



# Public Document Pack

James Ellis  
Head of Legal and Democratic Services

**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 2 FEBRUARY 2022  
**TIME** : 7.00 PM

**PLEASE NOTE TIME AND VENUE**

## **MEMBERS OF THE COMMITTEE**

Councillor B Deering (Chairman)

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

## **Substitutes**

Conservative Group: Councillors I Devonshire and A Huggins

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.)*

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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.

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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 - 1 December 2021 (Pages 7 - 20)

To confirm the Minutes of the meeting of the Committee held on Wednesday 1 December 2021.

### 5. Planning Applications for Consideration by the Committee (Pages 21 - 24)

(A) 3/20/1950/FUL - Construction of 23 residential dwellings (use Class C3), and associated works including internal road network, associated highways works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage at Land east of Aspenden Road, Buntingford, Hertfordshire\_(Pages 25 - 84)

Application **withdrawn** from the Agenda by Officers

(B) 3/21/2879/FUL - Conversion of dwelling to create 2, 1 bedroomed temporary housing units (hostel) together with associated elevational alterations including provision of an external ramp. Erection of bin store and creation of parking with 2 crossovers at 34 Queens Road, Ware, Hertfordshire, SG12 7DN\_(Pages 85 - 102)

Recommended for Approval

(C) 3/21/2353/FUL - Construction of an artificial turf pitch (use class F2c), associated footpaths, fences, a storage container, flood lighting and creation of a localised bund at Grange Paddocks Pool And Gym Rye Street Bishops Stortford Hertfordshire CM23 2HD (Pages 103 - 132)

Recommended for Approval

(D) 3/21/2547/FUL - Erection of new SciTech Building comprising three storey teaching block, two storey research block, single storey extensions, alterations to Baker Building and Design Technology Building, connecting single storey glazed cloister enclosing an external courtyard and glazed link. Demolition of Biology Building and partial demolition of Design Technology Building. Relocation of service access to Hailey Lane. Installation of 18 borehole array to serve new ground source heat pump. Provision of new landscaping at Haileybury And Imperial Service College, College Road, Hertford Heath, Hertfordshire, SG13 7NU\_(Pages 133 - 158)

Recommended for Approval

6. Items for Reporting and Noting (Pages 159 - 226)

- (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 IN THE COUNCIL  
CHAMBER, WALLFIELDS, HERTFORD ON  
WEDNESDAY 1 DECEMBER 2021, AT 7.00  
PM

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PRESENT: Councillor B Deering (Chairman)  
Councillors D Andrews, T Beckett,  
R Buckmaster, B Crystall, S Bull,  
R Fernando, I Kemp, S Newton, C Redfern  
and T Stowe

OFFICERS IN ATTENDANCE:

|                  |   |
|------------------|---|
| Paul Courtine    | - Planning Lawyer   |
| Peter Mannings   | - Democratic Services Officer                                     |
| Emma Mumby       | - Planning Officer  |
| Ellen Neumann    | - Trainee Planning Assistant                                      |
| Elizabeth Oswick | - Trainee Planning Assistant                                      |
| Karen Page       | - The Service Manager<br>(Development Management and Enforcement) |
| Lucy Pateman     | - Planning Officer  |

Apologies for absence were received from Councillors Page and Ruffles. It was noted that Councillor Bull was

substituting for Councillor Ruffles. It was also noted that Councillor Devonshire had agreed to substitute for Councillor Page, but was unable to do so as he was unwell.

261 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

262 DECLARATIONS OF INTEREST

There were no declarations of interest.

263 MINUTES - 6 OCTOBER 2021

Councillor Buckmaster proposed and Councillor Redfern seconded, a motion that the Minutes of the meeting held on 6 October 2021 be confirmed as a correct record and signed by the Chairman.

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

**RESOLVED** – that the Minutes of the meeting held on 6 October 2021, be confirmed as a correct record and signed by the Chairman.

264 3/21/2577/HH - TWO STOREY AND FIRST FLOOR SIDE EXTENSION. DETACHED GARAGE AND GAMES ROOM. RELOCATION OF DOOR FROM SIDE TO FRONT ELEVATION. REMOVAL OF CHIMNEY AND FIREPLACE AT BROOK COTTAGE, CHIPPING, BUNTINGFORD, HERTFORDSHIRE, SG9 0PG

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The Head of Planning and Building Control recommended that in respect of application 3/21/2577/HH, planning permission be granted subject to the conditions detailed at the end of the report.

The Planning Officer, on behalf of the Head of Planning and Building Control, gave a description of the site in Chipping and advised that this was accessible via a lane off the A10. She said that to the north and south of the site there were a number of residential properties and to the west was the Countryman Pub and there were open fields to the east.

Members were advised that the site was located in the rural area beyond the green belt and fell inside the Buntingford Community Neighbourhood Plan Area and also fell inside an area of archaeological significance.

The Planning Officer said that the River Rib ran adjacent to the site and parts of the site were located within flood zones two and three. She detailed the planning history of the site and reminded Members of the provisions of policy GBR2. Members were shown the proposed and existing elevations drawings and the Planning Officer pointed out the proposed developments covered by the application.

The Planning Officer said that the proposed gable ends that were adjacent to an existing gable end would be well screened by existing boundary treatment to the rear of the site and there would therefore be limited harm on the character and appearance of the dwelling and rural area.

Members were advised that the external materials were render and slate roof tiles to match the existing dwelling. The Planning Officer advised that the proposed one and a half storey garage would have a pitched roof and would be adjacent to the proposed extension. She said that the garage would incorporate a ground floor parking space with a games room above and there would be a dormer window on the front and back which would be clad in black weather boarding in contrast to the render on the main dwelling.

Members were advised that the proposed building was not considered to be of an inappropriate size or scale in relation to its proposed use and Officers considered that it would sit comfortably within the site.

The Planning Officer said that the proposals included the removal of an existing chimney stack that was presently located centrally on the existing roof. It was considered that this would have limited harm on the appearance of the dwelling and overall Officers were satisfied that the proposals were of an appropriate size, scale and design to comply with policy GBR2 as well as the relevant design policies of the District Plan.

The Planning Officer said that in terms of neighbour amenity impact, Members should note that the surrounding properties were a significant distance from Brook Cottage and there would be no impact in terms of loss of light, outlook, privacy or any overbearing impact.

Members were advised that in terms of parking the proposed development would increase the number of

bedrooms from three to four and parking standards required that there should be three off street parking spaces. The Planning Officer said that the existing driveway and proposed garage would accommodate this level of provision and this was compliant with District Plan Policy and the Buntingford Community Neighbourhood Plan.

The Planning Officer said that as part of the proposed extension fell within flood zone two, a flood risk assessment had been submitted in line with the standing advice of the Environment Agency. She said that the property would not be at risk from flooding as the internal floor levels would be sufficiently above the flood level.

Members were advised that overall it was considered that the proposals were of an appropriate size, scale and design and materials to respect the character and appearance of the existing dwelling and the rural area.

The Planning Officer concluded that there would be no adverse impact on the occupiers of neighbouring properties. She said that there would be adequate levels of parking provision and it had been demonstrated that flood risks can be managed effectively.

The Chairman asked if Officers had applied the condition requested by Buckland and Chipping Parish in respect of the detached garage being not converted to residential accommodation. The Planning Officer confirmed that an informative had been applied as this was a householder application and there had been no

suggestion that it would be occupied independently of the main dwelling.

Councillor Kemp commented on this being a good application that had been carefully considered. He drew attention to a typographical error in the informative at the end of the report. He said that it carried weight that there had been no objections from the relevant bodies or the neighbours.

Councillor Crystall said that the proposed extension worked quite nicely and would look good from the front elevation. He said that he understood the reasons for removing the chimney but it would be sad to lose it as the chimney as it told a story about the house when it was there.

Councillor Bull referred to the application as being for a modest development and he said that there would be no overlooking and there had no objections from neighbours. He said that this was a nice development and he commented on the impact on deer in the area.

Councillor Andrews proposed and Councillor Beckett seconded, a motion that application 3/21/2577/HH be granted planning permission subject to the conditions detailed at the end of the report. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that in respect of application 3/21/2577/HH, planning permission be granted subject to the conditions detailed at the end of the report.

265 A) 3/21/1916/FUL AND B) 3/21/1917/LBC - SINGLE STOREY REAR EXTENSION AND GLAZED INFILL EXTENSION AND ALTERATIONS TO FENESTRATION AT COURTYARD ARTS CENTRE, PORT VALE, HERTFORD, SG14 3AA

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The Head of Planning and Building Control recommended that in respect of application 3/21/1916/FUL and 3/21/1917/LBC, planning permission and listed building consent be granted subject to the conditions detailed at the end of the report.

The Planning Officer, on behalf of the Head of Planning and Building Control, drew the attention of the Committee to the additional representations summary that had been circulated. She said that three additional matters were covered in the summary and the first of these was the existing parking lease arrangements.

Members were advised that under the terms of the previously approved planning application, it was agreed that four car parking permits would be made available to enable staff to park in the adjacent Port Vale Car Park.

The Planning Officer said that the Council's Parking Team had since confirmed that no permits would be made available. She said that the parking lease arrangements were not a material planning consideration and the number of car parking spaces available was a separate issue to the contractual arrangement regarding parking permits.

Members were advised that the second matter related to the inclusion of a bird and bat box condition to address the comments raised by the Bengeo Neighbourhood Area Plan Group in respect of enhancing local biodiversity.

The Planning Officer advised that the third matter was the inclusion of a condition to secure details of how the design and construction of the development would minimise overheating in the summer and reduce the need for heating in the winter and also to reduce energy and water demand.

The Planning Officer detailed the proposed development and said that the property was a part two storey and part single storey building established historically as the curtilage listed stable building for the adjacent grade two listed Vale House located to the east of the site.

Members were advised that the site was located in the Hertford Conservation Area and this was an area of archaeological significance and the site was located in flood zone two. The building was identified as a community facility within the Bengeo Neighbourhood Area Plan.

The Planning Officer said that as the building was curtilage listed, full planning permission and listed building consent applications were required for this development. She detailed the planning history of the site and said that the applications were being considered by Members as this was a Council owned building to which an objection had been made which

was material to the proposed development.

Members were advised that the key issues for Members to consider relate to the principle of the development, community benefit, design and impact on heritage assets, impact on mature trees and parking provision, flood risk, impact of residential amenity, ecology and sustainability.

The Planning Officer said that both applications were being recommended for approval subject to conditions. She said that the principle of the development was considered to be acceptable and the scheme would improve and enhance the existing community use of the building. Members were advised that this positive aspect of the proposals should be given significant weight.

The Planning Officer said that in terms of the design and the impact on heritage assets, Members should be aware that the Conservation Officer had raised an objection as detailed in the report. She reminded Members that the scheme was the same as the development that had been approved under the 2018 application.

Members were advised that the harm identified in relation to the slate roof of the proposed infill extension was considered to be outweighed by the public benefits of the proposals. The Planning Officer said that the insertion of roof lights without glazing bars would not result in harm to the curtilage listed building given the variety of existing roof lights on the existing property.

The Committee was advised that the proposed materials of construction would match those of the existing building and a condition was recommended regarding samples of materials prior to the commencement of the development. The Planning Officer said that the impact on mature trees was considered to be acceptable subject to a condition that would ensure that construction works were carried out in line with the arboricultural impact assessment.

Members were advised that the proposals would result in the loss of seven public car parking spaces by way of the construction of the single storey rear extension within the Port Vale car park. The Council's Assets and Estate Manager had confirmed that if planning permission was granted, the five car parking spaces currently allocated for the Courtyard Arts Centre employees in the Port Vale Car Park would be made available for general public use. Members were advised that there would be net loss of two public car parking spaces in the Port Vale Car Park leaving 20 spaces overall.

The Planning Officer said that it should be recognised that the increase in floor area at the site would warrant the provision of four additional onsite car parking spaces for visitors and employees yet no parking provision had been proposed within the application. She said that the sustainable location of the site close to the town centre with nearby public car parking and access to sustainable transport links meant that there would be no significant detrimental impact on parking.

Members were advised that the community benefit of the scheme was considered to outweigh the under provision of car parking. The Planning Officer said that the request for cycle parking from the Bengeo Neighbourhood Area Plan Group had been acknowledged. Members were advised that the existing site had no cycle parking and there was no provision within the immediate vicinity.

The Committee was advised that the proposed increase in floor space did not warrant the provision of any further cycle parking and the site was in a sustainable location. The Planning Officer said that the boundary of the site was tight to the building which made the provision of onsite cycle parking difficult. She said that this was in line with the Council's adopted vehicle parking standards supplementary planning document and policy TRA3 of the East Herts District Plan.

Members were advised that in terms of flood risk, the proposals were in accordance with the Environment Agency's standing advice for minor developments. The Planning Officer said that it was recommended that details were required by condition to secure details in respect of surface water drainage.

The Committee was advised that there would be no impact in respect of residential amenity given the size, scale and siting of the proposed development. The Planning Officer said that the hours of operation of the use of the building would remain the same as the existing opening hours.

The Planning Officer said that whilst the application site was not within a protected wildlife area, it was recognised that there was an opportunity to enhance local biodiversity by installing bat or bird boxes and details of this were recommended to be secured by a condition. She said that on balance it was considered that the identified harm in respect of design, impact on heritage assets and loss of parking would be outweighed by the benefits in terms of the provision of additional floor space in a community facility.

Councillor Fernando welcomed the change from glazed to slate roofing and said that he had noted whilst there was no existing or proposed cycle storage, this was not in breach of the East Herts District Plan.. Councillor Cystall said that the community benefit was significant. He referred to the former stables and the paved grey blocks in place in the courtyard. He said that he would plea that these were kept as it would be sad to lose that linkage with the stable usage on a listed building.

Councillor Newton said that she had watched this area grow over the years and she did not consider that his application would make a lot of difference. She referred to the comments of the Landscape Officer regarding the bin store on a Lime Tree and a possible adverse arboricultural impact.

Councillor Newton asked for clarification in terms of the impact on the Lime Tree of the bin. She said that the Landscape Officer had suggested the relocation or omission of the bin store and it also said in the report that this element of the development had been removed from the proposals.

The Planning Officer said that the bin store was included in the original plans. She confirmed that the bin store was removed from the plans following the comments of the Landscape Officer so this was no longer an issue. Members were advised that the existing site had bin storage located internally and it was assumed that this would also be the case with the new proposals.

Councillor Beckett said that considering the increased footprint of the building, he wondered whether the applicant had indicated whether there might be a need to replace the current heating system within the building. He commented on the great opportunity for increasing energy efficiency and improving the sustainability of the site. The Planning Officer said that no details had been provided in that respect and a condition had been recommended to cover that aspect of the proposal.

Councillor Crystall proposed and Councillor Fernando seconded, a motion that applications 3/21/1916/FUL and 3/21/1917 be granted planning permission and listed building consent, subject to the conditions detailed at the end of the report and subject to the additional conditions detailed in the additional representations summary. After being put to the meeting and a vote taken, the motion was declared CARRIED.

**RESOLVED** – that in respect of applications 3/21/1916/FUL and 3/21/1917/LBC, planning permission and listed building consent be

granted subject to the conditions detailed at the end of the report and subject to the additional conditions detailed in the additional representations summary.

266 ITEMS FOR REPORTING AND NOTING

**RESOLVED** – that the following reports be noted:

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

267 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.34 pm

Chairman .....

Date .....

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 2 February 2022

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

**Report title:** Planning Applications for Consideration by the Committee

**Ward(s) affected:** All

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### 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 are available online. 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 view the full range of plans online 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:  
<https://publicaccess.eastherts.gov.uk/online-applications/>

|                        |   |
|------------------------|---|
| <b>Contact Member</b>  | Councillor Jan Goodeve, Executive Member for Planning and Growth<br><a href="mailto:jan.goodeve@eastherts.gov.uk">jan.goodeve@eastherts.gov.uk</a>            |
| <b>Contact Officer</b> | Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656<br><a href="mailto:sara.saunders@eastherts.gov.uk">sara.saunders@eastherts.gov.uk</a> |
| <b>Report Author</b>   | Peter Mannings, Democratic Services Officer, Tel: 01279 502174<br><a href="mailto:peter.mannings@eastherts.gov.uk">peter.mannings@eastherts.gov.uk</a>        |

## DEVELOPMENT MANAGEMENT COMMITTEE - 2 FEBRUARY 2022

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/20/1950/FUL  |
| <b>Proposal</b>           | Construction of 23 residential dwellings (use Class C3), and associated works including internal road network, associated highways works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage. |
| <b>Location</b>           | Land East of Aspenden Road, Buntingford, Hertfordshire   |
| <b>Parish</b>             | Buntingford Town Council   |
| <b>Ward</b>               | Buntingford  |

|  |                   |
|--|-------------------|
| <b>Date of Registration of Application</b> | 19.10.2020        |
| <b>Target Determination Date</b>           | 16.04.2021        |
| <b>Reason for Committee Report</b>         | Major application |
| <b>Case Officer</b>                        | Femi Nwanze       |

### **RECOMMENDATION**

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

That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the Committee's decision.

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

1.1 This application seeks full planning permission for the construction of 23 dwellings plus associated works including access, highways, landscaping, and infrastructure works.

- 1.2 The site is situated immediately north of a development of 65 dwellings which is currently under construction (under planning permission reference 3/18/2457/FUL). (That site is specifically identified in Policy BUNT 1 (d) as a site that will provide around 56 homes on land off Aspden Road).
- 1.3 This site is situated within the settlement of Buntingford where Policies DPS1, DPS2 and BUNT 1 of the East Herts District Plan 2018 are applicable and the policies of the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP).
- 1.4 The main considerations in the determination of the application are:
  - Principle of development;
  - Layout and design including residential amenity;
  - Energy and sustainability;
  - Housing mix;
  - Highway impact, mitigation and parking provision;
  - Flood risk and sustainable drainage;
  - Impact on the natural environment;
  - Infrastructure delivery
- 1.5 The main issue for consideration is whether or not the proposed quantum and type of development proposed is appropriate at this site; having regard to policies in the East Herts District Plan 2018 , the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP) and the National Planning Policy Framework 2021.

## **2.0 Site Description**

- 2.1 The site comprises open land of approximately 0.73 hectares in area. The site is located at the southern edge of Buntingford, bounded to the south by the recently consented (and currently under construction) development of 65 houses and beyond that, the A10. Aspden Road. Watermill Industrial Estate borders the application site to the west. There is residential development to the east and north of the site.

### 3.0 Planning History

| Reference     | Proposal   | Decision                     | Date                     |
|---------------|--|------------------------------|--------------------------|
| 3/13/1399/OP  | Outline planning permission for Residential development (up to 56 dwellings) and open space, including vehicular/cycle/pedestrian access to Aspenden Road, alterations to levels, footpath / cycleway, landscaping and related works | Refused<br>Granted on appeal | 14.03.2014<br>27.05.2016 |
| 3/18/2457/FUL | Erection of 65 residential dwellings and associated works including internal road network and associated highway works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage.                 | Granted with conditions      | 28.10.2019               |

### 4.0 Main Policy Issues

4.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, the Buntingford Community Area Neighbourhood Plan 2014-2031(BCANP) and the National Planning Policy Framework 2021 (NPPF) as set out below.

| <b>Key Issue</b>                                 | <b>NPPF</b>             | <b>District Plan</b>   | <b>BCANP</b>         |
|--|-------------------------|--|----------------------|
| Principle of development                         | Chapter 5<br>Chapter 11 | BUNT1, INT1, DPS1<br>DPS2, DPS3, DPS4<br>HOU1, HOU2,<br>HOU3 | HD1                  |
| Design and layout                                | Chapters 8, 11 and 12   | DES1, DES3, DES4,<br>DES5, HOU2<br>HOU7, CFLR1<br>CFLR9<br>, | HD2, HD4, ES1<br>ES5 |
| Energy and Sustainability                        | Chapter 14              | CC1, CC2 WAT4  |                      |
| Housing mix                                      | Chapter n 5             | HOU1<br>HOU2<br>HOU3<br>HOU7                                 | HD7                  |
| Highway impacts and parking                      | Chapter 9               | TRA1, TRA2, TRA3   | T1, T2, T4,          |
| Flood risk management                            | Chapter 14              | WAT1,<br>WAT5, WAT6,   | ES2<br>INFRA5        |
| Natural Environment                              | Chapter 15              | DES2, NE1, NE2, NE3<br>NE4                                   | ES5, ES7             |
| Infrastructure delivery and planning obligations | Section 2<br>Section 4  | DEL1, DEL2 ,<br>CFLR1,<br>CFLR7<br>CFLR10                    | INFRA2, INFRA4       |
| Overall sustainability                           | Section 2               | Chapter 1<br>INT1  |                      |

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

## 5.0 Summary of Consultee Responses

- 5.1 CPRE Hertfordshire: object to the application as being contrary to Policy BUNT1 (d) of the East Herts District Plan which allocates around 56 homes on land off Aspenden Road. This figure has already been exceeded.
- 5.2 The site represents the last piece of accessible natural green space in this part of Buntingford. Both the East Herts District Plan and the Buntingford Community Neighbourhood Plan states that such areas will be protected and enhanced.
- 5.3 The illustrative master plan submitted indicates a banal standard layout of units filling the site with minimal public amenity space or children's play space. The revised layout continues the standard unit approach to the south and offers no improvement to make up for the loss of valuable local community amenity space.
- 5.4 This proposal will affect the site's biodiversity. The Landscape Specification and Ecological Management Plan seeks to address this but the apparent comprehensive treatment cannot hide the fact that the area affected is minimal and effectively limited to the edges of the proposed development.
- 5.5 EHDC Conservation and Urban Design: comments that amendments have addressed earlier issues and recommends grant subject to recommended condition that seeks provision and retention of a permeable fence on eastern edge of the site in order to provide visual passive surveillance of the disused railway site.
- 5.6 EHDC Environmental Health (Air and Land): No objection subject to conditions.
- 5.7 EHDC Environmental Health ( Noise): comments that an up-to-date and improved odour assessment has been submitted. Thames Water are also satisfied with this odour assessment, it having been commissioned on their behalf, based on which they have removed their original objection to this proposed development too.

- 5.8 EHDC Environmental Services: advises that the vehicle tracking is welcome, but there is no indication of the turning capability of the freighter used. We would need to see that a freighter with a kerb-to-kerb radius of 12.1m could access, turn and egress the site in forward gear.
- 5.9 EHDC Housing Development: notes the provision of affordable housing which is policy compliant. No objection is raised to the proposed tenure mix within the affordable housing element which will provide affordable rent and shared ownership housing. The affordable housing in the proposal is considered to be sufficiently integrated.
- 5.10 EHDC Landscape advises that the site cannot reasonably be described in its current condition as accessible or amenity space and represents housing infill site rather than an extension of development along Aspenden Road. Minor revisions to the plot layout could achieve improvements to plant bed shapes on one plot.
- 5.11 The Ecological Appraisal appears to have found evidence of badger occupation and activity and this should normally be considered as a constraint on development. Notably Herts Ecology raised no objections on ecological or biodiversity grounds.
- 5.12 The On Plot Planting Drawing 8460-L-18- Rev E shows lists of plant species with an arrow to particular plant beds. The planting plan needs to show which species or groups of species are to be planted and where within beds. General comment on the submitted drawing is that larger groups of fewer species should be used as beds are small – simplicity being preferred and the fully grown size of plants need to be taken into account – more info / amendments required.
- 5.13 Environment Agency: advises that they have no comments to make regarding the proposed development. They have suggested an informative regarding the need for a Flood Risk Activity Permit.

5.14 HCC Ecology: advises that they support the approach outlined in the Ecological Appraisal which identifies a population of slow worms on the site and recommended their translocation. A contiguous population of slow worms was previously translocated in 2019 from an adjacent development site to a receptor site south of the A10.

5.15 This receptor site is to be extended and habitats enhanced to provide a suitable environment to accommodate the translocated slow worms from the present site. It is proposed that the receptor site is planted up with native scrub and under planted with a tussock grass mix and managed for the long-term benefit of the slow worms. They further advise that a method statement for the translocation of these slow worms should be the subject of a pre - commencement condition that is submitted to the Local Planning Authority for their consideration.

5.16 They acknowledge the provision of a Landscape and Ecological Management Plan (LEMP) and that it contains suitable mitigation measures to safeguard protected species during construction and advise that it should be followed in full.

5.17 Biodiversity net gain and enhancements are spread between the proposed site and the area south of the A10 which is the reptile translocation area. The proposals will deliver a 10% biodiversity net gain in line with the Environment Act 2021 (although this obligation does not yet apply). They advise that the delivery of the uplift is dependent on the implementation of suitable management measures. Details regarding the long term management of this area have not been provided and should be provided either prior to determination or secured by planning condition.

5.18 With regards the Ecology Statement by fpcr (report date 20 December 2021), they are satisfied that as the infra-red camera survey of the two sets S1 and S2 revealed no evidence of occupation, that badgers do not need to be considered a constraint to the development. However, since there is a history of use of the site by badgers precautionary measures should be taken and it

advised that the following informative is added to any consent given.

*"Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped."*

- 5.19 HCC Growth and Infrastructure: request financial planning obligations towards nursery education, child care, primary education, secondary education, youth provision, library provision and the provision of fire hydrants.
- 5.20 HCC Highway Authority: notes the planning history connected with the development site to the south and the additional number of units sought as part of this planning application. The Highway Authority has raised concerns with particular respect to pedestrian connectivity and safety to/from the development site along Aspenden Road towards the junction with London Road. In response to the Highway Authority's concerns, the applicant has commissioned further work by their transport consultant.
- 5.21 A scheme which enhances pedestrian connectivity and safety has been submitted to the Highway Authority which is close to being acceptable (refer to condition 10 below). The Highway Authority notes that these improvements to safety and connectivity, including provision of a new section of footway to the eastern side of Aspenden Road and an infrastructure scheme to make the existing footway on Aspenden Road safer and more user friendly (inclusive of the new street lighting, vegetation clearance, guardrail upgrade and the footway resurfacing) presents a significant improvement over and above the previously consented scheme to the south.
- 5.22 Given the improvements to highway safety (signalised shuttle scheme) and pedestrian connectivity proposed as part of the

planning application, the development may be considered compliant with the policies set out within LTP4.

- 5.23 In summary, the Highway Authority does not wish to restrict the grant of planning permission, although wish to recommend the infrastructure improvements (to be secured via planning conditions).
- 5.24 Since the Highway Authority's previous consultation response the applicant has been in contact with the Highway Authority to further tweak the proposed design, in particular to try and address continuing concerns about two large vehicles being able to pass by one another on the new signalised stop lines.
- 5.25 The applicant has now widened the carriageway at the southern stop line to 6.5 metres width, and this will enable two articulated lorries to pass by one without the risk of needing to mount the footway. Tracking of two passing articulated lorries at the northern stop line is also now acceptable.
- 5.26 The applicant continues to assert that the provision of a push button for the individual dwelling access to call its own vehicle phase onto the new signal controlled section is not possible, and instead seeks to address this with a presence detector. Our signals team states that the light could be operated remotely (i.e. not have to push a button unless there is a remote failure), but accept that an adequately set up presence detector may be feasible, assuming that no vehicles are likely to accidentally trigger it (which would otherwise lead to vehicles/pedestrians waiting longer than necessary on the main road). Nevertheless, this detailed matter can be dealt with by way of a condition.
- 5.27 HCC Lead Local Flood Authority: does not wish to restrict the grant of permission, subject to recommended conditions.
- 5.28 HCC Minerals and Waste: raise no objection to the proposals subject to the provision of a Site Waste Management Plan (SWMP) in accordance with the Hertfordshire County Council Waste Core

Strategy and Development Management Policies Development Plan Document 2012. In addition they advise that the applicant must consider and be aware of the nearby Household Waste Recycling Centre. This waste facility is safeguarded under Policy 5: Safeguarding of Sites within the Waste Core Strategy and Development Management Policies Document (2012). The applicant must consider the impact that the proposed works will have on the waste facility. Any construction activities and impacts from the finished development must not prejudice the operation of the facility.

5.29 Thames Water: advises that they have no objection to the development.

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

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

6.1 Aspenden Parish Council : comments with regard to the initial plans (prior to amendment) are summarised as:

6.2 Objection: Serious concerns over highway safety as the proposed works do not create a safe environment for road users, pedestrians or cyclists. The Transport Statement does not acknowledge the existing significant HGV movements generated by the existing surrounding uses and local farm traffic – the research data for the assessment of trip generation is based on residential only.

6.3 2 metre footpath proposed on the eastern side of Aspenden Road serves no purpose, whereas increasing the width of the western footpath to 1.5 m would be more beneficial and safer for pedestrians. The pedestrian crossing point has been placed at the narrowest and most dangerous section. The development will increase the volume of traffic using Aspenden Road and no proposal has been submitted to ease congestion at the junction of Aspenden Road and London Road.

6.4 Since the partial completion of Phase 1, there has been a significant increase in flooding alongside the entrance to the site, just before the bridge. Despite the Construction Management Plan in place for Phase 1, frequent pooling water and mud was evident along Aspden Road and outside the site compound.

6.5 The proposed car parking does not comply with the Buntingford Community Area Neighbourhood Plan's minimum criteria and is insufficient.

6.6 The site is not designated for housing and there is a lack of play area within the development.

6.7 In response to a second consultation the following comments have been received:

- A zebra crossing located just before a bridge that is only wide enough for only one vehicle will ultimately cause confusion and congestion, especially located so close the entrance to the Watermill Industrial Estate, the recycling centre and the aggregate yard;
- The introduction of street lighting will simply bring "town life" closer to the village, which currently enjoys no light pollution;
- The introduction of a south bound vehicle priority system will encourage speeding traffic as the road slopes down towards the village;
- A 4.5m pinch point, on a dangerous unsighted bend in the road, remains;
- The narrow footway along the road remains whereby pedestrians have to step into the road to pass each other whilst trying to avoid passing traffic;

- Car parking provision is inadequate as evidenced by the parked cars already scattered on the Phase 1 estate roads;
- Unlike Phase 1, the site comprising Phase 2 is not designated for housing within the East Herts District Plan. We believe the development of Phase 2 with the accompanying highway works further blurring its distinction from Buntingford. The District Plan specifically states *"to the south-west (of Buntingford), the open character of the countryside between Aspden and Buntingford will be preserved, thereby avoiding coalescence between the two communities".*

6.8 Buntingford Town Council comments are summarised as:

6.9 The proposals are contrary to Policy BUNT1, The site in question cannot be considered as a 'windfall' site. The District Plan states that windfall sites normally comprise a previously developed site. This site is not and never has been developed and represents the last piece of accessible natural green space in this part of Buntingford. The Vision Statements in both the East Herts District Plan 2018 and the Buntingford Community Area Neighbourhood Plan (BCANP) state that such areas will be protected and enhanced and Policy ES7 in the BCANP requires development to "protect and enhance biodiversity."

6.10 The proposal will exacerbate existing problems on Aspden Road despite proposed mitigation measures. The application does not take into account the increase in HGV movements from planning permission for 26 B1 units at Watermill Industrial Estate.

6.11 The proposals do not represent safety for pedestrians with proposals to widen the footway on the opposite side to the development, with a crossing provided at the most narrow and dangerous section of the road.

6.12 Over the past few years Buntingford has seen growth far in excess of the 500 dwellings allocated in the District Plan; to date some 1300 dwellings have been approved with little evidence of additional

infrastructure. The proposals allow for 56 parking spaces; however the BCANP parking standards requires 67 parking spaces for the development.

## **7.0 Summary of Other Representations**

7.1 51 neighbouring properties have been consulted by letter. 35 responses have been received from 24 neighbouring properties objecting to the proposals on the following grounds:

- Buntingford has already been excessively developed in recent years compared to what was evidenced in the review of the Local Plan (493 dwellings compared to in excess of 1,387 that have been approved).
- Previous application for the southern site was granted by a planning inspector only because the site was in the District Plan and the District did not have an up to date District Plan at the time. This site is not mentioned in the District Plan and is a substantial windfall above District Plan requirements.
- The proposal will result in the loss of green space between Buntingford Town and Aspenden Village and result in overcrowding and uncontrollable sprawl. Is there a need for this 0.8 ha of environmental biodiversity to be lost to the well being of established communities.
- There is no green space or play area within Phase 1 and there is also no green space or play area within this phase of the development.
- The BCA focuses on providing green spaces and enhancing biodiversity. This proposal does not comply with that aim.
- Aspenden Road is completely inadequate and unsafe for any increase in traffic, particularly for pedestrians. Unsuitable also for construction traffic.

- There has been no vehicle (including HGV) survey since 2014 and in that time Buntingford and vehicle movements has almost doubled in size.
- Traffic survey provided covers cars only, no reference to expanding industrial estate, recycling site, landscape and aggregate depot and HGV storage facility which all use HGV's.
- Road widening has led to increased speeds but there is still a substandard pinch point and a blind uphill bend. The road is unsafe, there are skid marks on the road, footpaths are very narrow and are never kept clear of growing bushes/brambles; making it dangerous for prams/pushchairs and the elderly. The alternative footpath via watermill Industrial Estate is narrow and is the subject of flooding.
- No improvements have been carried out on Aspenden Road relating to the Dandra South site. If this proposal gains approval Aspenden Road improvements and ROW027 are likely to be further delayed against a backdrop of substantial increase in traffic movements on Aspenden Road. The stopping zone for the Aspenden Bridge has not been reinstated.
- Road does not meet minimum standards for road width. The Planning Inspector's justification "*Whilst vehicles are required to mount the Pedestrian Footpath when two vehicles travelling in opposite directions meet on the narrow section of Aspenden Road they would be travelling so slowly as to not cause danger to pedestrians*" completely ignores that it is illegal to drive a motorised vehicle on a Public Footpath ( objector has indicated that he is prepared to remove this objection if a suitable solution for the widening of Aspenden Road along the narrow section ( which lies on a blind bend) can be achieved).
- Proposal does not meet BCANP (Buntingford Community Area Neighbourhood Plan 2014-2031) car parking criteria.

- Not a suitable location for flats and creates amenity issues for established residents.
- Proposal is an overdevelopment of the site which will lead to more noise and traffic.
- There is no biodiversity gain – report indicates that there will be loss of a colony of common lizards. Proposal should include integrated bat and swift bricks per dwelling.
- Habitat loss; slow worms and other wildlife inhabit this green space.
- This area has lost many shops, its only bank, a care home, a GP practice and a car park. The roads are congested with traffic, parking on the road and pavements, traffic speed has increased and the road floods due to excess building over land where water should be draining into. Even if the road is widened it cannot take any more traffic safely due to increased house building and an increase in units at Watermill Industrial Estate.
- Inadequate infrastructure – no train station and limited bus service, inadequate internet/wifi phone coverage, no medical facilities open to new residents and schools are full, low employment opportunities in Buntingford will lead to residents having to drive to work ; leading to more traffic on the A10 and A507.
- Plan is incorrect and encroaches into neighbouring garden. There is no agreement to sell this land to the applicant. There is a badger's sett on site and these animals are protected.
- Existing problems of excess water, road being narrow and traffic should be addressed before allowing more housing.
- Previous residential applications were granted due to the lack of a District Plan. Now that the District Plan has been adopted, applications should be determined in accordance with its

policies. The District Plan makes no provision for residential development on this parcel of land and should be refused.

- The loss of this area will remove a vital green lung for surrounding residents by removing open land and providing an unbroken block of housing down to the bypass.
- Proposed road widening is flawed as it will not address the pinch point that will remain at the blind bend by the White Cottage (Southview) as that land is not in the applicant's ownership and therefore cannot be included in the road widening.
- If this development is approved – construction traffic access should be through the existing development.
- Water supply issues arising from population growth in the south east of England and climate change. This is a chalk stream river environment; abstraction levels have increased with population growth. Water usage in Hertfordshire is one of the highest in the country and each new development increases demand on the entire system.
- Information to support the application is not correct e.g. walking time to nearest Barclays Bank (which is in Royston – 8 miles away) is shown as 12 minutes.
- Loss of undeveloped site will increase rainwater run off issues. The south site rain water run off measures has not stopped volumes of water flooding down the site onto Aspenden Road.
- Concerns raised regarding the content of the landscape Specification and Ecological management plan compared to the layout plan.
- The applicant has pre – emted approval by doing their own deforestation without approval from the Landscape Officer.

- Will increase flooding in an area that already suffers from flooding.
- Six submissions of mitigating proposals have been submitted for Aspenden Road which shows that previously approved versions are badly flawed. None have been discussed with the town or parish councils or local people. The safety audit and transport assessment are flawed. The proposals for the two sites should be considered as one development and should have required a full transport assessment
- Concerns raised regarding the accuracy of the content of the odour assessment and the extent of the noise assessment which Environment and Health have based their observations on.
- Proposal provides no benefit to established communities or biodiversity – there is no evidence based need or windfall argument for this development.
- Length that the application has remained un determined makes the consultees arguments out of date.
- Recent ecology report cites no badgers due to the total destruction of the wild habitat by the developer.

## **8.0 Consideration of Issues**

### Principle

8.1 The site is 0.7ha in area and comprises of undeveloped land which is partially overgrown with trees and shrubs. The application does not require screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (EIA) as it has been determined that the proposed development does not exceed the relevant threshold.

8.2 The site lies immediately north of an adjoining residential

development for 65 residential units which is currently under construction by the same applicant.

- 8.3 Policy DPS1 (Housing, Employment and Retail Growth) states that the council will provide a *minimum* of 18,458 new homes in the District during the plan period.
- 8.4 Policy DPS2 (The Development Strategy 2011-2033) of the East Herts District Plan outlines that the strategy of the Plan is to deliver sustainable development in accordance with a hierarchy of sites.
- 8.5 The application site is considered to fall within the second category 'sites within urban areas', Buntingford.
- 8.6 The site is located within the settlement of Buntingford where Policy BUNT1 (Development in Buntingford) advises that the settlement will provide a minimum of 1074 dwellings during the plan period.
- 8.7 Reference is also made to appeal decision APP/J19915/A/14/2224660 for the southern site whereby both the Planning Inspector ( and subsequently the Secretary of State for Communities and Local Government who reviewed the Planning Inspector's recommendation ) indicated that the constraints presented by the road width at this location does not preclude further development.
- 8.8 The site is within the settlement boundary of Buntingford under policy HD1 of the BCANP. That policy says new housing development will be permitted where it is consistent with policies HD2 TO HD7. The proposal is consistent with those policies and therefore should be permitted under policy HD1.
- 8.9 The proposal would deliver 23 additional dwellings in this location.
- 8.10 The proposal is not considered to be contrary to Policy BUNT1 which sets out the minimum number of homes that will be provided in Buntingford. No indication has been given of maximum numbers as that would be subject of further assessment on a case by case

basis. This is consistent with the Government's objective of "significantly boosting the supply of homes" (NPPF, paragraph 60).

8.11 Given the above considerations, the principle of this development is considered to be acceptable; subject to further detailed considerations below.

### Design and layout

8.12 The overall layout of the proposal has been designed to integrate with the southern part of the site (where 65 residential units are currently under construction). In this regard, the site will be accessed from the new (main) access road leading off Aspden Road into the southern part of the site. From there, a new vehicular access point will be created in order to provide semi circulatory (cul de sac) route in the northern part of the site.

8.13 The proposed layout incorporates dwellings that will face the street frontage; both within the existing setting fronting Aspden Road and within the proposed internal road layout within the site. The layout proposed will ensure that there is adequate street surveillance (in accordance with Policy DES5) as well as maintaining appropriate separation distances between facing habitable windows both within the development site itself and in relation to surrounding neighbouring properties.

8.14 The separation distances proposed meet the standards of 23 metres for facing habitable windows and in the majority of incidences meet the 13metres habitable window to wall distance outlined in the Buntingford Community Area Neighbourhood Plan. Where the required separation distance has not been achieved, this relates to 4 incidences only (units 1and 23, unit 6 and the flatted block, units 20 and 17 and units 7 and 12) where distances of 9 - 11 metres have been achieved instead.

8.15 Notwithstanding the marginal shortfall as outlined above, it is considered that on balance these distances are acceptable with no harm resulting for prospective occupiers in terms of general

amenity as regard has been given to the overall layout of the development and the need to comply with a number of issues including parking provision and garden sizes.

- 8.16 In this regard the proposed layout does not present any amenity issues for the prospective occupants of the development or the occupants of surrounding properties and this accords with Policy DES4 of the East Herts District Plan and Policy HD4 Of the Buntingford Community Area Neighbourhood Plan (BCANP).
- 8.17 The development predominantly comprises of two storey semi-detached and detached houses set behind a landscaped front garden with single storey garages adjacent or off street car parking bays adjacent. At the north - western corner of the site, a two storey detached residential building containing 3 flats is proposed. Although this is the only flatted development in this part of the site, the building has been designed such that it, despite its marginally wider footprint, it resembles the appearance of the dwelling houses proposed on the remainder of the site.
- 8.18 The proposed layout has been designed to integrate with the development (under construction) to the immediate south where a small orchard provides a landscaped buffer adjacent to the vehicular access point proposed (at the northernmost point) for the southern part of the site. It is proposed that this landscaped buffer will be enlarged by 154m<sup>2</sup> with additional landscaping including tree provision. This will provide a visual screen to the 4 car parking spaces proposed in this location as well as providing an enhanced landscaped entrance feature to the site(s).
- 8.19 The eastern boundary of the site faces the disused railway site; an area that is not owned by the applicant. The proposed layout plan shows an intention to again, provide a landscaped green edge to this part of the site. This is acceptable however a condition will also be proposed to ensure that fencing along this edge is permeable in order to provide visual surveillance into the disused railway site.
- 8.20 The proposed layout does not provide a significant quantum of

additional open space; instead placing reliance on expanding the public open space (orchard) within the northern section of the approved development to the south by 154m<sup>2</sup>. This is considered to be acceptable as the two sites will operate in tandem. From an urban design perspective this is also acceptable as the presence of the orchard in this location will ensure that there is adequate and quality public open space for the proposed development to the north. This aspect of the proposal complies with Policy ES5 of the BCANP.

- 8.21 Similarly, this site, which is smaller than the southern site, does not provide additional children's play area but instead relies on the children's play area in the southern part of the site. Given that once developed, the two adjoining sites will effectively operate as one site, this aspect of the proposal is also considered to be acceptable. In addition it should be noted that the additional 23 dwellings proposed all provide generous private garden space for each dwelling.
- 8.22 The density associated with the proposed development of the site is considered appropriate at 127 habitable rooms per hectare (33DPH - dwellings per hectare). This falls comfortably within the lower amount of what is considered to be a medium range of density (100 - 173 habitable rooms per hectare or 25 – 50 dwellings per hectare) and is appropriate for the site's location within a settlement. In this regard the density is considered to accord with Policy HOU2 of the District Plan and Policy HD7 of the BCANP.
- 8.23 The proposed height and external design of the dwellings is considered to be acceptable and will provide a high quality residential development; displaying a design that will complement the features in the development that is currently under construction at the southern part of the site as well as being reflective of characteristics of the surrounding built environment. This aspect of the proposal complies with Policy DES4 of the District Plan and Policies HD2, HD4 and ES1 of the BCANP.

8.24 The proposed units provide an appropriate internal layout with internal room sizes that meet the Department of Communities and Local Government (DCLG) Technical Housing Standards - nationally described space standard 2015.

### Energy and Sustainability

8.25 In terms of sustainability, it is noted that all development must have regard to climate change adaptation and mitigation policies CC1 and CC2 and the building design requirements of Policy DES4, all developments should demonstrate how carbon dioxide emissions will be minimised and how the design, materials, construction and operation of development will minimise heating and cooling requirements.

8.26 The supporting material accompanying the application demonstrates that it would not be appropriate, given the size of the development, to explore combined heat and power (CHP) as a means of heating and powering the site. Other technologies such as ground source heat pumps, solar photovoltaic/hot water installations and wind turbines have all been considered and rejected for this site either due to viability issues or the physical characteristics of the site.

8.27 Carbon emissions will be reduced predominantly by high standards of insulation and the use of energy efficient installations. These measures will provide an improvement of 3% over the Building Control Standards and therefore comply with Policy CC2 of the District Plan.

### Housing mix

8.28 A total of 23 residential units are proposed; the breakdown of which is outlined below:-

## Market housing

| Type            | Number | % Provided | SHMA % |
|-----------------|--------|------------|--------|
| One bed flat    | 0      | 0          | 6      |
| Two bed flat    | 0      | 0          | 7      |
| Two bed house   | 2      | 14.2       | 12     |
| Three bed house | 5      | 35.7       | 46     |
| Four bed house  | 7      | 50.0       | 23     |
| Five bed house  | 0      | 0          | 6      |
| Total           | 14     |            |        |

## Affordable housing

| Type                | Number | % Provided | SHMA % |
|---------------------|--------|------------|--------|
| One bed flat        | 2      | 22.2       | 19     |
| Two bed flat        | 1      | 11.1       | 11     |
| Two bed house       | 3      | 33.3       | 29     |
| Three bed house     | 3      | 33.3       | 34     |
| Four bed plus house | 0      | 0          | 7      |
| Total               | 9      |            |        |

8.29 In accordance with Policy HOU1 of the District Plan and Policy HD7 of the BCANP, the proposed development will provide an appropriate mix of housing types and sizes. 20 dwelling houses and 3 flats are proposed with a range of dwelling sizes from 1 and 2 bedroom flats to 2, 3 and 4 bedroom houses.

8.30 The proposed development will also provide a suitable mix of housing tenures with a split of 60% market housing ( 14 units) and 40% affordable housing (9 Units). 73% of the affordable housing units are to be delivered as affordable rented accommodation (rent capped at local housing allowance rate) and 27% Intermediate (shared – ownership) tenure. The proposed affordable units will be provided on site in accordance with Policy HOU3 of the District Plan and will be evenly distributed throughout the development.

8.31 The housing mix and affordable housing proposed for this site has been had regard to the latest SHMA (Strategic Housing Market Assessment) as well as a review of residential developments constructed in the area. The Housing Officer has considered that overall mix of housing types proposed and raises no in principle objection.

8.32 A condition will be imposed to ensure that all residential units comply with the building Regulations requirement M4 (2): category 2 – Accessible and Adaptable Dwellings. One of the affordable housing units has been designed to M4 (3): category 3 wheelchair user dwellings standard. This is welcomed however there is also a need to ensure that 1 of the market dwellings also meets this standard; in accordance with Policy HOU7 of the District Plan. Accordingly it is considered appropriate to impose a condition that requires further details to be provided to ensure that this can be achieved. Once this has been achieved it is considered that this aspect of the proposal would comply with Policies HOU1, HOU3 and HOU7 of the District Plan and Policy HD7 of the BCANP.

#### Highways and parking

8.33 Aspenden Road is the main thoroughfare to the site; linking London Road to the village of Aspenden to the south. It is a traditional rural road which is limited in its width. The site is also in close proximity to the Watermill Industrial Estate; a site that is associated with the movement of large commercial vehicles. In addition over the years the thoroughfare has seen a general increase in vehicular traffic as a result of local development in the area.

8.34 As with the application for the southern site which is currently under construction, vehicular access/road safety on Aspenden Road has been highlighted as a major local concern; having been highlighted by many of the third party comments.

8.35 Access to the site off Aspenden Road and within the proposed development site is acceptable as demonstrated in the layout plans. However concerns have been highlighted regarding the

constraints that are presented by the limited width and the physical layout of Aspenden Road in conjunction with the increase in vehicular traffic that will be associated with the proposed development.

- 8.36 The road narrows at the (bridge) point that it meets the River Rib and in places is too narrow for two larger vehicles to pass one another without one mounting the pavement which in itself is also narrow. This situation has an impact on pedestrian safety as well as vehicular safety; although it is noted by the Highway Authority that there have been no collisions in this area.
- 8.37 Notwithstanding, pedestrian safety has now been elevated in priority within the Local Transport Plan (LTP4) and given that this proposal will result in additional pedestrian movements in the area, it is evident that improvements will be required in order to provide a satisfactory environment.
- 8.38 The applicant has entered into extensive discussions with the Highway Authority in order to address the need for road safety improvements along the stretch of Aspenden Road adjacent to the site. A scheme has been developed which will introduce a new 2m wide public footpath on the eastern side of Aspenden Road. In addition, the carriageway at the southern stop line is proposed to be widened to 6.5 metres; this will enable two articulated lorries to pass by one another without the risk of needing to mount the footway. The applicants have also provided further information which demonstrates that two passing articulated lorries can safely navigate at the northern stop line.
- 8.39 The road improvement works will also provide a new pedestrian crossing point and introduce a signalised priority working scheme that will reduce vehicle speeds and the incidences of large commercial vehicles passing each other.
- 8.40 The works proposed in this application have been designed to align with the, yet to be completed, highway works relating to the

southern section of Aspden Road (as part of the development proposals for the site currently under construction to the south).

- 8.41 It is acknowledged that the highway improvement works associated with the southern site are yet to be undertaken and that the grant of planning permission for additional dwellings will further delay that implementation.
- 8.42 The Local Planning Authority have had regard to the assessment of the Planning Inspectorate (supported by the Secretary of State) provided for the southern site, that "safe and suitable access to the (appeal) site can be gained for all modes of transport, and that the highway related improvements associated with the scheme would off-set the impact of additional traffic and would have associated benefits for existing road users."
- 8.43 In its entirety, the proposed highway works will result in slowing traffic as vehicles will have to give way to oncoming traffic. It will also result in safer pedestrian navigation and therefore improve safety.
- 8.44 It is noted that comments have been raised regarding the number of submissions that the applicants have made to address road safety issues and the fact that they have not been specifically the subject of consultation with the Parish / Town Councils or local residents. However there is no specific requirement to undertake this consultation and general highway safety is a specialist area which is within the remit of the Hertfordshire County Council as the Highway Authority to control. Whilst the Parish/Town Council and local residents have been consulted on the nature of the planning application in general ; the technical details of ensuring that vehicle and pedestrian standards that are applicable throughout the County can be achieved at this site is considered to be a specialist technical area .
- 8.45 Comments have also been received regarding the need for the proposals for the two sites to be considered as one development which would have required a full transport assessment. Whilst

the Highway Authority have considered the southern site and the proposed highway works associated with that scheme; it must be acknowledged that the southern part of the site already benefits from planning permission which has been implemented. Accordingly there is no requirement for the two sites to be formally considered together and there is no requirement for a full transport assessment. On its own the size of the proposed development would not require a full transport assessment (the trigger is 80 dwellings).

8.46 The Highway Authority, as a result of the proposed road safety improvements, is now satisfied that this development can operate within the locality without detriment to local pedestrian and vehicular safety. With regard to car parking, the application site is located within Zone 4 where a 25% reduction on parking standards can be applied. 56 car parking spaces are proposed at this site in a combination of off street parking spaces and garages. This provision complies with the maximum level required in a Zone 4 location as outlined in the current parking standards referred to in the District Plan. No reduction has been applied to this parking standard as it is acknowledged that this is a location where pedestrian routes and access to public transport are not at an optimum level at present.

8.47 It is acknowledged that the Neighbourhood Plan (Policy T1) sets out higher minimum parking standards for this area, which would mean that a minimum of 67 car parking spaces (as opposed to the 56 proposed) would be required. Whilst this standard has not been achieved and on this occasion, the shortfall is however considered acceptable due to a need to balance a number of factors on this site e.g the physical constraints of the site, the need to provide additional open spaces, and the need to provide a high quality form of development that is not dominated by on street car parking bays; in order to achieve a sustainable form of development.

8.48 In this regard consideration has been given to the following factors to justify the shortfall of 9 car parking spaces:-

8.49 The site is limited in size, it is constrained by the need to retain and enhance the public open space at the entrance of the site and the density of development proposed is considered to be within the lower range for medium density development. The proposed development has, in the main sought to achieve the specific design requirements outlined in the BCANP to meet enhanced separation distances (distances that exceed national standards) between habitable rooms and to provide the required standards of private garden space for each dwelling. All of these factors have an impact on the finite space on the site. The level of car parking and its layout on the site (with provision being closely associated with the respective dwelling in accordance with Policy T2 of the BCANP) strikes an appropriate balance between ensuring that there is sufficient off street car parking and ensuring that the built environment is not visually dominated by cars.

8.50 The site is not isolated or remote and there is access to shops and facilities and to public transport within walking distance. Whilst every residential unit will have access to a car space, in the interests of the air quality in the local environment and local well-being, sustainable alternatives to the car should also be encouraged such as walking and cycling. Secure cycle parking provision has been made throughout the proposed development (1 space for each bedroom). This is considered to be a sustainable alternative to an increase in on-site car parking. Notwithstanding, a condition is proposed to secure the retention of garages and car parking spaces so that are proposed in this development to ensure that there is sufficient provision for the long term use of this residential development.

8.51 Notwithstanding the above, a condition will also be imposed to secure further details that demonstrate that 2 parking spaces (serving 1 market dwelling and 1 affordable housing dwelling) are marked designated solely for use by the occupant of a dwelling with full wheelchair accessibility.

8.52 Having regard to the above considerations, the proposal is considered to comply with Policies TRA1, TRA2, and TRA3 of the District Plan and Policies T1, T2 and T4 of the BCANP.

#### Flood risk

8.53 The development site is not located within a flood zone. However it is located in close proximity to the River Rib and Aspenden Road; the latter of which has been the subject of localised flooding incidents.

8.54 Permeable paving is proposed throughout the development. The developer has provided sufficient information to demonstrate that the development proposal would not increase the likelihood of flooding on either the development site or adjacent sites.

8.55 The site will use the same surface water drainage proposals already agreed for the southern site. It is noted that a connection will be made between the two sites so that it can accept flows from this site (it has been confirmed that the network has already been designed with sufficient capacity for the two sites).

8.56 In this regard it has been demonstrated that the development will not be at risk of flooding and no additional flooding will arise from this development.

8.57 The Lead Local Flood Authority and the Environment Agency raise no concerns on flooding grounds subject to conditions. This aspect of the proposal therefore accords with Policies WAT1 and WAT2 of the District Plan.

#### Natural Environment

8.58 The site comprises of an area of overgrown scrub land which also contains a number of trees. It has been described by some consultees as 'accessible green space', however given its over grown and unkempt nature it is not considered to be a site that is accessible like a park would be.

8.59 There are no Tree Preservation Orders (TPO's) on the site and the site is not protected by any conservation area status. No objection is raised to the recent partial clearance of the site as important landscape features such as the trees bordering the site's eastern boundary (along the line of the disused railway track) have been retained.

8.60 As the site will operate in tandem with the site to the south (owned by the same developer) as mentioned above, the proposal will include additional green Infrastructure on the southernmost part of the site with an enlargement to the orchard (located at the northern most point of the southern site). Further ecological enhancement will be provided by additional tree planting adjacent to the continuous stretch of trees along the line of the disused railway line. Throughout the residential development enhancement to habitat areas will include planting of native species which will be of benefit to wildlife.

8.61 The developer also proposes to provide further ecological enhancements within an additional area of land within their ownership, to the immediate south of the A10; this will include the translocation of slow worms and the enhancement of habitat areas on this site.

8.62 Cumulatively the on-site and off-site enhancements will result in a net gain in ecological value of 10% as required by policy. Conditions are proposed to ensure that bird and bat boxes are provided on site for the dwellings.

8.63 This aspect of the proposal complies with Policies NE3 and NE4 of the District Plan and Policies ES5, ES7, ES8 of the BCANP.

#### Infrastructure/Planning obligations

8.64 Pursuant to District Plan Policies CFLR10, CFLR7 and DEL1 Hertfordshire County Council have requested financial contributions required to offset the impact of the development on

Education, Libraries and Youth Services, and for the provision of fire hydrants.

- 8.65 The Highway Authority requests measures to improve the safety and operation of Aspenden Road. These works will be secured by a Section 278 Agreement. Given the costs associated with the required works, no additional financial contribution is being sought by the Highway Authority.
- 8.66 In accordance with the Open Space, Sport and Recreation SPD May 2020 it is recommended that contributions be sought in respect of community/village hall provision, open space for children and young people and for outdoor sport provision as set out at the end of this report.
- 8.67 Additional contributions as outlined below ( section 11) are sought to offset the impact of the proposed development on the local community. All obligations comply with the CIL Regulations 2010.

#### Response to third party comments

- 8.68 Responses to the majority of the comments received have been addressed within the body of the report. With regard to the remaining points the following applies:
  - Inaccurate plan that encroaches on the neighbouring garden – This plan has now been corrected (LN38 – PL-1001 Rev PL2); all development is on land within the applicant's ownership.
  - Water supply issues – No adverse comments have been received from water suppliers. In addition, conditions are proposed that will limit water usage so that it does not exceed 110 litres per day per dwelling.
  - Information to support the application in terms of walking distances to locations is incorrect – This point is noted; however it has not had a bearing on the assessment of this application for additional dwellings in an area that already has

residential development in the surrounding locality.

- Inadequate infrastructure – Planning obligations have been sought for this development; commensurate with its size and the likely impact on existing facilities in accordance with Development Plan policy and the Council's Supplementary Planning Guidance documents.
- Length of time taken to determine the planning application and the relevance of the objections - The complex nature of this application and the site constraints; in the particular highway considerations has led to a lengthy determination period for this application. The National Planning Policy Framework encourages Local Planning Authorities to work in a positive and proactive manner in the determination of planning applications in order to secure sustainable development. The length of time that the application has been under consideration does not however reduce the validity of any of the comments received concerning this application; which have all been duly considered in this report.
- Recent ecology report cites no badgers due to the total destruction of the wild habitat by the developer –Badgers are a legally protected species and it is an offence to disturb or harm them. There is no evidence that the recent clearance of the site has resulted in an offence, but that would have to be reported to the police in any event.
- Accuracy of the content of the odour assessment and the extent of the noise assessment which Environment and Health has based their observations on. – Environmental Health maintain that their assessment is accurate. The odour assessment in particular has also been examined by Thames Water who raises no objection.
- Proposal provides no benefit to established communities or biodiversity – there is no evidence based need or windfall argument for this development – The proposal will provide

benefits to the established community in the form of additional housing, including affordable housing, improved highway safety measures for vehicles and pedestrians, improvements in terms of local infrastructure provision, 10% ecological enhancement improvements and which can be provided in an enhanced built environment; without detriment to local amenity. There is no requirement to show a need for additional housing.

8.69 Overall, it is considered that the design of the layout and buildings is of good quality, such that it complies with policies in the East Herts District Plan and the BCANP.

## **9.0 Planning Balance and Conclusion**

9.1 The proposal will deliver 23 dwellings as part of the District Plan development strategy, including (40%) affordable units. The housing and tenure mix is considered to be acceptable.

9.2 Overall, it is considered that the design of the layout and buildings is of good quality, such that it complies with policies in the East Herts District Plan and the BCANP.

9.3 The proposed development will provide acceptable vehicular and pedestrian access to the development. An appropriate level of vehicle and cycle parking provision will be provided within the site to enable the residential development to operate without detriment to the local environment.

9.4 Whilst it is acknowledged that the physical constraints of Aspenden Road are currently challenging, it should be noted that the Planning Inspectorate (and indeed the Secretary of State) have advised that in itself these are not a constraint to development. The applicant has already agreed a scheme of measures to improve road safety at the southern part of the site. As part of this scheme further road safety measures have been agreed to be implemented prior to occupation of the development that is the subject of this application. Cumulatively these works will result in a welcomed improvement in

road safety in this part of Aspden Road; for the benefit of the local community.

- 9.5 The proposal will deliver appropriate levels of financial contribution towards local infrastructure improvements and will enhance the public amenity space on the southern part of the site with additional land as well as providing a landscaped buffer to the disused railway site to the east of the site.
- 9.6 It has been demonstrated that the proposed development will not adversely affect the general amenity of the occupants of neighbouring sites.
- 9.7 Overall, on the balance of considerations the scheme is considered to be of good design quality and a sustainable form of development.

## **10.0 RECOMMENDATION**

- 10.1 That planning permission is GRANTED, subject to the satisfactory completion of a legal agreement and the conditions set out at the end of this report.
- 10.2
- 10.3 That delegated Authority is granted to the Head of Planning and Building Control to finalise the detail of the Legal Agreement and conditions and to refuse the application in the event a legal agreement acceptable to her is not completed within 3 months of the Committee's decision.

## **11.0 Legal Agreement Terms**

- 11.1 The provision of 9 units of affordable housing (75% affordable rent (rent capped at local housing allowance rate) and 25% shared ownership) and retained in perpetuity.
- 11.2 HCC contribution towards new First School and Nursery provision at new school in Buntingford (£167,511.00).

11.3 HCC contribution towards expansion of Edwinstree Middle School (£111,261.00).

11.4 HCC contribution towards expansion of Freman College Upper School (138,705.00).

11.5 Special Educational Needs and Disabilities (SEND) towards the new East Severe Learning Difficulty School (£25,038.00).

11.6 HCC contribution towards enhancement of Buntingford Library

11.7 (£2,214.00)

11.8 HCC contribution towards increasing capacity at the Buntingford Young People's Centre (£3,516.00)

11.9 HCC monitoring fee £680.00

11.10 Provision of Fire Hydrants

|                                   |            |
|-----------------------------------|------------|
| 11.11 Allotments                  | £4,068.00  |
| 11.12 Bowls                       | £5,540.00  |
| 11.13 Community/village halls     | £5,900.00  |
| 11.14 Natural Greenspaces         | £3,407.00  |
| 11.15 Outdoor Sports Facilities   | £22,091.00 |
| 11.16 Open Space maintenance      |            |
| 11.17 (Children and Young People) | £3,073.00  |
| 11.18 Recycling Facilities        | £1,668.00  |
| 11.19 Parks and Open Spaces       | £7,984.00  |

|                           |            |
|---------------------------|------------|
| 11.20 Sports Hall         | £13,165.00 |
| 11.21 Swimming Pool       | £13,165.00 |
| 11.22 EHDC monitoring fee | £3,300.00  |
| 11.23 Health              | £14,278.40 |

## Conditions

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

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

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

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

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

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

4. Prior to the commencement of development, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where wheeled bins will be stationed and the specific arrangements to

enable collection from within 15m of the kerbside of the adopted highway/refuse collection vehicle access point. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity; in accordance with Policy DES4 of the East Herts District Plan 2018.

5. Prior to the commencement of any above ground works, and notwithstanding the approved plans, further detailed drawings shall be submitted to the Local Planning Authority for their written approval that demonstrate the provision of 1 wheelchair accessible and adaptable - paragraph M4 (3) of schedule 1 to the Building Regulations 2010 (category 3 - Wheelchair accessible and adaptable dwellings) (market dwelling) on the site. Thereafter the dwelling shall be constructed in full accordance with the details submitted and approved.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.)

6. No development shall take place until the final design of the drainage scheme is completed and sent to the Local Planning Authority for their written approval. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Strategy reference 18274- FRA-02 V2 dated July 2020. The scheme shall also include:
  1. Detailed engineered drawings of the proposed SuDS features including their location, size, volume, depth and any inlet and outlet features including any connecting pipe runs and all corresponding calculations/modelling to ensure the scheme caters for all rainfall events up to and including the 1 in 100

year + 40% allowance for climate change event.

2. Detailed engineered drawings of all aspects of the proposed drainage scheme.
3. Demonstrate appropriate SuDS management and treatment (including the access road) and inclusion of above ground features such as permeable paving, reducing the requirement for any underground storage.
4. Silt traps for protection for any residual tanked elements.
5. Detailed infiltration testing in accordance with BRE Digest 365 at the proposed location of permeable paving. Where infiltration is not feasible the permeable paving should connect back into the wider site system.
6. Timetable for implementation
7. The development shall be carried out in accordance with the approved scheme

Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

7. No development shall take place until a method statement for the translocation of slow worms identified in the Ecological Appraisal by fpcr (report date October 2020) has been submitted and approved in writing by the Local Planning Authority. Thereafter no dwelling may be occupied until the contents of the method statement have been implemented.

Reason: To ensure that the development accords with Policy NE3 of the East Herts District Plan 2018.

8. No development shall take place until an updated Landscape and Ecological Management Plan, including long-term design objectives

and mitigation actions has been submitted to, and approved in writing by, the Local Planning Authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority.

The scheme shall include the following elements:

1. details of any new habitat created on site
2. details of treatment of buffers around water bodies, including lighting schemes.
3. the Biodiversity value of a site, determined by applying a locally approved Biodiversity Metric where appropriate.
4. details of invasive species management plan.
5. details for the long – term management of the area.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning Policy Framework and East Herts District Plan Policy NE3.

9. No development or demolition shall take place until An Air Quality and Dust Management Plan (AQDMP) of the development has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality and Dust Management Plan (AQDMP) shall be produced in accordance with the following guidance:
  1. The Institute of Air Quality Management's Guidance on the assessment of dust from demolition and construction, Version 1.1, IAQM, June 2016;
  2. The Institute of Air Quality Management's Guidance4 on Monitoring in the Vicinity of Demolition and Construction Sites,

Version 1.1, IAQM, October 2018;

- The Air Quality and Dust Management Plan Must mitigate against negative impact on air quality and receptors in the vicinity of the development; · Must detail the measures that will be taken to reduce the impacts on air quality during all construction phases (Demolition, Construction, Earthworks, Trackout) as relevant Include a maintenance schedule of the dust mitigation measures; ·Undertake to carry out air quality monitoring before and during demolition and construction works. Parameters to be monitored, duration, locations and monitoring techniques must be approved in writing by the Council prior to commencement of monitoring.
- The submission shall include a plan showing the location of the entrance of the site, water supply/suppressor point, the monitoring plan (noise and dust) showing potential receptors, the wheeled wash, location of the hoarding and fencing.

Thereafter the contents/ measures outlined in the Air Quality and Dust Management Plan (AQDMP) shall be implemented to the full satisfaction of the Local Planning Authority.

Reason: To ensure an adequate level of amenity in accordance with Policy EQ4 of the East Herts District Plan 2018.

10. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan /Statement shall include details of:
  - a. Construction vehicle numbers, type, routing;
  - b. Access arrangements to the site;

- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan;
- l. Details of consultation and complaint management with local businesses and residents.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

- 11. Prior to the commencement of any above ground works, written details of the proposed location of 11 bird boxes and 12 bat boxes for the development hereby approved shall be submitted to and

approved in writing by the Local Planning Authority. Bird and bat box provision shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of the relevant dwelling prior to any occupation.

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with National Planning Policy Framework and East Herts District Plan Policy NE3.

12. Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high speed broadband internet connections 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 dwelling. Once approved, high speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of each residential dwelling prior to the first occupation of that residential dwelling 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.

13. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy reference 18274- FRA-02 V2 dated July 2020, including the following mitigation measures:
  1. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event;
  2. Limiting the surface water run-off generated by the 1 in 100 year + climate change to a maximum of 2.3l/s;

3. Implementing appropriate SuDS measures to include permeable paving and underground tank.

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 reduce the risk of flooding to the proposed development and future occupants in accordance with Policies WAT1 and WAT 5 of the East Herts District Plan 2018.

14. Upon completion of the drainage works for the site in accordance with the timing / phasing arrangements, the following must be submitted to and approved in writing by the Local Planning Authority:

1. Provision of a complete set of as built drawings for site drainage;
2. A management and maintenance plan for the SuDS features and drainage network;
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

15. The residential dwellings hereby approved shall be constructed in accordance with the AIRO Environmental Noise Assessment Report No. DLW/7313/B dated 15th September 2020 submitted in support of this application so as to achieve the internal room and external amenity noise standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for

buildings'. The works shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In order to ensure an adequate level of amenity for future occupiers of the proposed development in accordance with Policy EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

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

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

17. With the exception of the 2No wheelchair accessible and adaptable dwellings - (paragraph M4 (3) of schedule 1 to the Building Regulations 2010) that are to be provided in this development, the remainder of the development shall be carried out so that the requirements of paragraph M4 (2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

18. The development shall be carried out so that, the requirements of paragraph M4 (3) of schedule 1 to the Building Regulations 2010 (category 3 - Wheelchair accessible and adaptable dwellings) as shown on drawing No LN38 – PL- 1304 Rev PL2 are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily wheelchair accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

19. The development hereby approved shall be implemented in full accordance with the details and recommendations within the submitted Sustainability Statement – Aspenden Road Developments Ltd – Buntingford North Site (dated: September 2020; produced by Briary Energy). These mitigation measures shall be retained as such thereafter.

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

20. Each dwelling shall be constructed and fitted out so that the potential consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day as measured in accordance with a methodology approved by the Secretary of State. No dwelling shall be occupied unless the notice for that dwelling of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been submitted to the Local Planning Authority.

Reason: In order to set a higher limit on the consumption of water by occupiers as allowed by regulation 36 of the Building Regulations 2010 and thereby increase the sustainability of the development and minimise the use of mains water in accordance with Policy WAT4 of the East Herts District Plan 2018, the Sustainability SPD and guidance in the NPPF.

21. No dwelling shall be occupied until the vehicular access has been provided and thereafter retained at the position shown on the approved plan drawing number LN38-DA-1010 Rev PL3 Cycle Parking/Access Plan.

Reason: To ensure satisfactory access into the site in accordance with Policy TRA2 of East Herts District Plan 2018.

22. No dwelling shall be occupied until, additional plans and information has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering works and measures to be installed along Aspenden Road, as shown indicatively on drawing number ITL16120-GA-004 Rev J. This includes, but is not limited to:

- i) Fine details of measures to be installed / implemented to ensure exiting vehicles from the private access within the controlled signalised area can do so safely, e.g. installation of a pedestrian demand unit or motion detector to call its own signal phase;
- ii) Fine details of signalised phasing/staging and resultant capacity outputs, alongside signalised design check plans;
- iii) The introduction of "look both ways" road markings at the pedestrian crossing point;
- iv) Full details of vehicle access to the site;
- v) A new 2 metre wide footway on the eastern side of Aspenden;
- vi) Road with a pedestrian crossing facility to connect with the western footway of Aspenden Road (also being widened).
- vii) Footway surface improvements with new wearing course at maximum possible existing width.
- viii) Safety rail to be replaced and extended to meet the two new entrances to Buntingford Footpath 27.
- ix) Two new streetlights to be installed to Hertfordshire County Council's current specifications at the two new entrances to

Buntingford Footpath 27.

- x) Vegetation clearance / cut-back throughout, to maximise the useable safe footway width.
- xi) Any other mitigation measures identified in a stage 2 Road Safety Audit.

The approved works shall be fully implemented before the development is first occupied, and thereafter retained for this purpose.

Reason: To ensure the development safely provides for all public highway users, encourages the use of sustainable and active travel modes, and provides for protected characteristics under the Equality Act, in accordance with NPPF (2021) paragraph 110-112 and LTP4 (2018) policy 1.

23. (Pedestrian access ramp) No dwelling shall be occupied until a pedestrian access ramp to connect with Aspenden Road has been provided, as shown on the drawing Ramp Access Plan LN38-DA-1011 Rev PL1 and maintained thereafter.

Reason: In the interests of pedestrian accessibility and safety; and to ensure protected characteristics under the Equality Act are complied with.

24. No dwelling shall be occupied until additional plans have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show improvements to the informal pedestrian crossing at the junction of Luynes Rise with Aspenden Road, to include the provision of tactile paving, and potential footway extension around the southern-side of the bellmouth and kerb radii tightening on both sides (subject to vehicle tracking).

The approved works shall be fully implemented before the development is occupied and thereafter retained for this purpose.

Reason: To ensure construction of a satisfactory access and in the interests of highway safety and sustainability in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA2 of the East Herts District Plan 2018.

25. (EV charging points): No dwelling shall be occupied until the details of the siting, type and specification of the Electric vehicle charging points (EVCPs), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of each of the uses on site and permanently maintained and retained.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of the Hertfordshire's Local Transport Plan 4 and Policy TRA1 of the East Herts District Plan 2018.

26. (Cycle parking): No dwelling shall be occupied until a scheme for long stay and short stay parking of cycles including details of the design, level and siting of the proposed parking has been submitted to and approved in writing by the Local Planning Authority. Long stay cycle parking shall be provided in fully secure and lockable private stores. The approved scheme shall be fully implemented before the development is occupied or brought into use and thereafter retained for this purpose.

Reason: To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and Policy TRA1 of the East Herts District Plan 2018.

27. Notwithstanding the approved plans, no dwelling shall be occupied until provision has been made within the parking areas for 1 electric charging point per dwelling and 1 per 10 unallocated parking

spaces. Details of the provision shall be submitted in writing to the Local Planning Authority for written approval before installation and shall thereafter be provided and retained in perpetuity.

Reason: In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with Policy EQ4 of the East Herts District Plan 2018.

28. No dwelling shall be occupied until, all on site vehicular areas pertaining to that dwelling have been made accessible, surfaced and marked in a manner to the Local Planning Authority's written approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises; in accordance with Policy TRA2 of the East Herts District Plan 2018.

29. No dwelling shall be occupied until details of a post and rail fence on the eastern edge of the site have been submitted to and approved in writing by the Local Planning Authority. The approved post and rail fence shall be fully implemented before the development is occupied or brought into use and shall thereafter be retained.

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

30. No dwelling shall be occupied until details of landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping details shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans,

schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018

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

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

32. No dwelling shall be occupied until a schedule of landscape maintenance (including details of the arrangements for its implementation) for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved landscape maintenance plan shall be implemented and maintained to the standards agreed.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and/or new landscape features, in accordance with Policy DES3 of the East Herts District Plan 2018.

33. No dwelling shall be occupied unless a scheme for future maintenance of the public open space [shown coloured green on drawing 8460-L-19 Rev B and 8460-L-17 Rev E] has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the extent and timing of

maintenance, responsibilities and funding arrangements. The approved scheme shall be implemented and the land so maintained and available for use for so long as the dwellings are occupied.

Reason: In order to ensure the public open space is properly maintained in the interests of visual and residential amenity and high quality design and in order to continue to meet the needs of residents pursuant to policies DES4 and CFLR1 of the East Herts District Plan 2018.

34. No dwelling shall be occupied until the details of external lighting for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and thereafter implemented.

Reason: To ensure construction of a satisfactory development pursuant to policies DES4 and DES5 of the East Herts District Plan 2018.

35. The garage(s) hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling of which it forms part and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking facilities and to protect neighbour amenity in accordance with Policies TRA3 and EQ2 of the East Herts District Plan 2018.

36. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (England) Order 2015 as amended, or any amending Order, the areas shown for parking on the approved plan(s) shall be retained for such use.

Reason: In the interests of highway safety in accordance with Policy TRA3 of the East Herts District Plan 2018.

37. Notwithstanding the provisions of the Town and Country Planning General Permitted Development ( England ) Order 2015 as

amended (or any other order revoking, further amending or re-enacting that order) no means of enclosure of any height shall be erected or constructed adjacent to a highway used by vehicular traffic without the prior written approval of the Local Planning Authority.

Reason: To maintain the open and verdant character of the estate in accordance with the design concept in the interests of design and visual amenity and to ensure that adequate space is maintained for the manoeuvring of larger vehicles including refuse vehicles in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

## Plans

| Plan Ref   | Version | Received   |
|--|---------|------------|
| LN38- PL -1001   | PL2     | 04.01.2021 |
| LN38- PL -1002   | PL3     | 16.03.2021 |
| LN38- PL-1003  | PL3     | 16.03.2021 |
| LN38- PL-1004  | PL3     | 16.03.2021 |
| LN38- PL-1011  | PL1     | 21.09.2021 |
| APP D_LN38-DC-402-P2   |         | 04.01.2021 |
| LN38_ EMS_1_ PL2   |         | 16.07.2021 |
| LN38- PL-1006  | PL3     | 16.03.2021 |
| ITL16120-GA-004  | REV J   | 04.10.2021 |
| ITL16120-GA-013  | REV A   | 04.10.2021 |
| Jubb Consulting Engineers Ltd : Flood Risk Assessment Ref 18274-FRA-02 | V2      | 08.10.2020 |
| 8460-LEMP-NORTH  | REV F   | 21.09.2021 |
| 8460-L-19  | B       | 08.10.2020 |
| LN38-PL-1201   | PL1     | 08.10.2020 |
| LN38-PL-1202   | PL1     | 08.10.2020 |
| LN38-PL-1203   | PL1     | 08.10.2020 |
| LN38-PL-1204   | PL1     | 08.10.2020 |
| LN38-PL-1205   | PL1     | 08.10.2020 |

|   |     |            |
|---|-----|------------|
| LN38-PL-1005                                      | PL3 | 16.03.2021 |
| LN38-PL-1301                                      | PL2 | 17.11.2021 |
| LN38-PL-1302                                      | PL2 | 17.11.2021 |
| LN38-PL-1303                                      | PL1 | 08.10.2020 |
| LN38-PL-1304                                      | PL2 | 15.10.2021 |
| LN38 - DC- 200                                    | C2  | 04.01.2021 |
| 8460-L-17   | E   | 16.03.2021 |
| 8460-L-18   | E   | 16.03.2021 |
| LN38- PL-1007                                     | PL4 | 16.03.2021 |
| LN38- PL-1008                                     | PL3 | 16.03.2021 |
| LN38- DA-1010                                     | PL3 | 15.09.2021 |
| LN38- DA-1400                                     | PL3 | 16.03.2021 |
| LN38- DA-1401                                     | PL4 | 17.11.2021 |
| LN38- DA-1402                                     | PL2 | 16.03.2021 |
| AIRO Report no:<br>DLW/7313/B dated<br>15.09.2020 |     | 08.10.2020 |

## Informatics

1. Other legislation (01OL1)
2. Street naming and numbering (19SN5)
3. Protection of mammals :-Any excavations left open overnight should be covered or have mammal ramps (reinforced plywood board >60cm wide set at an angle of no greater than 30 degrees to the base of the pit) to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120mm must be covered at the end of each working day to prevent animals entering / becoming trapped.
4. Highway works (05FC2)
5. Flood Risk Activity Permit
6. Justification – Grant (JG4)

7. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.  
Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
8. AN2/. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
9. AN3/. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.

10. AN4/. Construction standards for works within the highway: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
11. AN5/. Land dedication to highway and s38 works: The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under section 38 (private land dedication to public highway) of the Highways Act 1980 to ensure the satisfactory completion of the access and associated highway improvements. Further information is available via the website:  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>.
12. AN6/. In respect of Abnormal Loads the applicant is directed to ensure that operators conform to the provisions of The Road Vehicles (Authorisation of Special Types) (General) Order 2003 Schedule 5 of Schedule 9, part 1 in ensuring that the Highway Authority is provided with notice of such movements, and that appropriate indemnity is offered to the Highway Authority. Further information is available via the website:  
[www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms](http://www.gov.uk/government/publications/abnormal-load-movements-application-and-notification-forms) or by telephoning 0300 1234047.

## **Summary of Reasons for Decision**

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

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

| <b>Residential density</b>          | <b>Approximately 32DPH<br/>127 habitable rooms/Ha ( medium)</b> |                 |
|-------------------------------------|---|-----------------|
|                                     | Bed<br>Rooms  | Number of units |
| Number of existing units demolished | 0   | 0               |
| Number of new flat units            | 1   | 2               |
|                                     | 2   | 1               |
|                                     | 3   | 0               |
|                                     |   |                 |
| Number of new house units           | 1   | 0               |
|                                     | 2   | 5               |
|                                     | 3   | 8               |
|                                     | 4+  | 7               |
| Total                               |   | 23              |

**Housing**

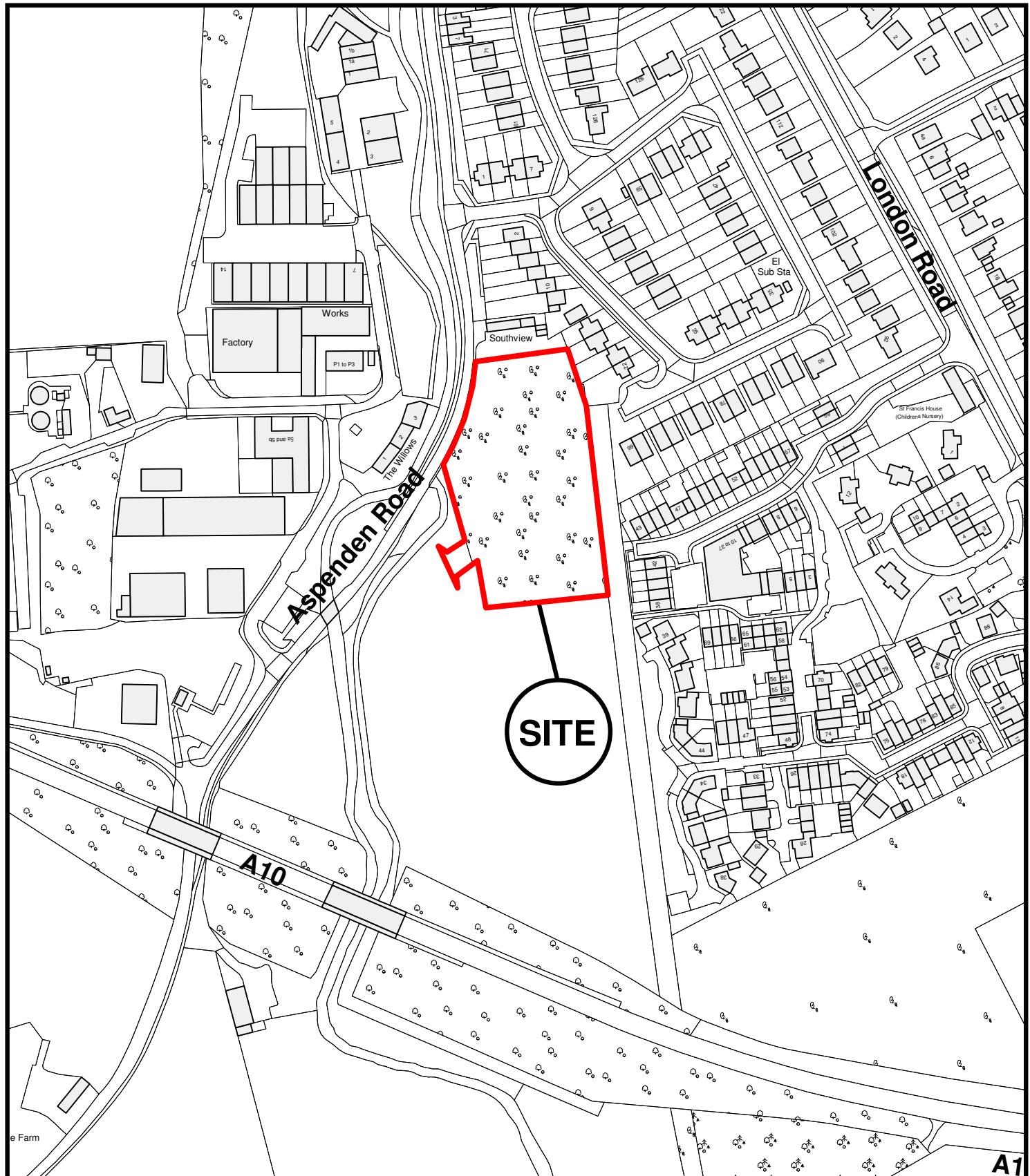
| <b>Number of units</b> | <b>Percentage</b> |
|------------------------|-------------------|
| 9                      | 40                |

**Residential Vehicle Parking Provision**

## District Plan Parking Standards

| Parking Zone                     | Zone 4          |                 |                 |
|----------------------------------|-----------------|-----------------|-----------------|
| Residential unit size (bedrooms) | Spaces per unit | Spaces required | Spaces provided |
| 1                                | 1.50            | 3               | 3               |
| 2                                | 2.00            | 12              | 12              |
| 3                                | 2.50            | 20              | 20              |
| 4+                               | 3.00            | 21              | 21              |

|                         |     |    |    |
|-------------------------|-----|----|----|
| Total required          |     | 56 | 56 |
| Accessibility reduction | N/A |    |    |
| Resulting requirement   |     |    |    |
| Proposed provision      |     | 56 | 56 |



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**Address: Land East Of Aspenden Road, Buntingford**

**Reference: 3/20/1950/FUL**

**Scale: 1:2500**

**O.S Sheet: TL3628**

**Date of Print: 18 January 2022**

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## DEVELOPMENT MANAGEMENT COMMITTEE - 2 FEBRUARY 2022

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/21/2879/FUL   |
| <b>Proposal</b>           | Conversion of dwelling to create 2, 1 bedroomed temporary housing units (hostel) together with associated elevational alterations including provision of an external ramp. Erection of bin store and creation of parking with 2 crossovers. |
| <b>Location</b>           | 34 Queens Road, Ware, Hertfordshire, SG12 7DN   |
| <b>Applicant</b>          | East Hertfordshire District Council   |
| <b>Parish</b>             | Ware Town Council   |
| <b>Ward</b>               | Ware Trinity  |

|  |                           |
|--|---------------------------|
| <b>Date of Registration of Application</b> | 19 November 2021          |
| <b>Target Determination Date</b>           | 4 February 2022           |
| <b>Reason for Committee Report</b>         | Council's own application |
| <b>Case Officer</b>                        | Femi Nwanze               |

### **RECOMMENDATION**

That planning permission is **GRANTED** subject to the conditions detailed at the end of this report.

#### **1.0 Executive Summary**

1.1 This application is referred to the Development Management Committee for determination as East Herts District Council has an interest in the proposal as the applicant. The proposed accommodation will provide homeless accommodation on behalf of the District Council.

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

1.3 This application seeks planning permission for the conversion of the dwelling to create 2, 1 bedroomed temporary housing units (hostel) together with associated elevational alterations including

provision of an external ramp. Erection of bin store and creation of parking with 2 crossovers.

- 1.4 The proposed conversion works would provide two self - contained 1 bedroom apartments within this dwelling. Each unit would have 1 double bedroom, separate living room and kitchen and bathroom for the exclusive use of its occupants. The internal layout and room sizes of each residential unit will not be dissimilar to that found in self-contained flats that are sold or rented. However the way in which the units will be used means this is regarded as a 'hostel use'.
- 1.5 At the side of the site an access ramp will be provided to enable access to the rear of the site.
- 1.6 At the rear of the site the rear outbuilding will be converted to provide a shared facility in the form of a laundry /utility room.
- 1.7 The front garden will be altered to provide 2 off street car parking spaces with each having its separate vehicle crossing. A small bin enclosure is proposed to be erected in the front garden at the side of the property.
- 1.8 The main issue for consideration is whether the proposed development would safeguard the amenity of local residents.

## 2.0 **Site Description**

- 2.1 The application site is situated within the built up area of Ware. The subject property is situated in Queens Road which forms part of a wider post war housing development. Queens Road is a circular road wherein the subject property, a two storey semi- detached dwelling is positioned in a prominent position on the southern section.

### 3.0 **Planning History**

| Application number | Proposal  | Decision                                   | Date   |
|--------------------|---|--|--|
| 3/20/0873/FUL      | Demolition of outbuilding. Erection of single storey rear extension and dormer window to rear. Conversion of dwelling to create 1, two bedoomed and 1, one bedroom dwelling together with parking, vehicle entrance and crossovers. | Granted with conditions                    | 20 <sup>th</sup> July 2020                                       |
| 3/20/0400/CLPO     | Demolition of ground floor rear w.c./store. Erection of ground floor rear extension and rear dormer to create additional living space.  | Certificate of Lawfulness Proposed Granted | 24 <sup>th</sup> April 2020                                      |
| 3/19/0933/FUL      | Demolition of single storey w.c./store and erection of attached two storey building consisting of 2no one bedroom apartments with 2no parking spaces, vehicle entrances and crossovers.   | Refused<br><br>(Appeal dismissed)          | 25 <sup>th</sup> July 2019<br><br>21 <sup>st</sup> November 2019 |
| 3/18/2579/FUL      | Demolition of existing single storey  | Refused                                    | 16 <sup>th</sup> January   |

|  |   |                    |                             |
|--|---|--------------------|-----------------------------|
|  | w.c./store and erection of attached two storey building consisting of 2no one bedroom apartments with new off-street parking, vehicle entrances and crossovers. | (Appeal dismissed) | 2019<br>26th September 2019 |
|--|---|--------------------|-----------------------------|

#### 4.0 Main Policy Issues

| <b>Key Issue</b>                                      | <b>District Plan Policies</b>          | <b>NPPF</b>   |
|---|--|---------------|
| Principle of development                              | WARE1<br>TRA1                          | Section 5, 11 |
| Design and layout/<br>Residential Amenity             | DES4, DES5, HOU1,<br>HOU2, HOU7 ,HOU11 | Section 12    |
| Impact on local highway network and parking provision | TRA2, TRA3                             | Section 9     |

4.1 Relevant policies are contained in the East Herts District Plan (DP) 2018 and the National Planning Policy Framework (NPPF) 2021.

#### 5.0 Summary of Consultee Responses

5.1 HCC Highways has commented that this application for conversion to two apartments at a semi-detached property is acceptable in principle from a highways context. The scheme proposes new vehicle accesses at a point where appropriate visibility splays can be provided. A suitable level of parking is included within the proposal and traffic generation will not be significant in this residential road. Works are required on the public highway and conditions and Informatives are proposed to cover this point.

5.2 EHDC Environmental Services (Waste) has commented that a bin store has been provided but no access details have been provided, therefore residents will need to present their bins kerbside.

5.3 Thames Water has commented that with regard to waste water network and sewage treatment works infrastructure capacity, they have no objection to the planning application, based on the information provided.

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

## **6.0 Parish Council Representations**

6.1 Ware Town Council No representations have been received.

## **7.0 Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation letters to 12 properties. 6 responses have been received from 4 neighbouring properties objecting to the proposals on the following grounds:

- No indication who will live there - concern regarding nature of proposed occupants;
- Extra disruption from continual tenancy changes;
- Short term temporary accommodation will be unsettling for local community and occupants will not respect that ;
- Hostel will lead to trouble;
- Concern regarding who will take responsibility for maintenance of garden space;
- There are no flats/apartments or hostels in Queens Road - proposal will result in the loss of a family house;
- Parking has been made worse by local authority reducing the number of parking spaces outside 63 – 71 Queens Road to alleviate buses bumping up the kerb – which has not worked.

- Creation of 2 parking spaces with 2 crossovers will result in the loss of at least 5 on street spaces;
- Although Highways consider visibility is good - view of traffic from the right will be obscured by adjacent house at 36 Queens Road.

7.2 1 letter of support has been received citing the following:

- What a fantastic idea. I have seen this property empty for years now. Completely overgrown and an absolute mess, perfect site for something like this.
- Good to see the council stepping up and doing something positive in the area to help people in these challenging times.

## 8.0 **Consideration of Issues**

### Principle of Development

8.1 The subject dwelling is located in the built up area of Ware where in principle there is no objection to development; subject to compliance with relevant policies in the East Herts District Plan 2018 as outlined above.

8.2 By way of background, section 188 of the Housing Act 1996 places an interim duty on a Local Housing Authority to accommodate, on a short-term basis, households who have no other accommodation which they can reasonably be expected to occupy. The Homelessness Reduction Act 2018 has also created a statutory duty on all councils to prevent homelessness and as such there is a need for suitable accommodation to meet this growing demand.

8.3 Paragraph 60 of the National Planning Policy Framework (NPPF) advises that, to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are

addressed and that land with permission is developed without unnecessary delay.

- 8.4 As with all applications, it is necessary to have due regard to the public sector equality duty, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
- 8.5 The proposed conversion of the dwellinghouse to two, one bedroom self-contained apartments and its subsequent use as a hostel is considered to be acceptable as it would both provide additional homes and meet the needs of groups with specific housing needs in the District such as young, single homeless people for which there is particular need, as required by paragraph 60 of the National Planning Policy Framework 2021.

### Design and Layout

- 8.6 Policy DES4 requires that all development proposals are of a high standard of design and layout to reflect local distinctiveness and Policy HOU11 requires that extensions to dwellings and residential outbuildings are of an appropriate size, scale, mass, form, siting, design and materials of construction having regard to the character and appearance of the existing dwelling and surrounding area.
- 8.7 The property already benefits from planning permission (ref 3/20/0873/FUL for two flats (1x2 bed and 1 x1 bed and the provision of 3 off street car parking spaces) however this permission involves the erection of a rear extension and a rear dormer at roof level. This current proposal seeks to convert the property into two 1 bedroom flats without extending the building. The proposed off street car parking provision will be 2 car parking spaces.
- 8.8 The proposed internal layout provides each unit with its independent ground floor access; ensuring that each unit is fully

self-contained. The ground floor unit will be accessed from the rear and the first floor unit accessed from the existing ground floor front entrance of the dwelling.

- 8.9 The room sizes and internal layout of both units is considered to be acceptable and meets the standards outlined in the Department for Communities and Local Government Technical housing standards – nationally described space standard 2015. In this regard the proposal complies with Policy HOU2 of the District Plan.
- 8.10 As required by Policy HOU7, the proposed development will provide suitable access arrangements to the site with the provision of an access ramp which will be erected to the side of the property which will improve accessibility of the scheme.
- 8.11 Minor elevational alterations (door converted to a window and a window converted to a door) will be required at the rear (ground floor) of the property in order to facilitate this proposed conversion. In addition the existing rear windows of the existing outbuilding will be bricked up to enable it to be converted to a communal laundry room. In the front garden, adjacent to the proposed ramp, a small enclosure is proposed to be erected; to ensure that the development provides adequate provision for bin storage. No objection is raised to these alterations or proposed works which will not be harmful to the appearance of the building and will use materials to match the existing property. It is noted that Waste Services has advised that bins will need to be presented at the kerbside for collection; it is considered that this can be readily achieved from these front garden locations. In this regard the proposal complies with policies HOU11 and DES4 of the East Herts District Plan 2018.

#### Residential Amenity

- 8.12 Once the building is converted, it is intended that it will be utilised by the Local Housing Authority to provide temporary

accommodation to households who have no other accommodation which they can reasonably be expected to occupy.

8.13 Although not material, the applicant has advised that households will occupy the flats in the following circumstances:

- They have applied to East Herts Council for assistance under homelessness legislation and are awaiting the outcome of their application.
- They have been accepted for assistance under homelessness legislation and are awaiting the offer of suitable accommodation which they will occupy on a long-term basis.

8.14 Each unit provides 1 double bedroom and meets the space standards for such accommodation. As such, they meet the required standard for self-contained flats and no restrictions are necessary on occupation. Whilst the applicant has indicated that this is accommodation for homeless people there is no requirement to restrict occupancy length as the units are considered to be of an acceptable standard. Overcrowding of residential accommodation is dealt with by other legislation.

8.15 As with all other residential developments, the day to day management of the premises is not relevant to this application. There is an expectation that all owners and occupiers will be responsible neighbours and not act in an anti-social manner. Should there be unacceptable behaviour, there are mechanisms outside the planning system to respond.

8.16 There is no evidence the development would be likely to affect crime and disorder, substance misuse or re-offending. Irrespective of this, applicant has confirmed that they are planning to install CCTV at the property. This is standard practice for all council-owned temporary accommodation. Maintenance of the property and its curtilage (including the garden) will fall to the contracted grounds maintenance team.

8.17 The limited nature of this application and the proposed development works involved, by reason of its siting and proximity to nearby residential properties is unlikely to have any significant impact on the general amenity of the occupants of nearby properties, by reason noise, loss of light, overshadowing, overlooking or overbearing impact. The proposal therefore complies with Policy DES4 of the East Herts District Plan 2018.

Impact on the local highway network and parking provision

8.18 The existing dwelling currently has no off road parking provision or vehicle access points.

8.19 Two off street parking spaces, one space for each one bedroom flat, are proposed for the development. This is a net reduction of 1 space compared to what has previously been consented at the site in the grant of planning permission ref: 3/20 0873/FUL for 2 self-contained flats (in the form of one 2- bedroom flat and one 1 – bedroom flat).

8.20 The number of car parking spaces required as outlined in the Updated Vehicle Parking Standards Supplementary Planning Document (SPD) is based on the number of bedrooms in the property.

8.21 With this current scheme proposing two 1- bedroom units there is a reduction in off street parking demand at the site; a factor that would be beneficial to the locality as it would have less visual impact on the street scene with reduced levels of hardstanding at the front of the property. The site will also provide cycle storage for the two units at the rear /side of the premise to enable the provision of sustainable transport options in accordance with Policy TRA1 of the District Plan.

8.22 It is noted that objections have been raised to the provision of 2 vehicular access points at this site; citing the consequent effect on off street parking provision. It is accepted that it may be unlikely for someone who is homeless to have a car, so it would be justified to

depart from the residential parking standards. However the subject property is located on a bend in the inner side of this loop road and cars are, in the main, parked on the opposite side of the road. It is therefore considered that two small interventions to provide dropped kerb access to enable provision of two off street car parking spaces would not adversely affect the current parking situation on Queens Road. In addition, the proposed access is identical to what was approved under the extant permission 3/20/0873/FUL.

8.23 Subject to conditions, the Highway Authority is content with the positioning of the proposed access points and parking spaces in relation to their proximity to the highway and their possible effects on highway safety. In this regard they are satisfied that this aspect of the proposal would not be harmful to highway safety. Therefore, the scheme is considered to comply with Policies TRA2 and TRA3 of East Herts District Plan (2018). Furthermore, it is considered that adequate car parking provision in accordance with Policy TRA3 of the East Herts District Plan 2018 and the Updated Vehicle Parking Standards SPD can be made at the site.

#### Response to third party comments

8.24 Responses to the majority of the comments received have been addressed within the body of the report. With regard to the remaining points the following applies:

- No indication who will live there - concern regarding nature of proposed occupants - the accommodation will be occupied by people requiring temporary accommodation for a wide variety of reasons. The individual circumstances of potential future residents are not material to the assessment of this application. Should residents have concerns about the behaviour of residents there are mechanisms outside the planning system to respond.
- Extra disruption from continual tenancy changes -

This would not result in any unacceptable harm. The flats are intended to provide short-term accommodation for households on a relatively settled basis because they are self-contained. The area to the front of 34 Queens Road will be paved to provide ample parking for maintenance vehicles. This should minimise the possibility of any on-road parking. Notwithstanding, it is imperative to compare this proposed use to a private rented flat where again there could be tenancy changes; over which the local community has no influence.

- Hostel will lead to trouble - The risk of crime and disorder and the perception of it arising from the proposed use is a material planning consideration. The local housing authority has indicated that they assess the needs of the proposed users and use alternative accommodation for persons that require support. As mentioned above the temporary accommodation proposed is for single persons or families that have become homeless in the local area. Given the low level nature of this proposal and the operational and management arrangements utilised by the local housing authority, including the standard use of CCTV, it is not considered that the occupation of two self-contained flats in the manner proposed would result in harm to the amenity of surrounding residential occupiers.
- There are no flats/apartments or hostels in Queens Road – proposal will result in the loss of a family house - It is acknowledged that there are no hostels in Queens Road. However this is not a reason to prevent one being created, particularly when it has been demonstrated that the standard of accommodation is more akin to two self-contained flats and it has been demonstrated that its creation and operation will not adversely affect the amenity of surrounding residents. There are no other records of planning permission being granted for flats/apartments in Queens Road aside from this property which has planning permission for 2 flats already. Whilst it is accepted that this proposal will result in the loss of a

family house, there is no planning policy objection to that loss (which has already been approved through the extant permission); given that there is a need to also ensure that there is a variety of housing types made available as outlined in paragraph 60 of the NPPF.

## 9.0 Planning Balance and Conclusion

9.1 It is considered that the size, scale, form, and design of the proposed development would be appropriate to the existing dwelling and the surrounding residential area. There would be no material adverse impacts on the occupiers of neighbouring properties arising from the proposed operation of the dwellings as a hostel and there would be an adequate level of parking provision which can be provided without detriment to the local highway network, pedestrian and / or vehicular safety. The proposal therefore accords with Policies WARE1, HOU1, HOU2, HOU11, DES4, DES5, TRA2 and TRA3 of the East Herts District Plan 2018 and the National Planning Policy Framework 2021. It is therefore recommended that planning permission be granted.

## **RECOMMENDATION**

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

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

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

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

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

3. The external materials of construction and finishes for the building works hereby permitted shall match those used for the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

4. Before first occupation of the approved development, the access arrangement, including visibility splays, onto Queens Road shall be completed in accordance with the approved in principle plan 21/4167/101 Rev B and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard; in accordance with Policy TRA2 of the East Herts District Plan 2018.

5. Before the new dwelling units are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises; in accordance with Policy TRA2 of the East Herts District Plan 2018.

6. Any gas - fired boiler (s) installed at the dwellings shall meet a minimum standard of <40 mg NOx/kWh.

Reason: In order to ensure an adequate level of air quality for occupants of the new dwelling in accordance with Policy EQ4 of the East Herts District Plan 2018.

7. The development shall be carried out so that the requirements of paragraph M4(2)1 of schedule 1 to the Building Regulations 2010 (category 2 - accessible and adaptable dwellings) are satisfied.

Reason: In order to ensure the optional requirement of the Building Regulations applies so that new homes are readily accessible and adaptable to meet the changing needs of occupants in accordance with policy HOU7 of the East Herts District Plan 2018 and guidance in the NPPF.

### Informatics

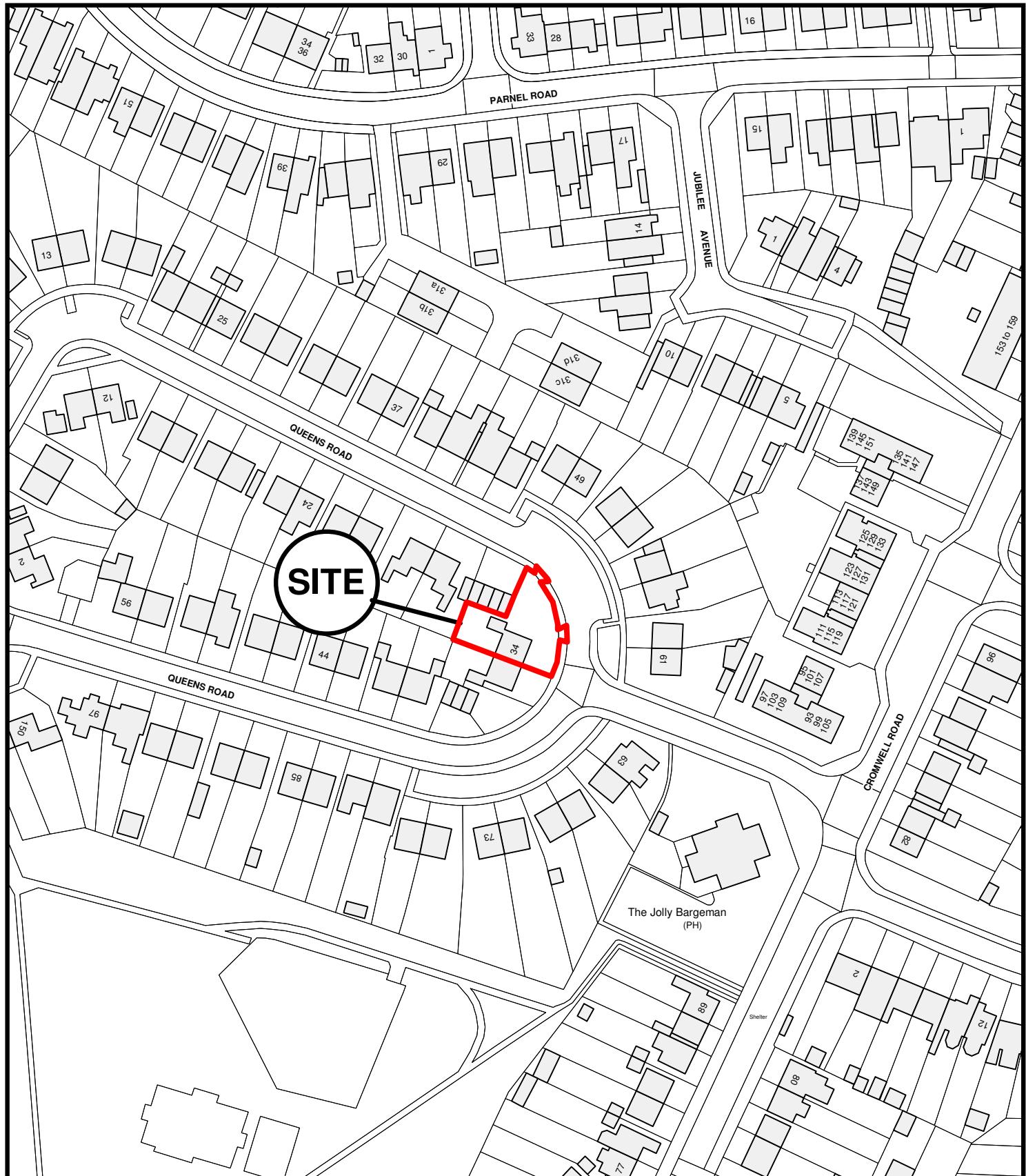
1. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
2. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
3. Construction standards for new/amended vehicle access: Where works are required within the public highway to facilitate the new or amended vehicular access, the Highway Authority require the construction of such works to be undertaken to their satisfaction and specification, and by a contractor who is authorised to work in the public highway. If any of the works associated with the construction of the access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street

name plates, bus stop signs or shelters, statutory authority equipment etc.) the applicant will be required to bear the cost of such removal or alteration. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 123 4047.

4. The development will involve the numbering of properties and/or naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Tel: 01279 655261.

#### Plans

| <b>Plan Ref</b> | <b>Version</b> | <b>Received</b>    |
|-----------------|----------------|--------------------|
| 21/4167/101     | rev B          | 26th November 2021 |



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**Address:** 34 Queens Road, Ware, SG12 7DN  
**Reference:** 3/21/2879/FUL  
**Scale:** 1:1250  
**O.S Sheet:** TL3614  
**Date of Print:** 18 January 2022

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## DEVELOPMENT MANAGEMENT COMMITTEE – 2 FEBRUARY 2022

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/21/2353/FUL   |
| <b>Proposal</b>           | Construction of an artificial turf pitch (use class F2c), associated footpaths, fences, a storage container, flood lighting and creation of a localised bund. |
| <b>Location</b>           | Grange Paddocks Pool And Gym Rye Street Bishops Stortford Hertfordshire CM23 2HD  |
| <b>Applicant</b>          | East Herts Council  |
| <b>Parish</b>             | Bishop's Stortford Town Council   |
| <b>Ward</b>               | Bishop's Stortford Meads  |

|  |   |
|--|---|
| <b>Date of Registration of Application</b> | 27/09/2021                                  |
| <b>Target Determination Date</b>           | 27/12/2021                                  |
| <b>Reason for Committee Report</b>         | Application submitted by East Herts Council |
| <b>Case Officer</b>                        | Jill Shingler                               |

### **RECOMMENDATION**

That planning permission is **GRANTED** subject to the conditions set out at the end of this report. That delegated authority is granted to the Head of Planning and Building Control to finalise the detail of the conditions as set out.

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

- 1.1 The proposal seeks permission for the construction of a full size artificial pitch together with associated floodlighting, fencing, bunding and ancillary storage.
- 1.2 The proposal is to site the pitch partially on the site of the original Grange Paddocks Leisure Centre (which is in the

process of being demolished) and on existing grass playing fields.

- 1.3 The pitch is to be a 3G pitch, or Third Generation artificial pitch, consisting of 3 elements; synthetic turf, sand infill and a further crumb infill to create a natural feeling playing surface. Initially the application proposed that the additional crumb infill was to be of rubber, which is the standard infill for this type of pitch, however following concerns with regard to potential pollution issues, related to microplastics, the proposal has been amended such that the crumb infill is to be an organic material.
- 1.4 The surrounding fencing is proposed to be 4.5metres high and of green galvanised mesh; the proposed 4 floodlighting columns are 15m in height. It is proposed to site a green shipping container within the outer fencing to provide storage for the maintenance equipment.
- 1.5 Within the application site, 2, two metre high grassed bunds are proposed which will provide a vantage point for spectators to view activity on the pitch.
- 1.6 The submission includes details of proposed sustainable drainage.
- 1.7 No changes are proposed to the existing vehicular access and parking arrangements.
- 1.8 The main issues for Members consideration are:
  - The principle of the development in the Green Belt
  - Leisure provision and impact on playing fields
  - Impact on landscape and visual amenity
  - Impact on residential amenity
  - Impact on the natural environment

- Climate Change
- Flood risk and sustainable drainage
- Impact on Heritage Assets

## **2.0 Site Description**

2.1 The red lined application site encompasses 1.15 hectares of Council owned land within the Green Belt to the north of Castle Park Bishop's Stortford. The site includes the site of the 1960's leisure centre which is in the process of being demolished following the completion of the new Leisure Centre to the south.

2.2 To the immediate west of the site is the main leisure centre car park and to the north and east are grass playing fields. The River Stort runs to the west of the car park and the nearest residential properties are to the west of the river in Reynard Copse.

2.3 The site forms part of the Town Meads and is designated in the Neighbourhood Plan as a "Green Lung" area. To the north is more open space, leading out into open countryside. To the south lies the Bishops Stortford Town Centre Conservation Area within which lies Waytemore Castle which is a Scheduled Ancient Monument. The site is within an area that is identified as being of Archaeological Significance.

2.4 The site is predominantly within flood zone one, a small part of the proposed pitch is in flood zone two and most easterly part of the red lined area is within flood zone 3.

2.5 A small children's play area lies within the red lined site and is proposed to be retained.

### 3.0 Planning History

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

| Application Number | Proposal   | Decision                | Date |
|--------------------|--|-------------------------|------|
| 3/19/1642/FUL      | Demolition of existing Leisure Centre and the development of a replacement leisure centre with associated cycle parking facilities, landscaping, footpaths, children's play area, flood attenuation and amendments to playing pitches. | Granted with conditions |      |

### 4.0 Main Policy Issues

4.1 These relate to the relevant policies in the National Planning Policy Framework 2021 (NPPF), the statutory development plan comprised of the East Herts District Plan 2018, the Hertfordshire County Council Waste Core Strategy and the Bishop's Stortford (Silverleys and Meads) Neighbourhood Plan 2016 (the NP).

4.2 Section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

4.3 Relevant District and Neighbourhood Plan policies are noted below, along with a reference to the material consideration of the NPPF guidance relevant to this application:

| Main Issue                                     | NPPF Chapters              | District Plan                  | NP policy           |
|--|----------------------------|--------------------------------|---------------------|
| Principle of development                       | Section 2, 4, 7, 8, 12, 16 | GBR1, CFLR1, CFLR9             | SP1, SP2, SP3, GIP2 |
| Impact on character and appearance of the area | Section 11, 12, 16         | DES4<br>HA1<br>HA2<br>HA4      |                     |
| Impact on neighbour amenity                    | Section 8, 12              | DES4, EQ2, EQ3                 | HDP2, HDP3          |
| Impact on natural Environment                  | Section 15                 | DES2, NE1, NE2, NE3, NE4, WAT3 | GIP4                |
| Climate Change                                 |                            | CC2                            |                     |
| Flood Risk                                     | Section 14                 | WAT1, WAT5,                    | GIP7                |
| Heritage Assets                                | Section 16                 | HA1, HA2, HA3, HA4             | HDP9                |

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

## 5.0 Consultee Responses

5.1 Bishop's Stortford Town Council: The Committee strongly object to this application due to lack of information from Environmental Health (which has been redacted and is incomplete). The objections include light pollution, noise pollution, intrusive to residents properties (due to hours of

operation) and the effect on nocturnal animals. The environmental impact of the loss of a permeable surface and likely contamination of watercourse, soil contamination from the artificial pitch microbeads not being encapsulated within the bund area.

- 5.2 Sports England: raise no objection to the application as a statutory consultee, which is considered to meet exception 5 of the adopted Playing Fields Policy and para 99 of the NPPF, subject to conditions relating to Artificial Grass Pitch Certification and provision of a Temporary Playing Field Mitigation Programme.
- 5.3 EHDC – Landscape Officer: Raises objection and requests amendment. Considers there to be no unacceptable impact on trees and the proposed location to be acceptable in principle, but is concerned about the proximity of the development to the position of the existing play area and that the pitch is not aligned to fit well with the existing geometry and character of the surroundings. Suggests the removal of the play area and the slight realignment of the pitch.
- 5.4 EHDC – Conservation and Design : The proposals will have a neutral impact on the setting of the Bishop's Stortford Conservation Area and there are no in principle objections to the proposals. However they note that the Landscape Officer has raised issues with detailed design, and amendments are encouraged to address these concerns.
- 5.5 EHDC – Environmental Health (Air/Land): Has no comment.
- 5.6 EHDC -Environmental Health (Noise/Light): Raises no objections subject to conditions.
- 5.7 HCC - Ecology: Raises no objection subject to conditions

5.8 The Environment Agency Initially raised concern regarding potential impact on water voles, but have now confirmed no objection subject to conditions regarding lighting levels and ecological enhancements.

5.9 Ward Councillors

5.9.1 Councillor Mione Goldspink – Raises Objection: Objects to the use of artificial rubber granules (microplastics) and the plastic pitch itself. Microplastics will be gradually kicked off the pitch and be washed into the river where they will cause serious pollution and damage to the environment and wildlife. Also considers that it is most unwise to be covering up more grass in the flood plain as this reduces the ability of the ground to absorb more water when there is heavy rain, and this will increase the risk of flooding further downstream. For the sake of the environment generally, we should be reducing our use of plastic, which ultimately comes from fossil fuels. Please do not grant this planning application.

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

**6.0 Summary of Other Representations**

6.1 The application has been advertised by letter consultation to 59 properties and by press and site notices. A total of 13 responses have been received; objecting to the application on the following grounds:

- Concern over loss of natural grassed area.
- Concern over use of SBR as an infill as this could cause harm to environment and water, no way to prevent crumb from being washed or dragged off the site and entering the water system. Microplastics are a known problem.

- Concern over noise pollution.
- Floodlights will cause excessive light pollution.
- Potential to increase anti social behaviour.
- Harm to residential amenity of residents of nearest properties in Reynard Copse.
- The area is liable to flood therefore not a logical location, would be better near the railway line.
- The lighting will adversely impact on wildlife habitats.
- The proposed bund may prevent flooding of the fields and increase risk of flooding downstream.
- It would be better located close to the railway line, where it will have less impact on residents.

## **7.0 Consideration of Issues**

### Principle of Development

7.1 Policy CFLR1 of the District Plan states that proposals for new indoor and outdoor sport and recreation facilities which meet identified needs will be encouraged in suitable locations.

7.2 Despite being within very close proximity to the Town Centre, the site lies within the Metropolitan Green Belt wherein most forms of development are inappropriate. The NPPF states that;

*137. The Government attaches great importance to Green Belts.  
The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential*

*characteristics of Green Belts are their openness and their permanence.*

138. *Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.3 Para 149 of the NPPF sets out that the construction of new buildings within the green belt should be regarded as inappropriate, but that exceptions to this include: "b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it".

7.4 In addition, at Para 150 the NPPF states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes; b) engineering operations.

7.5 Although the proposed development is clearly for outdoor recreation, it is considered that it would fail to preserve the openness of the green belt due to the high fencing, storage container, lighting columns and bunding and is therefore inappropriate development in the Green Belt, by definition

harmful.

7.6 Permission should not therefore be granted unless there are very special circumstances sufficient to outweigh the harm to openness and any other harm. This will be explored in the course of the report.

### Playing Field Provision

7.7 National and Local policies identify the need to promote health and wellbeing and it is recognised that sports and leisure facilities are an important element in achieving a fit and healthy population. CFLR1 in particular supports proposals for outdoor sport where they meet identified need and CFLR9 promotes health benefits, in particular through healthy exercise. The population of Bishops Stortford and the surrounding area is expected to grow significantly over the next 30 years.

7.8 The 2017 East Hertfordshire Playing Pitch Strategy and the Football Foundation's East Hertfordshire Local Facilities Plan 2020, have identified a major shortfall of Full Size 3G pitch provision in the District for meeting the current and future football training and match needs. The Football Facilities Plan identifies that there is a need for 6 additional 3G Artificial Grass Pitches (AGP) in the District even if this current proposal is implemented. Both documents identify that the Bishop's Stortford sub area is a priority for addressing this need due to demand outstripping supply.

7.9 The proposal offers the potential to meet the match and training needs of a range of local football clubs and community groups.

7.10 The proposed pitch enables much more intensive and prolonged usage, compared to the existing grass pitches at

Grange Paddocks.

- 7.11 Sport England is a statutory consultee with regard to the proposals as they impact on the existing grass playing fields. They conclude that the potential sports development benefits that the proposed AGP would bring would outweigh the detriment caused by the impact on the existing playing fields. A pitch mitigation strategy has been provided to ensure that adequate pitch provision is available while the 3G pitch is being constructed and a condition is required to ensure that this is followed.
- 7.12 The Green Belt is drawn tightly around the built up area of Bishop's Stortford and it is not considered that there is any suitable available non green belt site in the locality on which the pitch could be located.
- 7.13 It is considered therefore that the identified need for the facility, together with the clear benefits of the location with regard to accessibility by the target population and the lack of alternative suitable non Green Belt sites, weighs significantly in favour of the development.

Impact on Landscape and Visual Amenity

- 7.14 It is accepted that the introduction of a floodlit pitch and associated storage etc here will have an impact on the visual amenity of the area.
- 7.15 The existing playing field area is by definition largely open and free from development and the introduction of high metal fencing and floodlights will inevitably impact on the character of this part of the park, although it is not unusual for leisure uses or playing fields to have some enclosures or ancillary structures.

7.16 The siting of the pitch in this specific location within the wider park has however been the subject of significant discussion. Early proposals were to site it to the south of the new leisure centre in an area of scrubland close to the River but following advice from The Planning Service this was discounted due to the proximity to the river, the loss of habitat and trees and adverse impact on the Conservation Area. Locations further east adjacent to the railway line were rejected by the applicant due to the distance from the changing rooms, impact on more of the existing playing pitches and the lack of overlooking of the site from the leisure centre, which would potentially result in safety and security issues.

7.17 The current proposed site was considered most appropriate as it restricts the intrusion into previously undeveloped land, as it is partially on the site of the original leisure centre, and is adjacent to the car parks which are already lit at night. In addition there is easy access to the changing rooms at the new leisure centre and there are windows in the leisure centre that allow views of the pitch.

7.18 In terms of impact on the landscape, the Landscape Officer has raised no objection to the principle of the location here but is concerned regarding proximity to the existing play area, between the proposed pitch and the car park (which he considers will make the site appear cramped), and also that the pitch is not aligned with the orientation of the adjacent grass pitches.

7.19 The suggestion was that the pitch should be realigned and the play area removed.

7.20 This suggestion was considered but to be realigned as suggested the playing area of the pitch would move partially into Flood Zone 3 and this has implications for the use and maintenance of the pitch. In addition the adjacent children's

play area is relatively new, and although a further play area is being developed as part of the new leisure centre development it would be inappropriate to require the removal of this facility unless there is clear justification to do so.

- 7.21 The play area is clearly defined by a low metal fence and the proposed layout leaves adequate space between the area and proposed hedge around this section of the pitch enclosure. It is not considered that the relationship between the areas would be so visually incongruous as to warrant removal of the existing play area. It is not unusual to find play facilities close to enclosed sports areas within parkland.
- 7.22 The use of powder coated green mesh fencing is considered appropriate and the location of the storage unit within the fenced area reduces its visual impact, in addition the proposed hedging and bunding will help soften the impact of the development.
- 7.23 The proposed two metre high grassed bunds have been designed to allow spectators to have an informal vantage point to view activity within the pitch area and as such are to be gently sloping with a flat area at the top. It is considered that although these will not be naturalistic in design, they will provide a useful function and add interest to this part of the site.
- 7.24 The proposals include the removal of a small group of young trees; 6 of these trees were agreed to be removed as part of the previous leisure centre approval, the 7<sup>th</sup> is a tree of low amenity value and the Landscape Officer raises no objection to this.

#### Impact on Residential Amenity

7.25 The proposed development is sufficient distance from any residential properties to not have any direct physical impact in terms of overshadowing, loss of light or overlooking. The main potential impacts on neighbours relate to noise and disturbance from the use of the pitch and light intrusion.

7.26 Policy EQ3 in the District Plan requires all external lighting schemes to ensure they do not have an unacceptable adverse impact on neighbouring uses or the wider landscape.

7.27 Relevant policies of the plans include (District Plan): DES4, (and NP): HDP2 and HDP3. These seek to ensure that new development avoids having a significantly detrimental impact on the amenity of existing and future residential occupiers.

7.28 The site is already in use as playing pitches and a public park and there are existing play areas and a car park adjacent, therefore noise in terms of intermittent shouting etc. during play is not considered likely to be worse than existing, although there is potential for the facility to be utilised later at night, particularly in the winter months.

7.29 A noise impact assessment was submitted with the application and has been considered by the Council's Environmental Health Officer, who is satisfied that in terms of noise the proposals are acceptable, subject to the imposition of conditions including a noise management plan; the use of neoprene (or similar) isolators on the fencing to reduce the noise from balls impacting on the fence and restrictions on the hours of use of the facility to 08:00 to 22:00 Monday to Friday and to 09.00 to 20.00 on Saturdays, Sundays and Bank holidays.

7.30 With regard to the proposed floodlighting, full technical details have been submitted and the Environmental Health Officer is satisfied that the lighting will not cause a statutory nuisance to

any residential properties as the proposals comply with the Institution of Lighting Professionals Guidance Note 01/20 "Guidance Note for the reduction of Obtrusive Light."

7.31 Based on this assessment it is considered that the proposals comply with the requirements of policies EQ2 and EQ3 of the District Plan and HDP2 and 3 of the Neighbourhood Plan, with regard to noise and light pollution impact on neighbours.

#### Impact on the Natural Environment

7.32 District Plan policies require that developments result in a net increase in the ecological value of a site.

7.33 The site is predominantly managed grass playing pitches and the remains of the original leisure centre building and as such it is of little current ecological value.

7.34 The trees to be removed are used by nesting birds and therefore care needs to be taken with regard to the timing of their removal and this can be secured by condition.

7.35 A preliminary Ecological Assessment was submitted with the application which concludes that there will be negligible impact on designated and non-designated nature conservation sites and no impact on habitats of wildlife significance or specific scarcity. No bats were found to be roosting within the application site. The report however suggested that a further study was required with regard to the potential impact of the floodlights on bats.

7.36 This survey has been carried out, and confirms that there is a great deal of bat activity within the vicinity of the pitch with bats foraging and using the existing hedgerows and tree lines within the park and adjacent to the railway line and river. However the species of bat that were found to be overflying

the pitch were not light averse species and would not therefore be adversely impacted by the proposed floodlighting.

- 7.37 Outside of the pitch area, within the vicinity of the treelines and in particular around an adjacent ancient oak some light averse species of bat were found to be foraging, including the rare Barbastelle bat. As such it is considered vital to ensure that light spillage from the floodlighting is minimised and in particular that it does not impact on the veteran oak.
- 7.38 The submitted lighting report indicates that the proposed lighting scheme will be extremely well focussed and that there will not be light spillage beyond the pitch area itself and as such it is considered that there will be no harm to the bats in the locality. Both Herts Ecology and the Environment Agency are satisfied that the proposals will not adversely impact on bats subject to a lighting condition.
- 7.39 The Environment Agency originally raised concerns that the drainage scheme might result in changes in water levels and the construction of an outflow structure in a drainage ditch which was suitable for water voles to be present. Further investigatory work has shown that the ditch is not suitable for water voles and the EA has withdrawn their concern.
- 7.40 The proposals do not include any specific details with regard to achieving a net gain in biodiversity, but an area of hedging is proposed which would help improve biodiversity within the red lined site area. It is considered however that there are opportunities within the wider park area to make further enhancements through the introduction of additional bat and bird boxes and additional planting and management of the existing hedgerows that provide foraging routes for bats and other species. In addition the Environment Agency has advised that gains could be made by improving the vegetation of the

drainage ditch to the west of the pitch. As these areas are within the same ownership it is considered that such biodiversity enhancements can be required by condition.

7.41 Hertfordshire Ecology has confirmed that they have no objection to the proposals subject to conditions, and these have been included.

### Microplastics

7.42 Concern was raised by the Parish Council and by residents that the scheme as put forward proposed the use of a rubber crumb as well as sand within the artificial grass surface. This infill material is incorporated to achieve a more natural feeling playing surface and has been used for 3G pitches for many years.

7.43 The concern raised is that this crumb is difficult to contain within the confines of the pitch as it can be washed out if the site floods and carried or dragged out in the boots of players, and from there can contaminate the surrounding area or enter watercourses causing damage to the environment.

7.44 The applicant considered these concerns and amended the proposals to remove the use of the rubberised crumb and to instead utilise an organic alternative crumb. It is understood that waste streams from food production, such as coconut husks, olive pits and walnut shells can be used to create a suitable, more sustainable and less environmentally harmful crumb, or alternatively wood or cork products can be sourced. As yet the final choice of organic material has not been made, but a condition is proposed to require the details to be submitted and agreed prior to installation and for any future infill required in the lifetime of the pitch to also be of organic material.

7.45 It is considered that given the proximity of the river to the site and the propensity of the adjacent area to flood, the use of an appropriate natural material is a more environmentally sound option and the change is welcomed.

### Climate Change

7.46 The District Plan seeks to ensure that new development is adaptable to climate change and can demonstrate how carbon dioxide emissions will be minimised across the development site. In this instance, no new buildings are proposed so there can be no assessment in relation to current building regulations standards.

7.47 However sustainability and energy consumption matters can be considered and it is considered that the location of the pitch close to the town centre and with good public transport, walking and cycling links is likely to minimise levels car usage.

7.48 With regard to the proposed floodlighting the submission argues that the chosen system is highly directed and utilises flexible LED lights that can be easily controlled to minimise electricity usage.

### Flood Risk

7.49 A Flood Risk Assessment was submitted in support of the application. It advises that the site falls predominantly within flood zones 1 and 2 and none of the new pitch area will be within flood zone 3.

7.50 Surface water discharge rates from the site will be restricted to the existing greenfield runoff rates and attenuated up to the 1 in 100 year + 40% climate change level utilising the existing surface water drainage network serving the Grange Paddocks site, via a newly installed pitch drainage network

which will incorporate a hydrobrake chamber to restrict outflow.

7.51 The pitch therefore is not directly at risk of flooding nor will it increase the risk of flooding elsewhere. As such the application is compatible with Policy WAT1 and paragraph 167 of the NPPF.

#### Impact on Heritage Assets

7.52 The site lies approximately 200 metres north of Bishop's Stortford Conservation Area and over half a kilometre from the Scheduled Ancient Monument of Waytemore Castle. There are no listed buildings adjacent to the site. It is considered that given the distance the development will have a neutral impact on the setting of the Conservation Area and the Castle.

7.53 The site is within an identified area of Archaeological Significance and Policy HA3 of the District Plan requires that where development is permitted on sites containing archaeological remains, suitable excavation and recording and storage and display of material is required.

7.54 An archaeological Assessment has been submitted with the application which states that a programme of archaeological evaluation was undertaken earlier this year in accordance with a scheme of investigation agreed with the County Archaeology Section; in which 6 trenches were excavated across the proposed pitch footprint. This revealed a continuation of a Roman Settlement previously identified at this location and most recently investigated by excavations previously carried out to the south of the evaluation area in 2019.

7.55 This indicates that there are important archaeological remains, including burials, at a relatively shallow level and a condition is required to ensure that the significant remains

beneath the proposed pitch site will be excavated and removed prior to the construction of the pitch and appropriately recorded stored and publicised.

7.56 Overall is considered that the proposal will have neutral impact on Heritage assets and therefore accords with polices HA1, HA2, HA3 and HA4 of the District Plan and the NPPF.

## **8.0 Response to representations received:**

8.1 The majority of issues raised in objection have been addressed within the body of the report. With regard to the remaining comments the following applies:

8.2 Potential increase in anti -social behaviour- Whilst the proposed development will result in usage of the playing field later into the evening than is currently possible, in the winter months, it is not considered that this in itself will result in an increase in anti -social behaviour. The pitch is located close to a relatively busy part of the park adjacent to the already lit car park, the proposed mesh fencing will not obscure views and the area is easily viewable from the adjacent leisure centre.

## **9.0 Planning Balance and Conclusion**

9.1 The site is within the Green Belt and some aspects of the proposal will have an adverse impact on openness, therefore there need to be very special circumstances sufficient to outweigh this harm and any other harm, for the proposal to be policy compliant.

9.2 It is considered that the clear identified need for additional 3G pitches to provide for the growing local population, together with the very sustainable/accessible location, the already established use of the site for playing fields and the lack of alternative suitable non Green Belt locations, in combination,

amount to very special circumstances sufficient to outweigh the relatively limited harm to the Green Belt and to the purposes of including land within the Green Belt that will result from the development.

- 9.3 There is some additional visual harm to the character of this part of the park from the intrusion of high fencing, and floodlighting, but it is considered that this location within the park is the most appropriate and that the adverse impact is localised. Again the need for the facility and the benefits it will bring in terms of increased accessibility to sport and recreation throughout the year is considered sufficient to outweigh this localised impact. As such the development is considered to accord with Green Belt policy.
- 9.4 The proposals raise the opportunity to improve biodiversity within the park and the proposed drainage scheme will reduce the risk of flooding both on and off the site as runoff will be better attenuated.
- 9.5 It is considered that the proposals, subject to conditions will not result in harm to neighbouring amenity from excessive noise or from light pollution, and there will be no adverse impact on any heritage assets, either designated or undesignated.
- 9.6 Accordingly is considered that the proposals accord with relevant policies of the District and Neighbourhood Plans and that the planning balance falls in favour of the development. It is therefore recommended that conditional planning consent be granted.

## **10.0 Recommendation**

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

## **11.0 Conditions**

### **1. Time Limit**

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

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

### **2. Approved Drawings**

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

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

### **3. Type of Crumb Infill**

Prior to installation of the pitch hereby approved full details of the proposed organic infill crumb shall be submitted to and agreed in writing by the Local Planning Authority. The works shall then be completed in accordance with the approved details and the same or similar organic crumb shall be utilised for the lifetime of the development.

Reason: To ensure a satisfactory surface finish that will not pose a risk to water quality and the water environment in accordance with policy WAT3 of the East Herts District Plan 2018

### **4. Noise Management Plan**

Prior to first use of the artificial turf pitch hereby approved a Noise Management Plan (NMP) for use of the said pitch shall

be submitted to and approved in writing by the Local Planning Authority and the Plan shall include the following:

- a) a method of informing users that any anti-social behaviour including swearing is unacceptable and that the centre reserves the right to dismiss users from the pitch and ban future use if this is the case;
- b) confirmation that it will be a booking term / condition of use for users to abide by the above and that they understand their booking / use can be terminated with immediate effect for any breach;
- c) arrangements for neighbours to be given a facility to report excessive noise or anti-social behaviour directly to the operator;
- d) details of how any complaints received will be investigated and addressed quickly;
- e) details of likely action to be taken where necessary and how any complainant will be kept informed of progress, especially where it is not possible to address or resolve complaints straight away;
- f) provision for a written action plan to deal with complaints and confirmation that this will be provided to staff on site and that they will be made familiar with it;
- g) confirmation that staff will have the ability and authority to warn or ban user groups from the pitches if any user(s) are in breach of the NMP.
- h) a template form to log complaints received and the action(s) taken in respect thereof, including (as a minimum) the day, date and time of complaint, nature of complaint, member of staff receiving complaint, action taken, who by, and when and how complainant updated;
- i) arrangements for the safe storing and ready-access to the complaint log, and confirmation that this will be provided to Officers from the Council's Environment Team upon reasonable request.

The use shall be carried out in accordance with the approved details.

Reason: In order to ensure an adequate level of amenity for residential occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

5. Perimeter Fencing

All perimeter fencing shall be fixed to the support posts with neoprene (or similar) isolators installed to fully isolate the panels from the posts so as to reduce the 'rattling' noise associated with ball impacts on metal fencing.

Reason: In order to ensure an adequate level of amenity for residential occupiers in the vicinity of the proposed development in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

6. Floodlights

The floodlighting hereby approved shall be installed in full accordance with the submitted lighting details and thereafter maintained such that light spillage beyond the boundary of the playing surface at no time exceeds the levels indicated within the approved Floodlighting Performance Report. The lights shall be fitted with a timer so as to automatically turn the lights off to ensure no use of the artificial pitch can continue beyond the hours of use specified in condition 7 or at times when the pitch is not in use.

Reason: In order to ensure an adequate level of amenity for the occupants of nearby properties in accordance with Policy EQ3 Light Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018 and to minimise impact on bats in accordance with Policy NE3 of the East Herts District Plan 2018.

7. Hours of use

The use of the artificial pitch hereby approved shall be restricted to the hours of Monday to Friday from 08:00 to 22:00, Saturday from 09:00 to 20:00 hours and Sundays / Bank and Public Holidays from 09:00 to 20:00 hours.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

8. Pitch Quality

Use of the artificial grass pitch hereby permitted shall not commence until:

- (a) certification that the Artificial Grass Pitch hereby permitted has met the FIFA Quality accreditation or equivalent International Artificial Turf Standard (IATS); and
- (b) confirmation that the facility has been registered on the Football Association's Register of Football Turf Pitches;

have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England.

Reason: To ensure the development is fit for purpose and sustainable and provides sporting benefits, sufficient to outweigh the Green Belt harm and to accord with Policies CFLR1 and GBR1 of the East Herts District Plan 2018

9. Football Pitch Mitigation Scheme

The development hereby permitted shall take place fully in accordance with the Grange Paddocks 3G Football Pitch Mitigation Scheme unless otherwise agreed in writing with the Local Planning Authority following consultation with Sport England.

Reason: To minimise the impact on sports facilities from loss of availability of use during the construction of the development and to accord with Policy CFLR1 of East Herts District Plan Policy.

10. Biodiversity Enhancement

Prior to first use of the pitch hereby approved details of ecological enhancements to be carried out within Town Meads and a timetable for their implementation together with details of ongoing management shall be submitted to and agreed in writing by the Local Planning Authority. These enhancements shall include the provision of bat and bird boxes and enhancement and management of hedgerows and drainage ditches to improve biodiversity. The works shall thereafter be implemented and maintained in accordance with the agreed details and timetable.

Reason: To ensure that a net gain in biodiversity is achieved in accordance with Policy NE2 of the East Herts District Plan 2018

11. Scheme of archaeological works

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

Reason: To ensure suitable protection of heritage assets in accordance with Policy HA3 of the of the East Herts District Plan 2018.

12. Flood Risk Mitigation

Prior to first use of the development hereby approved the drainage scheme shall be completed in accordance with the submitted Flood Risk Assessment and drawing number GPL-SSL-XX-ZZ-DR-A-05 Rev 1

Reason: to ensure that the development will not result in an increase in flood risk in accordance with policy WAT1 of the East Herts District Plan 2018

13. The trees indicated to be removed shall not be removed between the dates 30<sup>th</sup> of March and 1<sup>st</sup> of September.

Reason: To protect nesting birds in accordance with policy NE3 of the East Herts District Plan 2018.

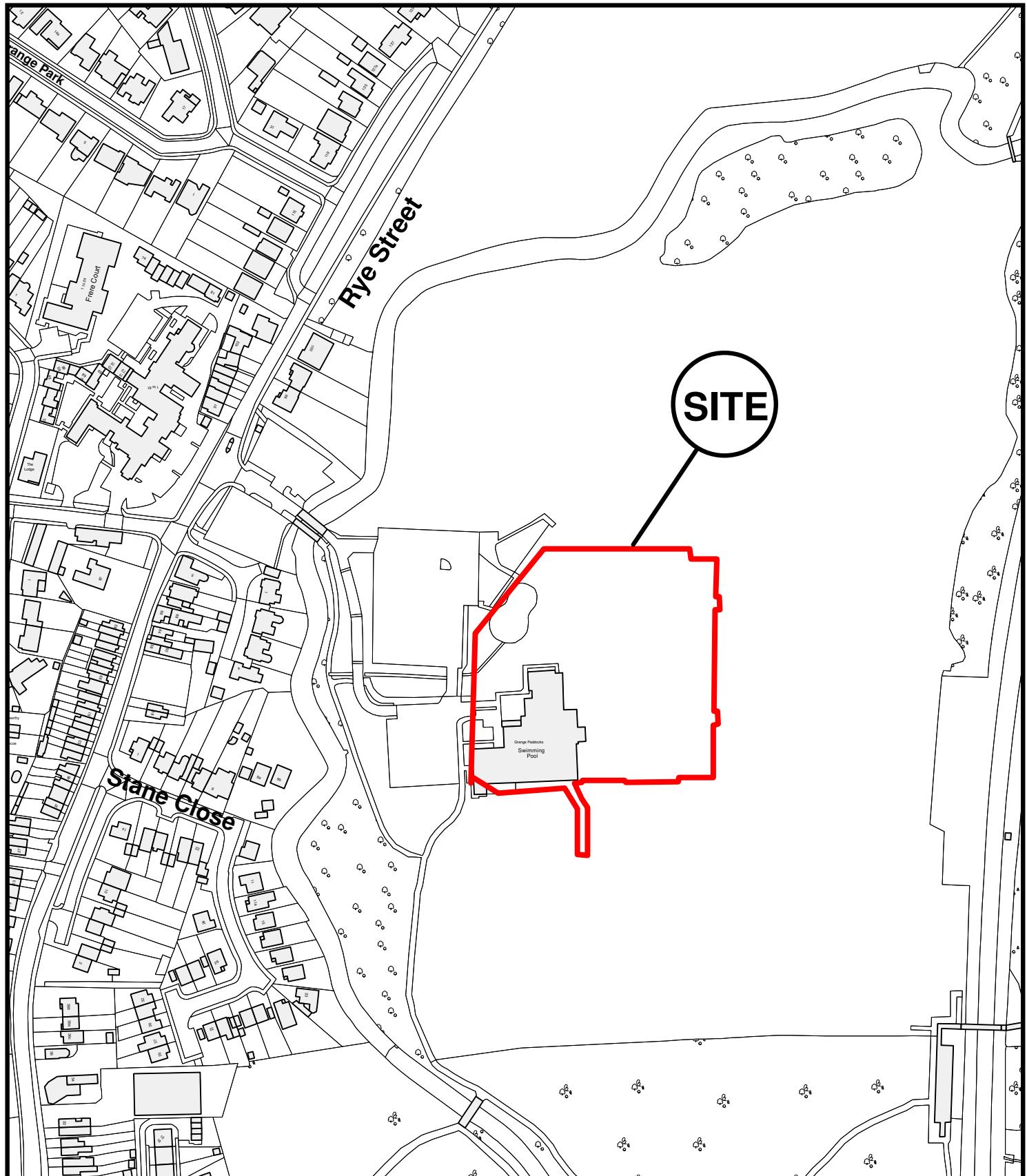
**12.0 Informatics**

1. Details of lighting scheme

**Summary of Reasons for Decision**

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan; the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The balance of the considerations having regard to those policies is that permission should be granted.

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

**Address: Grange Paddocks Pool And Gym, Rye Street  
Bishops Stortford, CM23 2HD**

**Reference: 3/21/2353/FUL**

**Scale: 1:2500**

**O.S Sheet: TL4822**

**Date of Print: 18 January 2022**

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## DEVELOPMENT MANAGEMENT COMMITTEE – 2 FEBRUARY 2022

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/21/2547/FUL   |
| <b>Proposal</b>           | Erection of new SciTech Building comprising three storey teaching block, two storey research block, single storey extensions, alterations to Baker Building and Design Technology Building, connecting single storey glazed cloister enclosing an external courtyard and glazed link. Demolition of Biology Building and partial demolition of Design Technology Building. Relocation of service access to Hailey Lane. Installation of 18 borehole array to serve new ground source heat pump. Provision of new landscaping. |
| <b>Location</b>           | Haileybury And Imperial Service College, College Road, Hertford Heath, Hertfordshire, SG13 7NU  |
| <b>Parish</b>             | Hertford Heath  |
| <b>Ward</b>               | Hertford Heath  |

|  |                   |
|--|-------------------|
| <b>Date of Registration of Application</b> | 22.10.2021        |
| <b>Target Determination Date</b>           | 21.01.2022        |
| <b>Reason for Committee Report</b>         | Major application |
| <b>Case Officer</b>                        | Jill Shingler     |

### **RECOMMENDATION**

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

That delegated Authority is granted to the Head of Planning and Building Control to finalise the details of the conditions.

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

- 1.1 Haileybury School is an independent boarding and day school with approximately 850 pupils, located at Hertford Heath, the wider 200 hectare campus site includes a variety of neoclassical and more modern buildings, as well as parkland and playing fields. The main

site is bordered to the west by B1197 London Road which runs between Hoddesdon in the south-east and Hertford in the north-west, connecting to the A414 near Balls Park. To the south of the main college site is Hailey Lane, a narrow rural lane which runs between London Road in the west and Hailey, at the northern end of Hoddesdon, in the east.

- 1.2 The red lined application site comprises mostly teaching accommodation located on the southern side of the campus adjacent to Hailey Lane.
- 1.3 The application seeks full planning permission for the following:
  - Demolition of the existing Biology Building;
  - Demolition of the western end of the Design and Technology (DT) building;
  - Erection of a new two storey block (the Research Building) which sits between the existing Science Building and DT Building;
  - Erection of a new three storey block (the Teaching Building) to the east of the Science Building and to the south of DT Building;
  - Additions to the existing Science Building and DT Building with a glazed roof cloister which connects the existing and proposed buildings around an internal but open courtyard;
  - A single storey glazed roof between the existing DT Building and the new Teaching Building;
  - Removal of storage buildings to the east of the DT Building;
  - Provision of an 18no. ground source heat pump borehole array under the south east corner of the existing playing field known as Terrace Field to the west of the Science Building;
  - Removal of hardstanding and relocation of the existing access and service road onto Hailey Lane to the east;
  - Removal and new planting of trees on the frontage to Hailey Lane;
  - Landscaping and new tree planting to the north, east and south.
  - Provision of attenuation tanks to east of DT Building under the south west corner of Hailey Field.

- 1.4 Haileybury lies within the Green Belt and the main school buildings which lie to the north west of the application site are Grade II\* listed, and there are other listed buildings and heritage assets within the vicinity. The buildings the subject of the application are not listed in their own right but the two storey red brick 1932 Science building is curtilage listed.
- 1.5 The main access to this part of the site is off Hailey Lane to the south via college Road. There are playing fields to the east and west of the site and to the south, on the opposite site of Hailey Lane there are tennis courts and detached residential properties, some of which are listed.
- 1.6 The main considerations in the determination of the application are;
  - Principle of Development in the Green Belt
  - Design and Impact on Heritage Assets
  - Sustainability and Climate Change
  - Highway impact and parking provision;
  - Flood risk and sustainable drainage;
  - Impact on the natural environment
- 1.7 The main issues for consideration relate to the acceptability of the development in the Green Belt and the impact on the surrounding listed buildings and on visual amenity and highway safety. The relevant policies are those of the adopted East Herts District Plan 2018, and the National Planning Policy Framework 2021. The Hertford Heath Neighbourhood Plan is at pre submission stage and as such carries little weight.

## **2.0 Site Description**

- 2.1 The site comprises 1.26 hectares within which lie the curtilage listed science building, which is a two storey imposing neo classical building which lies adjacent to the existing Hailey Lane access to the site and visually dominates the site. It is of Red brick with stone details and of classical proportions.

- 2.2 Behind this and set away from the existing access track lies the single storey, flat roofed Biology building which was constructed in the 1970's and is of little architectural merit.
- 2.3 The final building impacted by the proposed development is the current Design and Technology block, which dates from the 1990's. This is a strangely shaped single storey geometrical building, predominantly flat roofed, but with a central distinctive pitched element. This building is also finished in timber cladding.
- 2.4 To the east and west of this group of buildings there are playing fields, and there are substantial specimen trees regularly spaced along the Hailey Lane frontage.
- 2.5 This part of Hailey lane is rural in character and there are detached residential properties opposite the site with relatively deep front gardens and trees fronting the road.

### **3.0 Proposed Development**

- 3.1 The proposals are intended to provide a comprehensive science and technology campus for the school, more in keeping with the quality and layout of the other elements of the school, which are largely set around a series of quadrangles. They seek to integrate the better elements of the existing disparate buildings around a new courtyard. They also seek to create a better relationship with the existing part two storey part single storey maths block which lies immediately to the north of the site.
- 3.2 The existing single storey biology building is to be demolished and a more compact two storey red brick research block is proposed that would be linked to the other buildings.
- 3.3 The 1932 Science building would be extended by a 3 storey wing stretching east along the Hailey Lane frontage, with a roof height that matches the main building, and utilising brick with stone banding to relate to the original building.

3.4 The existing design and technology building is to be retained in part and altered and extended to link with the other two buildings. A covered glazed cloister is proposed around a central landscaped courtyard which will link all three buildings.

3.5 The application also proposes the installation of ground source heat pumps, which entails installing an 18 borehole array under the existing playing field land to the east of the main buildings. Finally the existing service access onto Hailey Lane is to be removed and a new emergency vehicular access is proposed; this would be located at the eastern end of the site and would be gated so that it could only be utilised by emergency vehicles. A grasscrete or equivalent track surface is proposed from this access to allow emergency vehicles to reach the rear of the buildings.

#### **4.0 Relevant Planning History**

| <b>Reference</b> | <b>Proposal</b>  | <b>Decision</b>            | <b>Date</b> |
|------------------|--|----------------------------|-------------|
| 3/94/0488        | New technology Facility  | Approved                   | 10/08/1994  |
| 3/16/2508/FUL    | Formation of glazed atrium to science building   | Approved                   | 12/01/2017  |
| 3/16/2686/FUL    | Single storey extension to Design and technology building and glazed link to science block | Approved (not implemented) | 16/12/2017  |
| 3/16/2687/FUL    | Single storey extension to existing biology building                                       | Approved                   | 30/01/2017  |
| 3/17/0932/FUL    | Infill extension to design and technology building   | Refused                    | 25/07/2017  |

#### **5.0 Main Policy Issues**

5.1 The main policy issues relate to the relevant planning policies in the East Herts District Plan 2018, and the National Planning Policy Framework 2021 (NPPF) as set out below.

| <b>Key Issue</b>                     | <b>NPPF</b>     | <b>District Plan</b>       |
|--------------------------------------|-----------------|----------------------------|
| Principle of development             | Chapters11, 13  | DPS2, GBR1, CFLR1, CFLR10  |
| Design and impact on Heritage Assets | Chapters 12, 16 | DES4, DES5, HA1, HA2, HA7, |
| Sustainability and Climate Change    | Chapters, 2, 14 | CC1, CC2, TRA1             |
| Highway impacts                      | Chapter 9       | TRA1, TRA2, TRA3           |
| Flood risk management                | Chapter 14      | WAT1, WAT3<br>WAT4, WAT5,  |
| Natural Environment                  | Chapter 15      | DES2, DES3, NE2, NE3, NE4  |

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

## **6.0 Summary of Consultee Responses**

- 6.1 HCC Ecology advise that full details of mitigation measures with regards to bats and newts need to be agreed prior to the determination of the application. NB Further details have been provided and are being considered by HCC Ecology. Their further comments in response to the details will be reported at Committee.
- 6.2 HCC Growth and Infrastructure advises that no contributions are required towards infrastructure as a result of the development.
- 6.3 HCC Highway Authority Raise concern regarding the safety of the proposed new access and request further information regarding the use of the proposed access and how servicing arrangements will work. NB Further details have been provided and are being

considered by HCC Highway Authority. Their further comments in response to the details will be reported at Committee.

6.4 EHDC Landscape and Arboriculture – raise no objection subject to condition

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

## **7.0 Town/Parish Council Representations**

7.1 No response has been received from the Town Council

## **8.0 Summary of Other Representations**

8.1 15 neighbouring properties have been consulted by letter and a site notice was displayed; no responses have been received.

## **9.0 Consideration of Relevant Issues**

### Principle of Development

9.1 The site lies within the Metropolitan Green Belt. Policy GBR1 of the District Plan states that applications within the Green Belt will be considered in line with the provisions of the National Planning Policy Framework. (NPPF)

The NPPF states that:

*137. The Government attaches great importance to Green Belts.*

*The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*138. Green Belt serves five purposes:*

*a) to check the unrestricted sprawl of large built-up areas;* Page 139

- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

9.2 Para 149 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. but that exceptions to this include:

- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; and*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.*

9.3 In this instance the works proposed include replacement and extension of existing freestanding buildings in the same use to create a linked entity. This does not sit neatly within either of these two exceptions but is a mixture of the two. The overall footprint of the built development would increase by just 2.4 % and the gross floorspace would rise from around 3624 sqm to 4710 square metres, a percentage increase of approximately 32.7% over the existing. It is considered that this overall increase is not disproportionate over and above the size of the original buildings and that the development is therefore not inappropriate development in the Green Belt.

9.4 In addition Para 95 of the NPPF places emphasis on ensuring that there is sufficient choice of school places available and states that:

*Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and b) work with*

*school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

9.5 It is therefore considered that the principle of the development is acceptable subject to compliance with other policies of the District Plan.

#### Design and Impact on Heritage Assets

9.6 The application was accompanied by a comprehensive Heritage statement which explains the history and growth of the school and it is clear that the proposed design and layout of the Science and Technology buildings has taken into consideration the need to avoid any adverse impact on the setting of the listed buildings within and around the School Grounds, these include:

- Main Quadrangle and Memorial Hall attached, at Haileybury and Imperial Service College, Grade II\* listed);
- South Terrace, Terrace Walls and Steps, at Haileybury and Imperial Service College, Grade II listed);
- Hailey House, at Haileybury and Imperial Service College East of Quad, Grade II listed);
- Lawrence Cottage, Hailey Lane, Grade II listed); and, Southfield, Hailey Lane, Grade II listed. (which are located opposite the site).

9.7 The landscaped gardens surrounding Haileybury School were designed by Humphrey Repton and are an example of a rare institutional landscape by him. Although the landscape is not designated it is listed as a Locally Important Historic Park and Garden in Appendix C of the East Herts Historic Parks and Gardens Supplementary Planning Document.

9.8 The impact of the proposed works on designated and undesignated heritage assets needs to be assessed.

9.9 The removal of the 1970's biology building will have a positive impact as it is considered to detract from the setting of Hailey

House to the north and the Curtilage Listed Science Building and does not sit well within the landscape.

- 9.10 The alterations proposed to the Design and Technology building, while retaining its distinctive roof, would have a neutral impact.
- 9.11 The new buildings and altered/retained buildings are arranged around a quadrangle, a layout which is characteristic of Haileybury, taking inspiration from the original and principal quadrangle of the school. This feature is replicated around the school and is considered an appropriate way of developing this part of the school.
- 9.12 The proposed two storey red brick research block would be in keeping with and subordinate to the existing Science Building and better located than the Biology Building that it replaces as it will enable a clear line of sight to the entrance of the existing Maths building to the east, which at the moment is obscured, and open up the space to the north to enable a more logical landscaped setting to be achieved.
- 9.13 Visually the element of the proposals with the greatest impact is the proposed 3 storey teaching block extension to the Science Building. The building would be set back from Hailey Lane in line with the existing building line and split into 3 interlinked sections with glazed staircases between each section.
- 9.14 This 3 storey addition to a two storey building is contrary to the usual design requirement for extensions to appear subservient to the original building. However in this instance, due to the classical proportions of the main building it is possible to achieve 3 storeys without exceeding the height of the existing building and it is considered that maintaining the height of the wing is appropriate here. Information has been submitted to show this building in the context of the main quadrangle and other buildings along College Road, this demonstrates that the proportions of the new teaching building are an acceptable scale in relation to the wider site and buildings.

9.15 The height of the parapet and the design detailing and positioning of the proposed horizontal stone banding, to match the existing building have been reached in discussion with the Council's Conservation and Urban Design Team and are considered appropriate, as is the proposed standing seam metal roof.

9.16 The proposed glazed cloister around the landscaped courtyard will not be visually prominent and again its detailing has been the subject of pre application advice and is considered appropriate to the curtilage listed building. It is designed to be removable in the future and would cause minimal damage to the existing building.

9.17 The teaching building will change the street scene along Hailey Lane and create an enclosed character to the setting of the Grade 2 listed Lawrence Cottage and Southfield House. It is considered that this would cause less than substantial harm as the key contribution of these is the association with the school.

9.18 Overall it is considered that the proposals respond well to the historic environment and would preserve the setting of the Grade 2\* listed main Quadrangle and have the potential to better reveal the significance of Hailey House through the removal of the Biology Building. Some harm would be caused to the setting of the Grade 2 listed houses on Hailey Lane and the curtilage listed Science Block, but this is considered to be less than substantial and would be outweighed by the public benefits of the scheme, including improved educational facilities and associated longer term community and economic benefits.

9.19 With regard to impact on the street scene, the proposed three storey addition to the science building will be a prominent addition in this location, with significantly greater visual presence when viewed from the south, than the existing single storey buildings, but on longer views approaching the site from the west it will be largely hidden by the existing science block and from the east the narrowness of the wing means that it will not appear excessively bulky in relation to the existing building.

9.20 The built development will not extend any further east than the existing buildings on the site and the removal of the storage buildings is a considerable visual improvement. The planting of additional trees along the road frontage and the eastern side of the site will help integrate the building into the formal landscape.

9.21 It is considered that the design and layout of the development is of a high standard that responds to and reflects the distinctiveness character of the school.

### Sustainability and Climate Change

9.22 A sustainable Construction, Energy and Water Statement was submitted in support of the application which demonstrates that the requirements of the Council's sustainability and climate change policies have been taken into consideration in the design of the proposal. The Executive summary states that the development aims to achieve the following sustainability benefits:

- Significant carbon emissions reduction on-site as compared with a Building Regulations 2013 compliant building.
- The incorporation of low-carbon/renewable heating and cooling technologies where possible to reduce on-site carbon emissions.
- Low-carbon material selection
- Planting that contributes to urban greening and promotes biodiversity
- storm water attenuation to mitigate the potential increase in flood risk as a result of climate change, in line with SuDS hierarchy, aiming to achieve greenfield run-off rates
- Improvement in water quality using natural filtration methods
- modelled to ensure that the building design mitigates overheating risk in summer.
- use of low-flow fittings where appropriate to reduce potable water use.
- Use of all electric heating to ensure no adverse impact on air quality.

9.23 Predominantly the scheme has been designed to minimise energy demand and consumption through passive and high efficiency measures and renewable energy is proposed to offset some of the remaining CO<sub>2</sub> emissions. In this instance ground source heat pumps are proposed. All space heating and cooling demand of the proposed development is to be met via Ground Source Heat pumps, with boreholes sunk below Hailey terrace Field to the west of the Science Building.

9.24 The submission states that the carbon emissions reduction that can be achieved is 21% which is sufficient to achieve the energy prerequisite for BREEAM Very Good, which the East Herts Sustainability SPD sets as a benchmark. As such it is considered that the development meets the requirements of the adopted Climate Change policies.

#### Highway Impact and Parking

9.25 Although the proposals result in a greater level of usable floorspace for the school, this is not to enable any increase the number of pupils or staff at the school, it is rather to provide better facilities for the existing pupils, as such it is not considered that the development will result in any significant increase in traffic or any need to increase the available on site parking provision. No additional car parking spaces are proposed.

9.26 The proposals do however include the removal of the existing service access off Hailey Lane and the provision of a new access further east. Following initial comments from the Highway Authority raising concerns regarding this access, amendments were made and the proposed access is now shown to be for emergency vehicle access only and would be gated.

9.27 At time of writing the Highway Authority have maintained their objection to this access, as they are concerned that it enters the site in the middle of an existing traffic calming measure and they query the need for it and consider that it could be a hazard to highway safety. Further supporting information was requested regarding

the level of use of the access and how servicing is to be provided and this has been submitted to the Highway Authority for review. The outcome of this will be reported at committee however as it has been confirmed that the new access is only for emergency use, a condition is attached to require that it is only to be used in this fashion.

### Flood Risk and Drainage

- 9.28 The site is within the Environment Agencies Flood Zone 1 being the area least likely to flood and is not immediately adjacent to any watercourse.
- 9.29 The applicants have submitted a Flood Risk Assessment and Drainage Strategy to support their application which concludes that the site development would be safe from flooding for its lifetime with normal maintenance and would not result in increased risk of flooding elsewhere, including allowances for climate change. It also argues that the Sustainable Drainage System will manage surface water from the development, and ensure that water quality is not adversely affected.
- 9.30 Although the Lead Local Flood Authority have been consulted on the application they have provided a standard response that they are currently unable to comment on new applications and have advised that we refer to guidance available on their website.
- 9.31 Given the low risk of flooding involved in this development and the conclusions of the submitted Flood Risk Assessment it is considered that full drainage details can be the subject of conditions at this time. The final drainage scheme would be expected to provide sustainable drainage in accordance with Policy WAT5 of the District Plan.
- 9.32 Policy WAT6 requires developments to ensure that adequate wastewater infrastructure capacity is available in advance of the occupation of the development. In this instance the submission documents advise that waste water will be discharged into the

current Thames Water system. Given that there is no intended increase in students as a result of the development it is assumed that there will not be any significant increase in waste water and therefore that adequate capacity will be available.

### Natural Environment

- 9.33 The policies of the District Plan seek to ensure that any new development does not adversely impact on sites and features of nature conservation or species and habitats of importance, and in addition seek to achieve a net gain in biodiversity.
- 9.34 A preliminary ecological appraisal identified potential for bats and great crested newts at the site and a bat survey, great crested newt survey, and biodiversity net gain assessment were all submitted with the application along with an arboricultural impact assessment.
- 9.35 The surveys established that a pond within the site which is proposed for removal contains a medium sized population of great crested newts. In addition the existing buildings contain bat roosts for a low number of bats and three trees have low potential as a bat roost.
- 9.36 Bats and great crested newts are European protected species and the Local Planning Authority must be satisfied that the development does not harm the long term conservation status of the species. Advice from Hertfordshire Ecology is that the LPA can grant planning permission only when all appropriate avoidance and mitigation measures have been incorporated into the development and appropriately secured.
- 9.37 The submitted reports refer to the need for appropriate licences and mitigation works are proposed, including enhancements and management of another pond within the site, provision of an additional pond and an off site receptor pond to provide appropriate habitat for newts. However Herts ecology advised that insufficient detail has as yet been submitted to demonstrate that the mitigation works will be sufficient to meet the tests set out in

the Conservation of Habitats and Species Regulations (2017) as amended.

- 9.38 Further information has now been submitted and Herts Ecology has advised that they will assess this swiftly so that the outcome can be reported to committee.
- 9.39 Whilst it is unusual to put a report forward on this basis, in this instance the applicants are in a difficult position. The proposed newt relocation works need to be carried out at a specific time of year but in order to get a licence from Natural England to carry out relocation works they need to have a planning permission in place. To delay the report to committee until full mitigation measures have been fully itemised would mean it likely that the school's whole program of works would be delayed by a year as the required newt relocation could not take place.
- 9.40 Given that the response from Hertfordshire Ecology to our initial consultation was only received on the 11th of January, several weeks after the formal consultation deadline, it is considered appropriate to allow some flexibility.
- 9.41 Assuming the additional mitigation details provided are deemed appropriate then a suitable condition can be added to secure these works.
- 9.42 With regard to biodiversity net gain the scheme proposes achieving a 10% net gain and conditions are proposed to secure this.
- 9.43 In addition to the ecology and biodiversity measures, the scheme proposes the loss of some substantial trees. There are 26 trees on the site and three groups of trees. 4 of the trees have a "Category A" rating, the highest quality trees, with the rest being 10 Category B, 10 Category C and 2 Category U. 1 group is Category B and 2 are Category C.
- 9.44 15 trees are proposed to be removed, along with the partial removal of a group. Category U trees are those which are generally

dead, dying or dangerous and Category C trees are low quality trees; 9 of the trees to be removed fall into these categories, with the remainder being 3 Category B and 3 Category A. The group to be partially removed is Category B.

9.45 The proposed removal of Category A and B trees is regrettable and weighs against the proposal in the planning balance. The proposed building footprint includes these trees themselves or a large proportion of their root protection area. For the reasons set out above, the proposed buildings are considered to be in appropriate locations in order to minimise the impact on heritage assets and to have an acceptable relationship with the landscape and the wider group of buildings, so a revised footprint to retain these trees is not considered feasible.

9.46 Additionally, the scheme includes a proposed replanting strategy. It is proposed to investigate replanting (ie moving) 8 of the trees to be lost. Whilst these are generally the lower category trees (as they are smaller and younger and so more likely to survive being replanted) this would go some way to reducing the loss of trees. Similarly three areas for new planting have been identified which can accommodate a number of suitable species. It is considered appropriate that the exact number of replacement tree is determined following the detailed design of the landscaping scheme at discharge of condition stage. Through a combination of new planting and investigating replanting the Council is satisfied that the harm through the loss of trees can be mitigated and the remaining harm is outweighed by the benefits of the scheme, including the improvements to education provision.

### Other Issues

9.47 The proposed development is sufficient distance from any residential properties not to have any direct impact on residential amenity from loss of light, overshadowing or excessive overlooking. It is noted that there have been no objections or concerns raised by neighbours.

## **10.0 Planning Balance and Conclusion**

- 10.1 The proposed development is not inappropriate in the green belt and is well designed such that the impacts on the surrounding heritage assets are largely neutral, the less than substantial harm that has been identified with regard to the buildings to the south is outweighed by the public benefits of improved education facilities.
- 10.2 The design addresses the need to reduce carbon emissions and has taken into account sustainability objectives. A biodiversity net gain will be achieved and subject to appropriate mitigation measures with regard to the newts and bats, there will be no harm to protected species.
- 10.3 As no additional pupils will be accommodated there will be no significant traffic impacts and it is considered that an appropriate emergency access can be facilitated here, subject to highway approval.
- 10.4 No other significant concerns have been raised and it is considered the development accords with the policies of the District Plan and the NPPF and that the planning balance falls in favour of the development.

## **11.0 RECOMMENDATION**

- 11.1 That subject to the submission of acceptable details of the required bat and newt mitigation measures prior to committee, planning permission is **GRANTED**, subject to the conditions set out at the end of this report, and any additional conditions as may be agreed at committee.

## **12.0 Conditions**

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

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

2. Approved Plans

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

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

3. Materials

Prior to any above ground construction works being commenced, the external materials of construction and in addition the brick bond and mortar colour to be utilised for the development hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

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

4. Surfacing materials

Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure safety and satisfactory appearance in accordance with Policies DES4 and TRA2 of the East Herts District Plan 2018.

5. Landscape Design Proposals

Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing

and shall include: full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants and tree species, planting sizes, density of planting and implementation timetable. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

6. Landscape works implementation

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

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

7. Construction Hours of Working

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

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

8. Tree Protection

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

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

## 9. Construction Management Plan

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

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

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

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

10. Drainage Details

No works other than demolition shall take place until the final design of the drainage scheme in connection with the development has been submitted to and approved in writing by the Local Planning Authority. The works shall then be completed and thereafter maintained in accordance with the agreed details.

Reason: To ensure sustainable drainage and prevent flooding by the satisfactory storage of/disposal of surface water from the site in accordance with policy WAT5 of the East Herts District Plan.

11. CO2 Emissions

The development hereby approved shall be carried out in accordance with the submitted sustainable construction, energy and water statement, Revision PO3. and shall achieve a minimum of 21% reduction of CO2 emissions above 2013 Building Regulations requirements in accordance with the details set out within the submission.

Reason: To ensure that carbon dioxide emissions as a result of the development are minimised in accordance with policy CC2 of the East Herts Local Plan 2018.

12. Ground Source Heat Pumps

Prior to their installation full details of the proposed ground source heat pumps and the works required in connection with their installation, and the making good of the land shall be submitted to and agreed in writing by the Local Planning Authority. The works

shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the works do not cause harm to amenity and visual appearance of the site in accordance with Policy DBE4 of the East Herts District Plan 2018

13. Details of Glazing

Prior to their installation full details of the design of the approved glazed link sections of the teaching block at appropriate scales of between 1:5 and 1:20 and including section drawings, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance to the building in accordance with policy DES4 of the East Herts District Plan.

14. Details of Access Gate

Prior to first occupation of any of the buildings hereby approved, details of the proposed gate at the approved new access to the site shall be submitted to and agreed in writing by the Local Planning Authority. The gate shall be installed in accordance with the approved details and thereafter retained.

Reason: In the interests of maintaining the visual amenity of the street scene in accordance with Policy DES4 of the East Herts District Plan 2018

15. Emergency Access Only

The access hereby approved shall be used for access by emergency vehicles only and at all other times the gate across the access shall remain closed.

Reason: To minimise potential danger to highway users in accordance with Policy TRA2 of the East Herts District Plan 2018

**Should further conditions relating to the access to the site, biodiversity net gain and ecological mitigation measures be requested by HCC following review of the additional information**

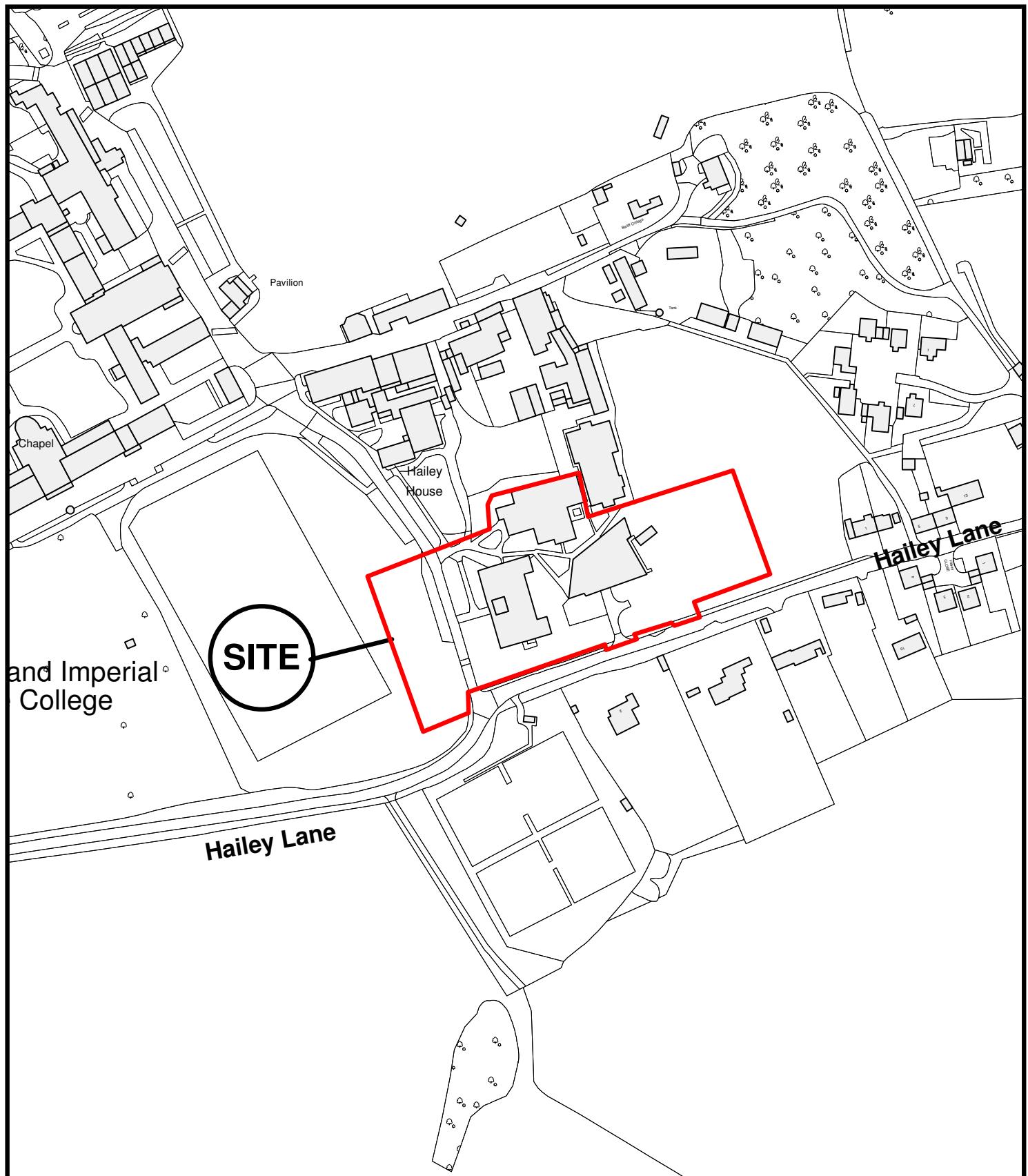
**provided (as referred to in the report above); these will be added and confirmed to committee members at the committee meeting before a decision is taken.**

## **Informatics**

1. Other legislation (01OL1)
2. Highway works (05FC2)
3. Justification – Grant (JG4)

## **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.



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**Address:** Haileybury And Imperial Service College  
College Road, Hertford Heath, SG13 7NU  
**Reference:** 3/21/2547/FUL  
**Scale:** 1:2500  
**O.S Sheet:** TL3610  
**Date of Print:** 18 January 2022

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# Agenda Item 6

**EAST HERTS COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**  
**ITEMS FOR REPORT AND NOTING**  
**NOVEMBER / DECEMBER 2021**

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/19/2614/FUL  |
| <b>Decsn</b>              | Grant  |
| <b>Level of Decision</b>  | Committee  |
| <b>Address</b>            | Bircherley Green Shopping Centre Hertford Hertfordshire SG14 1BN   |
| <b>Appellant</b>          | Mr Alan Ward   |
| <b>Proposal</b>           | Mixed use re-development comprising partial demolition of existing buildings and replacement with 3419 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 |
| <b>Appeal Decision</b>    | Allowed  |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/20/1188/LBC  |
| <b>Decsn</b>              | Refused  |
| <b>Level of Decision</b>  | Delegated  |
| <b>Address</b>            | 2 Great Amwell House Catherly Lane Great Amwell Ware Hertfordshire SG12 9SN  |
| <b>Appellant</b>          | Mr B Byrne   |
| <b>Proposal</b>           | Internal works for the re-configuration of the host building to include internal walls being removed and new internal partition walls being installed on the ground floor, first floor and second floor. |
| <b>Appeal Decision</b>    | Withdrawn  |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/20/1314/FUL   |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Water Tower Devey Way Goldings Hertford Hertfordshire SG14 2WU  |
| <b>Appellant</b>          | Mr Eugene Flannery  |
| <b>Proposal</b>           | Restoration and change of use of water tower to provide ancillary residential use to the Goldings Estate; insertion of cladding and windows to the lower structure. |
| <b>Appeal Decision</b>    | Dismissed   |

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | 3/20/1320/LBC   |
| <b>Decsn</b>              | Refused   |
| <b>Level of Decision</b>  | Delegated   |
| <b>Address</b>            | Water Tower Devey Way Goldings Hertford Hertfordshire SG14 2WU  |
| <b>Appellant</b>          | Mr Eugene Flannery  |
| <b>Proposal</b>           | Restoration and conversion of water tower for ancillary residential use for Goldings Estate. External western red cedar cladding and windows on all four elevations |
| <b>Appeal Decision</b>    | Dismissed   |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/20/1456/FUL  |
| <b>Decsn</b>              | Refused  |
| <b>Level of Decision</b>  | Delegated  |
| <b>Address</b>            | Land Off Ford Lane Aston Hertfordshire   |
| <b>Appellant</b>          | .  |
| <b>Proposal</b>           | Erection of agricultural storage building with incorporated office and respite area, creation of new access and formation of hard standing within site, provision of 4 car parking spaces, siting of 2 no. water storage tanks and a shed together with associated boundary works. |
| <b>Appeal Decision</b>    | Dismissed  |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/20/1457/FUL                          |
| <b>Decsn</b>              | Refused                                |
| <b>Level of Decision</b>  | Delegated                              |
| <b>Address</b>            | Land Off Ford Lane Aston Hertfordshire |
| <b>Appellant</b>          | .                                      |
| <b>Proposal</b>           | Erection of Poly tunnel A              |
| <b>Appeal Decision</b>    | Dismissed                              |

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | 3/20/1459/FUL                          |
| <b>Decsn</b>              | Refused                                |
| <b>Level of Decision</b>  | Delegated                              |
| <b>Address</b>            | Land Off Ford Lane Aston Hertfordshire |
| <b>Appellant</b>          | .                                      |
| <b>Proposal</b>           | Erection of Polytunnel B               |
| <b>Appeal Decision</b>    | Dismissed                              |

|                    |                                      |
|--------------------|--------------------------------------|
| Application Number | 3/20/1460/FUL                        |
| Decsn              | Refused                              |
| Level of Decision  | Delegated                            |
| Address            | Land Off Ford LaneAstonHertfordshire |
| Appellant          | .                                    |
| Proposal           | Erection of Polytunnel C             |
| Appeal Decision    | Dismissed                            |

|                    |   |
|--------------------|---|
| Application Number | 3/20/1951/FUL   |
| Decsn              | Refused   |
| Level of Decision  | Delegated   |
| Address            | 30 - 34 London RoadSawbridgeworthHertfordshireCM21 9JS  |
| Appellant          | Mr Tindall  |
| Proposal           | Roof extension to form 5, one bedroom flats, including external rear staircase, roof dormers and bin/cycle store. |
| Appeal Decision    | Dismissed   |

|                    |   |
|--------------------|---|
| Application Number | 3/20/2192/CLPO  |
| Decsn              | CRPDR   |
| Level of Decision  | Delegated   |
| Address            | 1 Hole Farm CottagesAlbury Hall ParkAlburyHertfordshireSG11 2JE |
| Appellant          | Mr A Welsh  |
| Proposal           | Two storey rear extension and external alterations              |
| Appeal Decision    | Dismissed   |

|                    |  |
|--------------------|--|
| Application Number | 3/20/2219/FUL  |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | 52 Widford RoadHunsdonWareHertfordshireSG12 8NW        |
| Appellant          | Mr Michael McNamee                                     |
| Proposal           | Erection of one, two bedrooomed dwelling with parking. |
| Appeal Decision    | Allowed  |

|                    |  |
|--------------------|--|
| Application Number | 3/20/2415/HH   |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | The Brooms69 Lower RoadGreat AmwellWareHertfordshireSG12 9SZ |
| Appellant          | Mr and Mrs G Edwards   |
| Proposal           | Replacement of flat roof to pitched                          |
| Appeal Decision    | Dismissed  |

|                    |   |
|--------------------|---|
| Application Number | 3/21/0112/FUL   |
| Decsn              | Refused   |
| Level of Decision  | Delegated   |
| Address            | FarleaSpellbrook Lane WestSpellbrookBishops StortfordHertfordshireCM23 4AY  |
| Appellant          | Mr Greg McClelland  |
| Proposal           | Erection of dwelling with linked garage with room over, swimming pool, pool house, with associated landscaping, parking and the creation of new access. |
| Appeal Decision    | Allowed   |

|                    |  |
|--------------------|--|
| Application Number | 3/21/0310/HH   |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | 46 Cowper CrescentHertfordHertfordshireSG14 3DZ  |
| Appellant          | Brenton And Gemma Peglar   |
| Proposal           | Part demolition of ground floor, erection of single storey rear extension and two storey side extension. |
| Appeal Decision    | Allowed  |

|                    |   |
|--------------------|---|
| Application Number | 3/21/0785/HH  |
| Decsn              | Refused   |
| Level of Decision  | Delegated   |
| Address            | 1 Peters Wood HillWareHertfordshireSG12 9NR   |
| Appellant          | Mr. Stephen McCollum  |
| Proposal           | Ground floor rear and basement extension, with glass balustrade to rear and new pitch roof. Erection of new porch. Alterations to fenestrations, to include new bay windows rear. new door to side elevation. |
| Appeal Decision    | Dismissed   |

|                    |  |
|--------------------|--|
| Application Number | 3/21/1085/FUL  |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | Land At Wrenbrook Road/Havers LaneBishops StortfordHertfordshire |
| Appellant          | Mr Benjamin Baxter   |
| Proposal           | Detached single storey garage/workshop.                          |
| Appeal Decision    | Dismissed  |

|                    |   |
|--------------------|---|
| Application Number | 3/21/1140/HH  |
| Decsn              | Refused   |
| Level of Decision  | Delegated   |
| Address            | 104 Cowper CrescentHertfordHertfordshireSG14 3EB  |
| Appellant          | Mr And Mrs Lee And Janette Burnham  |
| Proposal           | Removal of garage building. Construction of part single storey, part two storey side and rear extension. Alterations to fenestration. |
| Appeal Decision    | Dismissed   |

|                    |  |
|--------------------|--|
| Application Number | 3/21/1240/HH   |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | 32 Hurn GroveBishops StortfordHertfordshireCM23 5DD  |
| Appellant          | Jenny Bassett  |
| Proposal           | Hip to gable roof and creation of dormer window to rear with solar panels and insertion of 2 rooflights to front |
| Appeal Decision    | Dismissed  |

|                    |   |
|--------------------|---|
| Application Number | 3/21/1371/HH                                  |
| Decsn              | Refused                                       |
| Level of Decision  | Delegated                                     |
| Address            | 34 Temple FieldsHertfordHertfordshireSG14 3LS |
| Appellant          | Mr A Pieris                                   |
| Proposal           | Raising roof to accommodate new first floor.  |
| Appeal Decision    | Dismissed                                     |

|                    |  |
|--------------------|--|
| Application Number | 3/21/1474/HH   |
| Decsn              | Refused  |
| Level of Decision  | Delegated  |
| Address            | 17 Grange RoadBishops StortfordHertfordshireCM23 5NG |
| Appellant          | Mrs D Roth-burgess                                   |
| Proposal           | First floor rear extension                           |
| Appeal Decision    | Allowed  |

#### Background Papers

Correspondence at Essential Refusederence Paper 'A'

#### Contact Officers

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

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## Appeal Decision

Site visit made on 26 October 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> November 2021

**Appeal Ref: APP/J1915/W/21/3272107**

**Bircherley Green Shopping Centre, Hertford SG14 1BN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Alan Ward against the decision of East Hertfordshire District Council.
- The application Ref: 3/19/2614/FUL, dated 17 December 2019, was approved on 6 November 2020 and planning permission was granted subject to conditions.
- The development permitted is a mixed use re-development comprising partial demolition of existing buildings and replacement with 3419 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.
- The condition in dispute is No 15 which states that: *Prior to the first occupation of any part of the development hereby permitted, a Delivery and Servicing Management Plan, as required in relation to the hotel, commercial units and residential units, shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Plan shall include restrictions on commercial delivery times to between 07.00hrs and 10.00hrs on all days to the riverside and pedestrianised retail area, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for the loading and manoeuvring of delivery and service vehicles and access to/from the site for delivery and servicing vehicles such plans. Once agreed the development shall be constructed to enable the agreed arrangements to be implemented and shall subsequently be operated as agreed.*
- The reason given for the condition is: *In the interests of amenity of the public shopping area and to reduce conflict with users and to ensure an adequate level of amenity for nearby residents, in accordance with policy EQ2 of the East Herts District Plan 2018.*

### Decision

1. The appeal is allowed and the planning permission Ref: 3/19/2614/FUL for a mixed use re-development comprising partial demolition of existing buildings and replacement with 3419 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, Hertford SG14 1BN granted on 6 November 2020 by East Hertfordshire District Council, is varied by deleting condition 15 and substituting for it the following condition:

- 1) Prior to the first occupation of any part of the development hereby permitted, a Delivery and Servicing Management Plan, as required in relation to the hotel, commercial units and residential units, shall be submitted to and approved in writing by the Local Planning Authority. The Delivery and Servicing Management Plan shall include the hours of the commercial delivery times on all days to the riverside and pedestrianised retail area, vehicle tracking and contain the delivery and servicing requirements (including refuse collection) for the proposed uses, a scheme for coordinating deliveries and servicing for the proposed development, areas within the development site that will be used for the loading and manoeuvring of delivery and service vehicles and access to/from the site for delivery and servicing vehicles. The development shall be carried out in accordance with the approved details and shall be thereafter operated as approved.

### **Procedural Matter**

2. The revised National Planning Policy Framework (revised Framework) has been published since the appeal was submitted. Both main parties have had the opportunity to comment on this matter during the course of the appeal. I have considered it in my decision.

### **Background and Main Issues**

3. The appeal concerns the site of a former shopping centre. The appellant applied to the Council to redevelop the site for a mixed use development. This included commercial floorspace, amongst other uses.
4. The Council granted planning permission<sup>1</sup> for the development. In approving the application, the Council applied condition 15 which concerned the submission of a Delivery and Servicing Management Plan. This is to include restrictions on commercial delivery times to between 07.00 hours and 10.00 hours on all days to the riverside and pedestrianised retail area approved as part of the development, amidst other matters.
5. There is no dispute over the need to submit a Delivery and Service Management Plan. The appellant wishes for the condition to be varied to meet the needs of the potential occupiers of the commercial floorspace, in particular prospective retailers, by way of providing more flexibility with the commercial delivery times to be agreed with the Council. The Council has concerns this would not accord with the ambitions for the redevelopment of the site because it would create conflict between delivery and servicing vehicles and other users, especially pedestrians. The Council has also referred to living conditions matters.
6. As a consequence, the main issues are the effect of the proposal on (i) the enjoyment of the use of the public shopping area, in particular with regard to the potential for conflict with other users; (ii) the living conditions of the occupiers of nearby residential properties, in particular by way of noise.

---

<sup>1</sup> Council ref: 3/19/2614/FUL

## Reasons

### *Use of the Public Shopping Area*

7. The appeal site comprises a large area of land within Hertford Town Centre. It was evident from my site visit that part of the site has already been cleared and some of the construction works were underway. The site also contains the bus station for the town and an adjacent multi-storey car park.
8. The site bounds the River Lea to the north where there is an associated paved walkway, although this is not currently accessible. On the opposite side of this canalised waterway, there is a public house and a terrace of cottage-like residential properties. There are more modern residential properties on Bircherley Street, to the east of the site. Railway Street to the south is more commercial in nature. It leads into the part of the town centre close to the site that contains numerous shop units, including a number that are occupied by national retailers. There is also a pedestrian approach into the site from this direction.
9. The Council's Hertford Town Centre Urban Design Strategy (2016) (Design Strategy) identifies the site as a key opportunity site, including by way of turning the riverside into an attractive destination, attracting retail and extending the leisure offer. The Design Strategy includes creating active frontages along the river.
10. The approved development provides for such an approach by way of a layout that shows units being orientated towards the river with a frontage of hard landscaping. This open area would act as a shared space between pedestrians and service and delivery vehicles. There would also be outdoor seating in this area, along with some planting. Service and delivery vehicles would also be able to utilise the central pedestrian walkway that would connect the Railway Street approach to the riverside.
11. As approved, all commercial deliveries could only take place within a 3 hour period. Whilst the Council consider that the times avoid periods when people would be typically looking to visit the town centre, it would mean that pedestrians during those times would face potentially a concentration of such vehicles vying to service the proposal. This time of day may not be the busiest, but it would still be at a time when pedestrians may visit coffee shops, or take breakfast in a café type use. The approved layout suggest that the riverside and pedestrian walkway areas would ably attract these types of retail use. There would also be the likely presence of those people on their way to employment in the town centre.
12. Nor is it proposed by the appellant that there would be no controls over the hours of the commercial delivery times. As such, the Council would still have the potential to seek to control such hours to minimise conflict through its required approval of the Delivery and Servicing Management Plan. Clearly pedestrian safety needs to be a priority, but in a way that does not cause undue conflict during all times when commercial deliveries would be permitted.
13. Accordingly, it is not apparent why the proposed change to the condition would lead to accidents or hazard because there would still be controls over the hours and as the approved layout would remain unaltered. The same applies

concerning drop off and pick up areas for riverboat trips that have been referred to in the submissions.

14. Such an approach would also not have the effect of making the approved development obviously less attractive to users. The built aspects of the approved development and uses would remain, as would its riverside facing nature and the associated frontage. It would still create a high quality and active public realm that would align with the objectives and aims of the Design Strategy. There would in all likelihood still be times when the approved development would be free of such vehicles.
15. The approved development also includes service yard provision. Based on the evidence before me, this would not serve all of the commercial premises. Utilising the multi storey car park would also not provide a practical alternative as its use is for the parking of cars. As a consequence, these matters do not alter my conclusion.
16. Supporting the vitality and viability of town centres is also a planning consideration that attracts weight under the revised Framework. A condition that allows the hours of the commercial delivery times to be agreed would also allow for this consideration to be taken into account in deciding on what those hours should be, also having regard to the effect on other users.
17. Taking the above considerations together, I conclude that the proposal would not have an unacceptable effect on the enjoyment of the use of the public shopping area, in particular with regard to the potential for conflict with other users.

#### *Living Conditions*

18. The nearest existing residential occupiers to the proposal would be those on the opposite side of the River Lea to the site and on Bircherley Street, as well as where there may be residential accommodation above other uses in this part of the town centre. I am mindful of the proximity of these residential properties to the site, in particular the properties that would face the riverside frontage area, and of the experiences that some local residents have had in relation to delivery noise. There would also be future residential occupation within the site, as part of the overall redevelopment.
19. A condition that allows the hours of the commercial delivery times to be agreed would also be able to control the hours in the interests of minimising the effects of noise. Noise from refrigerated units and cage movements would also be able to be considered in this way. This should give local residents some assurance that the effect on their living conditions would not be unacceptable.
20. A number of other noise matters have been raised which lie beyond the scope of the condition, especially in relation to other aspects of the proposed redevelopment. These lie outside of what I can reasonably consider in my decision as it concerns condition 15.
21. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of nearby residential properties, in particular by way of noise. Thus, it would comply with Policy EQ2 of the Council's East Herts District Plan (2018) where it refers to relevant noise pollution matters, including minimising the impact of noise on the surrounding environment, the

proximity of noise sensitive uses and the impact on health, amongst other considerations.

### **Other Matters**

22. I sought the views of the main parties in respect of the wording of the revised condition that is set out in my decision paragraph. In response, the appellant raised a number of matters that were not presented in the original appeal submission. In particular, the appellant sought for the condition to differentiate between the proposed hotel and the remainder of the scheme.
23. It is however important that what is considered by an Inspector is essentially what was considered by the local planning authority, and on which interested parties' views were sought. This would not be the case, if the condition was altered in this way. Moreover, there are alternative means of dealing with this issue through the planning system rather than evolving what is proposed through the appeal process. It is ultimately a matter for the appellant and the Council.
24. The Council has made me aware that a previous permission for a development of the site also applied the same hours for commercial deliveries, which it is said the appellant would have been aware of. My decision-making is not fettered in this way because I have considered the proposal before me with regard to the tests for conditions that are set out in paragraph 56 of the revised Framework.
25. That the appellant did not submit an application to the Council to vary the condition also has a limited bearing because there is the right to appeal against the grant of planning permission for development subject to conditions which the appellant objects to.
26. The site lies within the Hertford Conservation Area. The proposal would preserve or enhance the character or appearance of the conservation area because enabling the hours of the commercial delivery times to be agreed would have a limited impact in this regard.

### **Condition**

27. I have imposed a condition that requires the submission of the Delivery and Servicing Management Plan. Such details to be agreed shall include, amongst others, the hours of the commercial delivery times. This is in the interests of the enjoyment of the public shopping area, limiting the conflict with other users and protecting the living conditions of the occupiers of nearby residential properties.
28. This condition replaces condition 15 on the planning permission that is the subject of this appeal. The other conditions on this permission remain unaltered and should be read alongside my decision.

### **Conclusion**

29. The proposal would not have an unacceptable effect on the enjoyment of the use of the public shopping area, in particular with regard to the potential for conflict with other users and on the living conditions of the occupiers of nearby residential properties, in particular by way of noise. I have considered all matters that have been raised but none would demonstrate that condition 15 is

reasonable and necessary. It would not comply with the tests for planning conditions that are set out in the revised Framework and the related advice in the Planning Practice Guidance concerning the application of these tests.

30. Accordingly, I conclude that the appeal should be allowed and condition 15 should be removed, subject to the imposition of a condition that allows the hours of the commercial delivery times to be agreed as part of the submission of the Delivery and Servicing Management Plan.

*Darren Hendley*

INSPECTOR



## Appeal Decisions

Site Visit made on 27 September 2021

**by JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

### **Appeal A: APP/J1915/Y/20/3262436**

#### **Water Tower, Devey Way, Goldings Estate, Waterford SG14 2WH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Eugene Flannery of Goldings Estate Ltd against the decision of East Hertfordshire District Council.
- The application Ref 3/20/1320/LBC, dated 13 July 2020, was refused by notice dated 25 September 2020.
- The works proposed are the restoration and conversion of water tower for ancillary residential use for Goldings Estate involving external western red cedar cladding and windows on all 4 elevations, restoring of the steel drum to be painted light grey, and new internal floors and staircase.

### **Appeal B: APP/J1915/W/20/3262433**

#### **Water Tower, Devey Way, Goldings Estate, Waterford SG14 2WH**

- 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 Eugene Flannery Goldings Estate Ltd against the decision of East Hertfordshire District Council.
- The application Ref 3/20/1314/FUL, dated 13 July 2020, was refused by notice dated 25 September 2020.
- The development proposed is the restoration and conversion of water tower for ancillary residential use for Goldings Estate, with the insertion of cladding and windows to the lower structure.

## **Decisions**

### **Appeal A: APP/J1915/Y/20/3262436**

1. The appeal is dismissed.

### **Appeal B: APP/J1915/W/20/3262433**

2. The appeal is dismissed.

## **Main Issues**

3. The first main issue is whether the proposal would fail to preserve the special architectural and historic interest of the listed building, fail to protect the Registered Park and Garden (Appeal B only), and cause harm to the significance of either of these designated heritage assets, and if harm would be caused, whether it would be outweighed by any public benefits.
4. A second main issue that relates just to Appeal B is whether it would be inappropriate development in the Green Belt and, if it would, whether the harm arising from this is clearly outweighed by other considerations so as to amount to very special circumstances.

## Reasons

### *Heritage impact*

5. These appeals concern a water tower that takes the form of a water tank, 13m or so above the ground, that is supported on 4 metal pillars with interlinking slats. It was built sometime around the turn of the last century to serve the Grade II\* listed Goldings Manor, in whose grounds it stands. These grounds have now been designated as a Grade II listed Registered Park and Garden.
6. The appellant describes the tower as being '*unlisted*' on the application form. However, Section 1(5) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that

*any object or structure within the curtilage of the building [included on a list complied or approved by the Secretary of State] which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the building.*

In the light of this I shall treat it as part of the listed building.

7. The Manor is a large Elizabethan-style country house that dates substantially from the 19<sup>th</sup> Century and is some 70m away from the tower. Externally, the special architectural and historic interest of the Manor lies partly in the quality of its detailing and its scale show it to be a dwelling of high status from that era, and these very much add to its significance.
8. The Registered Park and Garden can be broadly summarised as comprising the formal gardens immediately around the Manor, the surrounding farmland and water features, and, in between, areas of trees and grassland. Its significance arises partly from the formal planning of its layout and vistas, and partly from the way in which it provides the Manor with a context befitting its status. Although the nature of the grounds has changed over the last 20 years or so with the introduction of more houses and associated activity, to my mind the significance of the Registered Park and Garden is still apparent. The water tower stands away from the more formal area of garden in the trees and grassland.
9. I consider that, as a sizeable piece of functional apparatus built to serve the estate, the water tower contributes to an understanding of the history and evolution of this site. As a result it adds positively to the historic interest and the significance of the Manor and to the significance of the Registered Park and Garden. Overall, I consider the water tower at present is very open in appearance and is not particularly intrusive, as views are generally through the supporting pillars. Although the pillars are plain metal they are slender, whilst the solid 5m tall water drum on top is up amongst the tree canopies and so not readily apparent.
10. There is not a strong visual relationship between the water tower and the Manor because of the intervening trees, and so the works before me would have no adverse effect in that regard.
11. However, putting cladding in the open part of the structure beneath the tank would mask the tower's original nature to a great extent, and would result in it being a far more dominant feature in the parkland with a greater presence. Furthermore, whilst the appearance of the cladding may soften appropriately, I

also consider that the tall, slender, enclosed resultant structure would be discordant in this setting, and would display little connection with its historic context. For these reasons the works would impede an understanding of the structure, would erode its significance as part of the listed building, and would detract from the open informal nature of this area of the Registered Park and Garden.

12. In coming to these findings I agree that views of the tower would be limited because of the trees around, but it could still be readily appreciated from the surrounding parkland. I also accept that the water tower is, in some respects, a rather incongruous feature in the grounds of a Victorian country house as it has a functional and industrial appearance. To my mind though that functional character is associated with its significance, and so I am not surprised that the extensive redevelopment of the estate did not seek its removal. Given this, and noting my concerns above, the significance of both the Manor and the Registered Park and Garden would be harmed if this feature was clad as proposed.
13. I accept that free-standing towers are found at various other historic locations across the country, but they are no doubt informed to some extent by their context, and do not offer justification for the modifications now proposed. Whilst it was said the resulting building would be whimsical to some degree and of greater architectural merit, I consider this does not allay the harm to the significance of the water tower that I have identified.
14. Finally, a previous decision from 2020 (the 2020 decision) dismissed appeals for similar works on the water tower. In that decision the Inspector found that the insertion of '*a new tall dwelling ... along with*' its associated staircase extension and curtilage would not preserve the parkland. Although the curtilage and staircase are no longer proposed, from my reasoning it is clear I consider the cladding of the tower alone would cause harm in this regard.
15. In that decision though I recognise that the Inspector said the water tower was not a significant or important element of the listed building and did not conclude that the listed building was harmed by the works before him. However, above I have reasoned why I consider the water tower does in fact contribute positively to the asset's significance and explained the harmful impact that, in my opinion, enclosing the open supports would have on the contribution of the tower to that significance.
16. I therefore find that the works would cause less than substantial harm to the significance of both of these designated heritage assets.
17. Paragraph 202 of the current version of the *National Planning Policy Framework* (the Framework) states that where a development would lead to less than substantial harm to a designated heritage asset that harm should be weighed against public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. The resultant development would be used as residential accommodation that would be ancillary to a dwelling in whose curtilage or planning unit it does not stand. I have concerns about the lawfulness of this intention, and had my findings otherwise been different on the main issues that would have been a matter I would have needed to explore further. Putting that aside though and assuming the appellant's intentions to be valid in planning terms, the works

would be securing a use for what is otherwise a redundant structure, and so, potentially, could be extending its life. However, securing the optimum viable use should only be sought 'where appropriate', and paragraph 202 of the Framework has to be read in the context of the Framework paragraph 199 that states '*great weight should be given to the asset's conservation*'. In this instance given the adverse impact that facilitating the proposed use would cause to the significance of the assets I consider amending the structure in this incongruous way is not a public benefit that would outweigh this harm.

19. Whilst various houses, garages and infrastructure were allowed across the estate some 20 years ago, that does not necessarily mean development can continue to be accepted. Indeed, such elements may well have been 'enabling development' to allow the reuse of the Manor or justify the removal of features that detracted from the site's significance, which are not considerations that apply in this instance.
20. I therefore conclude that the proposal would fail to preserve the special architectural or historic interest of the Grade II\* listed Goldings Manor, would fail to protect the Grade II listed Registered Park and Garden, and would cause less than substantial harm to the significance of both of these designated heritage assets. In the absence of any public benefits to outweigh this harm, the proposal would conflict with Policies HA1, HA7, HA8, DES2, DES3, DES4 in the *East Herts District Plan 2018*, which seek to safeguard listed buildings, Historic Parks and Gardens and landscape features, as well as also securing a high standard of design. The proposal would also therefore conflict with the relevant paragraphs in the Framework.

#### *Green Belt impact*

21. Policy GBR1 in the District Plan states that applications within the Green Belt will be considered in line with national policy. The current version of the Framework says that keeping land permanently open is a fundamental aim of the Green Belt. It confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate and, by definition, harmful. Paragraph 149 gives the exceptions to this, one of which, Criterion (c), concerns the alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
22. Framework paragraph 150 accepts that certain other forms of development apart from the construction of new buildings are also not inappropriate, provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. In particular, Criterion (d) refers to the re-use of buildings provided that the buildings are of permanent and substantial construction.
23. The cladding of the frame on which the water tank stands would not increase the volume contained within the supporting pillars. However, I have no reason to consider that such works are needed for any purpose other than to facilitate the change of use before me. To my mind, the development should therefore be assessed under paragraph 150(d) of the Framework and not under paragraph 149(c).
24. The water tower stands amongst trees in the parkland around the housing on the Goldings Estate. When in the surrounding parkland there is an awareness

of the structure, but its open nature means its impact is reduced as views through it are readily apparent.

25. By infilling the sides of the structure beneath the water tank, the tower would have the appearance of a tall, 4-sided building as views through the supporting legs would no longer be possible. This means it would erode rather than preserve the openness of the Green Belt that is currently enjoyed in the vicinity of the structure. Therefore, it would not fall under the exception in paragraph 150(d) of the Framework.
26. In coming to this view, I am aware that in the 2020 decision the Inspector found the staircase extension to be in conflict with paragraph 145(c) of the version of the Framework then in place (paragraph 149(c) of the current version of the Framework). As a matter of fact though he also found that the complete enclosure of the steel frame was contrary to paragraph 146(d) of that same version of the Framework (now paragraph 150(d)). I also appreciate that the trees around limit the wider views of the Green Belt that are possible through this structure. Openness though has a spatial aspect as well as a visual one, and so whilst views through the structure at present are limited I still find that the works before me fail to preserve openness.
27. Accordingly, I conclude this would be inappropriate development within the Green Belt.

28. The Framework states

*'Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. ... 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.*

29. Again, I note the functional and industrial nature of the water tower at present, its redundant nature, the changes to its appearance and the contentions that it would be a visual focus for this part of the estate. Mindful of my reasoning above, I consider that visually the water tower in its current state is preferable to that of the proposal. Moreover, any benefits to the landscape character through the cladding or the associated planting would not be so great as to be afforded significant weight.
30. Moreover, there may well have been specific reasons behind the permissions of 20 years ago that meant those works constituted other considerations that outweighed the Green Belt harm. I consider no such reasons exist in this case.
31. As a result, these factors, even if taken together, would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and I am aware of no other considerations that clearly outweigh the Green Belt harm.
32. Accordingly, I conclude this would be inappropriate development in the Green Belt, and, in the absence of any other considerations that clearly outweigh the harm arising from inappropriateness, it would be contrary to Policy GBR1 in the District Plan and the Framework.

### **Other matters**

33. On the evidence before me I have no basis to consider the legal issues raised affect the planning merits of these appeals, or to find there would be an unacceptable harm to ecology. I also consider the proposal, as submitted, would not have an adverse effect on the living conditions of neighbouring residents.

### **Conclusion**

34. For the reasons given above I conclude the appeals should be dismissed.

*JP Sargent*

INSPECTOR



## Appeal Decisions

Site visit made on 26 October 2021

**by Darren Hendley BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decisions date: 2<sup>nd</sup> November 2021**

### **Appeal A Appeal Ref: APP/J1915/W/21/3271958**

#### **Land off Ford Lane, Aston End, Stevenage SG2 7HG**

- 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 Cupids Green Ltd. against the decision of East Hertfordshire District Council.
- The application Ref: 3/20/1457/FUL, dated 30 July 2020, was refused by notice dated 30 September 2020.
- The development proposed is the erection of Polytunnel A.

### **Appeal B Appeal Ref: APP/J1915/W/21/3271959**

#### **Land off Ford Lane, Aston End, Stevenage SG2 7HG**

- 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 Cupids Green Ltd. against the decision of East Hertfordshire District Council.
- The application Ref: 3/20/1459/FUL, dated 30 July 2020, was refused by notice dated 30 September 2020.
- The development proposed is the erection of Polytunnel B.

### **Appeal C Appeal Ref: APP/J1915/W/21/3271961**

#### **Land off Ford Lane, Aston End, Stevenage SG2 7HG**

- 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 Cupids Green Ltd. against the decision of East Hertfordshire District Council.
- The application Ref: 3/20/1460/FUL, dated 30 July 2020, was refused by notice dated 30 September 2020.
- The development proposed is the erection of Polytunnel C.

### **Appeal D Appeal Ref: APP/J1915/W/21/3271962**

#### **Land off Ford Lane, Aston End, Stevenage SG2 7HG**

- 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 Cupids Green Ltd. against the decision of East Hertfordshire District Council.
- The application Ref: 3/20/1456/FUL, dated 30 July 2020, was refused by notice dated 30 September 2020.
- The development proposed is the erection of agricultural storage building with incorporated office and respite area, creation of new access and formation of hard standing within site, siting of 2 no. water storage tanks.

## **Decisions**

1. Appeals A,B,C and D are dismissed.

## **Procedural Matters**

2. As is set out above, there are 4 appeal sites and proposals at the same address. The appellant has stated that they are linked as they are all required in connection with the same proposed business involving container grown plants as an agricultural enterprise. The various elements would be in close physical and functional juxtaposition to one another and so they could not reasonably be seen as isolated elements that could be treated as severable, including by way of the issues that arise. Hence, I have dealt with the 4 proposals together. The matters of dispute with the Council as set out in the reasons for refusal on the decision notices are also the same in each case.
3. The description of development for Appeal D in the banner heading above is taken from the planning application form. After the submission of the application, the description was amended to include reference to the provision of 4 car parking spaces, a shed together with associated boundary works. I have considered Appeal D on that basis as it better reflects this proposal.
4. The revised National Planning Policy Framework (revised Framework) has been published since the Council made its decisions. The main parties have had the opportunity to comment on this matter during the course of the appeals. I have considered it in my decisions.

## **Main Issues**

5. The main issues for Appeals A, B, C and D are the effect of the proposals on (i) water quality; and (ii) the character and appearance of the area.

## **Reasons**

### *Water Quality*

6. The appeal sites lie within a Source Protection Zone (SPZ). This is a defined area around large and public potable groundwater abstraction sites. The purpose of such a designation is to provide protection to safeguarding drinking water quality. As such, there is the potential for the discharge and abstraction of water related to a development in an SPZ to directly impact on water quality. The sites also lie a short distance from the River Beane, which is a chalk stream. The topography of the land slopes gradually from the sites towards this watercourse.
7. The SPZ is also afforded protection under Policy WAT2 of the East Herts District Plan (2018) (Local Plan). It lists a number of uses where development proposals will be required to submit an assessment of potential impacts and any mitigation measures required. These include the discharge of foul sewage to ground. Policy WAT3 of the Local Plan also affords protection to water quality and the water environment. Whilst controls outside of the planning system also safeguard groundwater protection, it is therefore a planning consideration in as far as deciding whether the proposals are an acceptable use of land in the SPZ.

8. The proposals intend to utilise a sewage treatment plant. The proposed likely system would remove up to 97.5% of the pollution, with the remaining fluid discharging via a gravel filled French Drain to a discharge field, before it reaches the groundwater resources. Whilst this provides an outline of the proposed means of foul water disposal, it provides a limited assessment of what the impact on the SPZ and the River Beane would be, related to the provision of the infrastructure that would be involved. Thus, there is insufficient evidence to demonstrate that unacceptable harm would not occur, even if low levels of foul water would be generated.
9. The information on the proposed surface water drainage is also limited. Reference is made to the use of rainwater harvesting and water storage, but the appellant acknowledges that if this was not deemed appropriate, then the drainage strategy would have to be rethought. The use of water abstraction is also said to be likely, but there is also limited information on this type of infrastructure and the effects.
10. The appellant considers that the imposition of planning conditions could deal with such matters. However, this belies the sensitivity of the location because of the SPZ and the River Beane. For this to be done after the grant of planning permissions could potentially nullify their effect if the impacts could not be adequately mitigated. Such conditions would not therefore be reasonable.
11. Whilst I appreciate that the potential cost of preparing such an assessment and the technical specification prior to a planning decision may be seen as a burden for rural business, the same level of protection has to apply irrespective. Otherwise there would be the potential for the SPZ to be contaminated by activities associated with such development. The Environment Agency has not objected to the proposals. However, the advice given is of a general nature. None of these matters change my conclusion.
12. In drawing the above considerations together, I conclude that the proposals would have an unacceptable effect on water quality. Accordingly, they would not comply with Policy WAT2 because the limited information provided does not reasonably amount to the policy requirement to provide an assessment of potential impacts and any mitigation measures. They would also not comply with Policy WAT3 where it states that development proposals will be required to preserve or enhance the water environment, ensuring improvements in surface water quality and the ecological value of watercourses and their margins and the protection of groundwater.

#### *Character and Appearance*

13. Where the proposed building and structures would be located comprises part of an open field that is well set back from Ford Lane. It is bounded by a hedgerow on one side. A narrow strip of part of the field that extends towards Ford Lane would form the access. There is some evidence of sub-division in the field by way of post and wire fencing, as well as an existing separate track access and an area that is in use for dog training. The river lies roughly 100 metres to the east of the sites. A Public Right of Way (PRoW) runs alongside the river.
14. Under the Council's Landscape Character Assessment Supplementary Planning Document (2007) (SPD), the sites lies within the Middle Beane Valley

Landscape Character Area. Its character is one of open arable farmland, hedgerows and small grouped woodland. The medium to large scale field pattern is in clear evidence in the vicinity of the sites, as are the undulating slopes on either side of the river itself. It was evident from my site visit that whilst the area is not devoid of development, it is a landscape where development is of a limited nature, including the occasional farmstead and isolated individual buildings.

15. As the proposals would consist of a modern barn-like storage building, polytunnels and the associated infrastructure, they would not be untypical for an agricultural development. They would not be out of keeping in these countryside surroundings. There is not an established built form because development is limited. Nevertheless, the proposals reflect an agricultural landscape character.
16. In terms of the visual impacts, the proposals would be well set back from the road and the PRoW. They would not be intrusive because of the agricultural form. The heights would be fairly modest and the appearance would be inconspicuous, being of green cladding on the storage building and sheeting or netting on the support frames of the polytunnels. The density would also limit wider visual and cumulative impacts because the proposals would be clustered together. The landform would also assist in this regard because the proposals would be sited towards the bottom of the river valley.
17. The proposals would also benefit from some screening afforded by the adjacent hedgerow and the appellant has also offered to provide more planting. If I was minded to allow the appeal, this could be achieved through the imposition of a Grampian type planning condition as the appellant has indicated control over the land in question, and there is not substantive evidence to the contrary. This would further limit both long and short views.
18. Policy DES2 of the Local Plan affords protection to landscape character and refers to the need for a Landscape and Visual Impact Assessment (LVIA) or equivalent in specified circumstances. As there would not be a potential adverse impact on landscape character, an LVIA is not required.
19. The revised Framework places an emphasis on achieving well-designed places. As the proposals would have an appearance that befits their agricultural use and would be sited within the context of an agricultural landscape, there would not be a conflict with the revised Framework in this regard. The proposals would not be poorly designed.
20. I conclude that the proposals would not have an unacceptable effect on the character and appearance of the area. As a result, they would comply with Policy DES2 as they would conserve, enhance or strengthen the character and distinctive features of the district's landscape, provide appropriate mitigation measures and as they have had regard to the SPD.

## **Other Matters**

21. The sites lies in the Green Belt. The Council considered that the proposals would not constitute inappropriate development. I see no reason to disagree as the revised Framework identifies that buildings for agriculture are not inappropriate development in the Green Belt.

22. The proposals would support the rural economy through the development of a rural business and would generate a level of employment. What is proposed clearly relates to the type of agricultural business that would operate. The unacceptable effect on water quality however significantly counts against the proposals. All other matters raised attract neutral weight. As a consequence, the economic benefits would not outweigh the harm that would arise.
23. Interested parties have raised a number of other concerns. However, as I am dismissing the appeals on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decisions.

### **Conclusion**

24. The effect on water quality would be unacceptable and is decisive. Accordingly, I conclude that the proposals conflict with the development plan when taken as a whole and there are no material considerations to outweigh this conflict. Therefore, Appeals A, B, C and D should be dismissed.

*Darren Hendley*

INSPECTOR



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# Appeal Decision

Site visit made on 30 November 2021

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

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**Appeal Ref: APP/J1915/W/21/3275908**

**30-34 London Road, Sawbridgeworth CM21 9JS**

- 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 Adam Tindall against the decision of East Hertfordshire District Council.
- The application Ref 3/20/1951/FUL, dated 2 October 2020, was refused by notice dated 11 January 2021.
- The development proposed is roof extension to form five new one bedroom flats including new external rear staircase.

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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:

- whether the proposal would preserve or enhance the character or appearance of the Sawbridgeworth Conservation Area (the CA) and whether any harm to the significance of the CA is outbalanced by any public benefits;
- the effects of the proposed development on the living conditions of future occupiers of the development and the existing and future occupiers of nearby properties, particularly with regard to light, outlook and privacy; and
- the effects of the proposal on the Sawbridgeworth Air Quality Management Area.

## Reasons

### *Effect on the Conservation Area*

3. London Road is a busy, vibrant, mixed-use street within the CA, defined by a predominance of two to three storey buildings with retail and service uses on the ground floor and, in some cases, residential above. As it is characteristic of the surrounding area, the appeal site is a mixed-use block, currently occupied by commercial and retail uses on the ground floor and residential above.
4. The significance of the CA comes from its history, which dates back to at least the 13<sup>th</sup> Century and from the historic buildings of many eras displayed within the CA. There are several listed buildings within the proximity of the site which

speak to the site's sensitive historic location, including the inns along London Road, which are a mark of the importance of this Road during the coaching era. The scale of London Road is domestic and this is reflected in the height and size of the buildings.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character and appearance of a conservation area.
6. The appeal site, consisting of 30-34 London Road, is a two storey flat roof 1960's block which is at odds with the predominant built form within the vicinity of the site in terms of its overall form, size, design and general appearance.
7. The Appellant's Statement of Case mentions that, in considering how the proposal would blend into the surrounding area, an effort was made to mirror other nearby properties, namely King's Head Court on the opposite side of the road. The same statement goes on to say that the surrounding units are a mixture of mansard and pitched roofs and that by adding another floor as a mansard structure, the property would better integrate with the wider area.
8. In addition to creating a new mansard roof, the present proposal would also increase the height of the existing structure by 3 metres, resulting in a significantly taller and therefore more dominant building than the one which currently occupies the appeal site.
9. The dominance of the proposed structure within the street scene would be further emphasised by its prominent location within London Road and also by being relatively taller than the buildings located to either side of the appeal site, which would be, if the proposal were to be implemented, dwarfed by the new structure.
10. At present, the existing buildings on either side of the appeal site are of a similar height to that of the existing structure. This assists in minimising the impact of 30-34 London Road on the CA. The proposed 3 metre height increase would result in a building that would be taller, more prominent within the streetscape and one which would be at odds with the predominant built form within the immediate vicinity of the site, in terms of size and scale.
11. Although I accept that the proposal would better reflect the roof structure of existing nearby buildings, namely King's Head Court, the overall appearance and design of the building would remain dominated by its other 1960s architectural and design features, which would then be made more prominent within the streetscape due to the proposed increased in the height of the building.
12. For all the foregoing reasons, the proposed development would harm the significance of the CA by failing to preserve its character and appearance. The magnitude of this harm would be less than substantial in the term of the Framework. In these circumstances, the Framework requires that, were a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
13. No specific public benefits have been brought to my attention in relation to the proposed development, albeit I recognise there would be some benefits, for

instance, in terms of increasing and improving housing stock and some benefits to the local economy. However, as any such public benefits would be very modest given the reasonably small scale of the development, these would be substantially outweighed by the relatively significant harm arising, bearing in mind the importance and protection given to designated heritage assets by statute and national and local planning policy.

14. The proposal would not, therefore, preserve or enhance the character of appearance of the CA. Consequently, it would conflict with Policy DES4, which aims to ensure that all development proposals are of a high design standard and promote local distinctiveness, and HA4, which aims to ensure that new development preserve or enhance the special interest, character and appearance of conservation areas, of the East Herts District Plan (2018).

#### *Living Conditions*

15. The appeal site is located in close proximity to other buildings to the east and south of the appeal site. Concerns have been raised by the Council in relation to the impact of the proposed development on the living conditions of the occupants of nearby properties, particularly as to light, outlook and privacy.
16. The south elevation of the proposed mansard roof would include four new windows. To the east elevation, two new doors one new window would be included. In addition to this, a new external staircase would also be proposed to the east facing rear elevation of the building.
17. Having reviewed the evidence provided by the Appellant in support of the proposal, no assessment appears to have been carried out in relation to whether the development would affect the living conditions of the occupants of nearby properties, particularly in relation to light, outlook and privacy.
18. Considering the design of the proposal and its proximity to other buildings, I find that the living conditions of occupiers of nearby properties could be affected.
19. Not only would the proposed development increase the overall height of the building, which could potentially impact levels of light currently enjoyed by the occupiers of nearby properties and their outlook, but it would also lead to the construction of new windows, doors and an external staircase which could impact levels of privacy currently enjoyed by occupiers of nearby properties.
20. I therefore conclude that the proposed development could have a harmful impact on the living conditions of occupiers of nearby properties, particularly in relation to light, outlook and privacy. Consequently the proposal would be contrary to Policy DES4 of the East Herts District Plan (2018) which states that all development proposal are expected to ensure that the environment of the occupiers of neighbouring properties is not harmed by noise and disturbance or by inadequate daylight, privacy or overshadowing.

#### *Air Quality Management Area*

21. The appeal site is located within the Sawbridgeworth Air Quality Management Area (SAQMA), which was declared as a result of the exceedance of the annual mean objectives for Nitrogen Dioxide.

22. Policy EQ4 of the East Herts District Plan (2018) states that all applications should take account of the Council's air quality planning guidance which details when an air quality assessment is required. The Policy also states that all developments should include measures to minimise air quality impact and should incorporate best practice in the design, construction and operation of all developments.
23. Although the Appellant acknowledges that the appeal site is located within the SAQMA, an Air Quality Assessment has not been submitted as required by Policy EQ4. The Appellant also states that the development would lead to a net decrease in traffic as one of the available parking spaces would be used for cycling and bin storage. Therefore, additional emissions would not be created from the proposal because as no further parking would be provided. This, coupled with the classification of the development as minor C3 residential, would mean that no mitigation would be required.
24. Even if I were to accept this to be the case, Policy EQ4 does still state that best practice measures during the construction phase of the development should be considered as part of an air quality assessment. In the absence of such an assessment, I cannot be assured that the construction of the development would not have a detrimental effect on the SAQMA or its objectives, which could potentially be mitigated against.
25. Furthermore, I am also aided by the comments made by the Environmental Health Department which highlight the need to consider the creation of a street canyon effect which could exacerbate air pollution levels in the SAQMA.
26. In conclusion, the proposal could have a detrimental impact on the SAQMA and consequently be contrary to Policy EQ4 which aims to ensure that proposal take into account the Council's Air Quality Planning Guidance Document and that development does not lead to a breach or worsening of a breach of an Air Quality objective.

### **Other Matters**

27. The Conservation and Urban Design Advice confirms that the building sits on a visually prominent corner with Bell Street which contains a number of listed buildings including eight Grade II Listed Buildings, namely the White Lion Hotel, The Pharmacy, The Elms Health Centre, The Chantry, The Barbery, Summer House at the rear of garden of No 9, Groves House and 53 London Road.
28. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving its setting.
29. Limited information has been provided in order to establish the significance of the heritage assets, including its setting. Nevertheless, it appears to me that the significance of these assets is linked to their historical importance to the town of Sawbridgeworth, particularly as the medieval core of the town was defined by Bell Street, Knight Street, and Church Street.
30. Paragraph 194 of the Framework states that local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 192 also states that local planning authorities should maintain or have access to a historic

environment record that should contain up-to-date evidence about the historic environment.

31. Considering the prominent location of the appeal site, the design of the proposed development and its proximity to the previously mentioned heritage assets, depending on the significance of their setting, the proposed development could, potentially, have a direct and harmful effect on their significance.
32. Nevertheless, considering that the appeal is to be dismissed on other issues mentioned in this decision, no further consideration is required on this matter.

**Conclusion**

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

*Andre Pinto*

INSPECTOR



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# Appeal Decision

**by Elizabeth Jones BSc (Hons) MTCP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 December 2021**

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**Appeal Ref: APP/J1915/X/21/3273612**

**1 Hole Farm Cottages, Albury Hall Park, Albury, Ware SG11 2JE**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr A Welsh against the decision of East Hertfordshire District Council.
- The application Ref 3/20/2192/CLPO, dated 6 November 2020, was refused by notice dated 1 March 2021.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a double storey rear extension.

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## **Decision**

1. The appeal is dismissed.

## **Procedural Matter**

2. I consider that this appeal can be determined without a site visit without causing injustice to any party. This is because I have been able to reach a decision based on the documentary evidence submitted.

## **Main Issue**

3. The main issue is whether the Council's decision to refuse an LDC is well-founded. This consideration is an issue of lawfulness which cannot take account of any matters of planning merit. The burden of proof in an LDC case rests with the appellant and the appropriate test of the evidence is the balance of probabilities.

## **Reasons**

4. The appeal property comprises a semi-detached house. The appellant proposes to construct a two-storey rear extension to provide a garden room on the ground floor and a bathroom above. The proposed development would be positioned between, but not connected to, a single storey utility room to the south and a lean-to kitchen extension to the north. The proposed extension would extend some 3m from the rear wall of the main house and would be approximately 4m wide.

5. Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) grants permission for classes of development described as permitted development in Schedule 2 to the Order and subject to any relevant exception, limitation or condition. Part 1 of Schedule 2 deals with development within the curtilage of a dwellinghouse and Class A of Part 1 specifically addresses the enlargement, improvement or other alteration of a dwellinghouse.
6. The principal point at issue is the Council's determination that the proposed extension would not comply with the limits and conditions in Class A, paragraphs A.1(j)<sup>1</sup>, A.1(ja)<sup>2</sup> and A.3 (c)<sup>3</sup> of Part 1 of Schedule 2 of the GPDO.
7. Both parties refer to Government guidance in relation to Class A contained within the publication 'Permitted development rights for householders – Technical Guidance'<sup>4</sup> (TG).
8. The Council's evidence<sup>5</sup> indicates that the existing utility room forms part of the rear elevation and is part of the original dwellinghouse (formerly the kitchen). Whilst not part of a principal elevation, the side wall of the utility room forms a side elevation of the original dwellinghouse. In this case, although the proposed extension is not physically joined to the utility room, it would extend beyond the side wall of the utility room, would exceed 4 metres in height and would have more than a single storey. Moreover, the proposed extension would also extend beyond the side wall of the original dwellinghouse that formed the original bathroom prior to the subsequent extension<sup>6</sup>. Consequently, the limits and conditions of Class A.1(j) would not be met. Thus, the proposed development would not be permitted development (PD) by virtue of Class A of the GPDO.
9. The appellant with reference to the gap between the proposed extension and the utility room, has drawn my attention to an LDC application<sup>7</sup> for a two-storey rear extension and an appeal decision<sup>8</sup> concerning two existing single-storey rear extensions. I acknowledge the importance of consistency in decision-making. These examples are for different developments which were each assessed on the particular facts and site-specific circumstances and are not directly comparable with the appeal proposal before me. As such, the LDC application and appeal decision have only limited weight.
10. The GPDO grants planning permission where all the relevant conditions and limitations are met. I have found that Class A.1(j) would not be met. Consequently, the planning permission sought has not been granted. As the

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<sup>1</sup> Paragraph A.1 (j) states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse and would – i) exceed 4 metres in height, ii) have more than a single storey, or iii) have a width greater than half the width of the original dwellinghouse.

<sup>2</sup> A.1 (ja) states that development is not permitted by Class A if any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j).

<sup>3</sup> Paragraph A.3 (c) states; where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

<sup>4</sup> Published by the Ministry for Housing, Communities and Local Government, September 2019.

<sup>5</sup> Appendix 1 of the Council's Statement.

<sup>6</sup> Planning permission Ref: 3/787-78.

<sup>7</sup> Ref: 3/17/1702/CLP.

<sup>8</sup> APP/T0355/X/18/3211902.

proposed extension would not comply with Class A.1(j) I have not considered the other limits and conditions in paragraphs A.1(ja) and A.3(c).

11. On the evidence available to me and having regard to all other matters raised, I find that, as a matter of fact and degree, it has not been demonstrated that the proposed development would be PD by virtue of the GPDO.

**Conclusion**

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

*Elizabeth Jones*

INSPECTOR



## Appeal Decision

Site visit made on 1 November 2021

**by P Eggleton BSc(Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>TH</sup> November 2021**

**Appeal Ref: APP/J1915/W/21/3272754**

**52 and 54 Widford Road, Hunsdon, Hertfordshire SG12 8NW**

- 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 M McNamee against the decision of East Herts Council.
- The application Ref 3/20/2219/FUL, dated 10 November 2020, was refused by notice dated 9 February 2021.
- The development proposed is a two bedroom bungalow.

### **Decision**

1. The appeal is allowed and planning permission is granted for a two bedroom bungalow at 52 and 54 Widford Road, Hunsdon, Hertfordshire, in accordance with the terms of the application, Ref 3/20/2219/FUL, dated 10 November 2020, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.
  - 2) The development shall be carried out in accordance with the approved plans date stamped 18 December 2020: Location Plan, Existing Rear Site Plan, Proposed Rear Site Plan, Roof Plan, Section Details, Floor Plan, East and West Elevations and North and South Elevations.
  - 3) Prior to any above ground construction works being commenced, details of the roof tiles and render colour of the bungalow shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 4) Details of all boundary treatments; soft and hard landscaping; and measures to enhance biodiversity, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the bungalow and shall be maintained in accordance with the approved details at all times thereafter; or with regard to soft landscaping works, these shall be carried out before the end of the first planting season following first occupation. In the event that any tree or hedging plant dies or is removed within five years of first planting, it shall be replaced before the end of the first available planting season.

5) The bungalow shall not be occupied until the parking spaces illustrated on the approved plans and an electric vehicle charging point, have been provided. These shall be maintained at all times thereafter for their intended use.

6) Prior to the first occupation of the bungalow hereby approved, the provision of a high-speed broadband internet connection shall be provided and shall be made available for use.

### **Main Issue**

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

### **Reasons**

3. The proposal would result in a new bungalow within the combined rear sections of the rear gardens of 52 and 54 Widford Road. The property would be served by an existing service road which is the main access to a number of semi-detached properties immediately to the east. The dwelling would replace domestic buildings whilst retaining good sized rear gardens for the host dwellings.
4. The Council's concern is that the proposal would fail to reflect and promote local distinctiveness and would cause harm to the character and appearance of the site and the surrounding area. The site is visible from the service road that serves these and the existing properties to the east and it would improve the appearance of this area which currently accommodates domestic outbuildings. In any views from the north, across the adjacent field, the low height of the bungalow would ensure that it would have very limited prominence. In any event, it would retain the existing residential character. Whilst the settlement has a generally historic linear form, there are numerous exceptions to this. This proposal would not alter or detract from the existing form, character or appearance of this area or the village overall.
5. The Council make reference to policies of the East Herts District Plan 2018. Policy VILL1 identifies Hunsdon as a Group 1 Village where new residential development is permitted subject to the requirements set out in part VI of the policy. I have found no conflict with those specific requirements. Policy DES4 seeks high standards of design. The proposal would have a hipped roof which would reflect the detailing of neighbouring properties. The overall design would sit comfortably in this residential area. It would make good use of the site, be adaptable for a range of occupiers, provide adequately sized rooms, have space for bins in the good sized garden and it would have little impact on adjoining neighbours. These policies therefore generally support the proposal.
6. Concerns have been raised with regard to sewage and drainage issues; the suitability of the access and its ownership; and the potential for obstruction during construction works. Whilst these are matters that will need to be addressed by the developer, no objections have been raised by the Council or utility providers; and ownership matters, including the use of the access, are outside the scope of this appeal. The Parish Council has raised concerns with regard to the loss of garages and parking to the rear of the host dwellings but adequate off-road parking to the front of the dwellings is present and in use.

7. Overall, I find support for the principle of this development from the development plan and I have found no matters that weigh significantly against it. I therefore allow the appeal.
8. I have imposed conditions that refer to the timetable for commencement; and make reference to the approved plans, for the avoidance of doubt. I have also imposed conditions to control the external materials; and landscaping including boundary treatments, to ensure that the proposal has a satisfactory appearance. Within this condition, I have included the requirement to enhance biodiversity as the most appropriate measures may include landscape planting and/or the bird and bat boxes suggested by the Council. I have also required the provision of the parking spaces; an electric vehicle charging point and access to high-speed broadband, in order to ensure that the illustrated parking is provided so as not to impact on the use of the shared access; to encourage the use of a more sustainable fuel source; and to secure adequate connectivity. These conditions seek to address the requirements of Policies TRA3, CC1 and DES4; and the aspirations of the National Planning Policy Framework.

*Peter Eggleton*

**INSPECTOR**



## Appeal Decision

Site Visit made on 16 November 2021

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> November 2021**

**Appeal Ref: APP/J1915/D/21/3273650**

**The Brooms, 69 Lower Road, Great Amwell SG12 9SZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs G Edwards against the decision of East Hertfordshire District Council.
- The application Ref: 3/20/2415/HH, dated 30 November 2020, was refused by notice dated 28 January 2021.
- The development proposed is described as removal of existing flat roof and replaced by a pitched roof.

### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.

### **Main Issues**

3. The main issues in this case are:
  - a) whether the proposal would be inappropriate development in the Green Belt for the purposes of the Framework and development plan policy;
  - b) the effect of the proposal on the openness of the Green Belt; and
  - c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify development.

### **Reasons**

#### *Whether inappropriate development*

4. The appeal site comprises a detached two-storey house with detached garage and its garden areas. It is located beyond the rear gardens of dwellings that front onto Lower Road. The site sits within the Metropolitan Green Belt.
5. Paragraph 149 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the extension or alteration of a building, provided it does not result in

disproportionate additions over and above the size of the original building. Policy GBR1 of the East Herts District Plan (DP) sets out that planning applications within the Green Belt will be considered in line with the provisions of the Framework.

6. The proposal would not further increase the floorspace of the house. Nevertheless, it is undisputed that the building has previously been extended with an approximately 124% increase in floorspace, and that the proposal would further add approximately 52.5cu.m of pitched roof mass to much of the south-eastern part of the building. Also, the proposed new roof would add built bulk to space above the top of the crown roof. This would reduce the relative subservience of the south-eastern wing, in relation to the main body of the dwellinghouse.
7. I therefore conclude that the proposal would entail a disproportionate addition within the Green Belt. Thus, the proposal would not fall within the exceptions listed in paragraph 149c) of the Framework. Thus, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework and Policy GBR1 of the DP.

#### *Openness of the Green Belt*

8. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. Openness has both spatial and visual dimensions.
9. Albeit the proposal would be visible from various viewpoints within the appeal site, and glimpsed from the adjoining public footpath, perimeter garden vegetation and fencing would largely screen the proposal from wider view.
10. Nevertheless, the proposed roof extension would add approximately a further 3m height of pitched roof bulk and gable end to the south-eastern part of the building, compared to the existing, lower crown roof. Also, the ridge of the proposed roofing would rise up to within around 0.5m of the existing main roof ridge. As such, the step down in ridge height of the proposed new roofing from that of the existing main roof would appear relatively modest, in proportion to the proposed expanse of new roofing. Together, these factors would result in the visual impression of the almost full height mass of the building having been increased in width by around half. This would also reduce the sense of spaciousness between the detached house and the south-eastern garden boundary.
11. The above combination of factors would result in some harm to the openness of the Green Belt. This harm must be regarded as additional to the harm by reason of inappropriateness.

#### *Other considerations*

12. The proposal would result in increased roof space at the appeal property, mainly above the kitchen and utility room. The proposed roof pitch and height towards one end of the building would go some way to increase the visual balance of the front and rear elevations of the building. While noting the appellants' reference to a 'maintenance problem' with the crown roof, the possibility of a maintenance solution that would be less intrusive than the

appeal proposal is not decisively discounted. Given the modest scale of benefit, I attach limited weight to it.

*Whether very special circumstances*

13. As per paragraph 148 of the Framework, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have found that the proposal would be inappropriate development in the Green Belt, which would, by definition, be harmful. The appeal scheme would also result in harm to the openness of the Green Belt. The identified harm to the Green Belt carries substantial weight. On the other hand, the other considerations I have identified are of limited weight in favour of the proposal.
15. Therefore, the harm to the Green Belt is not clearly outweighed by the other considerations identified. Thus, the very special circumstances necessary to justify the proposal do not exist. As such, the proposal is contrary to the Framework.

**Conclusion**

16. The proposed development would be contrary to the development plan and Framework and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

*William Cooper*

INSPECTOR



## Appeal Decision

Site Visit made on 25 October 2021

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 December 2021**

**Appeal Ref: APP/J1915/W/21/3272397**

**Farlea, Spellbrook Lane West, Spellbrook, Bishop's Stortford CM23 4AY**

- 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 Greg McClelland against the decision of East Hertfordshire District Council.
- The application Ref 3/21/0112/FUL, dated 18 January 2021, was refused by notice dated 16 March 2021.
- The development proposed is the erection of dwelling with linked garage with room over, swimming pool, pool house, with associated landscaping, parking and the creation of new access.

### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of dwelling with linked garage with room over, swimming pool, pool house, with associated landscaping, parking and the creation of new access at Farlea Spellbrook Lane West, Spellbrook, Bishop's Stortford CM23 4AY in accordance with the terms of the application, Ref 3/21/0112/FUL, dated 18 January 2021, subject to the conditions set out in the schedule at Appendix 1.

### **Main Issues**

2. The main issues are:
  - Whether or not the proposal would be inappropriate development in the Green Belt;
  - The effect of the proposal on the openness of the Green Belt; and
  - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to allow the development.

### **Reasons**

#### *Inappropriateness*

3. The appeal site is an area of land adjacent to 'Farlea' which at the time of my visit had been excavated. Planning permission has been granted for a dwelling on site (Ref. 3/20/1955/FUL) which is extant and represents a fallback position to the appeal proposal before me. A previous permission (Ref. 3/17/2018/FUL) for two dwellings on the site appears to have lapsed. The appeal proposal materially differs from the fallback through the inclusion of a new link between the dwelling and the garage, some further alterations to the dwelling layout,

the addition of a swimming pool, hard landscaping and a 'pool house' (which would include a gymnasium, changing room and lounge area) positioned to the rear of the dwelling.

4. The National Planning Policy Framework (NPPF) attaches great importance to Green Belts, and paragraph 149 considers the construction of new buildings to be inappropriate in the Green Belt subject to exceptions. Paragraph 149(e) of the NPPF allows for limited infilling in villages as one of those exceptions. The appeal site is located between the adjacent dwellings known as 'Farlea' and 'Inglis' with the proposed dwelling positioned between the two properties. The appeal site would not protrude further into the Green Belt than the rear boundary of Farlea, albeit the proposed site boundary would extend the rear curtilage slightly further beyond the rear boundary of Inglis when compared to the boundary of the fallback. However, the site boundary would still not extend further south than the most southerly point of the boundary of the fallback permission.
5. Further beyond the rear boundary of the appeal site, my attention has been drawn to the stables which have permission for residential conversion (Ref. 3/18/0978/FUL) and to the east of Farlea, a site with planning permission for two dwellings (Ref. 3/19/1409/FUL). The appeal proposal would not be directly adjacent to the stables and there would remain a gap between the stables and the appeal site. Although no detailed plans have been provided in respect of the two dwellings to the east of Farlea (3/19/1409/FUL), the site plan in the appellant's statement shows its boundary follows the rear boundary of Farlea. The appeal proposal would continue the linear development along Spellbrook Lane West and the rear boundary would align with the properties to the east. I consider the appeal site has a close relationship to the adjacent residential properties on Spellbrook Lane West and the proposal would infill a gap between the two existing properties, continuing the linear development along the road frontage.
6. The appeal proposal includes a side link which would infill a proportion of the space between the proposed dwelling and garage. The swimming pool would be set into the ground and would not extend beyond the rear building line of Farlea. Although the position of the pool house would be set back beyond the rear building line of both adjacent properties, the overall depth of the rear curtilage would not project further than the dwellings to the east of the site.
7. Although the proposed pool house would be of a significant scale, the Council has not raised concerns regarding its character or appearance. Furthermore, other outbuildings could be erected under Permitted Development rights beyond the rear of the proposed dwelling and the Council confirmed that it did not remove Permitted Development rights for outbuildings as part of the fallback permission. I consider that the minimal increase in the size of the curtilage, and the position of the proposed development between the adjacent properties would, in my judgement, constitute limited infilling in a village as defined by paragraph 149 of the NPPF.
8. In light of the above, I therefore conclude the proposal would not be inappropriate development in the Green Belt for the purposes of national planning policy. As such, it would accord with Policy GBR1 of the East Herts District Plan (2018) which states that proposals within the Green Belt will be considered in line with the NPPF.

### *Openness*

9. Paragraph 137 of the NPPF indicates that it is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
10. The scale and permanence of the pool house would erode part of the rear garden land of the proposed development and the presence of the additional building would not keep that part of the Green Belt permanently open. However, whilst a new building would have an effect on openness, as the proposal would represent limited infilling within a village under paragraph 149(e) of the NPPF, any impact on openness is implicitly taken into account within this exception. Further, the impact on openness would be minimised as a result of the lower level of the appeal site than the paddock land to the rear.

### *Other considerations*

11. The provision of a single dwelling would have economic benefits arising from construction and the supply of materials. It would also have social benefits arising from future occupants utilising services and facilities in nearby settlements. Furthermore, the appeal proposal would also make a positive contribution to meeting housing need in the area through the provision of an additional dwelling. However, as only a single house is proposed, the social and economic benefits would only be limited.

### **Conditions**

12. The Council has identified conditions which the appellant has had the opportunity to comment on. I have considered these against the advice in the NPPF and the Planning Practice Guidance and have only imposed them where I consider they meet the tests, amending them where necessary for the sake of clarity, precision and enforceability.
13. Although it appears the fallback permission has commenced, the standard time limit is nonetheless required to define this permission. In addition, in the interests of certainty, I have imposed a condition specifying the approved plans.
14. In order to avoid any harm to archaeology that may be found on site, the Council suggested a pre-commencement condition for a programme of archaeological work to be undertaken prior to any development or groundworks. However, as groundworks have been undertaken in relation to the fallback permission, and the original scheme of archaeological work in relation to the siting of the dwelling has been partly discharged, the condition is required to be amended to reflect the additional area of land where the proposed poolhouse is to be sited which has been agreed by the appellant.
15. The Council had suggested a pre-commencement condition be imposed to restrict development or groundworks in order to ensure the living conditions of adjoining occupiers would not be harmed in respect of changes in land levels. However, as groundworks had taken place on the fallback permission, I have amended the condition to reflect any above ground construction taking place. I have also removed references in the Council's originally suggested condition relating to a specific number of buildings what did not match the plans. Therefore, in the interests of certainty a pre-commencement condition which

has been agreed by the appellant is required seeking details of the existing and proposed ground levels as well as details of the ridge heights of the proposed development.

16. In the interests of good design and the appearance of the development, a condition is required seeking approval of the materials to be used.
17. In the interests of design and the living conditions of future occupiers, a condition is required to seek approval for the details of hard and soft landscaping and the accompanying landscaping materials.
18. In the interests of design and the avoidance of harm to the living conditions of future occupiers of the proposed development and adjoining occupiers, a condition is required specifying the details of boundary walls, fences and other means of enclosure.
19. In the interests of highway safety, a condition is required to secure suitable visibility splays as per the submitted plans and to ensure those splays are maintained free of obstruction.
20. In the interests of good design and the continued maintenance of the landscaping proposals, a further condition is required to ensure that any trees or plants identified are replaced within 5 years of planting should these die or are otherwise damaged or defective.
21. In the interests of highway safety, a condition is required specifying the establishment and retention of wheel washing facilities for any construction traffic using the site.
22. The Council has sought a condition seeking to remove Permitted Development rights buildings or outbuildings within the curtilage of a dwellinghouse. Due to the scale of the development approved including the swimming pool and pool house and the extent of the curtilage that is covered by hard landscaping, in order to ensure satisfactory control over the future development of the site, in this exceptional circumstance, a condition is necessary to restricting any further development under the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

### **Conclusion**

23. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

*Philip Mileham*

INSPECTOR

## **Appendix 1**

### **Schedule of 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:  

05.20.LP Rev.A – Location Plan  
05.20.01 Rev.F – Site/ Roof Plan  
05.20.02 Rev.F – General Arrangements Plans  
05.20.03 Rev.E – General Arrangement sections & elevations  
05.20.04 Rev.A – Proposed Poolhouse  
MS-5394 – Topographical Survey
- 3) No development or groundworks shall take place in connection with the pool house until a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports for the whole of the application site are submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to any above ground construction works being commenced, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to first occupation of the development hereby permitted, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be carried out in accordance with the approved details.
- 7) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of such species, size and number as

originally approved, unless the Local Planning Authority gives its written consent to any variation.

- 8) Prior to the first occupation or use of the development hereby permitted, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
- 9) Prior to the occupation of the proposed development, visibility splays shall be provided in accordance with plan red 05.20.01 Rev F and the area contained within the splays shall be kept free of any obstruction exceeding 0.6m in height above the nearside channel level of the carriage and shall be maintained as such thereafter.
- 10) Wheel washing facilities shall be established within the site and shall be kept in operation at all times during demolition and construction works.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, no works or development as described in Schedule 2, Part 1, Class E of the Order shall be undertaken without the prior written permission of the Local Planning Authority.



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# Appeal Decision

Site visit made on 27 October 2021

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 November 2021**

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**Appeal Ref: APP/J1915/D/21/3276901**

**46 Cowper Crescent, Hertford, SG14 3DZ**

- 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 Brenton and Gemma Peglar against the decision of East Herts Council.
- The application Ref 3/21/0310/HH, dated 7 February 2021, was refused by notice dated 29 March 2021.
- The development proposed is part demolition of the existing ground floor and the erection of a single storey rear extension and a two storey side extension.

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## Decision

1. The appeal is allowed and planning permission is granted for part demolition of the existing ground floor and the erection of a single storey rear extension and a two storey side extension at 46 Cowper Crescent, Hertford, SG14 3DZ, in accordance with the terms of the application Ref 3/21/0310/HH, dated 7 February 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: location plan, GP 2020/01, GP 2020/101, GP 2020/100, GP 2020/10 and GP 2020/11.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

## Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

## Reasons

3. 46 Cowper Crescent is a two storey detached house in an established residential area. It has a single storey side extension adjoining the boundary with No. 44. The latter is set at an angle to No. 46 as a result of its location on the outside of a bend in the road.

4. I consider that the relevant policy in this case is DES4 of the East Herts District Plan 2018. This seeks to ensure, among other things, that development, including extensions to existing buildings, avoids significant detrimental impacts on the amenity of the occupiers of neighbouring properties.
5. The proposed two storey side extension would extend the full depth of the house along the boundary with No. 44. It is a variation of a previous scheme for a two storey extension in that it would have a hipped rather than a gabled roof, with eaves set at the same height as the existing house. The distance between the proposed extension and the side wall of No. 44 would vary between approximately 2m and 3.5m because of the angle between the two properties.
6. There is a first floor window in the side wall of No. 44 facing No. 46 which I understand is the only window that serves a bedroom. No. 44 appears to have been extended at some time to the full two storey height at the rear which may have necessitated the insertion of the present side window to serve that room. There would be some diminution of outlook from inside the room. However, I consider that while this is not ideal either for present or future occupiers, the impact would be mitigated by the hipped roof and light levels would remain acceptable.
7. I note that the present occupiers of No. 44 have submitted a representation in support of the proposal and this, together with the benefits to the appellants of the increase in the amount of accommodation, adds weight to my finding on the limited impact of the proposal on the neighbours' amenity.
8. I conclude that the proposal would not cause harm to the living conditions of occupiers of the neighbouring property by reason of overbearing or loss of light or outlook and that it is consistent with policy DES4 of the District Plan.
9. For the reasons given above, the appeal is allowed.

### **Conditions**

10. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. A condition relating to the materials is necessary in order to ensure the satisfactory appearance of the development.

*PAG Metcalfe*

INSPECTOR



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# Appeal Decision

Site visit made on 27 October 2021

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 November 2021**

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**Appeal Ref: APP/J1915/D/21/3278502**

**1 Peters Wood Hill, Ware, SG12 9NR**

- 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 Stephen McCollum against the decision of East Herts Council.
- The application Ref 3/21/0785/HH, dated 24 March 2021, was refused by notice dated 26 May 2021.
- The development proposed is ground floor rear extension, existing basement extension and conversion, new roof, new porch, internal alterations.

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## Decision

1. The appeal is dismissed.

## Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area.

## Reasons

3. 1 Peters Wood Hill is a two storey detached house with a two storey rear extension and a basement set down from the road on a sloping site located in a prominent position at the entrance to a cul-de-sac. It is constructed of brick, with interlocking roof tiles. The immediate surroundings are characterised by houses similarly constructed predominantly of brick with tiled roofs and sharing some similarities in style and modest architectural detailing typical of the period of construction.
4. I consider that the relevant policies in this case include DES4 and HOU11 of the East Herts District Plan 2018 which require, among other things, that development proposals, including residential extensions, be of a high standard of design reflecting local distinctiveness and the scale, massing, building materials and design features of the surrounding area and the original dwelling, within the constraints of the site. These policies are consistent with the advice regarding high standards of design in the National Planning Policy Framework 2021 (the Framework).
5. The proposal includes a number of extensions and external and internal alterations to modernise the living accommodation within the house. The size and form of the proposals at the rear of the house are dictated partly by the significant fall in ground levels across the site both from west (the road) to east and from south to north.

6. I consider that the size and scale of the proposed extensions to the rear are acceptable in form and massing in the context of the overall size and characteristics of the site. I also find the proposed increase in height of the lower, northern part of the house to be relatively modest and in proportion with and subordinate to the other part of the house. It reflects the roof pitch of the latter.
7. I consider that the proposed extensive use of zinc cladding is out of keeping with the character and appearance of the existing house itself and the wider area. I accept that the architectural character of the area is modest in its form and detailing and that the introduction of modern materials is not necessarily unacceptable. However, the houses in the street have some local distinctiveness in the cohesive impact of the predominance of brick and tiles as building materials. The proposed large area of zinc for the roof and the front porch would contrast starkly with this pattern of development and appear incongruous in this prominent and highly visible position at the entrance to the cul-de-sac.
8. The appellant has drawn my attention to examples nearby where zinc cladding has been used. In these cases it has been used on dormer windows to the rear of the property and is not readily visible or prominent in public viewpoints. The dark brown colour and small amount of surface area involved helps it to blend in with the overall appearance of the buildings. By contrast, the proposal would result in a large area of a material, which, notwithstanding its colour, would appear out of keeping with both the existing house and the surrounding area.
9. I conclude that the proposal would harm the character and appearance of the existing house and the surrounding area, contrary to policies DES4 and HOU11.
10. For the reasons given above, the appeal is dismissed.

*PAG Metcalfe*

INSPECTOR



## Appeal Decision

Site visit made on 15 November 2021

**by Andrew Dale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2021**

**Appeal Ref. APP/J1915/D/21/3279825**

**Land on Wrenbrook Road to the west of 24 Havers Lane, Bishop's Stortford CM23 3PH**

- 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 Benjamin Baxter against the decision of East Hertfordshire District Council.
- The application ref. 3/21/1085/FUL, dated 10 May 2021, was refused by notice dated 15 July 2021.
- The development proposed is described on the application form as "*Garage to be rebuilt after previous garage was demolished for being unsafe*".

### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. The appellant was not present for the access required site visit which had been scheduled. As I could see what I needed to from public land, I proceeded with the site visit on an unaccompanied basis.
3. I have taken the site address in the heading above from section 4 of the application form. When compared with the Council's decision notice and the appeal form, it more accurately describes the exact location of the site.
4. Different descriptions of the proposed development appear on the Council's decision notice and the appeal form. The former refers to a "*Detached single storey garage/workshop*". The latter refers to a "*Safe secure garage for storing a vehicle/trailer in*". In these circumstances I see no reason for departing from what was offered at section 3 of the application form.

### **Main issue**

5. I consider the main issue in this appeal to be the implications of the proposed garage for the proper planning of the area with regard to its potential effects upon the living conditions of the neighbouring occupiers at 24 Havers Lane, highway safety and an oak tree subject to a Tree Preservation Order (TPO).

## Reasons

6. The appeal concerns an irregular shaped area of hardstanding fronting onto Wrenbrook Road close to its junction with Havers Lane. The surroundings of the appeal site are residential in character.
7. Close to the rear and south-eastern side boundaries of the site is the dwelling and associated garden at 24 Havers Lane. The front boundary is formed by the footway (along Wrenbrook Road) which is about 1.5m wide. Next to the north-western side boundary is the oak tree subject to the TPO. Beyond the tree is a separate hardstanding upon which is a timber-framed structure.
8. The proposed garage would be built to fit the shape of the site, leaving only nominal strips of land alongside each boundary. It would be topped by a mono-pitched felt roof ranging from 2.8m to 3.0m high.
9. Whatever the change in levels between the appeal site and 24 Havers Lane, the ground floor windows in the opposing side elevation of this adjacent dwelling seem to have some form of frosted glass, as indicated by the appellant. This suggests to me that those windows are unlikely to function as primary windows to habitable rooms. In any event, the windows look straight into the boundary fence which is topped by a trellis overgrown by evergreen vegetation reaching well over 2m in height only a short distance away.
10. These factors may explain why the comments on the planning application from the occupiers of 24 Havers Lane raised no concerns about the physical impact of the garage building. I see no basis to find that the scheme would have any significant detrimental impacts on the amenity of the occupiers of this neighbouring property through overbearing effects, a sense of enclosure, harm to outlook or loss of light. There would be respect for Policy DES4 of the East Herts District Plan (EHDP).
11. The appellant says the highway authority "... would like 1m of clearance from the road..." and that this is not possible as it would affect the use of the building as a store for a vehicle/trailer. In fact, in order to minimise danger, obstruction and inconvenience to users of the highway and the premises, at a point that is close to a road junction and a sharp bend in the carriageway, the highway authority, correctly in my view, requires the garage to be set back a minimum distance of 2m from the kerb line in Wrenbrook Road. This would entail the front of the garage being sited about 0.5m back from the front edge of the site. The block plan does not show that this would be achieved.
12. The photograph submitted by the appellant shows that the much smaller former garage was set back from the pavement, with the block plan confirming that it broadly met the 2m requirement. I have no detailed planning information about the other garages on the road. I agree with the local planning authority that the siting of the garage cannot be controlled by a planning condition, given the limited space available on the site for the size of garage proposed and the stated storage needs of the appellant. As things stand, it has not been demonstrated that the proposed garage would benefit from safe and suitable highway access arrangements. This is in conflict with Policy TRA2 of the EHDP.

13. The protected oak tree is mature and substantial in size, prominent in the wider urban surroundings and clearly of some amenity value as confirmed by its inclusion in the TPO. The appellant explains that 3 local tree surgeons have checked the ground and found that the site is clear of roots for up to about "...100cm from the surface...". He states that the concrete raft slab for the garage base only requires a depth of 30cm so there will be no adverse effects on the strength or growth of the tree.
14. The appellant's assertions are not backed up by any written reports from those tree surgeons and are somewhat surprising as it is common to find the majority of tree roots in the top 600mm of soil. The garage would be sited very close to the tree and within its root protection area, as confirmed by the Council's Landscape Officer. No tree survey and arboricultural implications assessment, in line with British Standard 5837: 2012, has been submitted to demonstrate that the garage would not cause damage to the protected oak tree, including its root system. Thus, I cannot be certain about the future of this tree and the positive contribution it makes to the local amenities of the area. The failure to demonstrate how the scheme will retain, protect and enhance this notable landscape feature conflicts with the aims of Policy DES3 of the EHDP and Policy GIP4 of Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 2016-2032.
15. Drawing these threads together, I find on the main issue that the proposed garage would not be conducive to the proper planning of the area given the likely adverse effects upon highway safety and an oak tree subject to a TPO.
16. Several interested parties and the Town Council were concerned about the possibility of the proposed building being used for commercial or industrial purposes. Given the recent history of the site, this concern is acknowledged but if the proposal had been acceptable in all respects, it would have been possible to attach a planning condition preventing such uses and limiting the use to the storage of a vehicle/trailer. It would also have been possible to exercise control over materials and the coloured finish to the metal shutter door. There may be restrictive covenants affecting the land but these are private legal matters which fall outside the scope of public planning controls.

### **Conclusion**

17. My finding on the main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be fully mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised and the representations from a local Councillor, local residents and the Town Council, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR



## Appeal Decision

Site visit made on 15 November 2021

**by Andrew Dale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29<sup>th</sup> November 2021**

**Appeal Ref. APP/J1915/D/21/3282663**

**104 Cowper Crescent, Hertford SG14 3EB**

- 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 Lee Burnham against the decision of East Hertfordshire District Council.
- The application ref. 3/21/1140/HH, dated 29 April 2021, was refused by notice dated 25 June 2021.
- The development proposed is described on the application form as "*Removal of garage building, part single, part two storey side & rear extension*".

### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. A Tree Preservation Order seems to cover the woodland with a mix of evergreen and deciduous trees beyond the rear (western) boundary of the appeal site. The application form confirms that no trees or hedges will need to be removed or pruned in order to carry out the proposed extension. I see no reason to disagree.
3. In the planning policies section of the Delegated Officer Report there is mention of an "Adopted Neighbourhood Plan" which I have taken to be the Bengeo Neighbourhood Area Plan. The parties have not sought to rely on this document and it is plain that the most relevant policies of the development plan are to be found in the East Herts District Plan (EHDP) 2018.
4. The Council's questionnaire suggested that in order to ascertain the impact of the proposed extension on the amenities of neighbouring occupiers, an Inspector may wish to view the side and rear of the appeal property and stand on the driveway of 102 Cowper Crescent. However, in line with the contribution made by the appellant at section G1 of the appeal form, I was able to reach a decision on the appeal by viewing from various vantage points on public land.

### **Main issues**

5. The main issues are the effects of the proposed extension upon the character and appearance of the locality and upon the amenities of the neighbouring occupiers at 102 Cowper Crescent with regard to the potential for any overbearing effects and loss of outlook.

## Reasons

6. The appeal concerns a 2-storey, semi-detached house in an established residential crescent which sweeps round off 2 junctions with The Avenue and presents a varied street scene of houses, bungalows and chalet bungalows. Whilst the crescent does not possess any outstanding urban architecture, it is nonetheless a pleasant residential area, with its western side in the vicinity of the appeal site benefitting from the attractive backdrop of the protected woodland as viewed in the gaps between the properties. There is such a view between nos 102 and 104 at the present time.
7. No. 102 is the semi-detached bungalow to the north of the appeal property. They are separated from each other by their adjoining narrow drives which serve garages towards the rear. The building line of no. 104 is set slightly in advance of the one at no. 102. This added to the single-storey built form of no. 102 results in the north-facing flank wall of the appeal property being particularly noticeable when approaching along the crescent from the north.
8. The proposed scheme would add substantial bulk and mass to that northern side elevation to the extent that it would undoubtedly and inappropriately challenge the dominance of the front elevation. The design does not seek to break up that mass and bulk. The 2-storey part of the side and rear extension would not be set down from the roof ridge at the front or be set back from the front elevation or be set in along the side to retain the existing rear roof hip and a semblance of the original rear wall plane. The single-storey part of the side and rear extension would extend across the full depth of the 2-storey part of the extension, reach up to the shared boundary with no. 102 and include a mono-pitched roof which would be somewhat taller than the garage building which is to be removed.
9. The extension would appear as an insufficiently subservient addition to the existing dwelling especially in public views from the north. The partial infilling of the gap between nos 102 and 104 in the manner proposed would detract from the welcome spaciousness in the residential layout hereabouts and from the appreciation of the attractive woodland to the rear which positively contributes to the street scene. The adjacent bungalow has a modest and low physical presence. Given the proximity of the proposed built development, the slightly advanced building line of no. 104 and the mass, height and bulk of what is proposed, the bungalow at no. 102 would appear somewhat overwhelmed by the development. This would be disruptive to and detract from the character and setting of both properties.
10. I find on the **first main issue** that the proposed extension would harm the character and appearance of the locality. As the development would have a size, scale, mass and siting that would be disrespectful of and inappropriate to the character, appearance and setting of the existing dwelling and the surrounding area and would not generally appear as a subservient addition to the host dwelling, there would be conflict with the aims of Policies DES4 and HOU11 of the EHDP.
11. With regard to the second main issue, I noted the 4 windows in the opposing southern side elevation of no. 102 but even if I had been able to stand on the driveway of that property, I would not have been able to be sure about

whether they were primary windows to habitable rooms. The Council has not secured this information during the processing of the application. The appellant has not thrown any light on this matter. The occupiers of no. 102 did not respond to the neighbour consultation exercise conducted by the Council at the time of the application.

12. The extent of the glazing across the side elevation is notable. The neighbouring occupiers there would inevitably experience some overbearing effects and some diminution of outlook from inside the rooms served by those windows. However, if those windows serve non-habitable rooms or are minor, secondary windows to habitable rooms, it would be very difficult to reach a finding that the scheme would have significant detrimental impacts on the amenity of those occupiers, which is the test set by Policy DES4 of the EHDP.
13. Had the appeal turned solely on this issue, I would have taken steps to secure additional information, possibly by arranging an access required site visit to the appeal property and to look inside no. 102. As it is, I am dismissing the appeal on the basis of my finding on the first main issue that I have set out above and that would remain the case even if I had been able to make a clear and positive finding in favour of the appellant on this second main issue. As things stand, I have decided to make a neutral finding on the **second main issue**.
14. I have noted the planning history of the site insofar as it has been presented to me. It is apparent that 2 planning applications in 2007, relating to different proposals to extend the appeal property, were refused with one of the schemes being subsequently dismissed on appeal. I have not been provided with the relevant plans or the appeal decision so it is difficult to make any informed comparisons with what is now proposed, let alone consider whether or not those decisions involved flawed thinking. Moreover, the development plan framework has changed since that time. I have reached a decision on this appeal based on the planning merits of the case, the written material put before me, the circumstances of the site and its surroundings and current, relevant development plan policies.
15. The appellant has pointed to a number of side extensions which have resulted in reduced spacing between various houses along Cowper Crescent. I saw several of these examples on my site visit but I do not have the full planning history of these cases before me and not all of them are necessarily good examples to follow. A more relevant comparison would arguably be with those situations where a house stands alongside a bungalow such as at nos 70/72, 81/83, 86/88, 93/95 and 94/96. All those situations provide for more appropriate spacing between the contrasting built forms thus offering better preservation of the character and setting of each property than would be the case if the appeal scheme was to be built.
16. Permitted development rights represent a fallback and a material consideration when considering the planning merits. However, there is no clear evidence before me, such as a certificate of lawful proposed development or fully worked-out plan drawings of an alternative scheme, to suggest that a larger, identical or even a very similar extension project could take place using the permitted development rights that would be available. Embarking on permitted development rights, under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, would be unlikely to produce

something less desirable than the development that has been proposed in the application the subject of this appeal.

### **Conclusion**

17. My finding on the first main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised and the absence of objections from local residents and the Town Council, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR



## Appeal Decision

Site visit made on 20 December 2021

**by P. D. Biggers BSc Hons MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 December 2021.**

**Appeal Ref: APP/J1915/D/21/3284615**

**32 Hurn Grove, Bishops Stortford CM23 5DD.**

- 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 Jenny Bassett against the decision of East Herts Council.
- The application 3/21/1240/HH, dated 9 May 2021, was refused by notice dated 20 July 2021.
- The development proposed is hip to gable loft conversion including the addition of a roof dormer to the rear facing roof slope.

### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the surroundings on Hurn Grove.

### **Reasons**

3. Hurn Grove, where the appeal site is located, forms part of a modern estate backing onto woodland on the outskirts of Bishops Stortford. The appeal property forms the end house in a short terrace of 4 properties built in brick under a hipped, tiled roof. Within the immediate vicinity there is a mix of gabled-ended roofs and hipped roofs and, in terms of the blocks housing Nos 22-24 and Nos 25-28, gable and hipped roofs are mixed on the same block.
4. For that reason, I am satisfied that the proposal to convert the hip roof to a gable end on the northern end of No 32, even though the other end of the block would remain hipped, would not appear out of keeping with the character and appearance of this part of the estate. The northern end of the terrace backs onto the highway footpath but the immediate surroundings are sufficiently open to ensure the proposed gable would not appear unduly overbearing.
5. However, the same would not be true of the proposed roof dormer. The dormer, although it would be set down slightly from the ridge and up from the eaves and inset from the gable end, would subsume virtually the whole rear roof slope of No 32. As a result, it would appear top heavy and obtrusive in what is a prominent and highly visible roof in the street scene. Moreover, being positioned at one end of the terrace it would also unbalance the roof and appear as an unsightly addition to the roof plane.
6. Policy HOU11 of the *East Herts District Plan* (EHDP) relating to house extensions does state that roof dormers may be acceptable if appropriate to

the design and character of the dwelling and surroundings but that they should be of limited extent and modest proportions and not dominate the roof slope. The design of dormer proposed would not meet these criteria.

7. I have been referred to what the appellant considers is a precedent for the roof dormer within the vicinity where a large full-width dormer is positioned on the rear roof slope of No 17. I am not convinced however that this is a comparable example to the appeal case as the dormer on No 17 is not located on a terrace. The dormer sits on a single dwelling which, although linked at right angles to another house, is not viewed in the context of a terraced block. In any event, more importantly, No 17 serves to demonstrate the detrimental effect a full width dormer can have where it dominates the whole roof slope. I am not persuaded that this would be a design that should be followed elsewhere and therefore I will consider the appeal proposal on its own merits.
8. It has also been put to me that re-siting the solar panels currently on the rear facing roof slope and on the hip onto the top of the proposed dormer would be an improvement in terms of the appearance of the property. However, the extent of visual harm from the dormer would not be mitigated by siting the panels in a less visible location and this would not be a justification for allowing the dormer.
9. I also note the appellant's offer to use alternative facing materials to the front and cheeks of the dormer to that proposed if this would be more acceptable. However, it is the scale, mass and design of the dormer in this position that would be unacceptable and less the materials proposed.
10. The *National Planning Policy Framework* (the Framework) at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal fails. Policy DES4 of the EHDP, is consistent with the Framework in requiring development to be to a high standard of locally distinctive design and to respect or improve upon the character of the site and surroundings in terms of scale, height, massing and design amongst other things. EHDP Policy HOU11 is also consistent with the Framework and seeks to ensure the design of extensions meets similar criteria. For the above reasons i.e. principally the scale, mass, bulk and design of the rear dormer the proposal would be disproportionate to the roof slope of No 32 and have an unacceptable impact on the established character and appearance of the terrace and the surroundings on Hurn Grove.
11. Given that I have concluded that the hip to gable extension itself would be acceptable I have considered whether a split decision could be made, i.e. allowing that element but dismissing the roof dormer. However, such a decision is only possible where the elements are physically and functionally separate and, in this case, the two elements of the proposal are not capable of being separated.

#### *Other Matters*

12. I understand the appellant's wish to provide additional high quality family accommodation and avoid the need to move house. In that way sustainable and effective use of housing land would be achieved, an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. As such, and for

the reasons above, sustainable and effective use of the dwelling would not outweigh the harm to the character and appearance of the terrace and Hurn Grove that would be the result of the proposal.

13. I note the appellant's reference to a court order requiring appropriate accommodation for the family's children. However, having carefully considered the proposed design I am not persuaded that the appellant's objective of securing an additional bedroom and rear facing, ensuite bathroom within the loft space could not have been achieved in a different way avoiding the need for an oversized dormer albeit necessitating a reduction in the size of the bedroom.

### **Conclusion**

14. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

*P. D. Biggers*

INSPECTOR



## Appeal Decision

Site visit made on 15 November 2021

**by Andrew Dale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2021**

**Appeal Ref. APP/J1915/D/21/3281810**

**34 Temple Fields, Hertford SG14 3LS**

- 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 Adam Pieris against the decision of East Hertfordshire District Council.
- The application ref. 3/21/1371/HH, dated 19 May 2021, was refused by notice dated 14 July 2021.
- The development proposed is described on the application form as "*Raising roof to accommodate new first floor*".

### **Decision**

1. The appeal is dismissed.

### **Preliminary matters**

2. In the planning policies section of the Delegated Officer Report there is mention of an "Adopted Neighbourhood Plan" which I have taken to be the Bengeo Neighbourhood Area Plan. The parties have not sought to rely on this document and it is plain that the most relevant policies of the development plan are to be found in the East Herts District Plan (EHDP) October 2018

### **Main issues**

3. The main issues are firstly, the effect of the proposed development upon the character and appearance of the locality and secondly, whether sufficient provision for vehicle parking would be available for the enlarged dwelling.

### **Reasons**

4. The appeal concerns a small and low bungalow at the end of a terraced and staggered row of 5 such fairly modest single-storey properties. The site lies towards the northern outskirts of Hertford in a suburban area and the surroundings are residential in character.
5. The principle of extending the property and adapting it to meet the changing needs of the owners is not at issue and I accept that householder extension schemes will inevitably make more efficient use of a site, thus moving towards optimising its potential. However, the National Planning Policy Framework (the Framework) also advises that good design is a key aspect of sustainable development; so, development should add to the overall quality of the area and be visually attractive as a result of good architecture and sympathetic to

local character. I consider that the appeal proposal is ill-judged in these important respects.

6. The locality is given a sense of place and a degree of local distinctiveness on account of this part of Temple Fields being purposely planned with separate terraced blocks of residential development to single-storey (nos 34-42), 2-storey (nos 28-32 and nos 44-48) and 3-storey (the flats at nos 35-45) designs, being arranged alongside communal open spaces and car parking areas. The 2-storey house at no. 44 is separated by a pathway from the bungalow at no. 42 and their proximity to each other does not materially dilute the distinct identity of those different terraced groups.
7. Whilst no. 34 could be said to be tucked away on a corner plot, it still remains clearly visible on the approach along the communal pathways in Temple Fields close by, including the one that passes in between the front of the appeal property and the front elevation of the opposing 2-storey terraced block (nos 28-32) to join Watermill Lane North. Given the proximity of the appeal bungalow to Watermill Lane North, it is also prominent from various public vantage points along that road.
8. Whilst the 2-storey house which would result from adding the proposed new first floor may closely resemble the 2-storey terraced houses opposite and there are buildings of different height in the wider locality, I agree with the Council that it is the properties in the same low single-storey row as the appeal property which provide the relevant context in which the site is experienced.
9. Given its scale, size, siting, height and design, the lack of other similar abrupt changes in height within this or the other terraced rows nearby and the coherence of the row of properties which the site forms part of, the proposed development, in adding considerable bulk and mass at a high level, would appear incongruous and visibly at odds with the scale of the adjoining bungalows. That the development would be seen to overpower the row of adjoining bungalows would be emphasized by the new eaves line of no. 34 being well above the roof ridge of no. 36 and by the tall southern flank wall projecting out at the front owing to the advanced position of no. 34 in the staggered alignment. It would not frame the end of the terrace in manner that would be compatible with the immediate context and surroundings of the site.
10. The use of identical bricks, mortar and roof tiles is noted but this would not overcome the adverse visual effects of the scheme I have identified.
11. Permitted development rights available under the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended can represent a fallback and a material consideration when considering the planning merits of the scheme. However, the enlargement of a dwelling consisting of the construction of one additional storey above bungalows of this type can only be pursued as permitted development if the prior notification and neighbour consultation procedures have been properly followed. The outcome of such procedures cannot and should not be predicted at this stage.
12. I find on the **first main issue** that the proposed development would harm the character and appearance of the locality. As the development would not be an example of a high standard of design and layout that reflects and promotes local distinctiveness and would have a size, scale, mass, form, siting and

design that would be inappropriate to the setting of the existing dwelling and the character and appearance of the surrounding area, there would be conflict with the aims of Policies DES4 and HOU11 of the EHDP. There would also be a failure to adhere to the overarching design themes of the Framework insofar as they relate to achieving well-designed places.

13. Policy TRA3 of the EHDP says that vehicle parking provision associated with development proposals will be assessed on a site-specific basis. The Council, using its Updated Vehicle Parking Standards, arrives at a requirement for 2 off-street vehicle parking spaces for the resulting 3-bedroom dwelling in this location. I have assumed that the existing one-bedroom dwelling would generate a requirement for one off-street vehicle parking space. Whilst I have taken these standards into account, it is important to note that like many other nearby dwellings, no. 34 has no on-site parking spaces as such. This is consistent with the original concept and layout of the development hereabouts.
14. The appellant has provided more details about the existing local parking arrangements – the communal car park and additional lay-by style parking spaces in Temple Fields and the availability of on-street parking along Watermill Lane North – all of which I saw on my site visit. Given the pedestrian gate in the back garden and the communal pathway in front of no. 34, both of which lead directly on to Watermill Lane North only a very short distance away, it is undoubtedly most convenient for the occupiers of no. 34 to park on that road. I saw that this road is relatively wide and lightly trafficked and has ample space available for additional safe parking. It could certainly accommodate the vehicle parking provision generated by this scheme without giving rise to any concerns about parking capacity and highway safety.
15. I find on the **second main issue** that sufficient provision for vehicle parking would be available for the enlarged dwelling looking at the site-specific circumstances of this case. There would therefore be no conflict with the aims of Policy TRA3 of the EHDP.

## **Conclusion**

16. My finding on the first main issue is decisive to the outcome of this appeal. There is conflict with the development plan. The harm cannot be mitigated by the imposition of planning conditions and it is not outweighed by other material considerations. For the reasons given above and taking into account all other matters raised, including the representations relating to the adjacent property and from the Town Council, I conclude that this appeal should not succeed.

*Andrew Dale*

INSPECTOR



## Appeal Decision

Site visit made on 15 November 2021

**by Andrew Dale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 November 2021**

**Appeal Ref. APP/J1915/D/21/3281053**

**17 Grange Road, Bishop's Stortford CM23 5NG**

- 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 Daisy Roth-Burgess against the decision of East Hertfordshire District Council.
- The application ref. 3/21/1474/HH, dated 24 May 2021, was refused by notice dated 27 July 2021.
- The development proposed is described on the application form as *First floor extension*.

### Decision

1. The appeal is allowed and planning permission is granted for *First floor extension* at 17 Grange Road, Bishop's Stortford CM23 5NG in accordance with the terms of the application ref. 3/21/1474/HH, dated 24 May 2021, 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 numbered GR:01, UK028-S.1 and UK028-S.2.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plan numbered GR:01.

### Main issues

2. The main issues are the effects of the proposed first floor extension upon the character and appearance of the dwelling and the Bishop's Stortford Conservation Area (BSCA) and upon the amenities of the neighbouring occupiers at 17a Grange Road with regard to the potential for any overbearing impact and loss of outlook.

### Reasons

3. The BSCA, within which the appeal site is located, encompasses a sizeable section of the central area of Bishop's Stortford which is characterized by a diverse and high quality built environment. The surroundings of the appeal site are residential in character. On the same side of Grange Road as the appeal site and within the BSCA, there are various houses dating mainly from the mid

to late 19<sup>th</sup> century. No. 17 is one such property. It forms a linked or semi-detached pair with no. 17a. It would appear that the original building here was subdivided a long time ago to create the 2 separate dwellings at nos 17 and 17a. No. 17 was provided with the original long 2-storey rear-projecting wing which has been previously extended to the rear and the side.

4. Many of the dwellings along Grange Road are identified in the Council's BSCA Appraisal and Management Plan as non-listed yet worthy buildings that make an important architectural or historic contribution to the character and appearance of the BSCA. I have noted that this document does not grant nos 15, 17 and 17a with such an accolade. Nonetheless, this does alter the statutory duty for special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. Whenever the previous 2-storey and single-storey rear extensions might have been built, neither of them is particularly sizeable. It is proposed to add a first floor rear extension over the existing, ground floor lean-to extension which is predominantly clad in timber boards. This would provide an additional (fourth) bedroom. Given the degree to which the proposed extension would be set back well away from the front wall of the house, it would have no material impact upon the street scene.
6. In private vantage points from the rear, it would be evident that there would be no increase in the dwelling's footprint. Whilst the scheme would further elongate the building at first floor level, this would not be out of kilter with the dwelling's deep plan form which is already a strong physical characteristic and attribute of the property. Given its limited overall size, scale and depth and the design of its hip-ended roof set below the main roof ridge, I consider that the additional bulk and mass of the extension would be well within tolerable limits. The extension would generally appear as a subservient addition to the dwelling.
7. The extension would not result in the dwelling being out of proportion with the very deep rear garden or reaching too far back in relation to nearby dwellings. In fact, it would roughly align with the 2-storey rear-projecting wing of no. 13.
8. Noting the appropriate use of render, including as a replacement for the existing timber cladding, and the welcome introduction of a traditional sliding sash window in the rear elevation, instead of the 2 existing narrow windows at rear first floor level which are wholly out of keeping, I consider that the proposed extension would represent a visually attractive solution, exhibit a high standard of design and be sufficiently complementary and sympathetic to the parent building and the surrounding residential area within the BSCA, the character and appearance of which would be preserved.
9. I find on the **first main issue** that the proposed first floor extension would be an example of high-quality design which would preserve the character and appearance of the dwelling and the BSCA. As such, there would be no conflict with the aims of Policies HOU11, DES4 and HA4 of the East Herts District Plan 2018 (EHDP), Policy HDP2 of Bishop's Stortford Town Council Neighbourhood Plan for All Saints, Central, South and part of Thorley 2016-2032 or the National Planning Policy Framework (the Framework) insofar as it relates to achieving well-designed places and the historic environment.

10. The experience of no. 17a as being set within a long back garden facing north would endure. The appeal dwelling already projects rearwards along the shared boundary with no. 17a for a considerable distance. The 2 main rear-facing windows, serving a bedroom and a kitchen, at no. 17a are positioned immediately alongside the opposing side wall of no. 17. Given this layout and the separation distance and acute viewing angle between those windows and the proposed extension, the occupiers of those 2 rooms would have little awareness of the extension. There would be no unduly significant overbearing impact on the outlook from those rooms. Given the existing extent of the building on the boundary and the screening effect of an attractive and mature ornamental tree in the rear garden of no. 17a next to the proposed extension, the enjoyment of that neighbouring garden would not be seriously compromised for any reason.
11. I note that the only concern lodged by the occupiers of no. 17a related to the tree. In order to accommodate the extension, the tree may need to be slightly pruned but certainly not uprooted.
12. I find on the **second main issue** that the proposed first floor extension would avoid any significant detrimental impacts on the amenities of the occupiers of the neighbouring property at no. 17a taking into account the potential for an overbearing effect and a loss of outlook. As such, there would be no conflict with the aims of EHDP Policy DES4. Similarly, there would also be compliance with the Framework which seeks to ensure developments create places with a high standard of amenity for existing and future occupiers.
13. The scheme will enhance the quality of life for the occupiers of no. 17 by providing additional accommodation. This is a further factor that weighs in favour of granting planning permission. I realise that 2 previous planning applications for similar proposals were refused about a decade ago before the adoption of the EHDP. No appeals were lodged against those decisions and in any event, I have assessed this current proposal entirely on its own merits. The Council found that the scheme would not significantly detract from the amenities of the neighbouring property at 15 Grange Road for any reason and I could see no basis to disagree with that stance.
14. In addition to a condition setting a time limit for the commencement of development, a condition requiring that the development is carried out in accordance with the relevant approved drawings is necessary as this provides certainty. I have also imposed a condition requiring the use of the materials shown on one of the approved plans to ensure that the development would preserve the character and appearance of the dwelling and the BSCA.
15. For the reasons given above and having regard to all other matters raised, including the absence of objections from Bishop's Stortford Town Council and the grant of planning permission (ref. 3/19/0505/HH) for a single-storey rear extension at 17a Grange Road, I conclude that this appeal should be allowed.

*Andrew Dale*

INSPECTOR

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| Application Number | Proposal  | Address   | Decision                       | Appeal Start Date | Appeal Procedure       |
|--------------------|---|---|--------------------------------|-------------------|------------------------|
| 3/20/0971/HH       | Demolition of canopy, erection of orangey and replacement of window for door  | Mynefield Hillside Lane Great Amwell SG12 9SE                           | Refused<br>Delegated           | 15/11/2021        | Written Representation |
| 3/20/0972/LBC      | Demolition of canopy, erection of orangey and replacement of window for door  | Mynefield Hillside Lane Great Amwell SG12 9SE                           | Refused<br>Delegated           | 15/11/2021        | Written Representation |
| 3/20/1374/FUL      | Proposed removal of stables and change in land levels, to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works, to include the creation of water features and landscaped terrace.   | Land At Twyford Bury Lane Twyford Bury Bishops Stortford CM22 7QA       | Refused<br>Delegated           | 02/12/2021        | Hearing                |
| 3/20/2077/FUL      | Creation of 4 three-bedroom dwellings and 4 office use units (Class E) together with associated car parking and boundary works.   | Toad Hall Sacombe Green Sacombe Ware SG12 0JQ                           | Refused<br>Delegated           | 02/12/2021        | Hearing                |
| 3/20/2139/FUL      | Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road.  | Plot 64 Land Opposite Mill View Hare Street Buntingford SG9 0DX         | Refused<br>Delegated           | 02/12/2021        | Hearing                |
| 3/20/2623/HH       | Demolition of detached garage. Erection of detached garage/studio outbuilding. Erection of entrance gates and alterations to drive.   | Elm Cottage Hare Street Buntingford SG9 0EA                             | Refused<br>Delegated           | 15/11/2021        | Written Representation |
| 3/21/0217/OUT      | Outline permission for the erection of a kiosk retail unit (Use Class E). All matters reserved except for layout and scale.   | Land Between 66A Ashdale And 29 Irving Close Bishops Stortford CM23 4EB | Refused<br>Delegated           | 09/11/2021        | Written Representation |
| 3/21/0496/TEL      | Installation of a 15 metre high monopole and 4 equipment cabinets.  | Land At Havers Lane Bishops Stortford                                   | Refused<br>Delegated           | 25/11/2021        | Written Representation |
| 3/21/0539/FUL      | Proposed crossover and the regularisation of a hardstanding and a levelled parking area to provide 2 off-street parking spaces for nos. 11, 13 and 15 London Road properties.   | 11, 13 And 15 London Road Sawbridgeworth CM21 9EH                       | Non Determination<br>Delegated | 09/11/2021        | Written Representation |
| 3/21/0836/HH       | Erection of air conditioning unit   | 47 Claud Hamilton Way Hertford SG14 1SR                                 | Refused<br>Delegated           | 18/11/2021        | Fast Track             |
| 3/21/1041/FUL      | Single storey detached outbuilding, lowering ground level of rear terrace, installation of connecting pergolas and new rear sliding doors to replace existing window.   | 27 Bell Street Sawbridgeworth CM21 9AR                                  | Non Determination<br>Delegated | 15/11/2021        | Written Representation |
| 3/21/1240/HH       | Hip to gable roof and creation of dormer window to rear with solar panels and insertion of 2 rooflights to front  | 32 Hurn Grove Bishops Stortford CM23 5DD                                | Refused<br>Delegated           | 02/11/2021        | Fast Track             |
| 3/21/1312/HH       | First floor front extensions, front porch canopy and alterations to fenestration.   | 4 Vicarage Road Buntingford SG9 9BE                                     | Refused<br>Delegated           | 08/11/2021        | Fast Track             |
| 3/21/1462/HH       | Demolition of single storey rear extension. Erection of a two storey side extension, single and two storey rear extension and insertion of window to front elevation.   | 3 Bradcote Moor Green Ardeley Stevenage SG2 7AT                         | Refused<br>Delegated           | 25/11/2021        | Fast Track             |
| 3/21/1490/HH       | First floor rear extension and enlargement of first floor side window.  | 95 Pye Corner Gilston Harlow CM20 2RD                                   | Refused<br>Delegated           | 09/11/2021        | Fast Track             |
| 3/21/1664/PNHH     | Single storey side (depth 8m, width 5.5m, height 3.8m and eaves 2.4m) and single storey rear extension (depth 7.9m, width 5.2m, height 3.4m and eaves height 2.40 metres)   | 19 Firs Walk Tewin Wood Tewin Welwyn AL6 0NY                            | Refused<br>Delegated           | 06/12/2021        | Written Representation |
| 3/21/1905/HH       | Partial demolition of lean-to workshop and boundary wall. Redevelopment/extension of the existing workshop, to provide a two-storey artwork/sculpture studio and workshop, incorporating a covered work area, external stairs and new folding gates. Extension of existing dropped kerb.  | 47 Ware Road Hertford SG13 7ED  | Refused<br>Delegated           | 29/12/2021        | Fast Track             |
| 3/21/2018/HH       | Single storey rear extension with roof lantern. Conversion of garage, replacement of garage door with window and repositioning of the first-floor rear window.  | Rose Cottage Duckett's Lane Green Tye Much Hadham SG10 6JL              | Refused<br>Delegated           | 30/11/2021        | Fast Track             |
| 3/21/2131/HH       | Single storey side extension and a front/side porch. New first floor rear window, ground floor side window and alterations to fenestration.   | 55 King Edwards Road Ware SG12 7EJ                                      | Refused<br>Delegated           | 29/12/2021        | Fast Track             |
| 3/21/2396/HH       | Part single, part two storey front extension.   | 304A Ware Road Hertford SG13 7ER  | Refused<br>Delegated           | 21/12/2021        | Fast Track             |
| X/20/0221/CND      | Discharge appeal conditions 3 (details of clubhouse and practice bays), 4 (landscaping), 5 (landscape management plan), 6 (external lighting), 7 (Construction and Environmental Management Plan), 10 (Surface Water Sustainable Drainage Scheme), 11 (infiltration), 12 (cycle parking), 16 (Landscape and Ecological Management Plan), 17 (Development Phasing Scheme) and 18 (Flood Risk Assessment/Surface Water Drainage Strategy) attached to 3/17/1867/FUL | Hertford Golf Course London Road Hertford SG13 7NS                      | Refused<br>Delegated           | 09/11/2021        | 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 | Apdatim    |
|---------------|----------------|--|--|---------------|----------------|------------|
| 3/19/2099/FUL | Nick Reed      | Land Adj To Long Leys BarnFanshaws LaneBrickendonHertford SG13 8PG | Site to contain one static caravan, with parking for two vehicles and associated infrastructure (retrospective).   | INPROG        | Hearing        | 19/10/2021 |
| 3/19/2202/FUL | Ashley Ransome | Kecksys FarmCambridge RoadSawbridgeworth CM21 9BZ                  | Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.  | INPROG        | Hearing        | TBA        |
| 3/20/0177/FUL | Eilis Edmonds  | Wheelwrights FarmRowney LaneDane EndWare SG12 0JY                  | Change of use of land to a mixed use to use for the stabling/keeping of horses and as a residential caravan site for 4 Gypsy families, with a total of 6 caravans, including no more than 4 static caravans/mobile homes. Erection of 2 amenity buildings.   | INPROG        | Hearing        | TBA        |
| 3/20/0983/FUL | Sam Dicocco    | Fishers FarmErmine StreetColliers EndWare SG11 1ER                 | Conversion of existing barn into 2 residential dwellings; demolition of modern agricultural buildings and their replacement with 4 detached and 2 semi-detached dwellings; associated garaging, parking, landscaping and new vehicle access.   | INPROG        | Hearing        | 14/12/2021 |
| 3/20/1006/LBC | Sam Dicocco    | Fishers FarmErmine StreetColliers EndWare SG11 1ER                 | Alteration and conversion of existing listed barn into 2 residential dwellings with associated parking and landscaping, with associated elevational alterations and internal alterations, to include creation of first floor and internal stairs, new internal walls inserted and new internal openings created.   | INPROG        | Hearing        | 14/12/2021 |
| 3/20/1040/FUL | Eilis Edmonds  | Land At Millfield LaneBury GreenLittle HadhamWare SG11 2ED         | Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.   | INPROG        | Public Inquiry | 08/03/2022 |
| 3/20/1119/FUL | Eilis Edmonds  | Wheelwrights FarmRowney LaneDane EndWare SG12 0JY                  | Construction of manège and access track.   | INPROG        | Hearing        | TBA        |
| 3/20/1374/FUL | Fiona Dunning  | Land At Twyford Bury LaneTwyford BuryBishops Stortford CM22 7QA    | Proposed removal of stables and change in land levels, to allow for the erection of 1 dwelling submerged into ground with associated access, parking and landscaping works, to include the creation of water features and landscaped terrace.  | INPROG        | Hearing        | TBA        |
| 3/20/2077/FUL | Nick Reed      | Toad HallSaccombe GreenSaccombeWare SG12 0JQ                       | Creation of 4 three-bedroom dwellings and 4 office use units (Class E) together with associated car parking and boundary works.  | INPROG        | Hearing        | 09/02/2022 |
| 3/20/2139/FUL | Eilis Edmonds  | Plot 64 Land Opposite Mill ViewHare StreetBuntingford SG9 0DX      | Change of use of the land to Gypsy and Traveller residential, with the siting of five caravans, of which no more than one would be a static caravan, erection of a shed, the provision of vehicular parking spaces and soft and hard landscaping, installation of a package treatment plant and associated foul drainage, widening of the existing vehicular access and repairs to the internal access road. | INPROG        | Hearing        | TBA        |
| 3/21/0892/FUL | Ashley Ransome | Land At 17 Highfield RoadHertford SG13 8BH                         | Construction of 1 detached house with garage and parking, including new vehicle access.  | VALID         | Hearing        | TBA        |
| X/20/0177/CND | Eilis Edmonds  | Land Off Chapel LaneLittle Hadham                                  | Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL   | INPROG        | Public Inquiry | 18/01/2022 |

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# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

Cumulative Performance  
(calculated from April 2021)

AGENDA ITEM No. 6D

|   | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 | Targets for Local Performance (set by East Herts) | National Targets (set by Government) |
|---|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---|--------------------------------------|
| <i>Total Applications Received</i>                            | 265    | 528    | 804    | 1085   | 1298   | 1494   | 1708   | 1934   | 2128   |        |        |        |   |                                      |
| <i>Percentage achieved against Local and National Targets</i> | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 |   |                                      |
| <i>Major %</i>  | 100%   | 100%   | 100%   | 78%    | 78%    | 80%    | 81%    | 82%    | 81%    |        |        |        | <i>Major %</i>                                    | 60%                                  |
| <i>Minor %</i>  | 62%    | 68%    | 76%    | 74%    | 72%    | 70%    | 64%    | 64%    | 64%    |        |        |        | <i>Minor %</i>                                    | 80%                                  |
| <i>Other %</i>  | 87%    | 90%    | 88%    | 87%    | 82%    | 81%    | 80%    | 80%    | 81%    |        |        |        | <i>Other %</i>                                    | 90%                                  |
| <i>Appeals</i>  | Apr-21 | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 |   |                                      |
| Total number of appeal decisions (Monthly)                    | 8      | 8      | 6      | 8      | 1      | 5      | 7      | 10     | 4      |        |        |        |   |                                      |
| Number Allowed against our refusal (Monthly)                  | 2      | 0      | 1      | 3      | 1      | 2      | 1      | 4      | 3      |        |        |        |   |                                      |
| Total number of appeal decisions (Cumulative)                 | 8      | 16     | 22     | 30     | 31     | 36     | 43     | 53     | 57     |        |        |        |   |                                      |
| Number Allowed against our refusal (Cumulative)               | 2      | 2      | 3      | 6      | 7      | 9      | 10     | 14     | 17     |        |        |        |   |                                      |

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