land would be significant and would not enhance the current appearance of the site from the surrounding area. When viewed alongside the 5 new dwellings, the proposal would cumulatively create a larger housing development which would appear incongruous within this rural environment. Although the development of the 5 new dwellings may have changed the pattern of development locally, this does not mean that an extension of that development onto currently open and undeveloped land would necessarily be suitable or compatible with this countryside location.
12. Overall, the proposed development would harm the character and appearance of the surrounding area. It would therefore be contrary to Policies GBR2 and DES4 of the East Herts District Plan (2018) and HD2 of the Buntingford Community Area Neighbourhood Plan (2014-2031). These collectively seek to ensure that new development respects or improves, and is appropriate to, the character, appearance and setting of the surrounding area and does not impact adversely on views from the surrounding countryside.

Contaminated Land

13. No information has been provided within the planning application regarding the presence of contaminated land and any necessary remediation works. The Council's Environmental Health Officer has not objected to the application and has indicated that a condition could be included to deal with the contamination of land before the development begins. I agree.
14. Therefore the proposed development would not be contrary to the aim of Policy EQ1 of the East Herts District Plan (2018) which requires evidence to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation during and following the development.

Local Housing Need

15. Policy HD7 of the Buntingford Community Area Neighbourhood Plan (2014-2031) states that 'new housing should reflect local requirements which are for a mix of sizes with a majority having 2 or 3 bedrooms and a small but significant number being bungalows.' The proposal would provide three 4-bedroom dwellings and therefore would not contribute to this majority requirement.
16. However, although there is a greater need for smaller dwellings, the policy does not categorically restrict larger dwelling from being built. Also, in this instance, I consider it would be unnecessary for a development of only three dwellings to be required to reflect local housing need in terms of mix and tenure especially if one would be occupied by the appellant's son and therefore only two would be immediately accessible to the open market. Therefore, the proposed development would not be contrary to Policy HD7.

Other Matters

17. The site is currently used as a haulage and storage yard however the appellant has noted that they may no longer be able to use it as such due to its impact on the residents of the new neighbouring residential development. Any impacts of the appeal site, in its current state, on the new neighbouring residential development should have been fully considered at application stage, and

therefore the cessation of the appellant's business would not be beneficial to their amenity. It has also been stated that the current proposal should be viewed as the phased completion of a small housing development. Although adjacent to one another, this site is a separate planning unit and therefore must be considered as such.

18. I note that the proposal is a self-build project and paragraph 61 footnote 26 of the Framework states that Councils are required to keep a self-build register and give enough suitable development permissions to meet the identified demand. Nevertheless, proposals are still required to be appropriate in all other respects and therefore this would not outweigh the harm previously identified.
19. A dismissed appeal for a similar proposal on a site, known as 'Natkriskee', also on Hare Street has been identified in the appellant's design and access statement. The appellant has suggested why this is different from their proposal. However, whilst each case is considered on its own merit, both of these sites are similar in that they are not located on previously developed land, and therefore my recommendation is consistent with that decision.
20. The appellant has highlighted that they requested pre-application advice from the Council prior to the application being submitted and received a belated and contradictory response. However, the conduct of the Council would have no bearing on my consideration of this appeal.

Planning Balance, Conclusions and Recommendation

21. It has been found that the proposal would not be contrary to local housing need and that potential contaminated land issues can be dealt with by way of condition. However, the site has been found as an unsuitable site for housing, in an unsustainable location in terms of access to facilities, and would result in harm to the character and appearance of the surrounding area. In this instance, it is not considered that the benefits would outweigh the harms identified.
22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

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PLANNING APPEALS LODGED JUNE 2020
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/19/1423/FUL	Change of use from agricultural to residential. Conversion of barn to 2no. 2 bedroom dwellings and the creation of 6no. car parking spaces.	Sayes Park Farm High Wych Road High Wych Sawbridgeworth CM21 0JE	Refused Delegated	22/06/2020	Written Representation
3/19/1574/FUL	Demolish existing residential garage and construct new detached dwelling.	Land Adjacent To Byfield House Gypsy Lane Great Amwell Ware SG12 9RJ	Refused Delegated	09/06/2020	Written Representation
3/19/1902/FUL	Demolition of horticultural store. Erection of a two bedroom bungalow.	The Old Orchard Abbotts Lane Widford Ware SG12 8RS	Refused Delegated	24/06/2020	Written Representation
3/19/2289/HH	Erection of a balcony to bedroom at rear of the dwelling	Penrhyn London Road Spellbrook Bishops Stortford CM23 4BA	Refused Delegated	10/06/2020	Fast Track
3/19/2300/VAR	Variation of condition 2 (approved plans) and 3 (materials to match) of planning permission ref 3/18/0985/HH (proposed single storey side extension and loft conversion/first floor extension). To use slate roof, to replace previous dilapidated concrete terracotta coloured tiled roof and render on building façade.	44 Milton Road Ware SG12 0PZ	Refused Delegated	25/06/2020	Fast Track
3/19/2304/FUL	Change of use of part of a building from B1 to D2(sport and leisure) for use as a fencing salle.	Widfordbury Farm Ware Road Widford Ware SG12 8RL	Refused Delegated	16/06/2020	Written Representation
3/19/2316/HH	Single storey rear extension.	4 Tatlingtown Wareside Ware SG12 7RP	Refused Delegated	24/06/2020	Fast Track
3/19/2477/FUL	New access track with associated planting (retrospective). Removal of original access track, erection of fence and hedgerow planting at both ends of original access track to be removed (including personal gate adjacent to highway), diversion of part of restricted byway Anstey 20, and stopping up of part of footpath Anstey 8.	Coltsfoot Barn Coltsfoot Anstey Buntingford SG9 0DE	Refused Delegated	10/06/2020	Written Representation
3/19/2498/HH	First floor side extension and changes to fenestration.	Bracken Hill Queen Hoo Lane Tewin Welwyn AL6 0LT	Refused Delegated	12/06/2020	Written Representation
3/19/2500/HH	Erection outbuilding to create garage and annexe.	Willow Cottage 12 Waterford Common Waterford Hertford SG14 2QD	Refused Delegated	30/06/2020	Fast Track
3/19/2519/HH	Demolition of existing single storey rear extension. Erection of ground floor rear extension. Part first floor rear extension, incorporating a rear bay window. Enlargement of existing rear roof dormer window and insertion of roof lights.	24 Queens Road Hertford SG13 8AZ	Refused Delegated	16/06/2020	Fast Track
3/19/2568/HH	Single storey rear extension	Waterworks Cottage Wadesmill Road Chapmore End Ware SG12 0HB	Refused Delegated	16/06/2020	Fast Track
3/19/2587/FUL	Conversion of existing stables to create two bedroom residential dwelling together with external alterations, associated parking, amenity area and turning area	Stelfox House 7 Chapel Lane Letty Green Hertford SG14 2PA	Refused Delegated	09/06/2020	Written Representation
3/20/0004/HH	Erection of 1 ½ side and link extensions, increase of roof height to 1 ½ storeys, 2 storey porch and single storey side extension.	Peartree Wood Wyddial Road Wyddial SG9 0EL	Refused Delegated	12/06/2020	Fast Track
3/20/0043/HH	Demolition of single storey rear extension. Erection of Part two-storey, part single storey rear extension.	31 Aston End Road Aston Stevenage SG2 7EU	Refused Delegated	19/06/2020	Fast Track
3/20/0251/CLPO	Single storey rear extension	45 Dovedale Ware SG12 0XL	Refused Delegated	17/06/2020	Written Representation

Background Papers

None

Contact Officers

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

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Public Inquiry and Hearing Dates
All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Date
3/19/0049/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	To confirm the lawful use of buildings for employment purposes, comprised of: Building A2 for commercial storage (Use Class B8); Building A3 for furniture restoration (Use Class B1(c)); Building A4 for commercial storage (Use Class B8); Building B1 for auto repairs business (sui generis); Building B2 for commercial storage (Use Class B8); Building D for the use as music studio (Use Class B1); Building F for the storage of vehicles in connection with auto repairs (sui generis); Building G for commercial storage (Use Class B8); Building H for commercial storage (Use Class B8) and Building I for commercial storage (Use Class B8).	VALID	Hearing	TBA
3/19/0475/CLXU	Bruce O'Brien	Caretakers FlatSt Augustine CourtWharf RoadBishops Stortford CM23 3GE	Use of the caretaker's flat as a single dwelling.	INPROG	Hearing	TBA
3/19/1148/FUL	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings, together with the construction of 4no. three bedroom dwellings with associated parking.	INPROG	Hearing	TBA
3/19/1149/LBC	Eilis Edmonds	The White Horse InnHigh RoadHigh CrossWare SG11 1AA	Refurbishment and change of use of The White Horse public house (listed building), to create 3no. two bedroom dwellings.	INPROG	Hearing	TBA
3/19/2002/FUL	Bruce O'Brien	St Michael's Masonic HallSpringfield CourtBishops Stortford	Demolition of a non-designated heritage asset. Erection of a two storey building containing 4, one bed apartments and 2, two bed apartments. To include 2 rear juliet balconies, creation of bin store, drying area, bike store and 10 designated parking spaces.	VALID	Hearing	TBA
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
3/19/2619/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	Established B8 employment use within Building H at Home Farm for a period exceeding 10 years.	VALID	Hearing	TBA
3/19/2620/CLXU	June Pagdin	Home FarmMunden RoadDane EndWare SG12 0LL	Established use of Building I for B8 use over a period exceeding 10 years.	VALID	Hearing	TBA

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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									

<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%										Major %	60%	60%
Minor %	92%	93%	92%										Minor %	80%	65%
Other %	92%	92%	90%										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									
Number Allowed against our refusal (Monthly)	1	2	1									

Total number of appeal decisions (Cumulative)	4	10	13									
Number Allowed against our refusal (Cumulative)	1	3	4									

AGENDA ITEM NO. 6D

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