



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 13 JULY 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, B Crystall, R Fernando,  
I Kemp, S Newton, T Page, C Redfern, P Ruffles and T Stowe  
(Vice-Chairman)

## **Substitutes**

Conservative Group:	Councillors S Bull, A Huggins and S Rutland-Barsby
Liberal Democrat Group:	Councillor J Dumont
Labour:	Councillor M Brady
Green:	Councillor J Frecknall

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

**CONTACT OFFICER: PETER MANNINGS**

**01279 502174**

**[PETER.MANNINGS@EASTHERTS.GOV.UK](mailto:PETER.MANNINGS@EASTHERTS.GOV.UK)**

## **Disclosable Pecuniary Interests**

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.

## **Public Attendance**

East Herts Council welcomes public attendance at its meetings and meetings will continue to be live streamed and webcasted. For further information, please email [democraticservices@eastherts.gov.uk](mailto:democraticservices@eastherts.gov.uk) or call the Council on 01279 655261 and ask to speak to Democratic Services.

The Council operates a paperless policy in respect of agendas at committee meetings and the Council will no longer be providing spare copies of Agendas for the Public at Committee Meetings. The mod.gov app is available to download for free from app stores for electronic devices. You can use the mod.gov app to access, annotate and keep all committee paperwork on your mobile device.

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

### **Audio/Visual Recording of meetings**

Everyone is welcome to record meetings of the Council and its Committees using whatever, non-disruptive, methods you think are suitable, which may include social media of any kind, such as tweeting, blogging or Facebook. However, oral reporting or commentary is prohibited. If you have any questions about this please contact Democratic Services (members of the press should contact the Press Office). Please note that the Chairman of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted. Anyone filming a meeting should focus only on those actively participating and be sensitive to the rights of minors, vulnerable adults and those members of the public who have not consented to being filmed.

## 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 - 15 June 2022 - 'To Follow'

To confirm the Minutes of the meeting of the Committee held on Wednesday 15 June 2022 – 'To Follow'

### 5. Planning Applications for Consideration by the Committee (Pages 6 - 9)

- (A) 3/21/1756/FUL – Demolition of all existing buildings. Erection of a Class E retail food store, with associated car parking, reconfigured site access, servicing, landscaping, swale, and installation of plant equipment at Gates of Stortford, 295-297 Stansted Road, Bishop's Stortford, CM23 2BT (Pages 10 - 78)

Recommended for Approval

**Please note that application 3/21/1756/FUL has been withdrawn from the Agenda**

- (B) 3/21/1248/FUL – Erection of a three bed dwelling, to include 2 additional parking spaces and a refuse store (Part retrospective) at 19A Marlborough Close, Bishop's Stortford, Hertfordshire (Pages 79 - 107)

Recommended for Approval

6. Items for Reporting and Noting (Pages 108 - 127)

(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.

# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 13 July 2022

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

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

**Ward(s) affected:** All

---

### Summary

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

### RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

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

#### **1.0 Proposal(s)**

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

#### **2.0 Background**

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

### **3.0 Reason(s)**

3.1 No.

### **4.0 Options**

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

### **5.0 Risks**

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

### **6.0 Implications/Consultations**

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

### **Community Safety**

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

### **Data Protection**

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

### **Equalities**

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

### **Environmental Sustainability**

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

### **Financial**

As detailed separately in relation to each matter if any are

appropriate.

### **Health and Safety**

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

### **Human Resources**

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

### **Human Rights**

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

### **Legal**

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

### **Specific Wards**

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

## **7.0 Background papers, appendices and other relevant material**

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

### **7.2 Display of Plans**

7.3 Plans for consideration at this meeting 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/>

**Contact Member** Councillor Jan Goodeve, Executive Member for Planning and Growth  
[jan.goodeve@eastherts.gov.uk](mailto:jan.goodeve@eastherts.gov.uk)

**Contact Officer** Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656  
[sara.saunders@eastherts.gov.uk](mailto:sara.saunders@eastherts.gov.uk)

**Report Author** Peter Mannings, Democratic Services Officer, Tel: 01279 502174  
[peter.mannings@eastherts.gov.uk](mailto:peter.mannings@eastherts.gov.uk)

# Agenda Item 5a

## DEVELOPMENT MANAGEMENT COMMITTEE – 13 JULY 2022

<b>Application Number</b>	3/21/1756/FUL
<b>Proposal</b>	Demolition of all existing buildings. Erection of a Class E retail food store, with associated car parking, reconfigured site access, servicing, landscaping, swale, and installation of plant equipment.
<b>Location</b>	Gates Of Stortford 295-297 Stansted Road Bishop's Stortford Hertfordshire CM23 2BT
<b>Parish</b>	Bishops Stortford Town Council
<b>Ward</b>	Bishops Stortford - Meads

<b>Date of Registration of Application</b>	20.07.2021
<b>Target Determination Date</b>	19.10.2021
<b>Reason for Committee Report</b>	Major application
<b>Case Officer</b>	Femi Nwanze

### **RECOMMENDATION**

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

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 that a legal agreement (to the satisfaction of the LPA) is not completed within 3 months of the committee's decision.

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

- 1.1 This is a full planning application; seeking planning permission for the demolition of all buildings and comprehensive redevelopment of the site to provide a retail food store (Class E) providing 2368 sq. metres of retail floorspace ( gross), the provision of car parking for

137 No vehicles; together with a reconfigured site access, landscaping works including the provision of a swale and the installation of plant equipment.

- 1.2 The proposed store is intended to be occupied by Lidl Stores. It would have a gross internal area of 2,275 sq. metres which would incorporate freezer, shop warehouse and ancillary staff facilities. The proposed store would have a net sales area of 1411 sq. metres with approximately 80% (1,128 sq. metres) devoted to the sale of convenience goods.
- 1.3 The retail food store would be positioned in the north-western section of the site. It would be a single storey building with a height of 7.1 metres and be of a modern design that features a combination of aluminium cladding panels, grey render and aluminium framed glazing ( windows). Photovoltaic panels are proposed at roof level.
- 1.4 Lidl is not considered to be a traditional supermarket, but instead a limited assortment discount retailer due to the limited range of goods that it sells, which does not include specialist butchers, delicatessen, fishmongers, or a chemist. However it does sell a limited range of homeware. Limited assortment discount retailers are considered to be weekly destination supermarket.
- 1.5 The main considerations in the determination of the application are:
  - Whether the principle of the proposed development is acceptable within a designated employment area.
  - Whether the development has an acceptable impact on the continued vitality of Bishops Stortford town centre and other local retail centres.
  - Whether the proposed development will provide satisfactory arrangements for pedestrian and bus access, a satisfactory level of car and cycle parking and has an acceptable impact on the local highway network.

- Whether the proposed development will provide an appropriate layout (which adequately addresses climate change), scale and appearance (including landscaping) and satisfactorily addresses flood risk and biodiversity net gain requirements.
- Whether the proposed development would have an acceptable impact on neighbouring amenity.
- Whether overall, this is a sustainable form of development that is appropriate at this site; having regard to policies in the East Herts District Plan 2018, the adopted Neighbourhood Plan for Bishops Stortford, Silverleys and Meads and the National Planning Policy Framework 2021.

## **2.0 Site Description**

- 2.1 The application site comprises brownfield land of approximately 1.15 hectares in area. The site is located within the Stanstead Road Designated Employment Area which is situated on the western side of the road with the same name. The application site comprises the southern – most section of the employment area; featuring the two medium height buildings associated with the Gates of Stortford car dealership; together with its associated forecourt car park.
- 2.2 The site is bordered to the south by residential properties on Stanstead Road and Denny Court. To the east of the site is Stanstead Road. To the west of the site is the Cambridge – London railway line; beyond which is the River Stort and open land.
- 2.3 Birchanger Brook is situated to the north of the site; after which lies commercial properties that form the remaining part of the Stanstead Road Designated Employment Area.
- 2.4 The site is not located in a Conservation Area or an Area of Archaeological Significance. There are no statutory listed buildings

on, or near to the site. There are no trees on the site that are protected by a Tree Preservation Order.

### 3.0 **Planning History (Recent)**

Application Number	Proposal	Decision	Date
3/11/0987/FP	Demolition of existing main car dealership and construction of new main car dealership and adjacent car park with raised storage area.	Granted with conditions	12.10.2011
3/11/0988/FP	Demolition of body shop and outbuilding and construction of 6 no. offices and 5 no. light industrial units with trade counters.	Granted with conditions	09.05.2012
3/18/0290/FUL	Construction of two storey vehicle storage building in association with the existing car sales business.	Granted with conditions	27.04.2018
3/21/1826/SCREEN	Screening opinion for the demolition of all existing buildings on the site and the erection of a Class E retail	Not EIA Development	

	foodstore, with associated car parking, reconfigured site access, landscaping, swale, servicing and other associated works.		
--	---	--	--

#### 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 Neighbourhood Plan for Bishops Stortford, Silverleys and Meads and the National Planning Policy Framework 2021 (NPPF) as set out below. A revision to the Neighbourhood Plan “for Bishops Stortford, Silverleys and Meads 2021-2033 is currently at post examination (revision) stage. Little weight can be given to this in decision making.

<b>Key Issue</b>	<b>NPPF</b>	<b>District Plan</b>	<b>Neighbourhood Plan</b>
Whether the principle of the proposed development is acceptable within a designated employment area.	Chapter 6 Chapter 11	INT1, DPS1 DPS2, ED1, RTC1, BISH11, BISH12	
Whether the proposed development will have an acceptable impact on the continued	Chapter 6 Chapter 7	RTC1, BISH1, BIS12	BP2

vitality of Bishops Stortford town centre and other local retail centres.			
Whether the proposed development will provide satisfactory arrangements for pedestrian and bus access, a satisfactory level of car and cycle parking and has an acceptable impact on the local highway network.	Chapter 8 Chapter 9 Chapter 12	TRA1 TRA2 TRA3 CFLR9	TP1, TP4, TP5, TP7, TP9
Whether the proposed development will provide an appropriate layout (which addresses climate change), scale and appearance (including landscaping and	Chapter 12 Chapter14	DES3, DES4 , DES5, EQ2, EQ3, EQ4, NE3 NE4, , WAT3, WAT5, CC1, CC2	

appropriate biodiversity net gain) .			
Whether the development would have an acceptable impact on neighbouring amenity.	Chapter 8 Chapter 12	DES4, EQ2, EQ3, EQ4	
Overall sustainability	Chapter 2	INT1 DPS2,DEL1	

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

## 5.0 **Summary of Consultee Responses**

- 5.1 Councillor Beckett: requests an increase in the provision of (vehicle) charge points (to 6) and cycle spaces (to 12) in order to encourage a modal shift in transport journeys.
- 5.2 Councillor Goldspink: objects to the application on the grounds of increased traffic congestion, proximity of the entrance to the neighbouring dwelling (289 Stanstead Road), concerns regarding the boundary treatment between the southern edge of the site and 289 Stanstead Road and concerns regarding the pedestrian entrance on the southern part of the site (in that it should mirror the access on the northern part of the site).
- 5.3 Councillor Horner: objects to the application on the grounds of increased traffic movements and congestion, lack of a full Travel Impact Assessment, lack of an adequate survey that takes into account the poor walking and cycling environment around the site (and instead places reliance on the experience from other Lidl stores) and insufficient provision of electric vehicle (EV) charging points.



- 5.3 EHDC Conservation and Urban Design: No objection, subject to conditions.
- 5.4 EHDC Environmental Health (Air and Land): No objection, subject to conditions and informatives.
- 5.5 EHDC Environmental Health (Noise): No objection, subject to conditions and informatives.
- 5.6 EHDC Landscape: No objection but requires amended (simplified) planting proposals.
- 5.7 Environment Agency: No objection, subject to pre – commencement condition and Informatives to address flood risk.
- 5.8 HCC Fire and Rescue Service: No objection subject to a condition that requires the developer to install a fire hydrant.
- 5.9 HCC Growth and Infrastructure: has advised that they will not be seeking non – transport financial contributions.
- 5.10 HCC Highway Authority: No objection, subject to conditions and Section 106 Agreement for a Travel Plan.
- 5.11 HCC Lead Local Flood Authority: No objection, subject to conditions and informatives.
- 5.12 Network Rail: No objection, subject to informatives.
- 5.13 North East Herts Swift Group: No objection but suggests that the scheme should incorporate additional measures such as a green wall, integrated bat and bird bricks/boxes to give additional benefit and potential for wildlife.
- 5.14 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

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

- 6.1 Bishops Stortford Town Council do not object to this application, however they ask for a traffic impact assessment and pedestrian crossing survey.

## **7.0 Other Representations**

- 7.1 Bishops Stortford Civic Society – Notes the updated position from HCC Highways but remains of the view that congestion effects of major car-borne shopping developments in and around the town centre and main residential areas should be subjected to capacity testing and that this should not be limited to ‘accommodating the convenience of motorists’. They also highlight that the emerging Neighbourhood Plan (revision 2022 Neighbourhood Plan (Policy TP1)) specifically requires enhanced capacity assessments.

## **8.0 Summary of Other Representations**

- 8.1 27 neighbouring properties have been consulted by letter. The application has been publicised by site notice and press advert. 251 letters have been received in response; 91 objecting, 150 in support and 10 neutral.
- 8.2 The 91 letters of objections raise the following issues:
- Proposed entry/egress is too close to the block of detached houses in Stanstead Road; cars reversing out of their driveways will be met with traffic leaving Lidl towards Bishops Stortford;
  - Proposed development will compromise the safety and liberty of a vulnerable person and interfere with being able to provide safe transportation to and from the home (in a wheelchair adapted vehicle); reversing onto the main road will be a safety issue due to the increased traffic that will use the site; the highway codes (201) states reverse in and drive out if you can – it is not possible to do this due to the traffic volume; it would

also risk the safety of the drivers involved in the daily transportation service from this site;

- The application should be considered in line with previous applications at this site 3/11/0987/FP and 3/11/0988/FP where the planning committee accepted the close proximity of the access road and asked for it to be removed; the junction is too close to the neighbouring property (289 Stanstead Road);
- The revised landscaping proposes to plant the length of our border a fast growing hedge that can reach heights in excess of 5 metres. There is no information on the height that it will be maintained at and it will block light to kitchen window and side walkway (property has acquired rights to light under The Rights of Light Act 1959). The hedge is not evergreen and will cause issues; Proximity of hedge can cause structural damage to neighbouring property;
- Proposed 6ft fence and hedge at the front needs to be much lower to improve visibility; positioning of the fence needs to be recessed by 1.9 metres (as it currently is) to improve visibility;
- Proposed crossing and traffic measures outside 279 Stanstead Road will affect driveway to business at 277 Stanstead Road where lorries enter the site on a daily basis (reversing); placing a crossing here will increase health/safety risk by encouraging pedestrian crossing in this location and cause further congestion by delaying ability of lorries to reverse into the site in a timely manner;
- Proposal will de – value property; (this is not a material planning issue)
- A full traffic survey needs to be undertaken taking into account the Birchanger roundabout changes which will increase traffic, together with other proposed/ existing schemes in the locality;

- Assertions made in the Travel Plan are not based on proper surveys but on the experience of other stores;
- Commissioned Transport Assessment report by SCP anticipates that traffic movements will increase as much as ten times the current number of arrivals and a similar increase for departures;
- 7-day traffic monitoring was carried out between 22.12.21 and first week in Jan '22; a period when schools were closed and when people were asked to work at home due to the pandemic;
- Concerns about statements made in SCP report that there is 'no justification whatsoever' for a right turn (on what will be a busier stretch of the road) when in a 200 metre stretch there are at least 4 ghost lanes for turning right;
- Inadequate traffic management;
- The site is on the edge of the housing area and not in a centre of population. The assertion that there are good walking and cycling routes is not correct. Pedestrian footpath opposite the site is narrow, un-even, un-lit, overgrown and generally unusable- wheelchair and pushchair users are unable to use it and have to use the grass verge instead;
- Improved pedestrian and cycling connections are needed to combat a climate emergency;
- Assertions that development will serve Bishops Stortford North are irrelevant; it will attract customers from the south and east as well and lead to congestion;
- Most other supermarkets in the town (except Aldi) are located in areas where the road network is appropriately planned;

- There is no mention of parking for staff; Oaklands Park is 100m from the proposed access already suffers from airport parking and more parking will cause disturbance;
- Antisocial behaviour - Gates have been helpful in arranging deliveries at more sociable times of the day and ensuring that audible reversing warnings are turned off - can Lidl guarantee the same? Also Wickes installed a barrier to prevent access to the car park when the store is closed;
- There needs to be a larger number of EV charging points than the 2 proposed to cater for the already growing number of electric vehicles;
- Not a suitable site due to traffic; existing businesses on Stanstead Road do not have the same volume of traffic as this proposed supermarket which will include weekends and evenings;
- Traffic on Stanstead Road is often at a standstill whilst transporters load and unload, surrounding roads are affected by school traffic and builders vehicles en-route to the industrial estate next to the site; heavy supermarket traffic will increase danger for school children and pedestrians crossing Stanstead Road to gain access to schools on the Parsonage Estate; speeding vehicles makes it impossible to exit local roads in peak times – this proposal will exacerbate that issue;
- Development will cause traffic blockages in both directions; similar to Aldi with customers of the store being unable to access the parking and therefore having to queue on the road; some local roads already have parking restrictions in place – this should be considered for other roads;
- There are a number of residential properties alongside this site on Stanstead Road that have to reverse back into the road to leave their houses; this will cause congestion on Stanstead Road;

- The Michaels Road/Stanstead Road junction will not be fit for purpose without the use of a roundabout access to both the application site and the Stort Valley Industrial Estate;
- The planned access is situated on a bend in the road and in an area that is the subject to speeding vehicles;
- Pedestrian access is limited to existing pavements on Stanstead Road. Access from new estates to the north- west of the town is limited by the extremely narrow footpath along Michaels Road or un made footpaths at Canons Mill Lane. There are currently no road crossing facilities of any type within the vicinity of the site;
- Bishops Stortford is well supplied by existing supermarkets within easy reach of the proposed site; this development is not needed; the site is not located in a heavily residential area and therefore most users will arrive by car;
- Poor access - a direct entry/exit from Stansted Road to be shared by HGVs and customer vehicles - is an accident in waiting; the site frontage needs to be pulled back 5 metres and the road layout re-configured to provide an extra lane;
- Further traffic congestion in an area that is already suffering from traffic congestion including during the school run and rush hour. Traffic reaches Canons Mill daily and onto Hockerill; extra HGV's/delivery lorries will further affect traffic flow as they need to use both lanes to reverse into the various sites;
- There is a lack of warning of on-coming traffic from the north because of the bend;
- Lessons must be learned from 'ill judged' Aldi decision; the impact of this much larger site may well be greater and therefore more significant;

- Proposal will take footfall away from the town centre; where shops are already closing and it will have an adverse impact on the local centre of Snowley Parade; the Goods Yard site would have been a more sensible location;
- Proposal will put more than 50 jobs at risk from businesses at Snowley Parade which re – invest in the community rather than funnel money to corporate institutions. Proposal will harm small and long standing local businesses;
- Net job impact may be negligible given that the jobs at ‘Gates’ will be lost and replaced with jobs that are relatively low paid, low skilled and flexible;
- No economic need for an additional supermarket in Bishops Stortford; too many chain supermarkets; space would be better used for independent shops in an indoor market;
- Light pollution; the store will be open early in the morning until late at night – Gates was closed by 6pm;
- Noise pollution; 2 deliveries per day delivering out of hours will cause disturbance to neighbours in the area as will engine noise, trolley noise and general noise from people; the proposed use will cause more noise than the existing use as stationary cars make no noise ; proximity of the site to the few properties near the site entrance will cause disturbance;
- Noise levels have been measured around the proposed site during a period when there was a national lockdown;
- Lidl have applied for a licence to sell alcohol from the site Mon – Sun 7am to 11pm inclusive; not even Aldi or large Tesco’s have these operating hours;
- Air pollution from traffic and congestion; the site is neighboured by a number of car dealerships and varied

commercial activities that are all associated with significant vehicle movements;

- There should be 10 EV bays from the start with provision of more as uptake increases;
- Contrary to flood assessment - this area is well known for surface water problems;
- Proposal is contrary to Policy ED1 of the East Herts District Plan 2018 (notwithstanding the recent changes to the Use classes Order in respect of Use Class E); loss of a business site;
- Retail in this location means noisy industries go where?
- The site should be retained for industrial related uses given the proximity to the A120 and the M11 motorway which must be an attractive location for companies;
- The site is only suitable for a similar type of business to the one there now (Gates); one with limited opening hours and low customer numbers. If a change is required it should be to housing as this is urgently needed in the Bishops Stortford area;
- Stortford is being destroyed by continual over development;
- Poor design - the completely unobstructed car park will be empty when the store is closed and very attractive as a recreation area for skateboarders/cyclists/teenage motorists after the store has closed. Head height security perimeter fencing is required including proper secure gating;
- Car park should be located at the far end of the site (and the building by the road) to allow cars to queue past the building rather than on Stanstead Road; the Aldi car park queuing halts all other traffic when customers are trying to park their vehicle;



- Positioning the store at the back of the site is useless for pedestrians and shows Lidl's outdated obsession with cars; Development is too car orientated and not justified as a local walk – to shop; it needs more cycle parking and a covered buggy park near the door;
- Proposed development should be re-positioned with parking and deliveries on the other side (right hand side) and have a joint entry from a roundabout adjacent to Mercedes – Benz;
- Demolition of two large buildings is wasteful – the front showroom should be converted and extended if required. The rear vehicle service building can be converted to covered parking;
- Does not object to principle of Lidl wanting to open in Bishops Stortford but given that it is being justified on serving development at Bishops Stortford North – it should be located on an appropriate site within that development not where it would create unnecessary vehicle movements;
- Proposal would severely impact Aldi and undermine the benefits that Aldi bring to the town centre as a result of linked trips;
- Application fails to provide a robust retail impact assessment and sequential assessment as required by Policy RTC1 and the National Planning Policy Framework (NPPF);
- The retail impact assessment is flawed as it is based on an outdated 2013 household survey; the survey was undertaken prior to the opening of the Aldi store in Bishops Stortford and fails to establish the state of existing centre and the nature of current shopping patterns as required by the checklist for retail impact assessments within the National Planning Policy Guidance (NPPG);

- 2013 retail capacity Study which is based on the 2013 household survey is also out of date;
- The submission fails to provide an appropriate assessment of the likely impacts of the proposed Lidl store and there is no consideration of the 'no development' scenario;
- Question the trade draw assumptions provided from existing convenience stores and consider that there has been an underestimation of the diversion from Lidl's main competitor Aldi, whose store would be expected to experience the highest levels of trade diversion;
- The impact assessment fails to identify the three new neighbourhood centres which will be located to the north and south of the town (and any convenience offer that would be within them); particular reference is made to Bishops Stortford North where a food operator is being sought;
- Proposed development would deter investment within the Bishops Stortford North Urban Extension neighbourhood centre significantly affecting its ability to function; Bishops Stortford North represents a potential sequential site to be assessed – but it has not been assessed; a food store at Bishops Stortford North should take priority over this site;
- Applicant is placing reliance on a response to a survey that they sponsored. The 'nice to have responses', many of which are from a Facebook call for support have not considered impact on their residential area; whereas objectors have;
- Bishops Stortford could support a new supermarket but not at the expense of residents quality of life;
- Lack of regard to established case law on the sequential approach – identity of the proposed retailer is not generally relevant to sequential testing

- The Council should commission an independent review of the submission due to deficiencies in the assessment of retail policy;
- The requirements of the Planning Practice Guidance (which notes that, It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal) have not been met;
- Para. 91 of the NPPF advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, It should be refused;

8.3 150 letters have been received supporting the proposal on the following grounds:

- Despite potential for additional traffic, support the application because other supermarkets are too busy to shop in comfortably;
- Proposal would improve choice to suit every budget in town – it could be improved with frequent bus service from town to the Lidl site; support proposal as it will help people on the breadline with lower prices;
- Proposal would be a great asset as there is no supermarket in the area and need to spend more money for home delivery, transport or paying more money for the same products in local shops;
- Cost of living is so high – any competition between supermarkets is welcome; (competition is not a planning issue)

- Proposal would be a great addition to the town with easy access to the A120 by pass and would be beneficial for the new Bishop Stortford North estates;
- Proposal is in an area of existing large retail units and has good road links; support the fact that the site is accessible from the bypass and not the town centre;
- Some of the other supermarkets in the area are not fit for purpose - ensure that there is sufficient car parking;
- There are not enough shops in this part of Bishops Stortford – this will ease all the town centre congestion; Bishops Stortford needs another supermarket as it is expanding; this area needs shopping due to its growing population;
- Currently have to go to nearby towns like Braintree, Loughton, Harlow, Waltham Cross or even London (Cambridge Heath Road) so very happy to have the facility in Bishops Stortford;
- Good location for this development; development would be beneficial to outer lying villages; far enough away from the Hockerill lights; good use of the site as Bishops Stortford north and north east doesn't have local shops so we have to drive;
- Proposal would allow better supermarket access to residents on this side of Bishops Stortford; particularly those without a car – at present it is a good 20 minute walk to any other supermarket and with needing to carry heavy shopping back - it makes accessing a supermarket quite difficult. As a pensioner it is difficult to go to into town; we need shops this side of Stortford; provides an ability to walk to the supermarket;
- The store could generate more custom for the bus service;
- A more sensible site than Aldi; will relieve congestion especially at Hockerill – area is getting busier and so are supermarkets

(especially Aldi which is not in a good location and increases congestion);

- Will reduce town congestion as people from new development to the north and west of town will not have to go to Hockerill; draws traffic away from London Road;
- Proposal will provide local employment; Lidl provides excellent pay rates for employees;
- Excited by the prospect of a bakery as Aldi does not have one;
- Supports the proposal to increase availability of EV charging;
- With all the housing expansion in the area it would be good to have an out of town store of this quality;
- Proposal would be a welcome addition to the town and an improvement to the site generally; can't keep building houses everywhere without expanding retail services;
- At last a really good plan for Stortford; a supermarket is desperately needed this side of town;
- No need to use a car and more jobs created;
- Proposal will improve existing layout of trading estate; A modern facility might attract further investment;
- Welcome new amendments and requests adequate lighting is added for any new pedestrian crossing;
- Happy with proposal in general provided that action is taken to minimise light pollution, there is good landscaping and no noisy operations between 9pm and 9am;
- Pleased to see solar panels on the roof;

8.4 10 neutral comments raise the following issues:

- A roundabout should be put in place at the entrance to the development so that traffic is slowed down and access improved;
- Wants to see traffic calming measures to reduce speed in general;
- Site entrance should be combined with neighbouring site;
- Travel plan should make significant improvements to Michaels Road or offer an alternative walking /cycling route via Grange Paddocks;
- Proposals should make provision for a new crossing as pedestrian footfall with increase.
- Request a clear statement on actual daily/weekly lorry movements on a similar sized site over an extended period instead of reference to an average of 1 or 2 delivery lorry movements a day with a doubling of movements in the run up to Christmas/Easter;
- Would like to see more EV charging, bicycle spaces, relocated entrance ( to come off Stort Valley Industrial Estate, pedestrian cycle link to the west of the site over the railway;
- Safe pedestrian cycle route should be provided to the Bishops Stortford North site;
- Supports local employment opportunities in this area but considers that the road and pavement infrastructure needs to be re-shaped in order to learn lessons from the Aldi site at London Road, Bishops Stortford;

- The noise impact assessment is based on simple sound levels – no consideration of the extended length of noise exposure. The current occupants are open for 6 days a week for 12 hours a day at most. Lidl will be open 7 days a week and for 6 of those days there will be vehicle movements 17 hours a day (6 am to 11pm). It is disingenuous to compare the two. The same comparison also applies to any light pollution;
- Flood assessment makes no reference to frequent flooding of Stanstead Road by run off from Birchanger Brook;
- The 40 full time equivalent new jobs for Stortford is misleading – there is limited or no net gain in jobs. The Lidl offer is mainly for lower paid jobs. Car /sales repairer would be of greater value to the local economy.

## **9.0 Consideration of Issues**

### **Principle**

#### ***Development Strategy***

- 9.1 The site is 1.15 ha in area and comprises of 'brownfield land' – land that has been previously developed. The applicants submitted a Screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as amended (EIA) to determine whether the application required an EIA was required. This was assessed against the regulations by the Local Planning Authority and it was determined an EIA was not required.
- 9.2 Policy DPS1 (Housing, Employment and Retail Growth) states that the council will maximise opportunities for jobs growth, with the aim of achieving a minimum of 10,800 new jobs in the District during the plan period.
- 9.3 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. In

this regard, preference is given to brownfield sites in sustainable locations. As this is brownfield land and in a sustainable location on Stansted Road, the proposal accords with policy DPS2.

### ***Employment Area***

9.5 The application site is situated within a Designated Employment Area (Stansted Road) as defined in the East Herts District Plan 2018. Policy ED1 protects land within this area for uses that fall within Use Classes B1 (Business) (now Class E), Class B2 (General Industrial) , related Sui Generis and where well related to the primary road network, Class B8.

9.6 The current use of the site falls within a category of use considered to be 'sui generis.' Section III of Policy ED1 seeks to protect B1, B2, B8 and sui-generis uses and advises that planning permission will only be granted for development that would result in the loss of a site/premises which is currently, or was last, in employment use (Classes B1 (now within Class E), B2, B8 or related Sui Generis when all of the criteria set out in (a) (b) and (c) have been met. Each of these criteria is analysed below:

*(a) The retention of the site or premises for B1, B2 and B8 has been fully explored without success. Evidence of a period of marketing for at least 12 months must be provided;*

9.7 It is important to consider that the site is currently in an active use as a car dealership (an employment generating sui generis use), and that it has not been marketed.

9.8 The purpose of the marketing is to establish whether the site can be used for those employment generating uses, which traditionally provide a significant element of the Borough's employment. That the site has not been marketed weighs against the proposal in the planning balance, as it has not been established that the site cannot be used for the employment generating uses defined. However, consideration needs to be given to the reason for the policy and what impact the proposal would have in employment terms. The



paragraphs in the District Plan which precede the policy set out why it is required, and make clear that East Herts has a requirement for a diverse range of employment opportunities, and that retail is a use which generates employment.

- 9.9 Given this background, the impact in terms of job creation needs to be considered. The proposal would create 40 jobs, whereas the existing use provides employment to 38 people. Whilst they would be different jobs, which may be appropriate for different people, they would still provide an uplift in the number of jobs available. The applicant has set out that they tend to recruit from the local area. In order to secure this employment benefit of the proposal, and that the jobs are in the first instance aimed at local residents, the recommendation sets out a proposed Section 106 clause to secure a Local Employment and Skills Plan, for both the construction phase and operation of the store.
- 9.10 The wider background to the employment and retail sectors also needs to be taken into account. In September 2020, the government amended the Use Classes Order in order to, amongst other things, allow more flexibility to where businesses are located and to support local centres. To this end, a new Use Class E was created, which includes both retail (as proposed by this development) and light industrial uses (as found elsewhere in the Employment Area and protected by policy ED1). The impact of this new Use Class, on Employment Areas such as this, is that existing uses which fall within B1 (which this site is not, but which other sites in the Employment Area are) could be used as supermarkets without requiring an application for planning permission, in certain circumstances.
- 9.11 Given that this is the case, a pragmatic approach needs to be taken to the consideration of employment land. In this instance, as the proposal would provide for similar levels of employment, is in an area where a number of other units could convert to such uses potentially without requiring planning permission, that the proposal is considered acceptable in other regards and given the proposed legal agreement to secure local employment and training, it is

considered that the employment impacts of the development under part a of the policy are acceptable.

- 9.12 It is noted that the applicant has suggested that weight should be put on the intention of the current operator (Gates of Stortford) to relocate the existing employees elsewhere within their business, and that less protection should be given to this use in employment terms as it is a *sui generis* use as opposed to one which used to fall within Use Classes B1-B8. The Council disagrees with this approach. The continued employment of the existing employees cannot reasonably be secured in planning terms and policy ED1 is clear that it applies to employment generating *sui generis* uses.

*(b.) The retention of the B1 (now Class E), B2 or B8 use is unable to be facilitated by the partial conversion to a non-employment generating use;*

- 9.13 The application site is not currently in B1 (now Class E) use, B2 or B8 and as such this criteria is not applicable to the current use of this site.

*(c.) The proposal does not prejudice the continued viability of existing Employment Areas and neighbouring uses and existing operational employment sites and neighbouring uses.*

- 9.14 The proposal constitutes a retail store, which is not considered to be a noise-sensitive receptor in the way that, for example, residential uses are. The majority of the functions associated with the use occur inside, so in an area less exposed to noise, odour or dust and, as discussed later in the report, there is substantial screening incorporated into the proposal between the scheme and the rest of the Employment Area. As such, the use is not considered to prejudice the wider employment allocation.

- 9.15 In summary, it is noted that the existing use, whilst employment generating, falls within use class *sui generis* and so not all parts of policy ED1 apply. The proposal however accords with the thrust of the policy by being in the same use class as uses which are fully

protected in an Employment Area. The proposal also provides a similar number of employed persons as the existing use and is compatible with the wider use as an Employment Area.

*Retail use*

- 9.16 The proposal relates to a use that would normally be appropriate in a town centre location. It is a main town centre use as identified in the NPPF. It is however acknowledged that there will be instances where it is not possible to locate an appropriately sized development site in the town centre and as such there will be occasions whereby town centre uses may be found outside of the town centre boundary.
- 9.17 The National Planning Policy Framework (NPPF) seeks to direct town centre uses into the town centre. However it must be noted that recent changes to the Use Classes Order as outlined above in paragraph 9.9, will now result in more traditional town centre such as the one proposed, being located in non - town centre locations.
- 9.18 Notwithstanding the above, paragraph 87 of the NPPF advising that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan.
- 9.19 A retail impact assessment of the impact of the proposed development on the continued viability and vitality of the town centre is required; the NPPF sets a threshold of 2,500 sq.m but allows local thresholds to be set; in this case a threshold of 1,500 sq. m is set in policy RTC1 of the East Herts District Plan 2018. As the development exceeds this at 2368sq metres,

***Sequential Test***

- 9.20 The applicants have undertaken a sequential test to ascertain whether there are sequentially preferable sites that the proposal can be accommodated on. As advised by the NPPG (National Planning Policy Guidance), the test has been proportionately applied; this is particularly relevant given that this site is within a

location whereby planning permission can be obtained for a change of use from sui – generis to light industrial use (Class E) or where sites in this area can now change to uses that fall within Class E without the requirement to obtain planning permission.

- 9.21 The applicants consulted with and have agreed with the Planning Service on the sites that are to be considered; it should be noted that consideration has also been given to sites with a smaller gross internal floorspace than that which is the subject of this planning application. The following sequentially preferable sites in Bishops Stortford have been considered and declined for the following reasons:

Site	Reason for decline
South Street/Station Road	Floorspace is too small at 665 sq. metres; site has limited car parking and does not have suitable services for a food store operator.
Old River Lane	The site is planned for mixed use development which involves community use but small scale retail uses. This is subject to the preparation of a Supplementary Document and planning permission.
Goods Yard	Proposal includes a number of small retail units which total 1,001 sq. metres. (this is smaller than what has been applied for) The retail units have limited access to bespoke car parking and limited servicing.
The Mill Site	The site is currently in use and does not represent an available redevelopment opportunity.
Jackson Square	Although this unit is reasonably large at 1,599 sq. metres – it is

	<p>smaller than current application for 2368sq metres.</p> <p>Notwithstanding terms have been agreed with TK Maxx and as such the unit is not available.</p>
--	--

- 9.22 In addition to the above, existing local centres at Bishops Park and Stanstead Mountfitchet have been reviewed; no vacant land or units have been identified that can accommodate the proposed use.
- 9.23 Proposed local centres at Bishops Stortford North and South have also been reviewed. However neither of these sites will provide unit sizes that are comparable to the floor space size applied for. Bishops Stortford North has planning conditions that restrict individual unit size to 200 sq. metres and the total retail to floorspace in the development to 600 sq. metres (Eastern Neighbourhood Centre) and 200sq.metres (Western Neighbourhood Centre). Bishops Stortford South permits 1,000 sq metres of retail floor space; less than half that which is the subject of this application.
- 9.24 It is relevant to note that it has been established in the Supreme Court 2021 (Tesco Stores v Dundee City Council) that in assessing whether the sequential test has been met, the issue is (sic), whether the applicant has responded to the question as to *‘whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.’*
- 9.25 Accordingly having regard to the above, it is considered that no available suitable sequentially preferable sites have been identified within the geographical area agreed with the Planning Service and the sequential test has been met.

### ***Retail Impact on Town Centre Vitality and Viability***

- 9.26 Neither the NPPF nor the District Plan outlines that there is a policy requirement to demonstrate the ‘need’ for a retail development in a

development management context. Instead, paragraph 90 of the NPPF outlines that planning applications for retail and leisure development outside town centres, which are not in accordance with an up to date plan should be the subject of an impact assessment if the development exceeds a proportionate locally set floorspace. This should include an assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investments in a centre or centre in the catchment area of the proposal; and
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment ( as applicable to the scale and nature of the scheme).

9.27 Policy RTC1 has outlined that in Bishops Stortford the threshold for analysis has been set at 1,500 sq. metres and information is expected to measure a period up to 5 years from the time the application was made.

9.28 Paragraph 91 of the NPPF advises that where an application is likely to have a significant adverse impact on one or more of the above factors, it should be refused.

9.29 The applicants have undertaken an assessment of the likely impact of the proposed development on both existing and proposed development in Bishops Stortford town centre (including its direct supermarket competitors within that area). An assessment has also been made on future planned development on other sites within the vicinity of the site; including the local retail centre at Snowley Parade.

9.30 The applicants retail impact assessment has considered the trading position of the stores in the relevant town and local centre locations. The information provided indicates that the Aldi store at London Road, the Sainsbury's at Jackson Square, Tesco store at Lancaster Way and Waitrose, Northgate End are the most popular

food stores with market shares of 21%, 20% , 15% and 13% respectively.

- 9.31 In terms of impact on food stores in the town centre (Marks and Spencer, South Street, Sainsburys, Jackson Square, Tesco Express, South Street, Waitrose, North Gate End) and other local shops in the town centre, the assessment shows a 4.7% diversion in total expenditure in favour of Lidl. This is considered to be a low impact at less than 5%.
- 9.32 The impact on Thorley District Centre has been assessed as 2.6%, Bishops Stortford Neighbourhood Centre 4.6%, Snowley Parade 2.2% and Havers Lane Local Parade 3.1%. This is considered to be a low impact.
- 9.33 The conclusions of the analysis indicate that the two stores more likely to be affected are the Aldi, London Road store which is currently trading significantly above expectations. This store is not within the town centre, being edge of centre. However the analysis shows that the store is likely to encounter a trade diversion of 7.4%. Sainsburys, Jackson Square is considered to be more affected than the other stores at 6.6%.
- 9.34 However having regard to the retail analysis undertaken on the future impact on the town centre and local centres in their entirety, the evidence demonstrates that the impact is less than 5%. This level of impact is therefore not considered to be significantly adverse; such that it would conflict with Paragraph 91 of the NPPF, Policy RTC1 of the East Herts District Plan or Policy BP2 of the Neighbourhood Plan for Bishops Stortford, Silverleys and Meads.
- 9.35 In terms of the impact of this proposed development on future planned expenditure, it has been demonstrated through the sequential test and the analysis of other sites that the nature of this proposed development differs significantly from other planned development in the Bishops Stortford area (including the neighbourhood centres at Bishops Stortford North and South). Accordingly it is concluded that the proposed development would

not adversely affect existing committed and planned public and private investment; either in the town centre or the catchment area of the application site.

- 9.36 In conclusion, it is considered that the impact of the proposed development has been adequately analysed and the proposed development would not be in conflict with Policy RTC1 of the District Plan, Policy BP2 of the Neighbourhood Plan for Bishops Stortford, Silverleys and Meads or the NPPF.

***Design layout, character and appearance***

- 9.37 Paragraph 130 of the NPPF seeks development that will function well and add to the quality of the area, are visually attractive and include appropriate landscaping.
- 9.38 Policy DES4 of the District Plan advises that development proposals must be of a high standard of design and layout to reflect and promote local distinctiveness.
- 9.39 Further to the demolition of the existing buildings at this site, it is proposed that a new single storey (7.1 metres high) supermarket building will be erected in the north – western part of the site. No objection is raised to the siting of the store towards the rear of the site as this is consistent with the positioning of the previous buildings at the site and some other commercial buildings nearby. Notwithstanding, the siting of the building at the rear ensures that the residential amenity of neighbouring occupiers is considered; with deliveries/loading etc being sited close to an existing source of noise (London – Cambridge railway line). The building will incorporate PV panels at roof level. The delivery bay and plant area for the store will be located on the western part of the site. To north of the building a landscaped swale will be provided.
- 9.40 Access to the site will remain from Stansted Road via a widened entrance that will lead to a surface level car parking area that will be provided around the eastern and southern elevations of the store building.



- 9.41 No objection is raised to the demolition of the existing buildings on site which are considered to be of little architectural merit and do not add to the character or appearance of the area.
- 9.42 The new building would be of a modern design; typical of Lidl stores featuring composite panels and aluminium framed glazing systems will be orientated towards the south - east so that it can maximise solar gain. The height positioning and appearance of the building is considered to be acceptable; ensuring that the amenity of neighbouring occupiers is not adversely affected and providing a development that meets the high standards of design set out in policy DES4 of the District Plan.

### ***Transport considerations***

- 9.43 Chapter 9 of the NPPF seeks to promote sustainable transport; this includes ensuring that opportunities to promote walking, cycling and public transport use are identified and pursued.
- 9.44 Paragraph 105 of the NPPF encourages the location of significant development in locations that either are or can be made sustainable through limiting the need to travel. Paragraph 110 of the NPPF requires, amongst other things, that consideration is given to ensuring that safe and suitable access to the site can be achieved for all users and that any significant impact from the development on the transport network (capacity and congestion) or on highway safety can be cost effectively mitigated to an acceptable degree.
- 9.45 Paragraph 111 of the NPPF advises that development should only be refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts of development would be severe.
- 9.46 This application has been submitted with a Transport Assessment, which is appropriate for developments of this scale. An analysis of the existing (Pre-Covid 19 period – June 2019) and proposed vehicular movements has been undertaken to capture the likely

impact of the proposed development on the surrounding road network at both peak and off peak times. Lidl have used comparable data from other similar Lidl stores to assist in the analysis of this information. This traffic data has been reviewed by Hertfordshire County Council as the Highway Authority who raise no in principle objection.

- 9.47 The application site is considered to be in a highly accessible location; being on a main thoroughfare to Bishops Stortford (B1383). The site benefits from a vehicular access from Stansted Road and given its current use as a motor dealership has 65 No. car parking spaces.
- 9.48 Entrance into the site is from a singular access point that abuts the neighbouring residential property at 289 Stanstead Road. The proposals will involve a widening of this access point to 9 metres; this would enable vehicles to enter and exit the site without conflict. Deliveries to the site would also be made from this access point. There is no objection to this proposed modification to the site layout as it will ensure that queuing into and out of the site is minimised. The access is adequate to allow for suitable visibility for manoeuvring vehicles, including service vehicles, and conditions are recommended to secure details.
- 9.49 It is noted that the occupier of 289 Stansted Road has indicated that the proposed development and access arrangement will affect their ability to access their property using a car; however this is not a position that is supported as aerial imagery has been provided which shows that all of the properties in this terrace exit the site in forward gear. In addition with respect to 289, it is clear that there is sufficient space within the site to turn a vehicle and exit the site in forward gear. It is therefore considered that the proposal would not affect the ability of the neighbouring occupier to continue to access the site unhindered.
- 9.50 In terms of walking it has been demonstrated that the site is located in an area with suitable for pedestrians. It is located within walking distance of existing commercial units and existing and proposed

residential development. Information provided within the transport assessment indicates that pedestrians tend to account for approximately 25% of Lidl's customers; due to the location of their stores close to established residential areas.

- 9.51 Within the application site suitable provision has been made for a 3 metre wide pedestrian access including the provision of pedestrian access points that enable direct access from the north and south of the site, provision of internal crossing points within the site to facilitate safe pedestrian access to the store. The developer has also agreed a range of improvements to the surrounding environment to facilitate pedestrian access, including provision of pedestrian dropped kerbs and tactile paving at the junction of Stansted Road and 10 other locations (as outlined in condition 19).
- 9.52 In addition it is proposed that infrastructure improvements (including real time information display and provision of a shelter) will be made to the existing north bound bus stop located 100 metres to the north of the site which will again encourage greater use. Collectively these measures will ensure that the site can readily be accessed by means other than the private car.
- 9.53 In terms of cycle provision, 12 cycle spaces are proposed for public use at the front of the site, with provision being made for secure cycle parking for staff within the warehouse section of the building. Notwithstanding it is considered that the cycle provision does not meet the standards as set in the updated car and cycle parking standards; wherein 19 are required. Accordingly it is proposed that further provision will be secured by condition.
- 9.54 137 car parking spaces are proposed for the development. 10 of the car parking spaces are proposed as disabled parking bays. The provision of disabled parking equates to 7% and complies with the requirement of a development of this type and size as outlined in the updated SPD vehicle standards.
- 9.55 The total provision of car parking spaces slightly exceeds the requirement for a development of this size (as outlined in the

Council's updated vehicle parking standards Supplementary Planning Document) which would require 132 spaces. Whilst no in principal objection is raised, it is considered that this presents an opportunity, in the first instance for the additional car parking spaces to be re – purposed to provide the additional 7 cycle spaces that are required; It is considered that this matter can be adequately addressed by planning condition.

- 9.56 In terms of electric vehicle charging, 2 active electric vehicle charging points/bays are proposed. The applicants have indicated that they will provide the necessary cabling and ducting to facilitate future expansion of up to 10 bays in response to (future) customer demand. However this provision falls slightly short of the 10% provision that has been suggested by the Environmental Health Service; with 5% (6 spaces) as an initial provision with a phased approach being agreed to reach 10% in total accordingly it is proposed that this matter is addressed by condition whereby a phased approach to future delivery can be secured. This is considered to be an acceptable compromise to ensure that the proposal complies with Policies EQ4 and TRA1 of the East Herts District Plan 2018.

### ***Neighbour amenity***

#### ***Noise***

- 9.57 The application has been submitted with a noise assessment which considers the effect that the proposed development will have on the occupants of surrounding properties. Given the nature of the site it is considered that the nearest residential properties to the site (these are properties to the south at Denny Court and Stanstead Road) are likely to be those most impacted by the proposed development.
- 9.58 The assessment considers the proposed noise arising from deliveries to the site (loading and unloading) including HGV movements, vehicle movement/parking and noise from plant. The information provided uses data from other existing Lidl sites in

operation. The nearest dwelling to the loading bay is at Denny Court (approximately 65 metres away). However given the HGV entrance will be from Stansted Road, it is considered that the residential properties adjacent to the site may also be impacted.

- 9.59 The delivery /loading bay for the supermarket will be located in the western side of the building (closest to the adjacent railway line). The loading bay has been designed with a ramp down to 1.5 metres below the ground level of the store. Deliveries/unloading will take place within the store building and there will be no external unloading . The nearest dwelling to the loading bay at Denny Court is considered to be at such a sufficient distance that it will not be impacted by the use of this area.
- 9.60 Store deliveries are expected to be by HGV and it is likely to be up to 2 deliveries per day; increasing to 3 deliveries per day at seasonal periods such as Christmas and Easter. Deliveries are expected to have duration of between 35 and 45 minutes based on information gathered from other Lidl stores.
- 9.61 Notwithstanding, the information provided in the noise assessment indicates that during the evening 21.00 hours – 22.00 hours (when surrounding background noise is lower) there would marginal difference in noise (low impact when compared against the noise standards outlined in BS4142. Accordingly it is considered that during the day (when background noise is higher) the impact would be lower still. Hours of loading and unloading will be conditioned to same as store opening hours (those being 07.00-22.00 Monday to Saturday and 10.00-18.00 hours on Sunday).
- 9.62 The proposed plant for this development will be located on the western side of the building at ground level. There will be a distance of 60 metres to the nearest residential property. The information provided indicates that the operation of the plant in this location falls into the low impact category whereby it is considered that its operation will not adversely affect amenity.

***Car Parking***

- 9.63 It is acknowledged that significant element of this site has been utilised for vehicle parking given the current use of the site as a car showroom/garage with associated parking. Whilst the physical relationship between the residential properties that abut the site at Stanstead Road and Denny Court will not alter, and the nature of the use (as a car park) will not alter, the frequency and the intensity of vehicular activity at this site use will undoubtedly change. The proposal will result in a considerable increase in car parking spaces from 82 to 137. In relation to 289 Stanstead Road, vehicles are currently parked on site forward of the front elevation of this dwelling, the proposal will result in an improved car parking layout in relation to this property; with parking spaces being positioned further eastwards into the site (aligning with the rear elevation of the dwelling). Whilst at present there is no landscaping between 289 Stanstead Road and the car parking area; the proposed development will introduce a landscaped buffer (hedge) between the parking area and the dwelling house; further details of this will be considered via condition to ensure that the amenity of the occupiers of 289 Stanstead Road is protected.
- 9.64 The information provided estimates that both of these properties are likely to experience up to 20 vehicle movements per hour. However with adequate landscape screening and the retention of existing boundary fencing; noise experienced in the garden of the respective properties is expected to be at an acceptable level. In coming to this conclusion regard has been given to existing noise sources in relation to the locational characteristics of each property with general traffic on Stanstead Road and the proximity of the railway and substation at Denny Court.
- 9.65 In terms of lighting a preliminary lighting schedule has been provided which indicates lamps lights will be erected to varying heights of 3.25 metres to 6 metres within the car park area. No objection is raised to this aspect of the scheme which will ensure that lighting can be implemented at the site without detriment to

the amenity of surrounding occupiers and that the site can be used safely during its operational hours.

- 9.66 The noise impact assessment has been reviewed by the Environmental Health Service who raise no objection to the information presented. Planning conditions have been suggested to control the operational hours of the store (including hours for delivery), the noise level from any external plant; together with standards for lighting. Details will also be required to demonstrate how the site will be secured during non – operational hours to ensure that the site is not used for antisocial behaviour to the detriment of surrounding occupiers.
- 9.67 It is considered that subject to the conditions proposed, this aspect of the development will not affect the amenity of the occupants of surrounding properties and as such the proposal complies with Policy DES4 of the East Herts District Plan 2018.

### ***Light/Outlook***

- 9.68 The siting/design of the proposed development has been considered above. However it is considered that the proposed building height (7m) and the proposed building's location is at a sufficient distance from neighbouring residential occupiers such that their light, outlook and general amenity would not be affected by the proposed development.

### ***Contamination***

- 9.69 Chapter 17 of the NPPF seeks to ensure (amongst other things) that permitted and proposed operations do not have an unacceptable adverse impact on the natural environment or human health.
- 9.70 The site has been used as a car show room and garage; accordingly it is considered that there is a potential for land contamination arising from the previous use of the site and any disturbance of land as a result of remediation and construction works.

- 9.70 The application has been submitted with a ground investigation report which has been evaluated by the Environmental Health Service. The content of the report is considered to be acceptable. Planning conditions have been suggested by the Environmental Health Service to ensure that appropriate measures are implemented on site to prevent any contaminants affecting the site and its surrounds; this is considered particularly important given the proximity of the site to Birchanger Brook.

### ***Flood Risk and Drainage***

- 9.71 The majority of the application site is located within Zone 1; a location that is considered to be at low risk of flooding. A small part of the western part of the site (adjacent to the railway) is located within Flood Zone 2 (an area that has a medium probability of flooding).
- 9.72 Information obtained from the Environment Agency indicates that the site is at low risk from surface water flooding (flooding arising from heavy rainfall) and that the site borders a source protection zone.
- 9.73 A flood risk assessment has been provided and considered by the Lead Local Flood Authority. The proposed use as a retail supermarket is considered to be 'less vulnerable' form of development. Given the proposed use and that the site is mainly located within flood zone 1; it is considered that the proposal meets the sequential test and an exception test is not required.
- 9.74 The proposal includes the provision of a 350m<sup>3</sup> cellular storage (tank) facility and a linear swale on site which is proposed to discharge into the adjacent Birchanger Brook to the north- west of the site at rates that are acceptable to both the Environment Agency and the Lead Local Flood Authority. These measures will aid SuDs management at the site.



- 9.75 The above mentioned measures will result in an improvement in the management of surface water at the site. The proposed use will not result in an increase in the risk of flooding at the site or to any adjacent site. In this regard, subject to the conditions suggested by the Lead Local Flood Authority and the Environment Agency, the proposal would not conflict with the NPPF or Policies WAT1 and WAT5 of the East Herts District Plan 2018.

***Trees/landscape and Ecology***

- 9.76 The application site contains limited vegetation and there are no protected trees on the site. The proposal will involve the provision of appropriate landscaping on the site to improve the appearance of the development and to ensure that appropriate visual screening is provided to the nearest residential properties that abut the site. The landscape officer raises no objection to this part of the development; however has indicated that the application could benefit from a more simplified planting plan. This is a matter that can be addressed by condition. The application complies with Policy DES2 and DES3 of the District Plan.
- 9.77 Utilising the DEFRA matrix a 1213.5% increase in biodiversity is proposed on site. This will comprise of native and ornamental hedges which will be positioned around south east, north east and southern parts of the site in addition to the provision of new grassland habitats and native scrub planting. This level of increase is welcomed and will be secured by condition. In addition it is proposed that opportunities should be taken to secure 1 bird and 1 bat box on the development site. This aspect of the development complies with Policy NE3 of the District Plan.

***Air Quality***

- 9.78 Policy EQ4 requires that all developments include measures to minimise air quality impact with reference to the design, construction and operation of developments.

- 9.79 The proposal will result in the demolition of existing buildings at the site. Whilst no objection is raised to this, aspect of the scheme; planning conditions have been suggested by the Environmental Health Service to ensure that an air quality assessment, a dust management plan is prepared, and that appropriate surveys of the buildings and baseline air quality monitoring are undertaken prior to the commencement of demolition works and that an
- 9.80 As the site will be the subject of a greater intensity of vehicular movements; sustainable transport measures are required to be implemented in order to ensure that the development does not adversely affect the wider environment or the amenity of local residents. In this regard, whilst it is acknowledged that the development will provide 2 rapid EV charging points with ducting provision that will provide up to 10 charging points in future (subject to demand), the Environmental Health Service has advised that increased provision should be secured on a phased approach that will provide 10% in total (13); 5% initially with the remainder to be provided within a period to be agreed.

### ***Climate Change and Sustainability***

- 9.81 Paragraph 154 of the NPPF and Policy CC1 of the District Plan require that development proposals introduce measures that address climate change.
- 9.82 Proposals should be designed in an energy efficient way that results in a reduction in carbon emissions. This will ensure that highest standards of sustainable design and construction are achieved.
- 9.83 The application has been submitted with an Energy Strategy; this outlines how the proposed development seeks to achieve the standards that are set in the District Plan which generally seek standards above the Building Control Regulations.
- 9.84 The report outlines that that standards will be achieved by incorporating thermal design standards that will reduce heat loss through the building fabric and design, the use of high

performance glazing systems that will reduce heat loss and control solar gain ( with the use of internal blinds), the use of low energy lighting and energy – saving controls and water efficient fittings . These measures will be supplemented with the installation of photo voltaic panels at roof level and the use of air source heat pumps /aero thermal heat pumps and detailed landscaping. The orientation of the building will ensure that the south eastern glazing maximizes solar gain.

- 9.85 The proposed strategy follows the energy hierarchy by including measures to reduce energy demand, improve energy efficiency and use renewable energy on site.
- 9.86 The submission indicates that the new development will achieve 156 % reduction in carbon emissions at pre- assessment stage above the Building Control Regulations (Part L2A 2013 Building Regulations) and in excess of 100% reduction in carbon emissions when compared to the new 2021 Part L Building Control Regulations. This is due to the amount of electricity generation on-site from the PV system and the use of low/zero carbon technology on the site. This complies with Policy CC2 and is therefore acceptable.
- 9.87 Various other sustainability measures are outlined above in sections on flood risk, air quality and trees and ecology.

### **Response to third party comments**

Responses to the comments have been addressed within the body of the report.

## **10. Legal Agreement**

- 10.1 The following planning obligations are sought to support/mitigate the impacts of the development proposed:
- Approved Travel Plan with Travel Plan financial contribution - £6,000.00 evaluation and support contribution and travel plan

remedial measures notice.

- Local Employment and Skills Plan to secure a package of measures for both construction phase and operation phase of the development to facilitate the employment of local labour and provision of training opportunities.

## **11.0 Planning Balance/Conclusion**

- 11.1 A key objective of the planning system is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.
- 11.2 The proposal will result in the loss of an employment generating sui- generis use within a designated employment area and the introduction of a retail food store Class E. The site has not been marketed for an alternative use that complies with the aspirations of Policy ED1 of the District Plan and as such some negative weight should be assigned to the proposals as a result.
- 11.3 Balanced against this is that the proposal would result in similar levels of employment, and that local recruitment can be secured. The recent (September 2020) changes to the Use Classes Order whereby former Class E development could now be located in this area also weighs in favour of the proposal.
- 11.4 However the proposals will provide for further retail choice and convenience for local residents. Whilst there will be some impact on current convenience operators in the town, the impact on the wider range of retail uses in the town centre and local centres is considered to be marginal.
- 11.5 The proposed use will result in an increase in vehicle numbers and movements at the site when compared to its previous use as a car dealership as the number of vehicle parking spaces will increase and the frequency with which the site is accessed will also increase.

The increase in vehicular movements at and around the site has been assessed and considered that it will not adversely affect the free flow of traffic in the surrounding road networks. The increased vehicular activity will not, subject to the imposition of conditions, adversely affect the amenity of the occupants of neighbouring buildings.

- 11.6 The location and nature of the proposal may lead to some reduction in vehicular trips to the town centre, given the locational circumstances of the site; but this is difficult to quantify without detailed analysis. Nevertheless, the additional choice and convenience and lack of impact in relation to vitality and viability of the town and local centres is given positive weight.
- 11.7 In relation to other matters the proposal is not considered to adversely affect residential amenity, will adequately deal with climate change in the design aspects of the scheme and will result in an uplift in ecological and landscape enhancement and will not increase the risk of flooding.
- 11.8 Overall it is considered that subject to the conditions and legal agreement as set out; the planning application complies with the District Plan, the adopted neighbourhood plan for Bishops Stortford, Silverleys and Meads and the NPPF 2021. It is considered that the proposals represent a sustainable form of development and that planning permission should be granted.

### 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 and documents listed at the end of this Decision Notice.

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

3. Notwithstanding the details shown on the plans hereby approved the following modifications shall be made to the development:-
  - Increase in the number of cycle spaces (7 additional spaces required)
  - Height of the hedge in relation to the rear garden of 289 Stanstead Road shall be shown in section (showing the land levels of both sites) to ensure that this property is appropriately protected from vehicle movements.

Details shall be submitted to the Local Planning Authority in writing for their written approval prior to the commencement of the development. The approved details shall be implemented in full prior to the first occupation of the development and maintained as such in perpetuity, to the satisfaction of the Local Planning Authority.

**Reason:** In order to provide an acceptable form of development that complies with the development management policies in the East Herts District Plan 2018.

4. No demolition works shall commence until a destructive asbestos survey of the building to be demolished has been undertaken by a specialist asbestos contractor and the details submitted to and approved in writing by the Local Planning Authority.

Demolition shall not be carried out other than in accordance with the approved details.

**Reason:** Details are required to be submitted prior to commencement of works to ensure that risks from asbestos to the

environment, future users of the land and neighbouring land are minimized, and to ensure that the development can be carried out safely without unacceptable risks to human health and other off-site receptors. In order to ensure an adequate level of amenity for nearby occupants in accordance with Policy EQ4 Air Quality of the East Herts District Plan 2018.

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

**Reason:** 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.

6. No development shall commence until a 'Construction Traffic Management Plan' has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall identify details of:
  - the phasing of construction and proposed construction programme.
  - the methods for accessing the site, including wider construction vehicle routing.
  - the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
  - the hours of operation and construction vehicle movements.
  - details of any highway works necessary to enable construction to take place.
  - details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
  - details of any hoardings.
  - details of how the safety of existing public highway users and existing public right of way users will be maintained.
  - management of traffic to reduce congestion.

- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels, and how it will be ensured dirty surface water does not runoff and discharge onto the highway.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.
- signage

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan.

**Reason:** In order to protect highway safety and the amenity of other users of the public highway 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 and to ensure an adequate level of amenity for the occupiers of surrounding properties in accordance with Policy EQ2 of the East Herts District Plan 2018.

7. No development shall commence until a detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environmental Health Service, and the plan shall include the following:
- a) The construction programme and phasing
  - b) Hours of operation, delivery and storage of materials
  - c) Details of any highway works necessary to enable construction to take place
  - d) Parking and loading arrangements
  - e) Details of hoarding
  - f) Management of traffic to reduce congestion
  - g) Control of dust and dirt on the public highway
  - h) Details of consultation and complaint management with local businesses and neighbours
  - i) Waste management proposals



- j) Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour.
- k) Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan

**Reason:** In order to control the environmental impacts associated with the construction of the development in accordance with Policies DES4, EQ2 and EQ4 of East Herts District Plan 2018.

- 8. No development shall commence until written details of a Site Waste Management Plan (SWMP) have been submitted to, and approved in writing by, the Local Planning Authority in conjunction with the Waste Planning Authority.

As a minimum, the SWMP shall include the following:

#### Project and People

- Identification of the client
- Identification of the Principal Contractor
- Identification of the person who drafted the SWMP
- Location of the site
- An estimated cost of the project
- Declaration that the client and contractor will comply with the requirements of Duty of care that materials will be handled efficiently and waste managed appropriately (Section 34 of Environmental Protection Act 1990 and Environmental Protection (Duty of Care) Regs 1991)

#### Estimating Waste

- A description of the types of waste that are expected to arise on site (recorded through the use of 6-digit European Waste Catalogue codes) and an estimated quantity for each of the types (in tonnes)

- Waste management actions for each of the types of waste (i.e. will it be re-used, recycled, recovered or disposed of)

#### Space for Later Recordings

- Space for the recording of actual figures against those that are estimated at the start
- Space that will allow for the recording and Identification of those responsible for removing the waste from site and details of the sites they will be taking it too
- Space for recording of explanations that set out the reasons for any deviations from what has been set out in the SWMP, including explanations for differences in waste arising compared to those set out in the initial estimations.

Thereafter, the details of the SWMP shall be implemented and adhered to throughout the course of the development; in accordance with the details approved.

**Reason:** In order to ensure the development proceeds in accordance with the requirements of Policies 1, 2 and 12 of the adopted Hertfordshire Waste Local Plan.

9. No development shall commence until an Air Quality Assessment (AQA), has been prepared in accordance with best practice guidance and submitted to and approved in writing by the local planning authority. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** To manage and prevent further deterioration of existing quality air and to accord with Policy EQ4 of the East Herts District Plan 2018.

10. No development shall commence until a Dust Management Plan (DMP), based on an AQDRA (Air Quality and Dust Risk Assessment), has been submitted to and approved, in writing, by the local planning authority. The DMP shall be in accordance with the Institute of Air Quality Management (IAQM) guidance for Control of

Dust and Emissions during Construction and Demolition. The DMP will need to detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan.

**Reason:** To manage and prevent the deterioration of existing quality air across East Herts District Council in accordance with Policy EQ4 of the adopted East Herts District Plan 2018.

11. No development shall commence until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  1. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  2. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
  3. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial gas protection measures to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

12. No development shall commence until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  1. Confirmation of all relevant permissions for the discharge into a main river.
  2. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
  3. Final discharge restricted to greenfield runoff rates.
  4. Evidence to confirm that the outfall to Birchanger Brook will be available during all storm events up to and including the 1 in 100 year + 40% event.
  5. Full exploration of the SuDS hierarchy including above-ground features such as permeable paving. Detailed technical justification should be provided if it is not feasible to implement further above-ground features.
  6. Confirmation of groundwater levels on site including at the location of any below-ground attenuation features.
  7. Provision of robust SuDS management and treatment for runoff generated on site.
  8. Final detailed post-development network calculations for all storm events up to and including the 1 in 100 year + 40% climate change storm with half drain down times no greater than 24 hours.

9. Exceedance flow routes for storm events greater than the 1 in 100 year + 40% climate change storm.
10. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To prevent the increased risk of flooding, both on and off site and to accord with Policy WAT1 of the East Herts District Plan 2018.

13. No development shall commence until such time as a scheme to provide access to, and management of, the main river has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme should consider the following:

- Removing the boundary fence to open full access to the watercourse and connectivity with the new landscaped areas.
- If adequate justification can be provided stating why this isn't possible, then the provision of a single pedestrian access gate should be considered, with safe access to the channel profile for emergency access and maintenance.
- Access to any gate should consider the need for vehicles/heavy duty materials and potential material storage.
- The provision of a maintenance and management plan for the river channel for the lifetime of the development, in line with your responsibilities as riparian owners.

Thereafter the development shall not be brought into use until this work has been fully completed to the satisfaction of the Local Planning Authority. The scheme shall be subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** In order to provide emergency access, allow the connection areas of biodiversity and the future maintenance of the area in

accordance with policies WAT3 and NE4 of the East Herts District Plan 2018.

14. No development shall commence until a scheme (comprising of 10% of parking spaces being provided with Electric Vehicle Charging Points (a phased provision with an agreed delivery programme may also be considered) including the details of the siting, type and specification of proposed air quality mitigation measures to protect future occupiers from air pollution exposure has been submitted to and approved in writing by the Local Planning Authority.

The approved mitigation scheme shall be implemented either in its entirety (or in accordance with the agreed timetable) in accordance with details approved under this condition before any of the development is first occupied or the use commences and shall be retained as such thereafter.

**Reason:** To ensure that the amenities of occupiers are protected from the poor air quality in accordance with Policy EQ4 of the East Herts District Plan 2018.

15. No development above slab level shall commence until the external materials of construction for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall 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.

16. No development shall commence on the highway works until, additional plans have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed design and construction of the vehicle access serving the development, as shown indicatively on drawing numbers 200427 PL-03 Rev J and SCP/200702/D16.

Thereafter the development shall not be brought into use until this work has been fully completed to the satisfaction of the Local Planning Authority.

**Reason:** To ensure the provision of an access appropriate for the development in the interests of highway safety and convenience and to accord with Policy TRA2 of the East Herts District Plan 2018.

17. No development shall commence on the highway works until additional plans showing the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority:

- The detailed design and construction of the new puffin crossing and new southbound bus stop along Stansted Road, as shown indicatively on drawing number 200427 PL-03 Rev J. This shall include Kassel kerbing, a shelter, and a Real Time Information display at the new bus stop.

Thereafter the development shall not be brought into use until this work has been fully completed to the satisfaction of the Local Planning Authority.

**Reason:** So that local residents and visitors can conveniently, safely and sustainably access the development by modes other than the private motorcar, in compliance with paragraphs 110 to 112 of the NPPF, Policy TRA1 of the East Herts District Plan 2018 and Policy 1 of Hertfordshire County Council's Local Transport Plan 4, and generally in the interest of sustainable travel options which accommodates all users.

18. No development shall commence on the highway works until, additional plans showing the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority:

- Upgrade works to the existing northbound bus stop to the north of the site, to include Kassel kerbing, a shelter, and a Real Time Information display.

Thereafter the development shall not be brought into use until this work has been fully completed to the satisfaction of the Local Planning Authority.

**Reason:** So that local residents and visitors can conveniently, safely and sustainably access the development by modes other than the private motorcar, in compliance with paragraphs 110 to 112 of the National Planning Policy Framework, Policy TRA1 of the East Herts District Plan 2018 and Policy 1 of Hertfordshire County Council's Local Transport Plan 4, and generally in the interest of sustainable travel options which accommodates all users.

19. No development shall commence on the highway works until, additional plans showing the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority:

- Detailed design and construction of pedestrian dropped kerbs and tactile paving at the junctions off Stansted Road as shown indicatively on drawing number SCP/200702/D14 rev C of Technical Note 4. This includes:

1. Oaklands Park
2. Aynsworth Ave
3. Collins Cross
4. Cannons Mill Lane
5. Cannons Close
6. Orchard Road
7. Legions Way
8. Entrance to Stort Valley Industrial Estate
9. Barons car dealership site
10. Goodliffe Park



Thereafter the development shall not be brought into use until this work has been fully completed to the satisfaction of the Local Planning Authority.

**Reason:** So that local residents and visitors can conveniently, safely and sustainably access the development by modes other than the private motorcar, in compliance with paragraphs 110 to 112 of the National Planning Policy Framework, Policy TRA1 of the East Herts District Plan 2018 and Policy 1 of Hertfordshire County Council's Local Transport Plan 4, and generally in the interest of sustainable travel options which accommodates all users.

20. No on-site works above slab level shall commence until details of the measures required to facilitate the adequate provision of fire hydrants at the site shall be submitted to and approved in writing by the Local Planning Authority; in consultation with Hertfordshire Fire and Rescue Service. Thereafter, no part of the development shall be occupied until all of the fire hydrants have been provided, installed and permanently maintained/retained by the developer at their own expense, in accordance with the approved details.

**Reason:** To ensure the site provides appropriate infrastructure to support sustainable development in accordance with Policy DEL1 of the East Herts District Plan 2018.

21. No on-site works above slab level shall commence until, details of 1 wall integrated/insulated bat cavity box and 1 integrated nest box have been submitted to and approved in writing by the local planning authority. The location and model of the boxes should be supplied and marked on plans which reflect the proposed development. The approved measures shall be incorporated into the scheme, be fully constructed prior to occupation of the approved development, shall not be illuminated by external lighting and shall be retained as such thereafter.

**Reason:** In order to enhance biodiversity and comply with Policy NE3 of the East Herts District Plan 2018

22. The development permitted by this planning permission shall be carried out in accordance with the approved Drainage Strategy Plan prepared by Baynham Meikle project number 13091 Revision 0C dated September 2021 and the following mitigation measures detailed within the Flood Risk Assessment:
1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the greenfield runoff rate for all events up to and including the 1 in 100 year event plus 40% climate change event.
  2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum of 350 m<sup>3</sup> (or such storage volume agreed with the LLFA) of total storage volume in cellular storage and swale.
  3. Discharge of surface water from the private drain into the Main River Birchanger Brook.

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

**Reason:** To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site and reduce the risk of flooding to the proposed development and future occupants and to accord with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

23. Upon completion of the drainage works for the site in accordance with the timing, phasing arrangements; prior to the occupation of the development hereby approved, a management and maintenance plan for the SuDS features and drainage network shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall include:

1. Provision of complete set of as built drawings for site drainage.
2. Maintenance and operational activities.
3. Arrangements for adoption and any other measures to secure the operations of the scheme throughout its lifetime.

**Reason:** To prevent the increased risk of flooding, both on and off site and to accord with Policy WAT1 of the East Herts District Plan 2018.

24. The development shall not be brought into use until all on site pedestrian and vehicular areas have been made accessible, surfaced and marked in a manner to the Local Planning Authority's approval.

The development shall not be brought into use until arrangements have been 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, and to ensure sustainable access by pedestrians.

25. The development shall not be brought into use until the full provision of facilities for onsite cycle storage has been made to the satisfaction of the Local Planning Authority.

**Reason:** So that local residents and visitors can conveniently, safely and sustainably access the development by modes other than the private motorcar, in compliance with paragraphs 110 to 112 of the NPPF, Policy 1 of HCC's Local Transport Plan 4, and to accord with Policy TRA1 of the East Herts District Plan 2018.

26. The development hereby approved shall be constructed and fitted out so that the potential consumption of wholesome water meets 'BREEAM excellent' when measured in accordance with a

methodology approved by the Secretary of State. The development shall not be occupied unless the BREEAM notice has been submitted to the Local Planning Authority for their written approval.

**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.

27. The rating level of noise emitted from all external fixed plant and equipment shall not exceed  $LA_{eqT} = 30dB(A)$  when measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurements and assessment shall be made according to BS 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound' at the nearest and / or most affected noise sensitive premises, with all plant / equipment operating together at maximum capacity and inclusive of any penalty for tonal, impulsive or other distinctive acoustic characteristics.

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

28. No external lighting shall be installed until written details of any lighting strategy for the development site have been, setting out the general distribution and design guidelines for all installations in the development and its public realm areas have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out otherwise than in accordance with the details thus approved.

**Reason:** To ensure that the external appearance and the lighting associated with the development is satisfactory and does not

detract from the character and visual amenity of the area or affect the residential amenity of nearby occupiers.

29. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

**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.

30. Notwithstanding Section 55 of the Town and Country Planning Act 1990 (as amended) and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re - enacting that Order with or without modification), the commercial premises hereby approved shall only be used for Class E(a) Limited Assortment Discounter and for no other purposes whatsoever.

**Reason:** In order to protect the vitality and viability of retail centres and in accordance with policy RTC1 of the East Herts District Plan 2018.

31. The (Class E) retail unit hereby permitted shall not be open to customers outside of the hours 07:00 to 22:00 on Mondays to Saturdays and 10:00 to 18:00 on Sundays.

**Reason:** To protect the amenity of the occupants of residential properties within the vicinity of the site in accordance with Policies EQ2 Noise Pollution and DES4 Design of Development of the adopted East Herts District Plan 2018.

32. No goods or other deliveries or refuse / recycling or other collections shall be taken at or despatched from the site outside the hours of 07:00 to 22:00 hours Mondays to Saturdays and 08:00 to 21:00 hours on Sundays or Bank / Public Holidays.

**Reason:** To protect the amenity of the occupants of residential properties within the vicinity of the site in accordance with Policies EQ2 Noise Pollution and DES4 Design of Development of the East Herts District Plan 2018

39. No home delivery service shall be carried out from the development hereby approved without the prior written consent of the Local Planning Authority.

**Reason:** In order to protect the amenity of the occupiers of surrounding properties in accordance with Policy DES4 of the East Herts District Plan 2018.

40. The development shall not be brought into use until any external plant / equipment associated with the development hereby approved has been mounted with proprietary anti-vibration isolators and fan motors have been vibration isolated from the casing and adequately silenced and maintained as such thereafter.

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

41. The development shall not be brought into use until written details have been provided to the Local Planning Authority for their written approval which indicate how the site and the surrounding car park will be secured when not in use. Thereafter the development shall not be operated otherwise than in accordance with the details thus approved.

**Reason:** In order to ensure an adequate level of amenity for occupiers in the vicinity of the proposed development in accordance

with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

## Plans

Plan Ref	Version	Received
A.2_128-20-5146-P001-TOPO		02 Jul 2021
SCP/200702/TP/00 -	JUNE 2021	02 Jul 2021
PL -02 REV A		20 Jul 2021
PL -03 REV A		20 Jul 2021
PL -04		02 Jul 2021
PL07 REV C		05 Jul 2021
13091_SK101		24 Dec 2021
200427 PL-04B -		24 Dec 2021
200427 PL-05B		24 Dec 2021
200427 PL-06B -		24 Dec 2021
LAS 256 04C		24 Dec 2021
13074_120_C		14 Sep 2021
200427 PL-03J -		02 Feb 2022
SCP/200702/D04		

## Informatives

1. Justification – Grant (JG4)
2. Other legislation (01OL1)
3. Environmental pollution (Dust, noise etc.) on operational railway.  
The applicant is advised that the design and siting of installations should take into account possible effects of noise, vibration and generation of airborne dust in regard to the operational railway. Contractors are expected to use the 'best practical means' for controlling pollution and environmental nuisance complying with all current standards and regulations. The design and construction methodologies should consider mitigation measures to minimise the generation of airborne dust, noise and vibration in regard to the

operational railway. Demolition work shall be carried out behind hoardings and dust suppression systems are to be employed to avoid risk to the operational line.

4. Potential impact on the adjacent railway infrastructure from construction activities.

The outside party shall provide all construction methodologies relating to the works that may import risks onto the operational railway and potential disruption to railway services, the assets and the infrastructure for acceptance prior to commencing the works. All works must also be risk assessed to avoid disruptions to the operational railway. Existing railway infrastructures including embankment and bridges should not be loaded with additional surcharge from the proposed development unless the agreement is reached with Network Rail. Increased surcharge on railway embankment imports a risk of instability of the ground which can cause the settlement on Network Rail infrastructure (Overhead Line Equipment/ gantries, track, embankment, boundary fence, etc.). All works, both temporary and permanent, should be designed and constructed, so that they will have no influence on the stability of Network Rail's existing infrastructure.

5. Proximity of the development to the Network Rail infrastructure and boundary fence and adequate space for future maintenance of the development.

It is recommended that all works be situated at least 3 metres from Network Rail's boundary fence, to allow construction and any future maintenance work to be carried out without involving entry or encroachment onto Network Rail's land. Where trees exist on Network Rail land, design of any foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

6. Encroachment on the boundary fence, interference with sensitive equipment, space for inspection and maintenance of the railway infrastructure.



The developer / designer must ensure that the development line is set back from the Network Rail fence line to achieve a sufficient gap / space to inspect and maintain Network Rail fence line and provide an access for inspection and maintenance of the proposed development or other assets in the future without imposing any risks to the operational railway. This would normally be 2-5m from the boundary fence depending on the adjacent Network Rail assets or boundary fence.

7. Collapse of structural temporary works elements on to Network Rail assets and property.

Where, in the temporary condition, structural collapse of any temporary works which may be constructed which would include scaffolding and access towers could result in any element falling within 3m of the railway boundary or a Network Rail asset.

8. Collapse of lifting equipment adjacent to the boundary fence/line. Operation of mobile cranes should comply with CPA Good Practice Guide 'Requirements for Mobile Cranes alongside Railways Controlled by Network Rail'. Operation of a Tower Crane should also comply with CPA Good Practice Guide 'Requirements for Tower Cranes alongside Railways Controlled by Network Rail'. Operation of Piling Rig should comply with Network Rail standard 'NR-L3-INI-CP0063 - Piling adjacent to the running line'. Collapse radius of the cranes should not fall within 4m from the railway boundary unless possession and isolation on Network Rail lines have been arranged or agreed with Network Rail.

9. Piling adjacent to the railway infrastructure. Issues with ground movement affecting the track geometry and surrounding ground and structure stability.

The developer must ensure that any piling work near or adjacent to the railway does not cause an operational hazard to Network Rail's infrastructure. Impact/Driven piling scheme for a development near or adjacent to Network Rail's operational infrastructure needs to be

avoided, due to the risk of a major track fault occurring. No vibro-compaction/displacement piling plant shall be used in development.

10. Effects of development on Biodiversity

The outside party shall consider the effects of their proposed works on the environment in close proximity to Network Rail land, such as effects on protected birds, invasive plants and protected trees.

11. Structural stability and movement of Network Rail Assets which will affect the Track Support Zone.

Please also note that the 'track support zone' is defined in Network Rail standard 'NR/L2/CIV/177'. Monitoring track over or adjacent to building or civil engineering works 'and any proposal which may require works to be conducted within this zone must be identified by the outside party and subsequent consultation with Network Rail must take place. Should criteria be met within this standard, a track monitoring plan will have to be agreed with Network Rail to ensure that movement, settlement, cant, twist, vibration etc. are mitigated the risk to the operational railway.

12. Network Rail strongly recommends the developer contacts the Asset Protection Team on [AngliaASPROLandClearances@networkrail.co.uk](mailto:AngliaASPROLandClearances@networkrail.co.uk) prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from

<https://www.networkrail.co.uk/running.the.railway/looking.after.the.railway/asset.protection.and.optimisation/>

13. Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

14. 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>

15. 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>

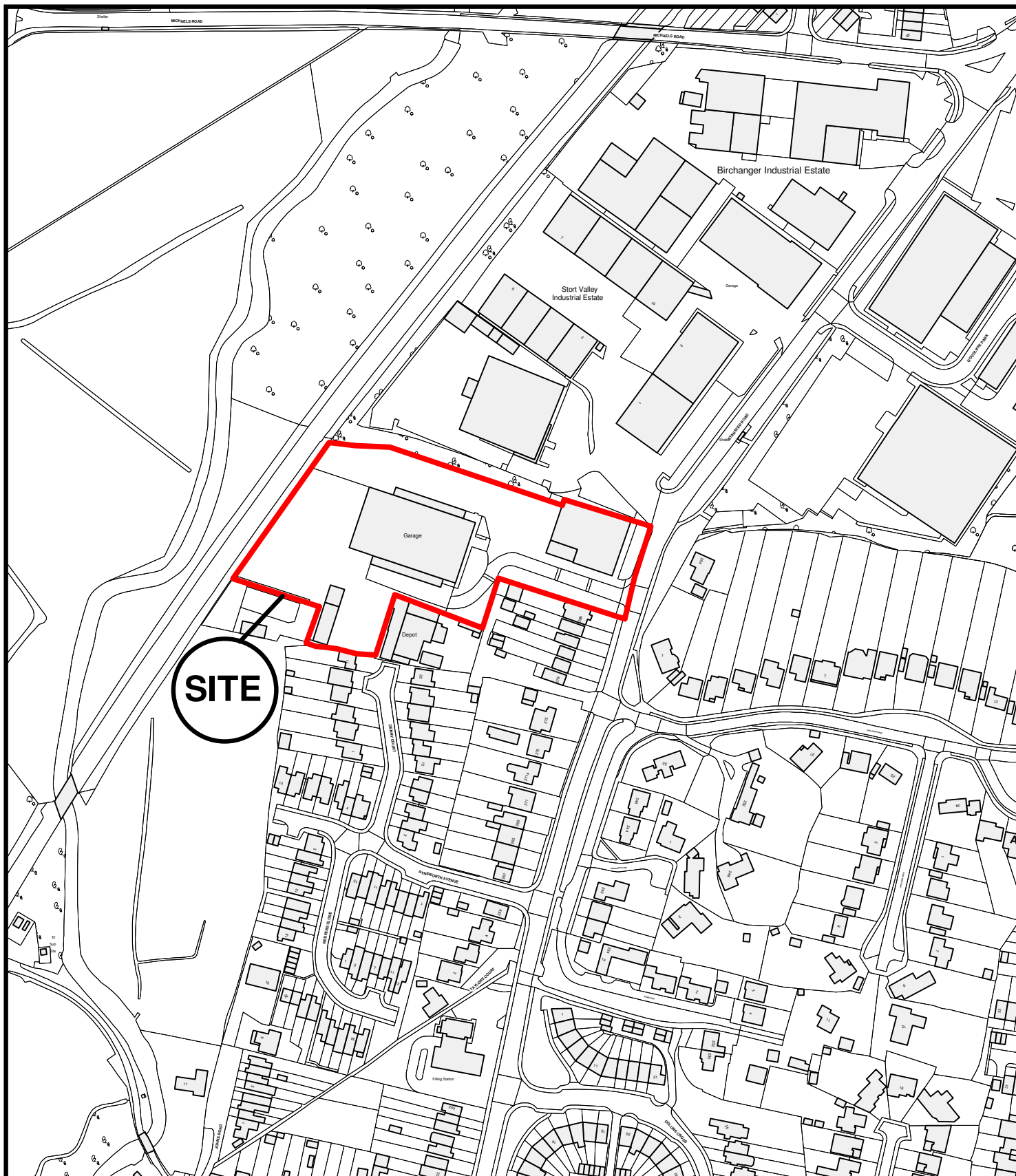
16. AN3/. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means 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>
17. 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 road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website  
<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx> or by telephoning 0300 1234047.
18. AN5) Section 106 Agreement - Travel Plan:
  - i) An approved Travel Plan at least 2 months before first use of the development, consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate,

and promote sustainable travel measures for owners, occupiers, customers, staff and other visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development'.

- ii) The Travel Plan is subject to an 'evaluation and support contribution' totalling £6,000 (index linked by RPI from March 2014), payable before first occupation of the development. This contribution is to cover the County Council's costs of administering and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans.
  - iii) A Travel Plan Remedial Measures Notice clause with the Legal Agreement, enabling the County Council to serve notice in writing on the Owner via the Travel Plan Co-ordinator where the Owner has failed to meet one or more of the targets identified in the Travel Plan, and specifying the remedial measures and/or actions required to be taken by the Owner to remedy the failed implementation towards the agreed targets with a reasonable time provision.
19. This permission and the content of the approved plans does not convey any consent which may be required under Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Any advertisement will require separate advertisement consent.

### **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.



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



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

**Address: Gates Of Stortford, 295-297 Stansted Road,  
 Bishops Stortford, CM23 2BT**

**Reference: 3/21/1756/FUL**

**Scale: 1:2500**

**O.S Sheet: TL4922**

**Date of Print: 05 July 2022**

## DEVELOPMENT MANAGEMENT COMMITTEE – 13 JULY 2022

<b>Application Number</b>	3/21/1248/FUL
<b>Proposal</b>	Erection of a three bed dwelling, to include 2 additional parking spaces and a refuse store (Part retrospective).
<b>Location</b>	19A Marlborough Close, Bishop's Stortford, Hertfordshire
<b>Parish</b>	Bishop's Stortford Town Council
<b>Ward</b>	Bishop's Stortford South

<b>Date of Registration of Application</b>	11/05/2021
<b>Target Determination Date</b>	06/07/2021
<b>Reason for Committee Report</b>	Referral by Ward Councillor
<b>Case Officer</b>	Nick Reed

### 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 and to issue the permission.

#### 1.0 Summary of Proposal and Main Issues

- 1.1 The application seeks retrospective planning permission for the erection of a three bedroom dwellinghouse, to include 2 parking spaces, a refuse store and associated landscaping works.
- 1.2 Planning permission was granted, subject to conditions, on 21<sup>st</sup> January 2020 under ref. 3/19/2409/FUL for the erection of a three bed dwelling, to include 2 additional parking spaces and a refuse store.
- 1.3 The previously approved dwelling has been largely completed, however, the previously approved development has not been

constructed in accordance with the approved plans. In particular due to a previous surveying error, the dwellinghouse has been erected 0.8m closer to the eastern boundary and a 1.5 m high retaining wall structure has also been erected adjacent to the western boundary.

1.4 The sustainability and climate change mitigation measures that are proposed include a heating system which utilises an Air Source Heat Pump (ASHP). Drawing ref. 1940 A-100 C, has been amended to show the location of the ASHP within the application site. Environmental Health has also been consulted on the suitability of this location with regards to noise impacts.

1.5 The main considerations for the proposal are:

- Principle of Development
- Design and Layout
- Neighbour amenity
- Living Conditions for Future Occupants
- Highways/Parking
- Landscape and Biodiversity
- Climate Change and Water use
- Waste

1.6 The main issue for consideration is whether the proposed development is appropriate at this site; having regard to policies in the East Herts District Plan 2018, the Bishop's Stortford Neighbourhood Plan for All Saints, Central, South and part of Thorley and the National Planning Policy Framework (July 2021).

## **2.0 Site Description**

2.1 The application site is located within the built up area of the main settlement of Bishop's Stortford. The application site comprises an area of residential garden land to the east of 19A Marlborough Close. The site is accessed from a private driveway at the southern end of Marlborough Close, which serves 19a. The site is now occupied by a two storey dwellinghouse (the subject of this



application) which is in the process of being constructed. There is a change in land levels across the site which falls from west to east. The eastern and southern boundaries are comprised of a mixture of trees, hedging and domestic fencing. The southern part of the application site is comprised of an area of lawn, while the northern part of the site is formed of landscaped garden and hardstanding.

### 3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/19/2409/FUL	Erection of a three bed dwelling, to include 2 additional parking spaces and a refuse store.	Granted with conditions	22/01/2020
3/94/0983/FP	NEW DETACHED DWELLING.	Granted with conditions	07/09/1994

### 4.0 Main Policy Issues

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

Main Issue	NPPF	DP policy	NP policy
Principle of development	Section 5 and 11	INT 1, DPS2, BISH1	
Housing	Section 5 and 11	HOU2, HOU7	
Design, Layout and waste	Section 12	DES4, HOU7,	HDP2, HDP3

		EQ2	
Landscape and Biodiversity	Section 15	DES3, NE3	
Sustainable development, Climate Change and water use	Section 14	CC1, CC2, WAT4	
Highway impacts, parking and sustainable travel	Section 9	TRA1, TRA2, TRA3	TP8

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

## 5.0 Summary of Consultee Responses

- 5.1 HCC Highway Authority: HCC Highway Authority does not wish to restrict the grant of permission subject to a condition relating to dust emission and mud deposits.
- 5.2 EHDC Environmental Health: Environmental Health do not wish to restrict the grant of planning permission subject to conditions relating to external noise impacts, hours of construction, notification to neighbours of building works, Dust control, waste management and disposal, external lighting, gas boilers, Electric vehicle charging points. These conditions will be discussed below.
- 5.3 EHDC/North Herts Waste Services: Waste Service has not objected to the proposed waste storage and collection facilities. They have advised that kerbside collections are already completed in this area and that this property could be added with relative ease.
- 5.4 HCC Fire and Rescue: HCC Fire and Rescue do not wish to restrict the grant of permission. They have stated that while the travel distance would exceed the normally accepted in the Building Regulations Approved Document B, Vol 1, B5, they will accept the extended distance.

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

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

6.1 Bishop's Stortford Town Council object to the development:

- The development is an overdevelopment of the area.

## **7.0 Summary of Other Representations**

7.1 The application has been advertised by neighbour consultation to local residents (16 in total) and site notice on 07/06/2021. At the time of writing this report a total of 17 contributors commented on the application.

7.2 16 responses have been received objecting to the proposals on the following grounds:

- Loss of privacy and overlooking of occupiers to the east in Nelson Road and the South on Thorley Hill.
- The design is out of keeping in the area.
- The building dominates views from neighbouring properties
- Harm the enjoyment of neighbouring gardens.
- Plans are inaccurate and boundary line is in the wrong place and the house is closer to the boundary than it appears.
- Previous approval was granted based on inaccurate information
- The house has been built differently to the scheme that was approved
- Loss of trees and hedging
- Negative effect on house prices
- Lack of consultation
- Easement for drainage to no.19 runs through the garden of 5 Nelson Road, no assessment of the impact on the drains has been carried out.
- Roof could be used as a terrace
- Additional bins will clutter up Marlborough Close

7.3 1 response has been received supporting the proposals on the following grounds:

- The house has been designed to avoid any issues of windows overlooking neighbours, car parking is fine and our shared drive can easily manage the extra cars.

## **8.0 Consideration of Issues**

### **Principle of Development**

- 8.1 Policy DPS2 identifies a hierarchy for sustainable development, whereby development should be first directed to brownfield sites; then to the urban areas; then urban extensions; and then to the District's villages. On the basis that the site is within the urban area of Bishop's Stortford, it would be considered compliant with the objectives of Policy DPS2 of the District Plan (2018).
- 8.2 This application and the proposed development of 1 dwelling will contribute towards the windfall allowance for the District as set out within District Plan Policy BISH1 criteria (h). Therefore the application contributes towards the overall housing growth and objectively assessed need for East Herts and the wider area.
- 8.3 Planning permission has previously been granted for a detached three bedroom dwellinghouse within the application site (3/19/2409/FUL), this permission remains extant and is a material consideration in the determination of this application and of significant weight.

### **Housing Density**

- 8.4 Policy HOU2 seeks to ensure that housing development makes efficient use of land, informed by the character of the local area, whilst adhering to the design objectives of Policy DES4 (Design of Development). It is considered that the density of the development

would be acceptable relative to the size of the building, the site and the character of the surrounding area.

### **Design and Layout, including Waste**

- 8.5 Policy DES4 of the East Herts District Plan (2018) states all development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals will be expected to:
- Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features, having due regard to the design opportunities and constraints of a site.
- 8.6 The proposal is for a detached 3 bedroom dwelling, parking area, retaining wall, and refuse store.
- 8.7 Planning permission has previously been granted, subject to conditions, for a detached 2 storey dwellinghouse, parking area and refuse store under planning ref. 3/19/2409/FUL. The previously approved dwelling has been constructed in the correct location within the site, however, due to a surveying error the eastern boundary was inaccurately illustrated and as such the dwelling is actually closer to the boundary by approximately 800mm
- 8.8 The dwellinghouse as constructed is comprised of a two storey structure which is set into the naturally sloping land. The building itself is of a simple contemporary design with a two storey flat roofed section and single storey mono-pitched roofed front projection. The dwelling has been constructed in brick work while the roof finished in zinc cladding, as was previously agreed through the discharge of the materials condition of the previously approved scheme (ref. X/20/0357/CND). A modest sunken terrace is provided to the rear of the building and a retaining wall is located to the west

of the building which has allowed a side passage to be created. The dwelling is of the same height and dimensions as the dwellinghouse that was previously granted planning permission on the site under ref. 3/19/2409/FUL, and as such the design approach and scale of the dwelling is considered to be acceptable.

- 8.9 While the separation distance to the eastern boundary is reduced when compared to the previously approved scheme, it is quite clear that there is a marginal difference in site delineation between the two applications. However the difference is not so significant that it is unacceptable to grant planning permission for this single dwelling house.
- 8.10 Parking would be provided via a parking area for two vehicles to the north of the dwelling. No details have been provided with regards to materials and surface drainage, which can be secured by means of a condition.

**Electric Vehicle charging:**

- 8.11 An electric vehicle (EV) charging point is proposed and would be located adjacent to the parking area. A condition has been recommended by Environmental Health to secure this EV charging point by way of a condition. Subject to the recommended condition, this accords with the Local Transport Plan, Policy DES4 and Policy TRA3.

**Waste:**

- 8.12 Refuse storage for the dwelling would take place at the front of the site. Bins would be presented on Marlborough Close on collection days. Waste services have not objected to the waste storage and collection arrangements. The comments received regarding additional bins creating clutter within Marlborough Close are noted, however, given the scale of the development any impacts are considered acceptable.

**Living accommodation for future occupiers:**

- 8.13 The internal layout and room sizes of the dwelling are considered to be acceptable and meet the space standards outlined in the National Technical Housing standards 2015. Each of the main habitable rooms would be provided with appropriately sized windows which provide adequate levels of light and ventilation. A modest private garden is proposed and while modest in size is considered adequate for the future occupiers.

**Noise and Environmental Health issues:**

- 8.14 The Council's Environmental Health team make comments regarding noise impacts for future occupiers. Properties must be capable of providing comfortable living alongside amendable room standards for noise. A condition requiring a noise assessment to be submitted has been recommended by Environmental Health. Given that the location of the site in an established residential area and the fact the dwelling has already been constructed, a condition recommending a noise assessment be submitted and approved is not considered to be reasonable or necessary in this case and therefore would not meet the tests set out in the Planning Practice Guidance and the NPPF (2019). It is considered that the development would accord with the requirements of Policies DES4 and EQ2.
- 8.15 With regards to the provision of an Air Source Heat Pump (ASHP) within the application site, Environmental Health has not objected to this. A condition has been recommended requiring the noise levels of the ASHP to be no higher than the background noise levels, at a distance of 1 metre from the rear of the closest dwelling. In the interests of neighbour amenity, this condition is considered reasonable and necessary.
- 8.16 Environmental Health has recommended a condition restricting the hours of work and construction. The majority of the dwelling has been constructed and as such limited further construction work is

required, however, in the interests of neighbour amenity the recommended condition shall be imposed.

- 8.17 Environmental Health has recommended conditions relating to waste management and disposal, and the notification of neighbours of building works are noted, however, as this application is for retrospective planning permission and the main structural elements of the dwelling have already been constructed, these conditions are also considered unnecessary.
- 8.18 Environmental Health has also recommended a condition which limited the level of external domestic illumination. Light pollution has the potential to harm the amenity of neighbouring occupiers and given the predominantly residential nature of the locality the recommended condition is considered to be reasonable.

### **Residential Amenity:**

- 8.19 The rear elevation of the dwelling is set level with that of no.19a, while the forward projection at the front of the dwelling would extend approximately 3.5 metres forward of the principal elevation of 19a. Given the approximate 2.0 metre separation between the two buildings it is considered that there would be no unacceptable loss of amenity to the occupiers of no.19a in terms of outlook, overshadowing or overbearing impacts. With regard to privacy and overlooking, the rear window openings of the dwelling face out over the rear gardens, however, they would not afford direct views over the private amenity areas directly to the rear of 19a. The window openings at first floor level in the western flank wall of the dwelling would serve bathrooms and there are no significant concerns regarding overlooking from these windows, however, a condition requiring them to be obscure glazed and retained in that condition is recommended.
- 8.20 The neighbouring properties to the east (Nelson Road) are set on land which is lower than the application site. The rear elevation of the closest of these properties is approximately 28m from the eastern site boundary, with a further separation between the



boundary of the site and the flank wall of the building of approximately 600mm, at its closest point. It is also noted that the eastern site boundary is set at a slight angle to the rear boundaries of the dwellings on Nelson road and as such the flank wall of the dwelling is not orientated perpendicular to the dwellings to the east.

- 8.21 It was apparent during the site visit to properties in Nelson Road that the dwelling is visible from the rear facing window openings and private garden areas of many of the dwellings that are located on plots immediately adjacent to the application site. While the dwelling is visible it was observed that there are existing trees and planting within the neighbouring plots which provide screening of the dwelling, although it is acknowledged the site visit was conducted in the summer and that the level of screening provided is likely to be reduced during the winter months. The dwelling is most visible from vantage points immediately to the east. While the land level changes to the east are acknowledged, given the height of the building (approximately 6.1m), and the generous ( 21m – 35m) separation distances involved, it is considered that the land levels to the east are not so much lower that the dwelling appears overbearing, results in an unacceptable loss of outlook, or significantly overshadow adjacent properties. Properties to the east of the application site will have oblique angles of the development. An outbuilding is located at the end of the garden to the west (no.6 Nelson Road) and is located approximately 1.7 metres from the dwelling. A further outbuilding is located to the rear of the garden of no.2 Nelson Road, to the north, and is approximately 3.1 metres from the front elevation of the dwelling.
- 8.22 With regard to the screening of the site, it was also observed that some of the hedging which extended along the eastern boundary had been removed in order to facilitate the construction of the building. The planning statement advises that 1.8 metre high boundary fencing would be used along the eastern boundary; such boundary fencing would provide some screening of the development and ground floor windows from the properties on Nelson Road. The boundary fencing shall be secured via condition with details on the location and height of the boundary treatments

required to be submitted prior to occupation of the dwelling. Furthermore, due to the loss of the previous boundary hedging it is recommended that new boundary planting (preferably native evergreen species) is secured through a landscape condition, which will help to provide further screening of the development.

- 8.23 When planning permission was granted for a new dwelling under application 3/19/2409/FUL, some concerns were raised regarding the first floor window opening in the eastern flank wall and the potential for overlooking. A condition was imposed requiring this window to have high obscurity glass and be non-opening below 1.7m in order to prevent overlooking. Having visited the site it was observed that the first floor window opening does have obscured glass and no views were possible from it. While a perception of being overlooked may occur, there is a significant separation between the dwelling and the dwellings to the east (Nelson Road) and as such the degree of harm to amenity is not considered sufficient to recommend refusal. The retention of the obscured glass shall be secured via a condition.
- 8.24 The first floor window on the northern elevation of the dwelling provides views over the ends of the adjacent gardens to the east (Nelson Road). While these views are acknowledged, it is noted that such views would be of the ends of the gardens and direct overlooking of the most intimate areas of the adjacent gardens would not be possible, nor would direct views towards habitable windows be possible. It is also observed that views over the ends of the gardens to the north east and north of the building are already possible from the gardens and parking areas to the north of the dwelling.
- 8.25 The ground floor kitchen window openings face east and also north. Views from these windows are toward the properties to the east on Nelson Road and the rear parts of the gardens of Nelson Road. During a site visit it was possible to experience the views possible from the ground floor window and it was observed that, these windows do not provide direct views over the most intimate parts of the adjacent gardens closest to the neighbouring properties, and

due to the separation distances of approximately 28 metres, nor are there direct views of the habitable rooms to the rear of the houses on Nelson Road. As previously discussed, the planning statement advises that boundary fencing would be installed on the eastern boundary. Such fencing would restrict views from the ground floor windows of the adjacent gardens and in the interest of amenity a condition shall be imposed requiring further details of boundary fencing to be submitted prior to occupation of the dwelling.

- 8.26 The properties to the rear of the site, on Thorley Hill, are separated from the rear of the proposed dwelling by approximately 45 metres, with intervening boundary fencing and trees/hedging. While it was observed that some boundary planting appears to have been removed and now allows some views towards the properties on Thorley Hill. Given the degree of separation and existing boundary treatments it is considered that there would be no unacceptable loss of amenity to the occupiers of the dwellings to the south. Landscape matters will be discussed later in this report, however, a landscape condition could be used to replace previously removed boundary planting.
- 8.27 With regards to the impact on the amenity of the adjacent occupiers in terms of noise emanating from the proposed Air Source Heat Pump (ASHP), it is noted that Environmental Health have not objected to this aspect of the scheme. The sound pressure levels of the proposed unit are relatively low and the distance to the closest properties within Nelson Road and Thorley Hill are such that harmful noise impacts as a result of the unit would be unlikely. The existing property at 19A Marlborough Close is in closer proximity and in the interest of amenity a condition has been recommended by Environmental Health to ensure noise levels do not exceed background levels.
- 8.28 As discussed above, the dwelling would be unlikely to result in an unacceptable degree of overlooking, loss of outlook, overshadowing or loss of privacy and overlooking, however, in the interests of amenity, a condition shall be imposed which requires the first floor flank windows to be obscure glazed and fixed shut below 1.7

metres. A condition requiring further details of boundary fencing is recommended and it is also recommended that the Part 1, Class A and Class B permitted development rights are removed in order to safeguard the amenity of the occupiers of the neighbouring properties. Subject to the conditions recommended being imposed, it is considered that the dwelling would not give rise to material adverse impact on the occupiers of the adjacent properties by reason of loss of light, overshadowing, overlooking or overbearing impact. The proposal therefore complies with Policy DES4.

### **Landscape and Biodiversity**

- 8.29 The application is supported by an Arboricultural Impact Assessment (AIA) which has been prepared by OMC Associates (Ref.01572AIA/CJO/1010 – dated 11<sup>th</sup> October 2019). It is noted that the AIA is the same document that was submitted with the original planning application (ref. 3/19/2409/FUL). The AIA is technically out of date; however, it does indicate the trees that previously occupied the site and their quality. The trees shown in the AIA are those which were to be removed and have now been cleared from the site in order to facilitate the construction of the dwelling.
- 8.30 Concerns have been raised regarding the removal of trees and hedging across the site. The removal of the trees has previously been considered to be acceptable. It is noted that when planning permission for a dwelling was previously granted, a condition was imposed requiring only the trees identified for removal to be cut down and that any other trees or hedges within the site or on adjacent land that were damaged or removed during construction should be replaced.
- 8.31 It is apparent that a significant section of boundary hedging has been removed from the eastern boundary in order to construct the building. Given that the separation gap between the building and the eastern boundary has now been reduced it is considered unlikely that the hedge will be able to grow back to its original height without coming under pressure to be cut back, due to the location of the flank wall window openings. As such a 1.8 metre high

boundary fence has been proposed. Boundary fencing is considered acceptable, however, it is considered that additional native species planting is provided within the site to compensate for the loss of trees and hedging across the site. It is noted that the loss of the trees and hedging within the site has also resulted in a loss of biodiversity. Policy NE3 and paragraph 174(d) of the NPPF seek to achieve a net gain in biodiversity. The Environment Act 2021 gives greater impetus to the issue of biodiversity loss and seeks to ensure that a 10% biodiversity net gain is achieved.

- 8.32 A landscaping and biodiversity condition shall be imposed requiring a landscaping and biodiversity scheme to be submitted and agreed in writing, which includes a suitable amount of new native species planting. It is recommended that the approved landscape and biodiversity scheme is implemented prior to the first occupation of the dwelling.
- 8.33 With regard to trees and landscaping, the proposed development is considered to comply with District Plan policies DES3 and NE3 and the NPPF (2019).

### **Climate change and the efficient use of water**

- 8.34 The East Herts District Plan Sustainability SPD (2021) supports the implementation of District Plan policies by providing technical guidance on sustainable design and construction to improve the environmental sustainability of new development.
- 8.35 Policies CC1 and CC2 of the East Herts District Plan 2018, state all new developments are expected to demonstrate measures that will be implemented at design, construction and operational level that will assist in minimising overheating in summer, reduce the need for heating in winter, integrate green infrastructure into the scheme and contribute to urban greening. In addition it should be demonstrated how carbon dioxide emissions will be minimised across the development and the efforts that will be made to exceed the requirements of the Building Regulations.

- 8.36 A SAP Report (Elmhurst Energy – August 2020) has been provided and the Council’s Sustainability Checklist has been completed.
- 8.37 These documents state that the dwelling will exceed the requirements of the Building Regulations and details how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in the winter and cooling in the summer months; and how carbon dioxide emissions will be minimised across the development site.
- 8.38 Measures detailed for improving sustainability include low energy lighting and fittings, the use of an air source heat pump, located to the rear of the dwelling, for the primary heating system, Solar PV panels would be installed on the roof, all windows are double glazed, mechanical ventilation which incorporates energy recovery would supplement the flow of air through the building provided by the windows to aid cooling in the summer and reduce energy efficiency. The southern aspect of the rear elevation of the building and large windows would help to exploit solar gain. The building is of a timber frame construction and has been sourced from a local sustainable supplier. An electric vehicle charging point is proposed. It is considered that the proposed development would accord with the aims of Policies CC1 and CC2 of the District Plan.
- 8.39 With regards to the efficient use of water, it is noted that the sustainability checklist advises that low flush toilets, low flow shower heads, water efficient white goods and rain water harvesting would be used to limit water usage. This is welcomed and a condition requiring the dwelling to meet a target of 110 litres or less, per head, shall be imposed. Subject to the above condition the development would accord with Policy WAT4.

### **Highways, parking and sustainable transport**

- 8.40 Access to the site is from a narrow access road located at the southern end of Marlborough Close which currently serves as an access to 19a Marlborough Close.

- 8.41 The application site is located in a sustainable location with convenient access to public transportation options, local shops and amenities. An electric vehicle charging point is proposed as part of the application.
- 8.42 The Highway Authority has not raised a concern regarding the access arrangements and considers that acceptable visibility splays can be provided. It is noted that the Highway Authority has recommended a condition relating to dust and mud deposits on the public highway; such a condition is considered to be reasonable.
- 8.43 The Highway Authority has advised that emergency access and refuge distances are unlikely to be met. Hertfordshire Fire and Rescue have been asked for comment and have advised that in this case, while the distances have been exceeded, they will accept the increased distances in this case.
- 8.44 With regard to car parking, the application site is located within Accessibility Zone 4 where a 25% reduction on parking standards can be applied. Two parking spaces are to be provided for the dwelling which is lower than the maximum set out in the current parking standards. The site is located in a sustainable location within the built up area of Bishop's Stortford with convenient access to public transport options and nearby amenities and as such it is considered appropriate to apply the zone reduction. However, once the 25% reduction is applied the level of parking would accord with District Plan Policy TRA3.
- 8.45 Neighbourhood Plan Policy TP8 advises that a three bedroom dwelling should provide 2.25 parking spaces; this figure is lower than the maximum required by the most up to date parking standards. The proposed parking level of two spaces is below the level set out in Policy TP8, however, given the location of the site in a sustainable location and the level of accessibility to public transport options, services and facilities, the level of parking is considered to be compliant with Policy TP8.

- 8.46 Having regard to the above considerations it is considered that the development would accord with District Plan Policies TRA1, TRA2 and TRA3 and Neighbourhood Plan Policy TP8.

## **Other Matters**

### **Response to third party representations:**

- 8.47 Responses to the majority of the representations received have been addressed within the body of the report. With regard to the remaining points the following applies:
- With regards to the loss of privacy and the overlooking of occupiers in Nelson Road and Thorley Hill, it is noted that such matters have been discussed elsewhere in this report. It is not considered that an unacceptable degree of harm would occur and conditions shall be imposed to ensure that further screening is provided, permitted development rights are removed and first floor windows are required to have obscured glass and be non-opening below 1.7 metres. These conditions are considered necessary to ensure the amenity of the neighbouring occupiers is protected.
  - With regard to the dwelling dominating views from the neighbouring residential properties, it is noted that the impact of the development on the outlook from the rear window openings and gardens of the adjacent properties has been discussed within the report. While the land level changes to the east are acknowledged, given the height of the building, and the separation distances involved. A site visit has been carried out and while it is acknowledged that the dwelling is visible from the adjacent plots and on elevated land, it is not considered that the dwelling appears overbearing or unacceptably harms the outlook from the neighbouring properties. Conditions have been recommended requiring additional landscaping and planting which would provide additional screening of the development.



- With regards to the concerns relating to the design of the dwelling, it is noted that the design of the building is largely the same as the dwelling that was granted planning permission under planning ref. 3/19/2409/FUL. While it is noted that the previously approved scheme was not constructed in accordance with the approved drawings, the design and layout is considered acceptable in principle.
- The loss of trees and hedging has been discussed elsewhere in this report. The loss of boundary hedging and trees is acknowledged and suitable replacement, native species, boundary hedging and trees will be secured via a condition.
- The use of the roof as a terrace or balcony has not been proposed and is considered to be unlikely. Any barriers or balustrade required to make such a use safe would require planning permission.
- With regards to the concerns relating to a lack of consultation, it is noted that The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) requires that a planning application of this type would require a neighbour notification letter to be sent to any adjoining neighbours or a site notice to be displayed, and the application to be viewable online. In this case the Local Planning Authority has displayed a site notice in Marlborough Close and Nelson Road, has sent notification letters to the adjoining land owners and displayed the application on the Council's website, and has therefore discharged the statutory requirements relating to the advertisement of the planning application.
- The comments received regarding the previous planning permission being approved based on false information and the current plans being incorrect, is acknowledged. It is the responsibility of the applicant and their agent to ensure that accurate information is provided. The Local Planning Authority is required to determine the application based on the information submitted. Issues relating to land ownership are

civil matters rather than planning matters. Notwithstanding, it is quite clear that there is a marginal difference in site delineation between the two applications. However the difference is not so significant that it is now inappropriate to grant planning for this single dwelling house.

- The concerns relating to the drainage easement on adjacent third party land and the impact of the development on house prices are not material planning considerations.

## **9.0 Planning Balance and Conclusion**

- 9.1 The development is acceptable in principle and would provide one new dwelling in accordance with the Council's Development Strategy. The principle of development has been established by virtue of the previously approved development for one new dwellinghouse on the site.
- 9.2 The design and layout of the development is acceptable and would comply with the Policies of the District Plan and the Neighbourhood Plan.
- 9.3 The development would provide acceptable vehicular and pedestrian access to the development. An appropriate level of vehicle parking provision will be provided within the site. The site is sustainably located with convenient access to public transportation options, shops and amenities.
- 9.4 It has been demonstrated that the development will not adversely affect the general amenity of the occupants of neighbouring sites. Additional landscape improvements and the removal of permitted development rights will be secured by condition.
- 9.5 The development has been well designed including measures to maximise the sustainability credentials of the building with regard to reducing carbon emissions and efficiency of water consumption. Landscape improvements and Biodiversity net gain can be secured

through the soft planting proposals and compensatory measures secured by condition.

- 9.6 Overall, on the balance of considerations, the proposed development is considered to be a sustainable form of development that accords with the Development Plan when taken as a whole and the NPPF (2019).

## **RECOMMENDATION**

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

### **Conditions**

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

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

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

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

3. Prior to first occupation of the development hereby approved, details of landscaping and biodiversity enhancements shall be submitted to and approved in writing and shall include full details of both hard and soft landscape proposals, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable. The approved landscaping and biodiversity enhancement scheme shall thereafter be implemented in accordance with the approved details prior to the first occupation of the dwellinghouse.

**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.

4. Prior to the first occupation or use of the development hereby approved, 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. The boundary treatments shall thereafter be implemented in accordance with the approved details and installed prior to the dwellinghouse being occupied.

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

5. All existing trees and hedges shall be retained, unless detailed in the Arboricultural Impact Assessment (OMC Associates - Ref.01572AIA/CJO/1010 - dated 11th October 2019) as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

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

6. 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. The proposed first floor window openings in the flank walls of the development shall be fitted with obscured glass to a minimum degree of obscurity level 4 and shall be fixed shut below 1.7m from the internal floor level and shall be permanently retained in that condition.

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

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, the enlargement, improvement or other alteration of any dwellinghouse or the construction of any buildings incidental to the enjoyment of the dwellinghouse as described in Schedule 2, Part 1, Class A, Class B and Class E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

**Reason:** In order for the Local Planning Authority to retain control over future development within the site and in the interest of neighbour amenity and in accordance with Policy DES4 of the East Herts District Plan 2018.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure as described in Schedule 2, Part 2, Class A of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

**Reason:** In order for the Local Planning Authority to retain control over future development within the site and in the interest of neighbour amenity and in accordance with Policy DES4 of the East Herts District Plan 2018.

10. 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.

11. Best practical means shall be taken at all times to ensure that all vehicles leaving the development site during construction of the development are in a condition such as not emit dust or deposit mud, slurry or other debris on the highway, in particular( but without prejudice to the foregoing) efficient means shall be installed prior to commencement of the development and thereafter maintained and employed at all times during construction of the development of cleaning the wheels of all lorries leaving the site.

**Reason:** In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period in accordance with policy TRA2 of the East Herts District Council 2018.

12. Prior to first occupation of the development hereby approved, an electric vehicle charging point for the dwelling hereby approved shall be provided and retained thereafter.

**Reason:** To ensure sustainable design in accordance with Policy DES4 and improved air quality in accordance with Policy EQ4 of the East Herts District Plan 2018.

13. The dwelling hereby approved shall be 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. The dwelling shall not be occupied unless the notice of the potential consumption of wholesome water per person per day required by the Building Regulations 2010 has been given 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.

14. Any gas-fired boilers shall meet a minimum standard of <40 mgNO<sub>x</sub>/kWh.

**Reason:** In order to ensure an adequate level of air quality for residents of the new dwelling in accordance with policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

15. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 9/19 '*Domestic exterior lighting: getting it right!*'. Lighting should be minimized and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

**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.

16. The rating level of noise emitted from the air source heat pump (ASHPs) hereby approved shall not exceed the existing background noise level as measured or calculated at 1 metre from the façade of the nearest noise sensitive property. The measurement and assessment shall be made according to BS 4142:2014+A1:2019 '*Methods for rating and assessing*

*industrial and commercial sound'* at the nearest and / or most affected noise sensitive premises, with the ASHPs operating at maximum capacity and be inclusive of any corrections for tonality, impulsivity, intermittency or other distinctive acoustic characteristics

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

### **Informatives**

1. Other legislation (01OL1)
2. 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.



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

<b>Residential density</b>	<b>1 units/Ha</b>	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	
	2	
	3	
Number of new house units	1	
	2	
	3	1
	4+	
Total		1

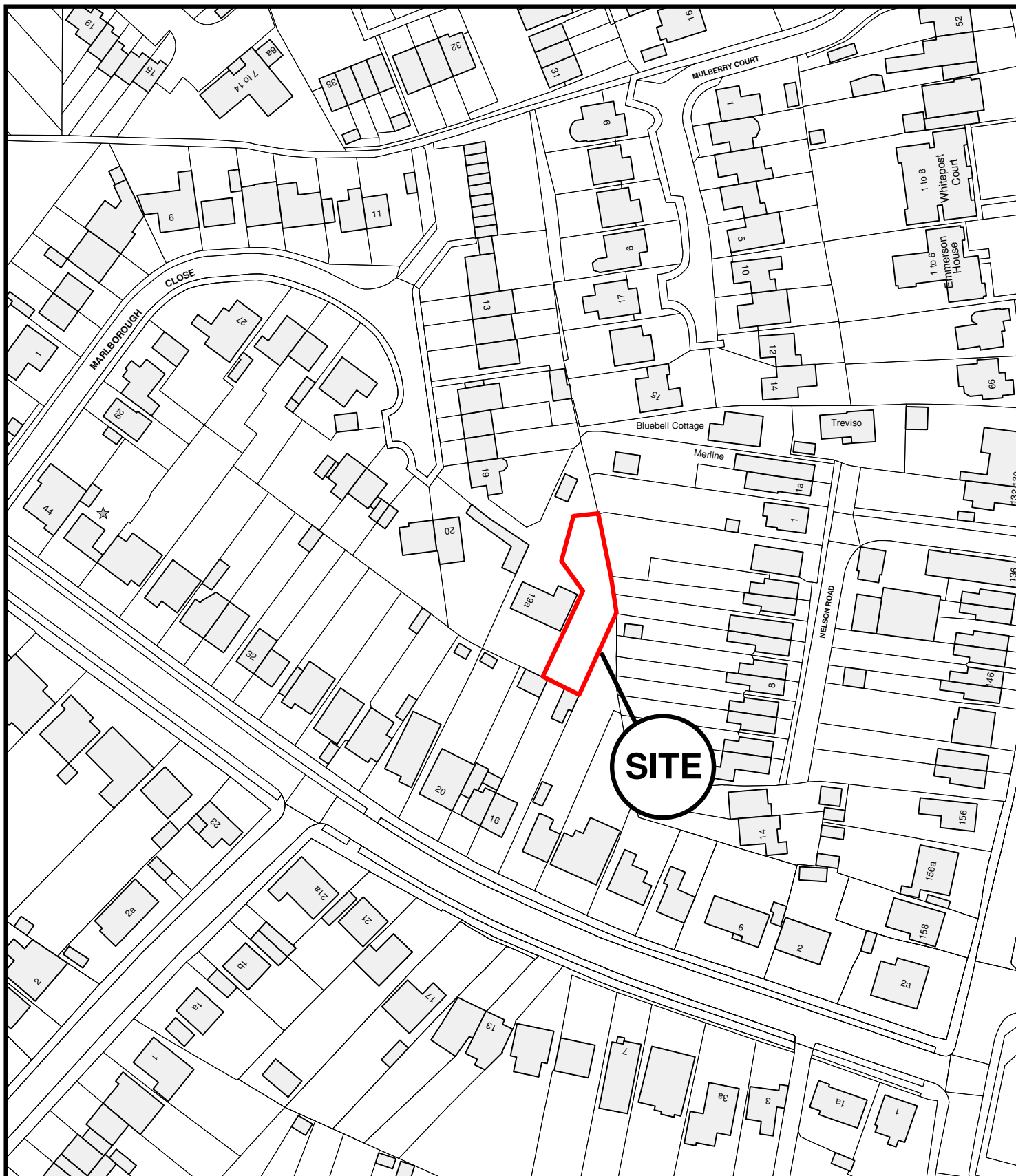
**Residential Vehicle Parking Provision**

Parking Zone	Parking Zone 4	
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	
2	2.00	
3	2.50	2.5
4+	3.00	
Total required		2.5
Accessibility reduction	25%	2
Resulting requirement		2
Proposed provision		2

**Neighbourhood Plan Parking Standards**

Parking Zone	Parking Zone 4
--------------	----------------

Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.25	
2	1.5	
3	2.25	2.25
4+	3.00	
Total required		2.25
Proposed provision		2



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



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

**Address: 19A Marlborough Close, Bishops Stortford, CM23 3NT**

**Reference: 3/21/1248/FUL**

**Scale: 1:1250**

**O.S Sheet: TL4920**

**Date of Print: 28 June 2022**

# Agenda Item 6

**EAST HERTS COUNCIL**  
**DEVELOPMENT MANAGEMENT COMMITTEE**  
**ITEMS FOR REPORT AND NOTING**  
**MAY 2022**

<b>Application Number</b>	3/20/1374/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Twyford Bury LaneTwyford BuryBishops StortfordHertfordshireCM22 7QA
<b>Appellant</b>	Mr C Brookhouse
<b>Proposal</b>	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.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/21/0632/CLXU
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	The CottageCherry Park FarmRoad From Blind Lane To Ardeley Village By The Old BellArdeleyStevenageHertfordshireSG2 7AH
<b>Appellant</b>	Mr & Mrs Ian & Virginia Neale
<b>Proposal</b>	Use of building as Class E (formerly B1) Office use.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/21/0762/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	20 Desborough DriveTewin WoodTewinWelwynHertfordshireAL6 0HJ
<b>Appellant</b>	Mr N Herriott
<b>Proposal</b>	Demolition of front porch and construction of two storey front extension
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/21/1949/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Sacombe Green FarmSacombe GreenSacombeWareHertfordshireSG12 0JF
<b>Appellant</b>	Hanlon
<b>Proposal</b>	Demolition of concrete barn structure and timber stables. Erection of 1 highly sustainable bungalow and link to existing brick built stables.
<b>Appeal Decision</b>	Withdrawn

Background Papers  
 Correspondence at Essential Refusedeference Paper 'A'

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



---

## Appeal Decision

Hearing held on 26 April 2022

Site visit made on 26 April 2022

**by M Chalk BSc (Hons) MSc MRTPI**

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

**Decision date: 30<sup>th</sup> May 2022**

---

**Appeal Ref: APP/J1915/W/21/3273500**

**Land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Chris Brookhouse against the decision of East Hertfordshire District Council.
  - The application Ref 3/20/1374/FUL, dated 13 July 2020, was refused by notice dated 21 October 2020.
  - The development proposed is 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.
- 

### Decision

1. The appeal is allowed and planning permission is granted for 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 at land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA in accordance with the terms of the application, Ref 3/20/1374/FUL, dated 13 July 2020, subject to the conditions set out in the attached schedule.

### Preliminary Matters

2. A revised proposed landscaping scheme was submitted with the appeal and discussed during the hearing. I am satisfied that interested parties are not prejudiced by my considering these revised details in my determination of this appeal.

### Main Issues

3. The appeal site is in the Green Belt outside of Bishops Stortford. The main issues are therefore:
  - Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
  - The effect on the character and appearance of the area; and,
  - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

## Reasons

### *Whether inappropriate development*

4. The National Planning Policy Framework (the Framework) states that inappropriate development is, by definition, harmful to the Green Belt, and that the essential characteristics of Green Belts are their openness and permanence. The Framework further states that the construction of new buildings in the Green Belt should be regarded as inappropriate save for certain exceptions. Paragraph 149(g) of the Framework states that one of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. Policy GBR1 of the East Herts District Plan 2018 (the DP) states, among other considerations, that planning applications within the Green Belt will be considered in line with the provisions of the Framework.
5. The appeal site is a field next to a small cluster of development around the junction between Pig Lane and Twyford Bury Lane. There are three stables and a small trailer body sited in the field, but most of the site has not been built on.
6. The relevant exception at paragraph 149(g) comprises two strands, requiring that the site be previously developed land, and that the proposal not have a greater impact on openness than the existing development. If a proposal fails either strand, it would be inappropriate development.
7. The size of the proposed house and extent of associated development would be much greater than the existing built form on site. While the impact on visual openness would mainly be limited to certain views, the scale of development is such that it would have a far greater spatial impact. This would be apparent within the site, from the site entrance and from viewpoints in the surrounding area. As the permanence of the Green Belt is an essential characteristic, this spatial impact must be accorded due weight.
8. As the proposal would have a greater impact on openness than the existing development, it is not therefore necessary for me to consider whether the appeal site is previously developed land.
9. The proposed development would constitute inappropriate development in the Green Belt. It therefore conflicts with the identified requirements of the Framework and with Policy GBR1 of the DP.

### *Character and appearance*

10. Policy DES2 of the DP requires, amongst other considerations, that development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape. It also states that appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping.
11. The area in the immediate vicinity of the appeal site is characterised by open land to the east and immediately to the west. Twyford Bury House and Twyford Bury Farmhouse lie to the south, leading to the junction with Pig Lane and the cluster of development around the junction. Overall, there is a generally rural character to the site and its surroundings, especially as seen from the public

footpath that runs along its eastern boundary, although the proximity to Bishops Stortford with commercial buildings visible beyond the railway line means that there is an element of urban fringe visible nearby.

12. The site lies within the Thorley Uplands Landscape Character Area and is immediately adjacent to the River Stort Character Area to the east. It shares characteristics of both Character Areas, with longer views restricted by the established vegetation around the site and in the wider area, while the relationship to the open land to the east which slopes down to the river is of particular importance due to the public footpath crossing this land.
13. Boundary planting to the site is well established, but there are views into the site from the road and footpath at various points. These views demonstrate the overall relatively undeveloped character of the site and its immediate surroundings, which comprise countryside sensitive to change. While the boundary planting could be reinforced as part of the development, the new planting would take time to become established, and the submitted Landscape and Visual Impact Assessment makes clear that much of the existing boundary planting is deciduous and therefore provides limited screening during certain times of the year.
14. The proposed development would therefore be somewhat visible from the surrounding area, although its prominence would be limited due to its submergence. The building would have a unique design in this area, the justification for which I shall address further below, and would be finished in tiles fired from clay extracted from the site by the proposed excavations. While the building would not be prominent, its unusual form and appearance would attract the focus of passers-by, particularly those using the adjacent footpath. The appeal proposal would extend the existing cluster of buildings further into the countryside with a significantly greater presence and harmful visual impact than the existing stables.
15. Overall, therefore, the proposal would fail to conserve the character and distinctive features of the district's landscape in this sensitive countryside location. It would therefore be harmful to the character and appearance of the area, and conflict with Policy DES2 of the DP.

#### *Other Matters*

16. The neighbouring property to the south of the site, Twyford Bury House, is a Grade II listed building. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
17. No harm to the listed building has been identified as arising from the proposed development. I am satisfied that the proposed house would be sufficiently distant from the listed building that the appeal proposal would not be harmful to its setting.
18. Policy GIP2 of the emerging Bishops Stortford Town Council Neighbourhood Plan for All Saints, Central, South and Part of Thorley Parish 1st Revision proposes that the open land to the east of the site be designated as Local Green Space. Amongst other considerations, this policy would require that development which adjoins a designated Local Green Space must preserve and



enhance wildlife corridors to a width to allow sufficient biodiversity and habitat conservation. Given the extent of landscape works proposed as part of the development, which would include creating ponds and planting to attract wildlife and insects, I am satisfied that the proposed development would not conflict with this policy.

*Other considerations*

19. The appeal proposal would be inappropriate development. In addition, it would cause harm to the character and appearance of the area. In accordance with the Framework, this cumulative harm attracts substantial weight in my determination of this appeal.
20. My attention has been drawn to the 2021 dismissal of an appeal at the nearby Twyford Orchard site. Given the proximity of the two sites I have had regard to this decision, which also involved a proposal for housing that the Inspector found to be inappropriate development in the Green Belt. However, this previous proposal was in outline with uncertain green credentials and no other considerations in its favour beyond what the Inspector judged to be the very modest contribution of two new dwellings. This decision therefore only carries moderate weight in the determination of this appeal, given the significant differences between the proposals.
21. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. These are the personal health circumstances of a family member who would live in the proposed house, and the quality of design of the proposed house and development which would address the family member's medical condition.
22. The personal circumstances of an appellant are capable of being a material planning consideration. It is a matter for the decision maker how much weight they carry in determining an appeal.
23. The family member is a young adult who has multiple debilitating health issues which have a significant detrimental impact on their overall quality of life. The proposed development is intended to mitigate the effects of these issues, with a biophilic design including providing access to water and significant natural light as well as incorporating measures such as a decompression vacuum at the house entrance, dirt repelling paint and other measures to provide as clean an environment as possible. The rural location of the appeal site would enhance the connection to nature, which is recognised by doctors as a health benefit in this case, as well as it being an area with which the family member is personally acquainted, providing a familiar environment for them. The house would be centred around an open courtyard and would provide a wellness centre to aid with the family member's ongoing treatment. The design of the house is specifically tailored to account for the body's circadian rhythms and provide opportunities for medical treatment on site which would assist with reducing the stress associated with travel and alleviating their symptoms. The design of the house overall is of exceptional quality and together with its siting in this specific location would greatly improve the living conditions of the family member. These are material considerations to which I attach great weight in the overall balance.
24. The site is close to a railway line, and the noise from passing trains and from aircraft flying near the site is clearly audible with several instances of both



occurring during my site visit. However, this is transient noise and not so frequent nor so loud that it would be intrusive within the proposed house, which has been designed to provide a tranquil and calming environment for occupiers who are, in any case, familiar with the local environment having previously lived in the area.

25. In this instance the medical needs of the appellant's family member mean that the benefits of the proposed development attract such great weight that they would clearly outweigh the identified harm. Very special circumstances do therefore exist in this instance.

### **Conditions**

26. I have considered the conditions agreed between the appellant and Council, as well as those discussed during the hearing. Where appropriate, I have amended the wording in the interests of conciseness and in accordance with national Planning Practice Guidance.
27. I have imposed the standard condition relating to the time limit for commencement of development (1) and specifying the approved plans for the sake of certainty (2).
28. A condition requiring approval of details for the re-use of excavated materials and management of waste (3) is appropriate and necessary given the extent of excavations proposed at the site.
29. Given the sensitivity of the site and surroundings, a condition requiring approval of the external materials of construction of the proposed development (4) is required to ensure that its final appearance is acceptable in this location.
30. Given the sensitivity of the site and its countryside setting I have imposed a condition addressing various landscape matters including boundary planting, hard surfacing, the layout of vehicle parking and details of external lighting (5).
31. Concerns were raised by the Council during the hearing regarding the potential for visibility splays at the site entrance to impact on the extent of screening of the proposed development. A condition requiring approval and implementation of appropriate splays (6) is therefore relevant to planning and the development permission and reasonable in this instance.
32. A condition requiring that the on-site vehicle manoeuvring spaces be completed prior to first occupation of the dwelling (7) is reasonable and necessary in the interests of highway safety and traffic flow.
33. I have imposed a condition requiring submission and approval of a construction traffic management plan (8) given the ongoing construction works nearby and the relatively narrow width of Twyford Bury Lane.
34. A condition restricting domestic Class E Permitted Development rights (9) is reasonable in this instance given the significantly greater scale of built form proposed in comparison to the existing buildings on site, the resulting change in the character of the site and the sensitivity of the wider countryside setting to further change.
35. I am mindful that the appeal proposal is for a permanent new dwelling and substantial excavations and alterations to the site. It would therefore not be

appropriate to restrict this development by way of a condition limiting occupation of the dwelling to the appellant and their family.

### **Conclusion**

36. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR

### **Appearances**

#### **FOR THE APPELLANT**

Chris Brookhouse	Appellant
Katherine Brookhouse	Appellant
Graeme Thorpe	PWA Planning
Caroline Osbourn	DEP Landscape Architecture
Katie Lewis-Pierpoint	SDA Architecture
Rachael Leather	PWA Planning

#### **FOR THE COUNCIL**

Fiona Dunning	Principal Planning Officer
Paul Stevens	Landscape Officer

#### **INTERESTED PARTIES**

Colin Arnott	Resident
--------------	----------

**Schedule of conditions for appeal ref: APP/J1915/W/21/3273500**  
**Land at Twyford Bury Lane, Twyford Bury, Bishops Stortford, CM22 7QA**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby approved shall be carried out in accordance with the plans submitted. The plans include:
  - Site Location Plan as Existing and Proposed, Ref. 269 (S)2-01-PP Rev C
  - Site Plans as Existing and Proposed, Ref. 269 (S)2-02-PP Rev C
  - Elevations, as Proposed, Ref. 269 (E)5-01-PP Rev B
  - Elevations, as Proposed, Ref. 269 (E)5-02-PP Rev A
  - Ground Floor Plans & Elevations, as Existing, Ref. 269 (GA)3-01-PP Rev A
  - Site Sections & Plans, as Existing & Proposed, Ref: 269 (GA)3-02-PP Rev A
  - Ground Floor Plan, as Proposed, Ref: 269 (P)4-01-PP Rev B
  - Concept Landscape Layout, Ref: 4450 01
  - Constraints and Opportunities Plan, Ref: P.1046.18.04
3. Prior to the commencement of the development hereby approved, details shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, demolition and excavation of the development to re-use existing materials within the new development; recycle waste materials for use on site and off; minimise the amount of waste generated; minimise the pollution potential of unavoidable waste; treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content and thereafter the development should be implemented in accordance with the approved details.
4. Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.
5. Prior to any above ground construction works being commenced details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
  - boundary treatments, including any replacement planting;
  - hard surfacing materials;
  - vehicle parking layouts;
  - external lighting; and,
  - an implementation programme.

The landscaping works shall thereafter be carried out in accordance with the approved details and the agreed implementation programme.

6. Prior to any above ground construction works being commenced details of visibility splays to the site entrance onto Twyford Bury Lane shall be submitted to and approved in writing by the local planning authority. The splays shall thereafter be provided on site in accordance with the approved details before first occupation of the approved dwelling, and retained thereafter.

7. The dwelling hereby permitted shall not be occupied until the parking spaces and vehicle manoeuvring areas clear of the public highway illustrated on the approved plan have been constructed. These 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.
8. Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:
  - phasing for the development of the site, including all highway works;
  - methods for accessing the site, including construction vehicle numbers and routing;
  - location and details of wheel washing facilities;
  - associated parking areas and storage of materials clear of the public highway.
9. 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.

**End of schedule of conditions**



---

## Appeal Decision

Site visit made on 26 April 2022

**by Chris Preston BA (Hons) BPI MRTPI**

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

**Decision date: 09 May 2022**

---

**Appeal Ref: APP/J1915/X/21/3278904**

**The Cottage, Cherry Park Farm, Road from Blind Lane to Ardeley Village by the Old Bell, Ardeley, Stevenage SG2 7AH**

- 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 & Mrs Ian and Virginia Neale against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/0632/CLXU, dated 11 March 2021, was refused by notice dated 02 July 2021.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
  - The use for which a certificate of lawful use or development is sought is: Use of building as Class E (formerly B1) office use.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The purpose of an application made under s191(1)(a) of the Town and Country Planning Act is to establish whether the use of land or buildings was lawful on the date the application was made. For the avoidance of doubt I make clear that the planning merits of the use are not relevant to the determination of the appeal which must be based upon the facts of the case and any relevant judicial authority.

### Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded.

### Reasons

4. The Planning Practice Guidance (PPG) makes clear that an applicant is responsible for providing sufficient information to support an application for a certificate of lawful use. Further, in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

5. Section 191(2) of the Town and Country Planning Act 1990 (the Act) states that uses and operations will be lawful at any time if:
  - a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
  - b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.
6. Subsection (a) relates to the terms of s171B of the Act which specifies the timescales within which enforcement action must be taken. The appellant does not assert that the use of the building as an office did not require planning permission or that it did not involve development. Thus, the application appears to be made on the basis that the use is lawful on the basis that the time period for taking enforcement action has expired. The requisite period for a material change of use of a building to an office use is ten years, beginning with the date of the breach.
7. For an LDC to be awarded it is necessary to establish when, or if, any breach of planning control occurred and work forwards to understand whether the building had been used as an office for a continuous period of ten years following any breach, with no intervening uses or significant gaps in use, such that any unauthorised use was immune from enforcement action at the time the application was made.
8. The appellant maintains that the company commenced using the building as an office for Igloos Ltd in 2006. The statutory declaration from Mr Luke Neale confirms that the company has used the building as an office since that time and that is supported by letters from a Director and employee of the company. I have no reason to doubt those accounts and the Council has provided nothing to the contrary.
9. However, in order to identify when, or if, a material change of use occurred, it is necessary to understand what the former use of the building was and whether its subsequent use as an office was materially different, such that it would have amounted to a breach of planning control. It is not uncommon for people to run a business out of a residential property or outbuilding and such use can remain ancillary to the primary residential use, depending on the scale of operations and the effect on the residential character.
10. Very little information has been provided as to how the building was used prior to 2006. The appellants' statement describes it as an 'outbuilding used in association with Cherry Park Farm'. Whether that involved ancillary residential accommodation, storage or some other use is not clear. Nor is it clear if Cherry Park Farm, or Ardeley Place as it has also been referred, is a working farm or a purely residential property.
11. The appellant has identified that the main dwelling was occupied by the late mother of one of the appellants and there is clearly a family link between the appeal site and the main dwelling. The wider site including Cherry Park Farm is within the appellants' ownership and Mr Luke Neale, their son, set up Igloos Ltd with his business partner. It is not clear if he was residing at Cherry Park Farm at the time. The two buildings share the same vehicular access and at the time

- of my visit there was no signage to indicate that the office was separate from the remainder of the property. Moreover, none of the submitted bills or invoices refers to 'The Cottage' by name; the address for the company given refers to Cherry Park Farm.
12. Given those matters it seems likely that 'the Cottage' was part of the same planning unit as Cherry Park Farm until at least 2006. Whether its use afterwards as an office amounted to a material change of use would be a matter of fact and degree depending on the nature of the use and whether it was ancillary to the use of the main property.
  13. Whilst letters have been provided from those involved in the company the accounts do not testify to the intensity or nature of the use. Factors such as how many people were employed at different periods, their relationship with those living in the adjacent dwelling, how many people used the building at different times, the extent of deliveries or visits to the property would all have a bearing on whether the use was ancillary to the established use of the wider planning unit. Consideration would also need to be given to whether the business had grown in scale over time or fluctuated in scale. This is by no means an exhaustive list but is an indication of matters that would need to be considered in order to determine whether a material change of use had occurred or whether the use had remained ancillary in nature to the primary use of the land over the relevant period.
  14. The statutory declaration does indicate that the office has space for 5 employees plus a meeting room but it is not clear whether 5 people are employed, or what levels of employment have been throughout the period of occupation since 2006. Given the absence of information in respect of the previous use, the relationship with Cherry Park Farm, and how the business has operated there is ambiguity as to whether the building was, or is, occupied independently as an office within Class E(g)(i) (formerly Class B1) or whether the use was, or is, ancillary to the primary use of Cherry Park Farm.
  15. Given the uncertainty over whether the building was occupied as a separate planning unit throughout the period since 2006, it is difficult to conclude, on the balance of probability, that the use was lawful due to the passage of time at the time the application was made. If the use was ancillary to the primary use of the land during that period there would have been no material change of use or breach of control. Without a breach of control, the clock would not start ticking in terms of the time period for enforcement action within s171B.
  16. That matter alone would be sufficient to dismiss the appeal. However, even if a material change of use had been demonstrated, the supporting documents would be insufficient to demonstrate satisfactorily that the breach had continued for a period of ten years such that it was lawful at the time of the application. The business rate bills from the Council's Revenue Services cover the eight-year period from April 2013 to January 2021. The single invoice provided relates to a date in 2020. The four phone bills submitted date from 2008, 2011, 2012 and 2018. The 2011 bill is dated 23 May, less than ten years from the date of the application. Whilst it may be that some of the calls and expenses were incurred prior to that date, the bill is not itemised so it is difficult to tell.
  17. There are no supporting bills or documents from 2006 or 2007 and the only supporting documents that date from more than ten years prior to the

application are the phone bill from 2008 and the Certificate of Incorporation from Companies House dating from 1998. However, the latter does not shed any light of itself as to when the business moved to the present accommodation. Consequently, there are significant gaps in evidence and the supporting documents and bills do not, of themselves, provide clear evidence of continuous use for a period of ten years between 2006, when the appellant contends that the use began, up to the point at which the application was made. Nor does the evidence shed detailed light on exactly how the business operated for the reasons set out previously.

18. Therefore, whilst I have no reason to doubt the veracity of the statements provided by those involved in the business, there is a lack of evidence relating to the former use of the building and its relationship with Cherry Park Farm. In addition, the supporting evidence is insufficient to demonstrate the full nature and intensity of the use over the relevant period. Accordingly, based on the information provided I cannot conclude, on the balance of probabilities, that the use of the building as an office within Class E(g)(i) was lawful at the time the application was made.

19. It follows that the appeal must be dismissed.

*Chris Preston*

INSPECTOR





---

## Appeal Decision

Site visit made on 12 April 2022 by Darren Ellis MPlan

**Decision by L McKay MA MRTPI**

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

**Decision date: 10 May 2022**

---

**Appeal Ref: APP/J1915/D/21/3282188**

**20 Desborough Drive, Tewin Wood, Tewin AL6 0HJ**

- 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 N Herriott against the decision of East Hertfordshire District Council.
  - The application Ref 3/21/0762/HH, dated 18 March 2021, was refused by notice dated 19 August 2021.
  - The development proposed is the demolition of front porch and construction of two storey front extension.
- 

### Decision

1. The appeal is dismissed.

### Appeal Procedure

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

### Procedural Matter

3. The description of development on the planning application form was for a 'first floor front extension.' However, as stated in the appellant's statement and shown on the submitted drawings, the existing porch would be demolished and the replaced with a slightly narrower front extension. I have therefore used the description of development as shown on the decision notice and appeal form, which more accurately describes the proposal.

### Main Issues

4. The appeal site is within the Green Belt and so the main issues are:
  - whether the proposal would be inappropriate development for the purposes of development plan policy and the National Planning Policy Framework;
  - the effect of the proposal on the openness of the Green Belt; and
  - if the proposal would be inappropriate development, 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 it.

## Reasons for the Recommendation

### *Whether the proposal would be inappropriate development*

5. The National Planning Policy Framework (the Framework) establishes that new buildings in the Green Belt are inappropriate except in certain circumstances, including where they involve the extension of an existing building. This is provided that the extension does not result in a disproportionate addition over and above the size of the original building. The Framework defines 'original building' as 'a building as it existed on 1 July 1948, or, if constructed after 1 July 1948, as it was built originally.'
6. Policy GBR1 of the East Herts District Plan (October 2018) (DP) seeks to protect the Green Belt and requires development proposals in the Green Belt to be considered in line with the provisions of the Framework. Neither the DP nor the Framework define 'disproportionate'.
7. The appeal property is a two-storey detached dwelling set in a generous plot. It is evident that it has been previously extended, most recently with a single storey extension replacing the garage. A two-storey rear extension, which was allowed on appeal at the same time<sup>1</sup>, has also been constructed since the application was decided.
8. The Council in its officer report asserted that the existing and proposed extensions would increase the floorspace of the original property by 132%, although at the time of the Council's decision the two-storey rear extension had not been built. The Council states that increase in floorspace of the property would be 173.6% including the rear extension, which the appellant does not dispute. I acknowledge that the proposal would be on a slightly smaller footprint than the existing porch, but as a two-storey extension it would increase the floorspace of the dwelling by approximately a further 10sqm compared to the existing situation.
9. Size can be more than a function of floorspace and footprint and can include bulk, mass, and height. In this case, the scale and mass of the building has already been substantially increased through the existing additions. Although relatively modest in itself, the proposed front extension would further increase the massing of the dwelling and would add to the visual bulk as well as the volumetric impact of previous extensions.
10. Consequently, the proposed front extension would, together with the existing extensions, cumulatively amount to a disproportionate addition over and above the size of the original building. The proposal would therefore be inappropriate development which is, by definition, harmful to the Green Belt.
11. The appellant states that the adjacent property at No 18 has been significantly altered in size and design and that the Council has been inconsistent in the application of Green Belt policy. However, no details of any planning permissions for extensions or alterations at No 18 have been provided and therefore I am unable to compare the approach of the Council in these instances. Moreover, the appeal property has also been significantly extended. This does not therefore alter my conclusion on this main issue.

---

<sup>1</sup> Appeal ref. APP/J1915/D/19/3221452

### *Openness*

12. Openness is an essential characteristic of the Green Belt. The Planning Practice Guidance states that openness is capable of having both spatial and visible aspects, so that both the visual impact of the proposal and its volume may be relevant.<sup>2</sup>
13. The front extension would increase the visual bulk and massing of the dwelling and would therefore result in a reduction in the openness of the Green Belt in both visual and spatial terms. However, given the modest size of the extension and the backdrop of the existing dwelling, that harm would be limited. Nonetheless, one of the fundamental aims of Green Belt policy is to keep land permanently open and, having regard to the Framework, I afford this harm substantial weight.

### *Other Considerations*

14. I note that the Council considers the effect of the appeal proposal on the character and appearance of the existing dwelling to be satisfactory and, based on the evidence before me, I have no reason to disagree. However, while the overall design of the proposal, including roof form and materials, would be sympathetic to the existing dwelling, that is also true of the existing porch. Given the off-centre position of the proposal it would not improve the symmetry of the building beyond the existing situation. Therefore, I find the impact on the character and appearance of the dwelling to be neutral.

### *Whether very special circumstances exist*

15. The proposed front extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
16. The Framework states that development should not be approved unless the harm to the Green Belt, and any other harm, is clearly outweighed by other considerations. The other considerations identified above do not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the front extension do not exist.

### **Conclusion and Recommendation**

17. Accordingly, the proposal would conflict with DP policy GBR1 and with the Framework. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal be dismissed

*Darren Ellis*

APPEAL PLANNING OFFICER

---

<sup>2</sup> Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

**Inspector's Decision**

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and I agree with the recommendation that the appeal should be dismissed.

*L McKay*

INSPECTOR

NEW PLANNING APPEALS LODGED MAY 2022  
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/20/0633/FUL	Retrospective change of use from agricultural storage to workshop (B1), addition of single storey log store, together with associated elevational alterations.	Crumps FarmWest RoadSawbridgeworth CM21 0LJ	Refused Delegated	24/05/2022	Written Representation
3/21/0691/FUL	Part regularisation of: Erection of fence	2 Bridgefoot Farm BarnsChurch EndWalkernStevenage SG2 7PB	Refused Delegated	16/05/2022	Written Representation
3/21/1178/FUL	Erection of 7 dwellings, associated vehicular access, landscaping and infrastructure.	Land At Railway MeadowLondon Road Spellbrook	Refused Delegated	16/05/2022	Hearing
3/21/1744/FUL	Demolition of existing garage to construct new single storey 2 bedroom dwelling.	Land To Rear Of Hermitage CottageWaresideWare SG12 7QY	Refused Delegated	26/05/2022	Written Representation
3/21/1913/FUL	Proposed roof terrace with access hatch and external guarding.	5 Watton HouseWare RoadWatton At StoneHertford SG14 3NZ	Refused Delegated	27/05/2022	Written Representation
3/21/2114/OUT	Outline planning with all matters reserved for the erection of 2 detached dwellings with outbuildings.	Land West Of Stonehouse FarmStortford RoadLittle HadhamWare SG11 2DX	Refused Delegated	05/05/2022	Written Representation
3/21/2498/HH	Proposed residential annex (ancillary).	The Goose Moor Green Ardeley Stevenage SG2 7AT	Refused Delegated	11/05/2022	Fast Track
3/21/2521/FUL	Addition of a second floor to create a two bedroom flat with a roof terrace, with internal alterations to ground floor shop unit and first floor flat.	8 Parliament SquareHertford SG14 1EY	Refused Delegated	05/05/2022	Written Representation
3/21/2698/HH	Change garage roof from hipped roof to gable ended roof. Erection of a front facing bay window, front porch infill extension with porch canopy, new chimney, alterations to fenestration on side and rear elevations, alter rear extensions pitched roof to flat roof.	28 Chapel LaneLetty GreenHertford SG14 2PA	Refused Delegated	03/05/2022	Fast Track
3/21/2711/HH	Erection of outbuilding and retaining wall. Repositioning of external steps.	Omega20 Great MolewoodHertford SG14 2PN	Refused Delegated	03/05/2022	Fast Track
3/21/2751/HH	First Floor side extension.	16 Revels RoadHertford SG14 3JU	Refused Delegated	05/05/2022	Fast Track
3/22/0059/HH	Erection of two storey rear and side extension and first floor rear extension.	28 Fordwich HillHertford SG14 2BQ	Refused Delegated	26/05/2022	Fast Track
3/22/0076/HH	Removal of rear conservatory. Proposed loft conversion and extension, Two storey rear extension, single storey side/rear extension and insertion of front rooflight.	Andor Slough Road Allens Green Sawbridgeworth CM21 0LR	Refused Delegated	27/05/2022	Fast Track
3/22/0114/HH	Single storey side and rear extension with link infill extension and raising pitched roof of existing garage.	19 Mayflower GardensBishops Stortford CM23 4PA	Refused Delegated	06/05/2022	Fast Track
3/22/0129/HH	Two storey rear extension. Juliet balcony to rear first floor. Insertion of roof light to side elevation. Wood-burner flue being added to rear extension.	The WinnattsKents LaneStandonWare SG11 1PJ	Refused Delegated	26/05/2022	Fast Track
3/22/0130/HH	Loft conversion with rear dormer window and two front roof lights, construction of two-storey side extension and single storey rear extension.	41 Star StreetWare SG12 7AA	Refused Delegated	27/05/2022	Fast Track
3/22/0391/HH	First floor rear extension and the addition of a first floor side window.	Cavehall Cottage Wyddial SG9 0ER	Refused Delegated	25/05/2022	Fast Track

Background Papers

None

Contact Officers

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

**Public Inquiry and Hearing Dates**  
**All Hertford Council Chamber unless specified**

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Appeal Date
3/19/2282/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
3/20/1040/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	Adjourned
3/20/1119/FUL	Rachael Collard	Wheelwrights FarmRowney LaneDane EndWare SG12 0JY	Construction of manège and access track.	INPROG	Hearing	TBA
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	16/11/2022
3/21/1178/FUL	Jill Shingler	Land At Railway MeadowLondon Road SpellbrookHertfordshire	Erection of 7 dwellings, associated vehicular access, landscaping and infrastructure.	INPROG	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	02/03/2022

# DEVELOPMENT CONTROL

## Major, Minor and Other Planning Applications

**Cumulative Performance**  
(calculated from April 2022)

	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
<i>Total Applications Received</i>	191	403										

<i>Percentage achieved against Local and National Targets</i>	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21
<b>Major %</b>	-	67%										
<b>Minor %</b>	75%	49%										
<b>Other %</b>	85%	49%										

	<b>Targets for Local Performance (set by East Herts)</b>	<b>National Targets (set by Government)</b>
<b>Major %</b>	60%	60%
<b>Minor %</b>	80%	65%
<b>Other %</b>	90%	80%

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

Total number of appeal decisions (Cumulative)	4	6										
Number Allowed against our refusal (Cumulative)	1	2										

AGENDA ITEM NO. 7D