



James Ellis

Head of Legal and Democratic Services

MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 10 AUGUST 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.)

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- 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;
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AGENDA

1. Apologies

To receive apologies for absence.

2. Chairman's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 13 July 2022 (Pages 6 - 15)

To confirm the Minutes of the meeting of the Committee held on Wednesday 13 July 2022.

5. Planning Applications for Consideration by the Committee (Pages 16 - 19)

(A) 3/22/0510/REM - Reserved Matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure at Land at Bishop's Stortford South (BISH5) (Parcel D, St James' Park).(Pages 20 - 53)

Recommended for Approval

6. Items for Reporting and Noting (Pages 54 - 67)

(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 4

DM

DM

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT
COMMITTEE HELD IN THE COUNCIL
CHAMBER, WALLFIELDS, HERTFORD ON
WEDNESDAY 13 JULY 2022, AT 7.00 PM

PRESENT: Councillor B Deering (Chairman)
Councillors D Andrews, T Beckett, S Bull,
I Kemp, S Newton, T Page, C Redfern,
P Ruffles and T Stowe

ALSO PRESENT:

Councillors J Goodeve

OFFICERS IN ATTENDANCE:

Richard Freeman	- Interim Development Management Team Leader
Peter Mannings	- Democratic Services Officer
Karen Page	- The Service Manager (Development Management and Enforcement)
Victoria Wilders	- Legal Services Manager

93 APOLOGIES

Apologies for absence were submitted on behalf of

Councillor R Buckmaster and Councillor Crystall. It was noted that Councillor Bull was substituting for Councillor R Buckmaster.

94 CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's Announcements.

95 DECLARATIONS OF INTEREST

There were no declarations of interest.

96 MINUTES - 15 JUNE 2022

Councillor Beckett proposed and Councillor Redfern seconded, a motion that the Minutes of the meeting held on 15 June 2022 be confirmed as a correct record and signed by the Chairman.

After being put to the meeting and a vote taken, the motion was declared CARRIED. Councillors Bull and Kemp abstained from voting as they had not been present at the meeting.

RESOLVED – that the Minutes of the meeting held on 15 June 2022, be confirmed as a correct record and signed by the Chairman.

- 97 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
-

The Chairman said that application 3/21/1756/FUL had been withdrawn from the Agenda by the Applicant.

- 98 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
-

The Head of Planning and Building Control recommended that in respect of part retrospective application 3/21/1248/FUL, planning permission be granted subject to the conditions detailed at the end of the report submitted with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission.

The Interim Development Management Team Leader said that this application was part retrospective and he summarised the relevant planning history. He detailed the location of the site and said that the proposed dwelling and the host property were outlined on the plan in front of Members.

The Interim Development Management Team Leader

presented a series of presentation slides of elevation drawings in respect of the proposed dwelling and illustrations of the previous 2019 permission so that Members could compare these with the drawings that had been submitted with this application.

The Interim Development Management Team Leader spoke at length about the key features of the design.

Members were referred to a copy of a late representation that had been emailed to the Committee and was summarised in the additional representations summary. The Interim Development Management Team Leader said that it was a material consideration that a previous permission had been granted for a very similar scheme. He presented a series of photos of the dwelling and said that this proposed development was different by virtue of having accurate site boundaries.

Members were advised that whilst the dwelling would be visible from properties on Nelson Road it would not have a significant detrimental impact due to the retention of screening and the depths of the gardens. Officers felt the impact was not sufficient to justify a refusal of planning permission.

The Interim Development Management Team Leader said that due to the separation distances of 30 metres to properties on Thorley Hill, Officers were satisfied that the window to window separation distances were acceptable and there would be no undue overlooking or undue impact in terms of loss of privacy and also no significant impact in terms of loss of light and outlook.

The Interim Development Management Team Leader drew the attention of Members to conditions three and four, which sought replacement soft landscaping for the hedge which was being removed, as well as details of replacement boundary screening.

Gosia Bachanowicz addressed the Committee in objection to the application. Hazel Izod spoke for the application.

Councillor Beckett asked if permeable paving could be added to conditions in respect of the hard landscaping for parking. He asked if there had been a noise impact assessment in respect of the air source heat pump. He noted that the requirement was for measurements to be taken one metre from the nearest property. He said noise measurements should be taken inside from inside that property.

Councillor Page commented on the view from Nelson Road of a wall and asked for reassurance that an opening in this wall would be fixed closed. He asked for confirmation in respect of any Officer activity in respect of visiting this site.

The Interim Development Management Team Leader said that Members should determine the application as it had been submitted. The Committee should consider the scheme as they would any application regardless of whether the scheme was retrospective or an application submitted in advance of commencing a development.

The Interim Development Management Team Leader said that the matter of permeable paving could be covered by an informative and there was no need to change the proposed conditions. Members were advised that application site would benefit from the air source heat pump and the approach to assessing noise impact was a standard approach used by the Environmental Health Team to consider the impact on neighbours in respect of noise.

The Interim Development Team Leader said that the photos presented had been taken by Officers conducting site visits. A site visit had also been undertaken by Officers from the enforcement team. Members were advised the first floor side-facing windows would be obscured glazed to a height of 1.7m from the internal level of that floor and a 1.8m fence was proposed. Officers were satisfied that the impact on neighbours would be acceptable due to those measures and the separation distances to neighbouring properties.

Councillor Kemp said that it was his understanding from what had been presented that the dwelling had been constructed in exactly the original place and the boundary line had been found to be an error and had moved with the building. He said that matters such as overlooking, loss of light and views would have been considered on the original application and nothing had changed regarding those matters.

Councillor Kemp said that fairly onerous conditions could be required regarding how much light was lost and there was no general protection on views. He

asked for confirmation regarding the matter of gaining access via the westerly side of the site by the retaining wall. He asked whether the material planning considerations would be of concern to Officers had this been a new application with the boundaries in the correct place.

The Interim Development Management Team Leader said the relationships with adjoining properties had been considered and were unchanged. He said that the relationship with the hedge was a material planning consideration. He said that comments had been made by the public speakers that related to building regulations and third party issues.

The Interim Development Management Team Leader said that privacy, loss of provision of biodiversity and greenery were relevant matters and there were conditions to secure replacement planting and a boundary fence. Members were advised that access to the western side might be possible in an emergency and Hertfordshire Fire and Rescue were satisfied with the proposed arrangements.

The Interim Development Management Team Leader said that the recommendation and considerations would be the same if this application was not retrospective and there would be conditions with slightly different wording in respect of trigger points for when stages of the development would happen on the site.

The Interim Development Management Team Leader said that said that condition seven would ensure that

the proposed first floor openings in the side flank walls would be obscure glazed and would be fixed shut. He said that the impact of ground floor windows would be mitigated by a 1.8 metre fence.

The Interim Development Management Team Leader responded to further questions from Members in respect of loss of privacy and overlooking, land levels, boundary treatment and the proposed conditions. He said that Officers were comfortable that all of the material planning considerations had been addressed by the conditions and these would in particular address the concerns that had been raised regarding loss of outlook and privacy.

Councillor Ruffles proposed and Councillor Andrews seconded, a motion that application 3/21/1248/FUL be granted planning permission (part retrospective), subject to the conditions detailed at the end of the report submitted with delegated authority being granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission, and with condition 6 being amended and an informative added to ensure that the parking area and all hard standing to the front of the property was made up of permeable paving.

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

RESOLVED –that (A) in respect of application 3/21/1248/FUL, planning permission (part retrospective) be granted subject to the conditions detailed at the end of the report; and

(B) delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the conditions and to issue the permission, with condition 6 being amended and an informative added to ensure that the parking area and all hard standing to the front of the property was made up of permeable paving.

99 ITEMS FOR REPORTING AND NOTING

RESOLVED – that the following reports be noted:

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

100 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.43 pm

Chairman
Date

Agenda Item 5

East Herts Council Report

Development Management Committee

Date of Meeting: 10 August 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

Contact Officer Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656
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Report Author Peter Mannings, Democratic Services Officer, Tel: 01279 502174
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Agenda Item 5a

DEVELOPMENT MANAGEMENT COMMITTEE – 10 AUGUST 2022

Application Number	3/22/0510/REM
Proposal	Reserved Matters for layout, scale, appearance and landscaping of 3/21/1749/VAR (approved under outline planning 3/18/2253/OUT) for E(g)(ii), E(g)(iii), B2 and B8 uses including servicing, landscaping, means of enclosure and associated works and infrastructure.
Location	Land at Bishop's Stortford South (BISH5) (Parcel D, St James' Park)
Parish	Thorley
Ward	Bishop's Stortford South

Date of Registration of Application	15 March 2022
Target Determination Date	14 June 2022
Reason for Committee Report	Member call in
Case Officer	Fiona Dunning

RECOMMENDATION

That Approval of Details be **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.

1.0 Summary of Proposal and Main Issues

- 1.1 The principle of the development of this site and the access have been established through the granting of the hybrid/outline planning permission 3/18/2253/OUT and subsequent variation applications, the latest being 3/21/1749/VAR. The site is identified as the employment land part of the allocated site, Policy BISH5, of the East Herts District Plan 2018. The permission included a mixed-use development for around 750 dwellings, education facilities,

community facilities, a care home and employment land, with associated landscaping, sustainable drainage systems and other infrastructure, which was granted full and outline planning permission on 20th December 2019.

- 1.2 This proposal relates to the employment land and seeks permission for the reserved matters of layout, scale, appearance and landscaping. Up to 4 hectares of employment land was approved as part of the outline permission. The employment uses approved by the outline permission includes B1 (offices, research and development processes, industrial process suitable for a residential area), B2 (Industrial) and B8 (Storage or distribution) and a Car Showroom. The outline permission allowed for flexible land uses and floor space and therefore did not restrict the employment land uses or limit the floor space by condition. However, the outline permission approved parameter plans for building heights, density, access and movement, and green infrastructure and conditions of the outline planning permission which must be met for the proposal to be considered as a reserved matters application.
- 1.3 The land use has been determined by the outline planning permission and conditions. The proposed details which are the subject of this application are consistent with the outline permission and therefore can be considered as a reserved matters application.
- 1.4 The wider site has the Masterplan Framework that was agreed by Council on 25th July 2018 and this document as well as the parameter plans and conditions of the outline planning application are material considerations.
- 1.5 The reserved matters plans include 12 commercial units within 5 buildings of varying size and height between 11m and 15m.
- 1.6 Many objections have been received in regard to land use and traffic impacts. The access off the spine road and the range of land uses have already been agreed and do not form part of the reserved matters application and so are not for assessment.

- 1.7 The main issues that will need to be considered as part of the assessment are set out in section 4 of this report.

2.0 Site Description

- 2.1 The site is located in the south-eastern corner of the Bishop's Stortford South land and adjoins St James Way on the southern boundary and Thorley Street on the eastern boundary. The site is currently vacant and the vehicular access has been provided as part of the full planning permission under 3/18/2253/OUT and subsequent variation 3/21/1749/VAR. This access is located off the recently completed roundabout on St James Way. On the western side of this roundabout is the site for the approved 80 bed care home. To the west of the employment site is the local centre, which has outline permission for a mix of retail, community use and residential. Public open space and a Thames Water pumping station are located to the north of the site. Beyond the pumping station sits Thorley Wash Cottage, a one and a half storey Grade II listed dwelling with access off Thorley Street. This dwelling has a 2 – 3m high hedge on its boundaries. Within the historic curtilage of Thorley Wash Cottage is an existing garage that has planning permission to be converted and extended to create a dwelling.

3.0 Planning History

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/18/2253/OUT	Hybrid Planning application comprising: (i) A full application for 142 dwellings (class C3) including affordable homes, plus associated accesses, landscaping, open space and infrastructure works	Grant Plan Permission w Conds	20th December 2019

	<p>(development zone A), and a north/south primary route; and</p> <p>(ii) An outline application, with all matters reserved except access, for approximately 608 (Class C3) including affordable homes, a care home (Class C2), up to 4 hectares of employment land (classes B1, B2, B8 sui Generis (car showroom)), a local centre including up to 1000 sq m for retail (Class A1), and up to 2200 sq m for other uses (Classes A2, A3, A4, A5 and D1), a primary school (Class D1) up to 3 forms of entry and including early years facilities, a secondary school (Class D1) up to 8 forms of entry, open space including equipped areas for play, sustainable drainage systems, landscaping and all associated infrastructure and development.</p>		
3/21/0364/VAR	Variation of condition 2 (approved plans) of	Grant Plan Permission	20th May 2021

	hybrid planning application 3/18/2253/OUT four 2 storey 4 bedroom dwellings be amended to 2.5 storey 5 bedroom dwellings.	w Conds	
3/21/1749/VAR	Removal of condition 35 (gates installed on all rear parking courts) of outline permission: 3/18/2253/OUT.	Grant Plan Permission w Conds	27th October 2021
Reserved Matters applications determined:			
3/212445/REM	Thorley Street buffer landscaping	Approved with conds	21 st July 2022
3/21/0717/REM	East-west road	Approved with conds	30 th March 2022
3/20/2580/REM	Northern open space, pumping station and substations	Approved with conds	3 rd March 2022
3/20/2584/REM	3 substations and intake substation		28 th January 2022
3/21/1807/REM	219 dwellings on Parcel C	Approved with conds	28 th January 2022
3/21/0916/REM	81 bed care home	Approved with conds	23 rd September 2021
Reserved Matters applications under consideration:			
3/21/2839/REM	155 dwellings on parcel B		
3/21/3161/REM	Pumping Station 1		

3/21/3187/REM	103 dwellings for Parcel G2		
3/22/0118/REM	Strategic landscaping of Green Corridor south of Parcel C, North of Parcels D and E		

- 3.1 In addition to the above, there have been several conditions of the above permissions discharged for the wider site. All approved reserved matters applications have been in accordance with the outline planning permission and the parameter plans and relevant planning policies. It is noted that the employment site previously had a reserved matters application submitted which was withdrawn and a further pre-application request submitted, prior to the current application being lodged.

- 3.2 Since the outline permission was granted, national planning legislation has changed and the B1 use class has been deleted and is now Use Class E. The former B1 uses, included offices, research and development and industrial processes. These B1 uses now fall within Use Class E(g)(i), E(g)(ii) and E(g)(iii). Use Classes B2 (general industrial) and B8 (storage and distribution) remain unchanged.

- 3.3 The conditions of the hybrid/outline permission that are required to be discharged for the employment site are listed below. It should be noted that S106 requirements, such as the Travel Plan and monitoring also apply to the development.

10. Construction and Environmental Management Plan (to be updated)

11. Landscape and Ecology Management Plan

12. 5 years to protect landscaping

14. Public transport details

- 17. Cycle routes (Plan GA21) within phase
- 18. Network of footways within phase
- 22. Limit of noise of external fixed plant
- 24. Internal air extraction, odour control, external ducting and flues
- 26. External lighting
- 27. High speed broadband
- 28. Electric vehicle charging points
- 29. Waste water network upgrade statement
- 30. Secured by Design (Commercial Developments)
- 31. Compliance with Energy and Sustainability Statement February 2019
- 36. External materials of construction
- 42. Details of transport and drainage details
- 47. Details of hard surfaced areas
- 49. Bird Hazard Management Plan
- 51. Drainage details
- 53. Completion of drainage works

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 Bishop's Stortford Neighbourhood Plan (NP).

Main Issue	NPPF	East Herts District Plan	Bishop's Stortford NP 2021 - 2033
Principle of Development and compliance with Parameter Plans and Masterplan	Chapter 2, 4, 6, 11	INT1, DPS1, DPS2, DEL1, BISH1, BISH5, DES1, ED1	BSS1
Layout, Scale, Appearance, Landscaping (Reserved Matters)	Chapter 8, 11, 12, 15	BISH5, DES1, DES3, DES4, DES5, NE2, NE4, HA1, HA2, HA3, HA7	BSS2
Highway Impacts	Chapter 9	BISH5, TRA1,	BSS1, BSS4

		TRA2, TRA3,	
Impact on Amenity	Chapter 4, 12	BISH5, DES2, DES3, DES4, EQ2, EQ3, EQ4	BSS1, BSS2
Energy and Sustainability	Chapter 14	BISH5, CC1, CC2,	BSS5, CC4

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 raises no objection to the reserved matters application. In regard to travel routes for pedestrians and cyclists, there are three accesses into the site, with the main access being via the roundabout, the northern access adjacent to the green corridor and the eastern access onto the periphery park to the east.

Trip Rates

- 5.2 The outline permission was for B1, B2 and B8 uses, and it is noted that B1 use class has changed to E(g) use class. The Transport Compliance Statement (TCS) submitted with the reserved matters application includes the use of the trip rates database (TRICS), and compares trip rates for 'Business Park' and 'Industrial Estate' and this has been interrogated as the outline permission was based on Business Park Use. The most recent data has been used to compare a Business Park and Industrial Estate.
- 5.3 Flexible uses classes were approved at outline with a Business Park used for trip rates. The floor space proposed is 16,770sqm. Using the industrial estate approach which is more relevant to the reserved matters, there will be a decrease in overall vehicle movements (especially by car) at all time periods but there will be a minimal increase in HGV movements. The industrial estate model will result in 71 additional HGV movements within a 24 hour period compared to the Business Park model. It is noted the Transport Compliance Statement submitted with the application sets out the

vehicle routing strategy for HGVs, with the preferred route via St James Way to the A120 and M11 and a Delivery and Servicing Management Plan.

- 5.4 The Highway Authority has also provided comments on the objections received in regard to the HGV movements and the TCS and do not raise concerns regarding these matters.

Car Parking

- 5.5 A total of 173 car parking spaces are proposed on site, with 24 of these suitable for disabled people and 20% (35 spaces) of these being active electric vehicle parking spaces and the remainder being passive spaces that could easily be converted if the units are occupied by uses which operate on a 24 hour basis, which would reduce the parking needs. The future occupiers may also not need loading areas and could apply for these areas to be used for car parking or cycle parking.

Cycle Parking

- 5.6 A total of 74 cycle parking spaces are proposed, which exceeds the standard and each individual unit has its own cycle parking stores that are covered and secured, which promotes active travel in accordance with LTP4 Policy 8 (Active Travel – cycling). The cycle parking has not made provision for non-standard cycles to accommodate people with mobility impairments. The provision of some cycle charging points is welcomed. A condition is recommended to secure this.

HGV Parking

- 5.7 It is noted that Units A1, A2, B1, B2 and D have been provided with loading bays for 16.5m long articulated lorries. Units C1, C2 and C3 are provide with loading bays for 12.5m long rigid trucks and Units C4, C5, C6 and C7 provide loading bays for 7.5m long box vans. There is sufficient manoeuvring space to accommodate the nominated vehicles for the identified units and the limited size of

loading bays will restrict the use of each of these units. In total, the site can accommodate 19 unrestricted lorries (7.5m – 17.5m) and 21 spaces with a managed system.

Servicing and Delivery Strategy and Refuse Collection

- 5.8 A Framework Delivery and Servicing Management Plan (DSMP) has been submitted in the TSC. A total of 104 two-way HGV trips are anticipated to be generated daily for Units A1, A2, B1, B2 and D as these units have service yards/loading bays. The vehicular routes set out in the DSMP is on the strategic highway network (M11/A120). A condition for a Delivery and Servicing Management Plan is proposed.

Extent of Adoption

- 5.9 The proposed adopted highway continues past the new Local Centre access and has been designed to allow a van to safely turn within the adopted highway. A S38 agreement will secure the works for this stretch of adoptable highway.

Emergency Vehicle Strategy

- 5.10 The swept path analysis of the TCS shows that large vehicles can manoeuvre on site, with a turning head provided adjacent to Unit C4. It is noted that fire engines may have to reverse out of the carriageway of Units C1 – C7.

Construction

- 5.11 A Construction Traffic Management Plan would be required for all phases of construction, including excavation and construction. The safety of the local highway network is required to be taken into consideration given the amount of development occurring on the wider site and it is noted that the outline consent has this condition.

Travel Plan and Contributions

- 5.12 A Travel Plan has been submitted with the application. An agreed Travel Plan is required to be in place prior to first occupation and until 5 years post full occupation. These are set out in the S106 for the outline permission.
- 5.13 Lead Local Flood Authority has not provided comments. The LLFA commented on the outline planning application which provided a drainage strategy for the wider site and there are conditions on the outline permission that are required to be discharged.
- 5.14 EHDC Conservation and Urban Design Advisor raises no objection to the reserved matters application after providing advice at pre-application stage and concerns being addressed.
- 5.15 HCC Growth & Infrastructure Unit is aware of the s106 agreement dated 19 December 2019 and has no further comments.
- 5.16 EHDC Environmental Health Advisor (Contaminated Land / Air Quality) has no comments to make on the reserved matters application as the outline planning permission has relevant conditions covering these matters.
- 5.17 EHDC Environmental Health Advisor (Noise / Nuisance) has not raised any objections and requested a post installation noise assessment to confirm compliance with the Noise Impact Assessment and requested a condition for noise sensitive premises.
- 5.18 Safeguarding Authority for Stansted Airport has assessed the proposal and requests the existing Bird Hazard Management Plan has an addendum or separate specific management plan to ensure the roofs of the buildings are monitored and managed.
- 5.19 Waste and Recycling Advisor requested a condition requiring full details of on-site storage facilities.

- 5.20 EHDC Economic Development Advisor provides comments that the district has a lack of space for growing companies to move into and the layout of the buildings with different sizes provides opportunities for businesses to grow. There are a number of expanding businesses in Bishop's Stortford that will likely move elsewhere if the area can't cater for their future needs.

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

6.0 Town/Parish Council Representations

- 6.1 Thorley Parish Council endorses the objection submitted by C Arnott and highlights that the traffic survey for the employment site at outline stage was for a Business Park not a warehouse development and traffic from the agricultural reservoir was not included, which significantly increases HGV movements. It is not considered the developer has demonstrated the provision of wildlife corridors or an increase in biodiversity and a new Construction and Environmental Management Plan must be developed. The limited layout of planting may provide songbird habitat but not other species. The heights have surpassed the height restrictions and there will impact on residential neighbours due to the residual noise and vibration, air pollution from traffic, 24/7 hours. The main areas of objection include the transport impacts due to an increase in HGVs, the loss of a Business Park and the jobs associated with that use. It is requested that if the reserved matters are approved then hours should be restricted, condition 19 of the outline permission be reviewed and a new s106 be entered into for mitigation measures for the significant increase in HGVs.
- 6.2 Bishop's Stortford Town Council does not object.
- 6.3 Sawbridgeworth Town Council objects on traffic impact grounds as the Transport Compliance Statement (TCS) states that the assessment should be on an Industrial Estate model rather than a Business Park model that the outline application was based. The proposal is considered to be closer to a Distribution Centre and

therefore the TCS should consider this as a Distribution centre and will generate significantly more HGV and commercial vehicle movements. HGV trips will increase from 33 for a Business Park to 104 (208 movements) for an Industrial Estate with 34 trips being in the evening/ overnight and Distribution Centre HGV movements are higher. The noise study shows that vehicles will use Thorley Street and Obrey Way and the impact on residents of Sawbridgeworth will be impacted due to HGVs using the A1184 to and from Junction 7A of the M11. It is requested that if the reserved matters are approved then hours should be restricted, condition 19 of the outline permission reviewed and a new s106 be entered into for mitigation measures for the significant increase in HGVs.

7.0 Summary of Other Representations

7.1 Bishop's Stortford Civic Federation has advised that they have discussed the highways matters at the Steering Group meeting but continue to of the view that the proposal does not comply with the outline consent parameters and is not sustainable development. The main reason for objecting is due to:

- proposal is not a Business Park but for industrial and warehousing with no office-based uses (Use Class E(g)(i))
- a revised assessment of the worst case scenario is required as HGV movements have trebled from 66 to 208, with one third being during night time hours and would have a severe impact on road network
- economic and employment impact due to loss of site as a Business Park and loss of mainly office jobs to mainly industrial jobs and between 50 to 75% fewer jobs
- social and environmental impacts on residential environment, local road network and schools due to HGV impact on air quality and noise

7.2 132 responses have been received objecting to the proposals on the following grounds:

Traffic and roads

- 728 HGVs and 8000 commercial vehicles as well as cars will have a greater impact on amenity, with HGVs using Thorley Street going north and Spellbrook and Sawbridgeworth to the south, passing schools and residential properties. A reduction in traffic generated but an increase in HGVs. Mitigation measures required
- Business Park traffic model used for outline and proposed Industrial Estate model has fewer trips generated but these are HGVs and commercial vehicles. A Distribution Centre model should be used. Concern that the Transport Compliance Statement refers to Hertfordshire Highway Authority agreeing to the Industrial Estate Model
- B8 uses are not appropriate due to traffic and this is the wrong location for such uses, which should be closer to motorway.
- HGV drivers will use shortest route through Bishop's Stortford or Sawbridgeworth
- Increased traffic congestion due to cumulative impact of additional homes and new schools
- Access roads are not suitable for HGVs and M11 junctions are not close to the site
- Further details of Delivery and Servicing Plan requiring HGVs to use A Roads to and from M11 will impact on A1184 through Sawbridgeworth to J7A of M11
- Condition 19 of outline has been discharged. How can exceedance of traffic movements be controlled now?
- ANPR cameras are needed to enforce restrictions on local roads by HGVs
- Highway safety concerns with conflict of road users (HGVs and cyclists/pedestrians)
- Insufficient car parking on site and employees are not likely to cycle/walk
- BS south development didn't consider BS North housing development or impact of M11 junction 7a
- Number of vehicles will be more than the number projected
- With recent M11 temporary closures the number of lorries using local roads had a significant impact on residential amenity

- New schools and housing not at full capacity and not taken into consideration
- Existing traffic congestion and proposal will make it much worse

Loss of Employment Opportunities

- Loss of site as a Business Park and reduction in job creation contrary to Policy DPS1 and BISH5 and the reduction in floor space for employment does not utilise the site.
- Business Park use expected 900 – 1000 jobs and proposal is expected 251 – 466 jobs not the type of development that was expected

Air, Light and Noise Pollution and health impacts

- Additional air pollution from increase in heavy goods vehicles and traffic congestion
- Site near to schools will impact on children
- 24/7 operation proposed and 1/3rd of traffic movements is in the evening. Working hours should be restricted between 11pm and 7am. Not consistent with planning statement of outline as there was no mention of 24/7 operational hours
- Health impacts on children due to HGVs
- Too close to housing and schools with pollution impacts and superficial landscaping. Noise pollution is already bad and proposal will increase noise levels
- No acoustic fencing proposed to the south
- Acoustic fencing is not high enough and does not surround all buildings
- Fumes from HGVs will impact on residential neighbours
- Additional impact on Hockerill junction
- Overnight lighting and noise impacts
- Diesel Fuel Storage areas are not shown on site
- Reverse beeping of lorries

Climate Change and other environmental impacts

- Buildings and layout not enough to deliver Council's commitment to achieve net zero carbon by 2030
- Out of character with area with focus on schools and care home, unsustainable and over-development
- Unsuitable on Green Belt and area should be an open park
- Wider impact on environment
- Wildlife habitats destroyed
- Unsustainable location
- English Oak trees supports more wildlife than any other tree and could be used in the landscaping
- Wildflower list appears to lack suitable nectaring options and tall grasses Southern Country Park have a good range of wildflowers and it would be good to use these species
- Workers will not walk or cycle to/from work
- Proposal nowhere near carbon neutral

Design and Height

- Height is overwhelming, visual impact
- Height of Building D1 is shown as 12.5m on one drawing and 19.5m on another
- Visual impact from London Road/Thorley Street and St James Way is overbearing in height and not in keeping with market town
- Flooding around Thorley has occurred due to loss of open space

7.3 Three (3) comments have been received supporting the proposal on the following grounds:

- Net Zero Carbon Construction through Planet Mark in accordance with GBC framework, EPC A Rating, CIBSE TM54, BREEAM Excellent through construction and operation. These should be secured by planning conditions. However, balance between mitigation measures and offsetting is not sufficient and further commitment is required. Carbon reductions over

Building Regs, and heat pumps proposed, specific carbon targets suggested to be conditioned. More Solar PV should be provided to a 3MW target rather than the 0.5MW proposed

- Change in design welcome with smaller units provided
- Proposed landscaping is encouraging with Elms attracting White Letter hairstreak butterflies

8.0 Consideration of Issues

Principle of development/compliance with hybrid/outline planning permission

- 8.1 The application is for reserved matters following the hybrid/outline planning permission 3/18/2253/OUT (and subsequent variation to this permission ref 3/21/1749/VAR), which included up to 4 hectares of employment land (B1, B2, B8 and Sui Generis (car showroom)). Therefore, the principle of use has already been established under this planning permission, which addresses many objections received. It is now for the local planning authority to determine whether the appearance, landscaping, layout and scale of development proposed are satisfactory and in accordance with the relevant Parameter Plans approved by the hybrid/outline permission. These Parameter Plans include Land Use, Building Heights, Access and Movement and Green Infrastructure.
- 8.2 The Land Use Parameter Plan identifies this reserved matters site for Employment. The hybrid/outline planning permission allowed for a range of employment uses to come forward on site (B1, B2, B8 and Sui Generis (car showroom) in order to allow flexibility and make the site more attractive for investment. The land uses proposed by this reserved matters application are consistent with this range of uses. Regarding the Building Heights Parameter Plan, the heights of the buildings are below the maximum of 13 metres for the western third of the site and 15 metres for the remainder of the site. The site provides pedestrian routes to the west, north and east in accordance with the Access and Movement Parameter Plan and the Masterplan, encouraging other forms of travel with covered cycle parking and changing/shower rooms with lockers. The

periphery landscaping is consistent with the Masterplan and Green Infrastructure Parameter Plan. It should be noted that the majority of the landscaping shown on the drawings sits outside the development site boundary for this reserved matters application but it has been integrated with the landscaping within the site boundary to provide a coherent landscaping proposal. The majority of open space / landscape area on the north, east and southern sides of the employment site is to be completed by Countryside and managed by the Lands Trust in a similar manner to other public areas on the wider site. The Landscape Masterplan (Drawing No. DR-0001 S4-P11) submitted with the application shows the landscaping around the buildings and includes the redline boundary.

- 8.3 The compliance with the hybrid/outline planning permission in regard to the land uses proposed and compliance with the parameter plans and the principles set out in the Masterplan Framework has significant weight.

Appearance, Landscaping, Layout and Scale (the Reserved Matters)

- 8.4 The reserved matters are about the design of the proposal and the 2021 update to the National Planning Policy Framework (NPPF) sets out the Government's requirements for achieving well-designed places. The 2021 changes to the framework further strengthen the requirement for high quality design by the inclusion of "*beautiful and sustainable*" in paragraph 126. The aim of this paragraph is for the creation of better places in which to live and work and development being acceptable to communities. The design and landscape policies in the East Herts District Plan (2018) and Bishop's Stortford Neighbourhood Plan are also relevant and establish policies to inform the design of new development to ensure that high quality, sustainable outcomes are achieved.
- 8.5 The hybrid/outline planning permission does not include a Design Code, but as stated, includes a number of parameter plans and these along with the adopted masterplan and the relevant planning

policies are a consideration in the assessment of the reserved matters.

- 8.6 The proposal includes 12 commercial units located within 5 buildings with each building having dedicated servicing areas, car and cycle parking and access off a central spine road.
- 8.7 Each building has a parapet to provide a clean finish with the buildings with prominent street frontages having an external frame to provide articulation. Unit D is the largest unit in scale and is located on the corner of St James Way and Thorley Street. The building is close to the site boundary with hedging proposed on the eastern and southern sides, supplemented with a mix of single trees and a Coppice fronting Thorley Street to help soften its appearance. The open space that sits outside the red line boundary of this reserved matters application (the subject of a separate reserved matters application) has been designed to complement the on-site landscaping. This adjoining open space is to have a path, amenity grass, hedgerow, coppice, trees and shrubs. Several section drawings of the buildings in relation to the adjoining public open space have been submitted with the application and they show an acceptable relationship between the landscaping and the proposed buildings.
- 8.8 To the north of Unit D, are two smaller buildings, Unit C, having a height of 11m, with a greater set back to Thorley Street frontage. This increased set back, lower height and scale of Unit C addresses the potential impact on the nearby Grade II Thorley Wash Cottage and provides additional areas for landscaping within the development site that will complement the adjoining public open space. The north elevation of Units C4 – C7 is also provided with high level glazing to soften the appearance of this building on the adjoining open space (Drawing No. B047/3295 Rev pl1). The acoustic fencing will also be softened by landscaping. Between the two buildings of Unit C there is a footpath leading from the public path adjacent to Thorley Street into the site. This is consistent with Policy BSS4 of the Neighbourhood Plan as well as the adopted Masterplan. It is acknowledged that Unit D and the southern building of Unit C

are close together but due to the variation in height, footprint and scale, they appear as two separate buildings. The landscaping on site and on the public open space has been carefully planned to soften the appearance of these buildings but also allow views to and from them. The first-floor office elements of these buildings will also create visual interest as well as surveillance of the public open space.

- 8.9 To the west of Unit C4 is a pedestrian access leading to the public landscaping and amenity space adjacent to the sustainable drainage ponds to the north. Due to the gap between Unit C4 and B2, a 4-metre-high acoustic fence is proposed. This is within the site boundary and landscaping is proposed on both the northern and southern side of the wall to soften its appearance. There is also a 2-metre-high acoustic fence to the east of Unit C7, which will have planting to soften its appearance.
- 8.10 Unit B is located on the western side of the employment land adjoining the site for a local centre. The parameter height is 13m for Building B and the local centre. Building B has a maximum height of 11.8m and is proposed to have landscaping on the northern side adjoining the public open space and on the western side adjoining the local centre site. To the south of the building is tree planting along a paved path, which provides the main tree-lined pedestrian access within the site from the western site boundary to Units B with pedestrian crossings to access Units A, C and D. The west elevation of the building containing Units B1 and B2 does not have any openings on the upper level as it is the back of the building and is likely to abut the car parking area of the local centre site. There were limitations on improving this appearance due to the potential uses impacting on the local centre residential dwellings.
- 8.11 Unit A is located on the southern side of the entrance to the employment site and has a height of 12.8m within the height parameter of 13m. This building is set back from the western boundary of the site where landscaping is proposed in accordance with the Green Infrastructure Parameter Plan. Unit A has a service yard to the north of the building for both units A1 and A2 and there

is a separate entrance to Unit A2 in this location. Unit A1 has its office facing west and overlooking the car park for this unit. A CGI provided with the reserved matters application shows the entrance to the site and Unit A1 with landscaping in front.

- 8.12 Whilst it is not considered that the proposed buildings are necessarily “beautiful”, they are modern, functional, and have a good quality finish. The external frames and large windows on the street frontages provide articulation and visual interest to street frontages, particularly on Unit D where the frame wraps around the corner of the building creating a landmark and focal point when arriving in the urban area of Bishop’s Stortford as required by Policy BISH5. The proposals are therefore considered to be acceptable in terms of appearance.
- 8.13 The red line boundary does not include the strategic landscaping around the perimeter of the site (as mentioned above this is the subject of a separate reserved matters application currently under consideration). The proposals demonstrate that the landscaping within the site has been integrated with the landscaping beyond the site boundary to provide a coherent landscaping proposal and provide a soft screen to the development when viewed from the surrounding roads. Tree planting has also been included within the site, for example along the spine road, and planting to help screen service yards and acoustic fencing has also been incorporated into the proposals. The proposals are therefore considered to be acceptable in terms of landscaping.
- 8.14 The Masterplan addresses the need to separate employment related traffic from the site by having the access off the roundabout, this was reflected in the approved parameters plans for the hybrid/outline application. This access lends itself to the provision of spine road through the site providing a dedicated access to each of the 5 proposed buildings with clear separation between parking and servicing areas. The location of the footpaths and cycle routes has been carefully considered to ensure they are legible, safe and link into the wider networks beyond the site boundary. The proposals are therefore considered to be acceptable in terms of layout.

- 8.15 Given the site has been used as farmland until recently, the buildings, in particular Unit D, will appear to be significant in scale, with this building and the other 4 taking up almost 50% of the site. The size of the buildings comply with the approved parameter plans and reflect the functional needs of the uses intended for them. Notwithstanding this and as mentioned above, the articulation of the elevations and the landscaping around the periphery of the site will help to reduce the visual massing of the buildings when viewed from the surrounding roads. The proposals are therefore considered to be acceptable in terms of scale.
- 8.16 The appearance, landscaping, layout and scale of the development is considered to be acceptable and in accordance with the relevant policies, parameter plans and adopted masterplan and indicate that the relevant conditions of the hybrid/outline planning permission can be met.

Highway Impacts

- 8.17 A Transport Compliance Statement has been submitted with the reserved matters application. The hybrid/outline planning application used a Business Park model to assess the trip rates for the employment site and the details of the reserved matters application has used an Industrial Estate model for trip rates. An objection has stated that a Parcel Distribution Centre model should be used instead as the worst-case scenario. The Highway Authority has provided detailed comments, which are set out in 5.1 – 5.12 above, and the authority is satisfied that the comparison between the two models is acceptable as the TRICS definition for Industrial Estate is 'a number of industrial buildings at the same site'. It is not appropriate for a Parcel Distribution Centre to be used as there is more than one building on the site and there are a range of unit sizes, with many of the units being too small for a distribution centre. It is highlighted again that the outline permission did not restrict the land uses of the B classes and therefore the proposal is consistent with the outline permission. The Highway Authority has provided comments on the objections received and confirms that

from a highway perspective the proposal is consistent with the outline permission.

- 8.18 Paragraph 6.33 of the Planning Statement submitted with the reserved matters application states that the units have allowed flexible uses in accordance with the outline permission, but potential occupiers are likely to need some B8 uses within their operation, which is why the Industrial Estate model has been used. The layout of the buildings does not lend themselves to a logistics centre. The reserved matters application has been designed for E(g)(ii), E(g)(iii), B2 and B8 uses in accordance with the outline planning permission that did not restrict these land uses. There is some E(g)(i) ancillary office use in each Unit and how this is used is dependent on the occupiers. The Framework Delivery and Servicing Management Plan (DSMP) submitted with the reserved matters application confirms that HGVs will not travel through Bishop's Stortford but will use the preferred route via St James Way to access the A120 and M11, which is deemed achievable and realistic to the Highway Authority. It is recommended a Full DSMP be conditioned and each occupier will be made aware of the requirements and ensure their suppliers are aware of the routing restrictions and records will be required to be kept by all occupiers and available on request by the local planning authority. This will be set out in the approved DSMP and be included in the lease agreements of all occupiers. If any leaseholders fail to comply with the approved DSMP then this can be resolved by both the landlord/owner and the local planning authority.
- 8.19 The site layout shows how parking will be accommodated within the site. Given the variety of units and users, the parking demand could vary depending on how the units are occupied. Due to the proposed use being for research and development, light industry, general industry and distribution and storage, it is difficult to determine the most appropriate car parking standard to use. The number of spaces was raised at pre-application and it was agreed that the Council's car parking standards would result in an over-provision of spaces and that other similar developments could be used as a guide. The number of spaces required, with a zone discount of 25%,

could range from 167 spaces for B8 uses to 314 spaces for Business Parks. It is considered that the provision of 173 car parking spaces and 74 cycle parking spaces is acceptable given the additional bus services available, the potential shift work and the emphasis for more sustainable forms of travel. The parking demand will also be managed through a Travel Plan, which is a requirement of the hybrid/outline planning permission. Details have been submitted showing turning for parking, as well as turning arrangements for larger vehicles, which are considered to be satisfactory.

- 8.20 In regard to the cumulative impact, the proposed reserved matters do not require a new traffic assessment and the road infrastructure providing access into the site, approved in full as part of the hybrid/outline permission, is fit for purpose. In addition, the Highway Authority is satisfied with the sustainable transport measures for the site with the additional footways and cycleways.
- 8.21 The proposed units each have a refuse storage area sitting within its curtilage and the larger units have facilities for cyclists and pedestrians to shower and change at work, which will encourage workers to travel to and from work via sustainable forms of travel consistent with Policy BISH5 of the District Plan and BSS4 of the Neighbourhood Plan.

Impact on Amenity

- 8.22 As previously stated, the outline planning permission did not restrict operating hours or the floor space for any of the land uses and this cannot be controlled as part of the reserved matters application. Many of the objections received related to these matters and are not a consideration of the reserved matters. The hybrid/outline permission included conditions about noise from plant and machinery and for new dwellings to be designed to take account of external noise sources. Notwithstanding this, the applicant has identified there may be an impact on Thorley Wash Cottage and has proposed a 4m high acoustic fence along the northern boundary of the site and a 2m high fence east of Unit C7. These acoustic fences are proposed to have suitable plants attached to them to soften

their appearance. With the acoustic treatment, the Noise Assessment submitted with the reserved matters application concludes that it is unlikely that there will be significant adverse noise impacts. The environmental health officer has also requested a condition requiring an assessment after implementation. This is considered reasonable so that the local authority can be satisfied that there is no statutory noise nuisance on nearby neighbours.

- 8.23 The details of the reserved matters do not raise any issues of impact on privacy or sense of enclosure, increased crime or loss of light due to the design and distance from the nearby residential properties. There will not be any HGVs that would travel past the new schools on site due to the through road being restricted to bus use only and the routing plan requires HGVs to travel on the A120 rather than through the centre of Bishop's Stortford.

Energy and Sustainability

- 8.24 The application is for reserved matters and therefore there was no requirement for the application to include details on energy and sustainability as this requirement will be addressed separately through condition 31 of the outline planning permission. There is also condition 28 requiring details of electric vehicle charging points. Notwithstanding, an energy strategy has been submitted with the reserved matters details to show compliance with condition 31 and 28 and how the proposal will exceed the requirements of the Building Regulations.
- 8.25 Charging points for electric vehicles and cycles are proposed within the development with 20% active and 80% passive, it is proposed for the buildings to be Net Zero Construction with carbon reductions above the Building Regulations and the buildings are to be BREEAM Excellent. The roofs of buildings A, B, C and D all show photovoltaic solar panels, but the exact number has not been detailed as this will be required when an application to discharge condition 31 is submitted. A condition is proposed to ensure compliance with the submitted Energy Strategy.

Heritage matters

- 8.26 The site is in close proximity to a number of heritage assets, namely Thorley Wash Cottage (Grade II listed) located to the east of the site, Elm Trees (Grade II) located further north and Thorley Wash Grange (Grade II) located to the south. These were identified in the Heritage Statement submitted in support of the application. The impact of the proposals on the setting of these buildings is a material consideration.
- 8.27 The Council's Conservation and urban design officer has reviewed the proposals and does not consider that the proposals would give rise to an unacceptable level of harm on Elm Trees and Thorley Wash Grange given the separation distances from the development site.
- 8.28 Thorley Wash Cottage is closer in proximity and the proposals would have impact on its setting. The proposals were amended following the withdrawn application to ensure an appropriate relationship with the Cottage is achieved (i.e. reducing building heights and moving them further way from the eastern boundary). Officers are satisfied that the harm would be less than substantial and outweighed by the employment benefits of the development and therefore the proposals are considered to be acceptable on heritage grounds.

Other Matters

- 8.29 In regard to the reduction of job creation, Policy DPS1 (b) provides the Council's aim for maximising jobs growth by making provision for 19 - 20 hectares of B1, B2 and B8 uses for the whole district and Policy BISH5 identifies 4 - 5 hectares of new employment land. The outline planning permission did not condition the amount of floor space for the employment site but it is noted that 21,000sqm was used in the outline application. The proposed floor space for the reserved matters application is 16,770sqm and the number of jobs created is likely to be between 251 and 466. The objections refer to a loss of jobs based on the hybrid/outline planning application,

which referred to 971 jobs for the whole site not just the employment site. The adopted masterplan and outline planning permission identified the site and approved up to 4ha of B1, B2, B8 and car showroom and the reserved matters application meet these requirements. It is also worth noting that the applicants have agreed to submit a Local Employment and Skills Plan (to be secured through condition) to help ensure that jobs at both the construction and end user phase are prioritised for local people.

- 8.30 The hybrid/outline application included a flood risk and drainage strategy and a number of conditions required further details to be submitted. These conditions applied to the wider site as well as each reserved matters development parcels. The relevant conditions for drainage for reserved matters parcels are Conditions 51 and 53. Condition 51 requires details of how drainage of the site will meet the requirements of the strategic drainage system. This includes the outfall rates and discharge rates assigned for each parcel as set out in the approved detailed drainage strategy. Condition 53 requires details of a Management and Maintenance Plan for the SuDS features and drainage network. The reserved matters assessment does not include any discharge of conditions and therefore these conditions are required to be discharged separately. In a similar manner to the appointment of the landscape architect, the applicant has appointed the drainage engineers who designed the SuDS for the wider site and therefore officers are content that the layout and other reserved matters are unlikely to result in the approved drainage strategy not being followed and that details for the site required by condition 51 can be met.

9.0 Planning Balance and Conclusion

- 9.1 The adopted masterplan identifies the site for employment and the outline planning permission permits B1 (now E(g)(i), E(g)(ii) and E(g)(iii)) B2, B8 and Sui Generis (car showroom) uses. The proposal does include office use E(g)(i) but this is ancillary to the other uses. The Parameter Plans and Masterplan have been a consideration in these reserved matters application and have been met along with

the proposal meeting the policy requirements of the District Plan and Neighbourhood Plan.

- 9.2 The proposal will help deliver a range of new employment buildings within the district in accordance with the hybrid/outline planning permission and Policies BISH5 and DPS1.
- 9.3 The proposed layout, appearance, scale and landscaping of the development is acceptable and provides for a series of well orientated buildings which respond well to their context and surroundings. The appearance of the buildings is acceptable and akin to similar contemporary employment schemes.
- 9.4 Whilst the strategic periphery landscaping is not part of this reserved matters application, it is integral to the setting of the buildings and therefore a condition is proposed requiring the landscaping to be undertaken within the first planting season of the practical completion of the development.

RECOMMENDATION

That reserved matters be agreed subject to the conditions relating to the reserved matters set out below.

Conditions

1. No development shall commence until full details (in the form of scaled plans) have been submitted to and approved in writing by the Local Planning Authority to illustrate the roads and footways, ensuring dropped kerbs and tactile pavings are provided either side of the Local Centre access and all other access points to ensure the development facilitates pedestrian movements throughout the site.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

2. Prior to the first occupation of the development, full details of the on-site storage facilities for commercial waste, including provision for recycling/organic waste shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, or any other means of storage will be stationed and the specific arrangements to enable collection. The approved facilities shall be provided prior to the commencement of the use hereby permitted and shall be retained thereafter unless alternative arrangements are agreed in writing by the local planning authority.

Reason: To protect the amenities of nearby residents/occupiers and in the interests of visual amenity, source segregation of waste in accordance with pre-treatment regulations.

3. All landscaping in accordance with the approved plans and the adjoining strategic landscaping, in accordance with the Green Infrastructure Parameter Plan of 3/21/1749/VAR, shall be completed / planted during the first planting season following practical completion of the development. The development shall be carried out in accordance with the details approved.

Reason: To ensure the landscaping outside the site boundary is fully integrated with the development of the site in accordance with the submitted plans and supporting information.

4. Prior to occupation of the first unit hereby approved, a Servicing and Delivery Plan shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

The Servicing and Delivery Plan shall contain details of:

- the delivery and servicing arrangements (including refuse storage and collection) for the proposed units,
- areas within the development site that will be used for loading and manoeuvring of delivery and servicing vehicles,
- access to / from the site for delivery and servicing vehicles,

- the HGV routing register to be kept by all occupiers to evidence that HGVs visiting the site have travelled via St James Way when travelling to and from the A120 and M11 (unless otherwise making a delivery to the town itself),
- how the landowner will communicate the provisions and responsibilities of the Servicing and Delivery Plan to future occupiers to ensure they are adhered to in perpetuity.

Reason: In the interests of maintaining highway efficiency and safety; in accordance with Policies 5 and 16 of Hertfordshire's Local Transport Plan (adopted 2018).

4. A post installation noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the Sweco UK Ltd Noise Impact Assessment (Document Reference: 65202380-SWE-ZZ-XX-RP-YA-0001 Revision: C09 dated 21/02/2022) submitted in support of this reserved matters application for the E(g)(ii), E(g)(iii), B2 and B8 uses and additional steps to mitigate noise shall be taken, as necessary. The assessment shall be made in accordance with 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 equipment operating together at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

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.

5. The development hereby approved shall be carried out in accordance with the Energy Strategy prepared by mba Consulting Engineers and within 6 months of post construction Certification of the following shall be submitted to the local planning authority:

- Net Zero Carbon construction in accordance with UKGBC framework
- Energy Performance Certificate A
- BREEAM Excellent
- The Planet Mark

Reason: To ensure compliance with submitted energy strategy and Policies DES4, CC1 and CC2 of East Herts District Plan 2018 and Policy CC4 of the Bishop's Stortford – All Saints, Central, South and Part of Thorley Neighbourhood Plan (1st Revision) 2021 – 2033.

6. Prior to commencement of development, a Local Construction Employment and Skills Plan (LESP) shall be submitted to the Local Planning Authority for approval. The LESP shall set out the package of measures to be adopted by the contractor to facilitate the employment of local labour and priority employment groups during the construction phase, and support provision for apprenticeships and other employment training opportunities and initiatives for local residents. As a minimum the LESP shall include:

- A forecast of all jobs, apprenticeships and other training opportunities that may arise from the development during the construction;
- How the contractor intends to ensure that local residents are given priority and able to benefit directly from the employment and training opportunities identified;
- How this will be monitored and reported back to the Local Planning Authority to demonstrate the requirements of this commitment have been met and that the outcomes can be monitored.

Following approval of the LCESP the relevant party will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure the objectives are met during the entire construction period.

Reason: To ensure the development will contribute to local employment as set out in Policy ED1 of the East Herts District Plan 2018.

7. Prior to first occupation, a Local Employment and Skills Plan (LESP) shall be submitted to the Local Planning Authority for approval. The LESP shall set out the package of measures to be adopted by the occupier of each hereby approved unit to facilitate the employment of local labour and priority employment groups during the operational phase, and support provision for apprenticeships and other employment training opportunities and initiatives for local residents. As a minimum the LESP shall include:

- A forecast of all jobs, apprenticeships and other training opportunities that may arise from the development;
- How the occupiers intend to ensure that local residents are given priority and able to benefit directly from the employment and training opportunities identified;

- How this will be monitored and reported back to the Local Planning Authority to demonstrate the requirements of this commitment have been met and that the outcomes can be monitored.

Following approval of the LESP the occupier of each unit will implement and where necessary procure implementation and promote the objectives of the approved plan and ensure the objectives are met during their occupation.

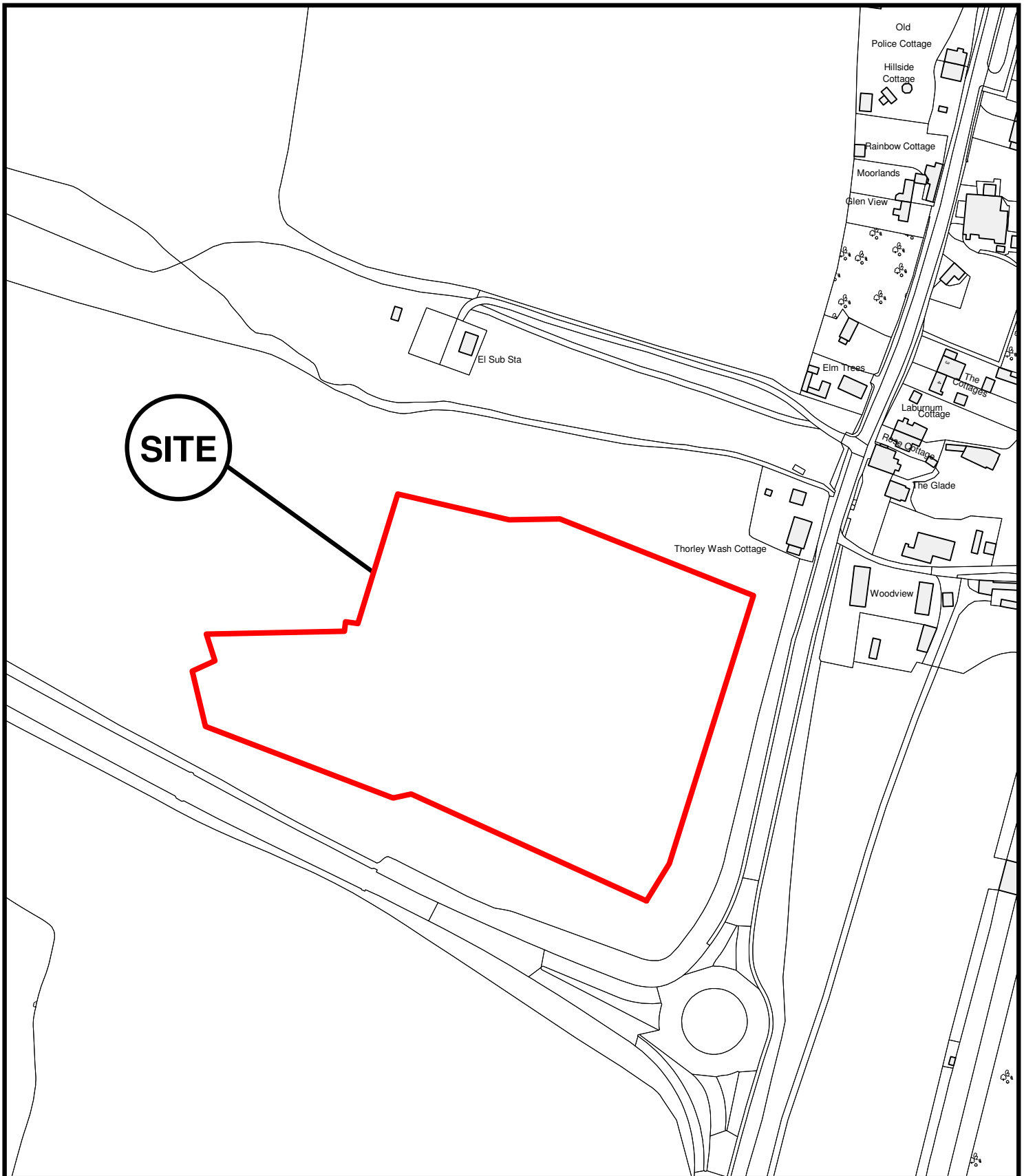
Reason: To ensure the development will contribute to local employment as set out in Policy ED1 of the East Herts District Plan 2018.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no change of use away from those named in the description of development or erection of boundary treatments/fencing/walls shall take place without the prior written approval of the Local Planning Authority to whom a planning application must be made.

Reason: To ensure the site is retained as an employment site and the external appearance is not impacted by additional fencing in accordance with Policy ED1 and DES4 of East Herts District Plan 2018.

Informatives

1. This decision notice should be read with the outline planning permission dated 20th December 2019; reference 3/18/2253/OUT and subsequent variations you are reminded that the conditions attached to that permission apply to this development.
2. Other legislation (01OL1)
3. Standard Highway informatives
4. Justification – Grant (JG4)



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

Address: Land At Bishops Stortford South (BISH5), Off Whittington Way
Bishops Stortford, Hertfordshire

Reference: 3/22/0510/REM

Scale: 1:2500

O.S Sheet: TL4818

Date of Print: 1 August 2022

Agenda Item 6

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

Application Number	3/20/0971/HH
Decsn	Refused
Level of Decision	Delegated
Address	MyInefieldHillside LaneGreat AmwellHertfordshireSG12 9SE
Appellant	MR And MRS D TOWNSEND
Proposal	Demolition of canopy, erection of orangey and replacement of window for door
Appeal Decision	Allowed

Application Number	3/20/0972/LBC
Decsn	Refused
Level of Decision	Delegated
Address	MyInefieldHillside LaneGreat AmwellHertfordshireSG12 9SE
Appellant	Mr And Mrs D Townsend
Proposal	Demolition of canopy, erection of orangey and replacement of window for door
Appeal Decision	Allowed

Application Number	3/20/2112/FUL
Decsn	Refused
Level of Decision	Delegated
Address	The Farmers Boy Public House 1 Brickendon LaneBrickendonSG13 8NU
Appellant	Mr Brummitt
Proposal	Retention of free standing rear covered seating area.
Appeal Decision	Dismissed

Background Papers
Correspondence at Essential Reference Paper 'A'

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



Appeal Decisions

Site visit made on 15 June 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2022

Appeal A Ref: APP/J1915/W/21/3277449

Mylnefield, Hillside Lane, Great Amwell SG12 9SE

- 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 & Mrs D Townsend against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0971/HH, dated 22 May 2020, was refused by notice dated 8 April 2021.
 - The development proposed is canopy removal, new orangery and revised sitting room external door.
-

Appeal B Ref: APP/J1915/Y/21/3277447

Mylnefield, Hillside Lane, Great Amwell SG12 9SE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs D Townsend against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/0972/LBC, dated 22 May 2020, was refused by notice dated 8 April 2021.
 - The works proposed are canopy removal, new orangery and revised sitting room external door.
-

Decision

Appeal A

1. The appeal is allowed and planning permission is granted for removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates at Mylnefield, Hillside Lane, Great Amwell SG12 9SE, in accordance with the terms of the application, Ref 3/20/0971/HH, dated 22 May 2020, subject to the attached schedule of conditions.

Appeal B

2. The appeal is allowed and listed building consent is granted for removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates at Mylnefield, Hillside Lane, Great Amwell, SG12 9SE in accordance with the terms of the application Ref 3/20/0972/LBC dated 22 May 2020 and the plans submitted with it, subject to the attached schedule of conditions.

Procedural Matters

3. The description contained in the banner headings above, which is taken from the Application Form does not include reference to the proposed wall, piers and

gates shown on the application drawings. There is also no reference to it on the Decision Notices or Appeal Forms. I therefore wrote to the main parties and suggested an alternative description: 'removal of canopy and replacement with an orangery; replacement of existing sitting room windows with a door and windows to either side; and erection of wall, piers and gates'. This more accurately reflects the scheme that the Council consulted on, so I am satisfied that no interested party would be prejudiced by its use in the appeals.

4. The two appeals concern the same scheme under different, complementary legislation, so I have dealt with both appeals together in my reasoning.
5. The National Planning Policy Framework was revised on 20 July 2021 (the Framework). The main parties have had the opportunity to comment upon the relevance of any of its revised content and I have had regard to any responses received in my decision.
6. The appeal site is situated within the Green Belt. The Council has not raised concerns in its refusal reasons to the inappropriateness of the development or any effect on openness. I have therefore determined the appeal on this basis and dealt solely with the matters that are in contention in the main issue.

Main Issue

7. The Decision Notices do not identify the Council's specific areas of concern with the proposal, but the Officer Reports are clear that this is directed at the lantern on the roof of the proposed orangery. The main issue is therefore whether the proposed orangery would preserve the Grade II listed building, known as Mylnefield, and any features of special historic interest that it possesses.

Reasons

Special Interest

8. The appeals concern a fine two-storey detached house, which is Grade II listed. It is constructed of grey brick and its hipped slate roof is articulated with prominent overhanging eaves incorporating wide plastered soffits. The windows of the front façade are finely detailed sashes within canted bays either side of an elegant central stucco porch at ground floor, and which rise to the eaves at first floor. The windows to the southwest elevation are similarly detailed.
9. The listing description points to the origins of the house being the early 19th Century but the evidence prepared by the appellants suggests it is more likely to date from the 1860s-70s. In particular, the historic map of 1859 appears to show a much smaller house within the site, which is likely to have been enlarged in size some time thereafter. The extent of involvement of the prominent engineer, Robert Mylne, in its construction is also uncertain given that he died in 1811 and the ownership of land did not change to the Mylne family until the second half of the century.
10. While the early mapping presented may not be as accurate as shown in other later maps before me, the Council has produced no substantive evidence of its own to challenge the appellants' evidence, which demonstrates that the current house may have been constructed in the second half of the 19th Century, and therefore within the Victorian era.

11. It is clear that the current house has been altered over time, the most notable alterations being the addition of a further bay to the north end of the house, most likely in the 1970s; and through changes to the canopy to the southern end, dating from after 2010. The latter is of a simple and pleasant form, but of limited significance as its flank wall is poorly tied into the house.
12. Despite modern alterations, as far as it is relevant to the appeal before me, the significance of the listed building lies in its architectural and historic interest as a fine example of a 19th Century house. In particular, elaborate timber detailing is found in its fenestration.

Effect of the Proposed Orangery

13. The proposed orangery would be constructed on a brick base with painted timber framing, panelling, cornices, windows, and doors. The cornice would extend into a parapet with an aluminium capping above a solid roof and the raised glass lantern to its centre. This would project slightly above the parapet.
14. The size and scale of the proposed orangery, including the extent of its projection from the southwest façade would respect the proportions of the listed building and not detract from it. Moreover, the nature and extent of detailing employed in its construction would follow the principles of joinery found in the fenestration of the house. The removal of the flank wall of the canopy and its step inward of the corner of the house would also enable the existing brickwork from the canopy to be toothed out and the external house wall to be repaired. As I alluded to in establishing the main issue, the Council also did not raise any concerns in respect of any of these matters.
15. The intended use of the proposed orangery would not be in its purest form, to house orange or citrus trees or grow other exotic plants, but it is certainly designed as one, which is not disputed by the Council. The presence of a roof lantern would therefore not be out of context with the proposal or the existing house. The appellant has also provided convincing evidence of larger panes of glass and supporting glazing bars being used in earlier 19th Century buildings. Given the evidence before of the origins of the current house, the inclusion of the lantern and its larger panels of glass, associated with Victorian architecture, would not be harmful to the special interest of the listed building.
16. In light of the above, I conclude that the proposed orangery would preserve the Grade II listed building, and the features of special historic interest that it possesses. This would satisfy the requirements of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and would not conflict with the design and heritage aims of Policies DES4, HA1, HA7 and HOU11 of the East Herts District Plan 2018 (DP) and Section 16 of the Framework.

Other Matters

17. The appeal proposal also includes two further aspects, namely replacement of existing windows on the southwest façade, which serve the sitting room, with a central door and side windows; and one-metre-high wall, piers, and gates.
18. The proposed door and windows would replace a tripartite arrangement of windows beneath an existing fanlight, which would be retained. The appellants' Heritage Statement demonstrates that this was an earlier replacement of a canted bay window similar to those at the front. The lowering of the opening to

accommodate the windows and door would restore a previous opening so there would not be a loss of historic fabric, and their form and appearance would respect the proportions and detailing of existing fenestration.

19. The wall, piers, and gates would join to the southeast corner of the house and extend outwards in the same direction, like the existing wall to the southwest corner. They would all be relatively modest in scale and positioned clear of the front façade of the listed building, so it would not be disturbed. Views from and into the garden would also continue to be available over them.
20. Both aspects of the proposal would therefore preserve the special interest of the listed building and accord with the design and heritage aims of the aforementioned design and heritage policies and the requirements of the Act. I note that the Council did not object to either aspect of the proposal.
21. The appeal property is also situated within the Great Amwell Conservation Area (CA), so I have had regard to Section 72(1) of the Act. This requires special attention be given to the desirability of preserving or enhancing the character or appearance of the CA. The listed building is a relatively high-status building and makes an important contribution to the significance of the CA. However, given that the proposal relates to works to the southern side of the property and there would be limited visibility of them from public areas. Hence, they would preserve the character and appearance of the CA and its significance, as required by the Act and heritage policies of the Framework and DP.

Conditions

22. In addition to the standard time limits for both appeals, in the interests of clarity I have specified the approved plans in Appeal A. This is unnecessary in the listed building consent appeal, as the decision incorporates the plans. Furthermore, in the interests of preserving the special interest of the listed building, conditions for the specifications and samples of materials are necessary, including for the proposed doors, fenestration and making good of the existing house. I have therefore merged the requirements of the conditions suggested by the Council to one overarching condition for materials, except that which relates to the use of cast iron for rainwater goods.
23. The appellant has undertaken a Preliminary Roost Assessment in order to assess the potential for bats within the house. This found potential roosting features and access points to have low potential for roosting bats. The Officer Report suggested a condition would be required to secure a follow-up dusk emergence / dawn re-entry survey. However, the proposal does not affect the loft or roof of the house and there is no indication it would affect bats, so a condition of this nature would not be reasonable or necessary.

Conclusion

24. For the reasons given above, I conclude that both of the appeals should be allowed.

Paul Thompson

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/J1915/W/21/3277449

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX02 B, OS-2, PL10 D and PL11 E.
- 3) Specifications and samples of the materials to be used in the construction of the external surfaces of the development hereby granted, including 1:20 scaled drawings of the fenestration and doors, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.
- 4) All new or replacement rainwater goods shall be in black painted cast iron.

Appeal B Ref: APP/J1915/Y/21/3277447

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) Specifications and samples of the materials to be used in the construction of the external surfaces of the works hereby granted, including 1:20 scaled drawings of the fenestration and doors and materials for making good of the existing house, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The works shall thereafter be carried out in accordance with the approved specifications/samples.
- 3) All new or replacement rainwater goods shall be in black painted cast iron.

End of Schedules



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: 1st June 2022

Appeal Ref: APP/J1915/W/21/3283368

The Farmers Boy Public House, 1 Brickendon Lane, Brickendon SG13 8NU

- 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 Brummitt against the decision of East Hertfordshire District Council.
 - The application Ref 3/20/2112/FUL, dated 22 October 2020, was refused by notice dated 22 March 2021.
 - The development proposed is described as retention of rear covered seating area.
-

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.

Preliminary Matter

3. The rear covered seating area has already been constructed and appears to accord with the plans before me, therefore I have considered the appeal on this basis.

Main Issues

4. The appeal site is within the Green Belt and the Brickendon Conservation Area (CA), and so the main issues are:
 - whether the development is inappropriate development for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
 - the effect of the development on the openness of the Green Belt;
 - the effect of the development on the character and appearance of the existing building and street scene;
 - whether the development preserves or enhances the character or appearance of the CA; and
 - if the development 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 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, 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 Hertfordshire District Plan (October 2018) (EHDP) states that planning applications in the Green Belt should be considered in line with national policy. Neither this policy nor the Framework define 'disproportionate'.
7. The appeal property is a detached two-storey public house that has previously had planning permission for several side and rear extensions. On site I saw that there were single storey additions to the rear of the two-storey main building as well as various outbuildings. While neither main party has quantified these additions, the evidence before me is that the original building had already been substantially extended prior to the erection of the development subject of this appeal.
8. The covered seating area to the rear is another single-storey extension and has substantially increased the floorspace and footprint of the property. The Council has calculated the increase to be approximately 114 square metres, and the appellant has not disputed this figure.
9. Size is more than a function of floorspace and volume and can include bulk, mass and height. The covered seating area on its own, although it is partly screened by the existing boundary treatment, has nevertheless considerably increased the bulk, mass and volume of built development to the rear of the original building and appears as a further significant addition to it. Consequently, both individually and together with the previous extensions, it amounts to a disproportionate addition over and above the size of the original building. The development is therefore inappropriate development which is, by definition, harmful to the Green Belt.

Openness

10. 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.¹
11. The proposed extension has increased the bulk and massing of the building and has therefore resulted in a reduction in the openness of the Green Belt in spatial terms. However, given the backdrop of the surrounding residential buildings and existing fencing and hedging to the boundaries of the site, the resulting visual impact on openness is limited, as is the overall harm in this

¹ Planning Practice Guidance, Paragraph: 001 Reference ID: 64-001-20190722

respect. 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.

Character and Appearance

12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
13. The public house is an historic building located in a prominent position at the junction of Brickendon Lane and Fanshaws Lane. The building is finished with brick at the ground floor level, render to the first floor and a slate roof, and includes traditional features such as sash windows and chimneys. The properties in the CA are of a range of ages and designs and are finished with a mix of brick and render to the walls, although a couple of properties also include white timber, and slate or tile roofs. Overall, the Farmers Boy complements the design and materials of the street scene and contributes positively to the character and appearance of the Conservation Area and wider village.
14. The covered seating area has been constructed with plain timber and corrugated metal walls and a roof made from plastic panels. Overall, this gives the appearance of a lightweight temporary structure. Although partially screened by the existing boundary treatment, this appearance jars with the design and materials of the existing building and those in the wider street scene and CA. The development is not therefore sympathetic to its surroundings and fails to respect local distinctiveness. Consequently, the covered seating area detracts from the character and appearance of the existing building and street scene and fails to preserve or enhance the character or appearance of the CA.
15. The harm would be localised and therefore, in the context of the approach in the Framework, the harm to the significance of the CA as a whole would be less than substantial. Nevertheless, it is a matter of considerable weight and importance. In such circumstances, the Framework provides that the harm should be weighed against the public benefits of the proposal.
16. The public house has been designated as an Asset of Community Value. The development provides more covered space for customers and was originally constructed to help keep the public house open and viable during the period of temporary restrictions, particularly social distancing, that were in force for the Covid-19 pandemic. However, while at the time of submitting the appeal in September 2021 the appellant advises that many customers were still distancing, it has not been demonstrated that this has continued now that all legal restrictions have been lifted. Also, the proposal is for the permanent retention of the covered area and therefore would outlast any temporary restrictions. If new restrictions were imposed in future other options exist for public houses to create covered areas through other types of structure.
17. While I appreciate the appellant's efforts to keep the pub operating, and staff employed, during the pandemic, it appears that the business has been operating for some time since the temporary restrictions have been removed. There is however no detailed viability information or other substantive evidence before me to demonstrate that the business would be unsustainable without

the covered area, or that the community facility and related employment would be at risk if the appeal were dismissed.

18. For these reasons, I attach limited weight to these matters as public benefits of the proposal, and they do not outweigh the harm identified to the CA, to which I afford considerable weight.
19. Accordingly, the development conflicts with EHDP policy DES4, which requires development to be of a high design standard that promotes local distinctiveness. While EHDP Policies VILL2 and CFLR7 are both permissive of community facilities in principle, the design issues and Green Belt harm set out above mean that there is also conflict with these policies.

Other Considerations

20. The appellant states that the provision of covered outdoors areas is reasonably expected as a result of the restrictions imposed for the Covid-19 pandemic. I am mindful of the difficulties the pandemic has brought for the hospitality sector. However, the legal restrictions have now been removed and since the time of the application the situation has changed markedly. Consequently, the circumstances created by the pandemic do not outweigh the harm that has been identified. There is no evidence of any attempt to consider alternatives, provide a more sympathetic solution or to discuss any requirements with the Council before work was completed or since.
21. I acknowledge the public and Parish Council support for the business, however for the reasons set out above the situation has materially changed, and in the absence of substantive evidence that the valued community facility would be at risk, this does not alter my conclusion on the weight to be given to that matter, or the harm that would be caused.

Whether very special circumstances exist

22. The proposed extension would cause harm to the Green Belt by way of inappropriateness and reduction in openness, to which I afford substantial weight.
23. 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 development do not exist.

Conclusion and Recommendation

24. Accordingly, the proposal would conflict with EHDP 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

Inspector's Decision

25. 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 JUNE 2022
 Head of Planning and Building Control

Refval	Proposal	Address	Decsn	Daplstart	Appealproc
3/21/0544/FUL	Demolition of 2 agricultural barns and removal of covered horse exerciser. Erection of a residential dwelling, stables/tack room and garage.	Holbrook FarmBenington RoadAstonStevenage SG2 7EA	Refused Delegated	15/06/2022	Written Representation
3/21/0689/OUT	Construction of 4 bedroom detached house (outline planning application)	The Old Orchard Old Hertingfordbury RoadHertford	Refused Delegated	15/06/2022	Written Representation
3/21/1575/FUL	Construction of a one bedroom dwelling and new vehicle access on to Fanshaws Lane.	Land Between 8 And 10 Fanshaws LaneBrickendon	Refused Delegated	15/06/2022	Written Representation
3/21/1986/FUL	Roof extension, single storey rear extension, increased porch width and alterations to fenestration. Construction of an attached 2 bedroom residential dwelling with off street parking. Extension of dropped kerb.	30 Queens CrescentBishops Stortford CM23 3RR	Refused Delegated	07/06/2022	Written Representation
3/21/2342/FUL	Demolition of outbuildings and erection of 1, 3 bedroomed dwelling, landscaping and associated works	Land At ColvinsParsonage LaneSawbridgeworth CM21 0ND	Non Determination	22/06/2022	Written Representation
3/21/2352/FUL	Demolition of outbuildings and stable block. Construction of 2 semi-detached, self-build residential dwellings, new access, associated parking, private amenity space, refuse collection and associated hard and soft landscape.	Home FarmWyddial RoadWyddialBuntingford SG9 0SA	Refused Delegated	08/06/2022	Written Representation
3/21/3073/HH	Erection of single storey detached double garage.	4 The OrchardTonwellWare SG12 0HR	Refused Delegated	21/06/2022	Fast Track
3/22/0171/HH	Construction of 3 crown roof dormers. Insertion of 4 roof light windows to side elevations.	47 Cambridge RoadSawbridgeworth CM21 9JP	Refused Delegated	21/06/2022	Fast Track
3/22/0300/HH	Single storey rear extension, first floor side extension, partial garage conversion and 1 new ground floor side window opening.	7 Ellison CloseHunsdon SG12 8FG	Refused Delegated	24/06/2022	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 Farm Cambridge Road Sawbridgeworth CM21 9BZ	Retention of agricultural dwelling for use by owner of land; erection of balcony and access bridge; extension of existing roof and provision of rain screen to stair to agricultural store in basement.	INPROG	Hearing	TBA
3/20/0177/FUL	Eilis Edmonds	Wheelwrights Farm Rowney Lane Dane End Ware 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 Lane Bury Green Little Hadham Ware SG11 2ED	Change of use of land to a four pitch Gypsy/Traveller site comprising the siting of 4 Mobile Homes, 4 Touring Caravans, and the erection of 4 dayroom buildings, and the formation of an internal track and hardstandings. Installation of bio disc septic tank.	INPROG	Public Inquiry	Adjourned
3/20/1119/FUL	Rachael Collard	Wheelwrights Farm Rowney Lane Dane End Ware SG12 0JY	Construction of manège and access track.	INPROG	Hearing	TBA
3/20/2139/FUL	Eilis Edmonds	Plot 64 Land Opposite Mill View Hare Street Buntingford 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 Meadow London Road Spellbrook Hertfordshire	Erection of 7 dwellings, associated vehicular access, landscaping and infrastructure.	INPROG	Hearing	09/08/2022
X/20/0177/CND	Eilis Edmonds	Land Off Chapel Lane Little Hadham	Discharge appeal conditions 5 (site development scheme) and 6 (landscape maintenance scheme) attached to 3/19/0893/FUL	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	616									

<i>Percentage achieved against Local and National Targets</i>	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Major %	-	67%	67%									
Minor %	75%	65%	64%									
Other %	85%	85%	83%									

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

Appeals	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Jan-23	Feb-23	Mar-23
Total number of appeal decisions (Monthly)	4	2	2									
Number Allowed against our refusal (Monthly)	1	1	1									

Total number of appeal decisions (Cumulative)	4	6	8									
Number Allowed against our refusal (Cumulative)	1	2	3									

10/08/22

AGENDA ITEM NO. 6D