



MEETING : DEVELOPMENT MANAGEMENT COMMITTEE
VENUE : COUNCIL CHAMBER, WALLFIELDS, HERTFORD
DATE : WEDNESDAY 10 APRIL 2024
TIME : 7.00 PM

PLEASE NOTE TIME AND VENUE

This meeting will be live streamed on the Council's Youtube page:
<https://www.youtube.com/user/EastHertsDistrict>

MEMBERS OF THE COMMITTEE

Councillor Y Estop (Chairman)

Councillors R Buckmaster, V Burt, R Carter, S Copley, I Devonshire,
J Dunlop, G Hill, A Holt, S Marlow, T Stowe and S Watson (Vice-Chairman)

Substitutes

Conservative Group: Councillors S Bull and T Deffley

Green: Councillors M Connolly and V Smith

Liberal Democrat: Councillor M Adams

(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 discussion of the matter at the meeting;
- must not participate in any vote taken on the matter at the meeting;
- must disclose the interest to the meeting, whether registered or not, subject to the provisions of section 32 of the Localism Act 2011:

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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 - 7 February 2024 (Pages 5 - 9)

To confirm the Minutes of the meeting of the Committee held on Wednesday 7 February 2024.

5. Planning Applications for Consideration by the Committee (Pages 10 - 12)

(A) 3/19/0790/OUT - Outline Application for up to 342 residential dwellings (of a range of size and type) together with associated access, parking, public open space and amenity space. Access and Scale to be determined (Layout, Appearance and Landscaping reserved for future determination) at (HERT3) Archers Spring, Land North Of Welwyn Road, Hertford_(Pages 13 - 132)

(B) 3/23/0681/FUL- Change of use of land and the erection of 9 dwellings, with associated landscaping, vehicular access and parking at Land at Thorley House, Thorley Street, Thorley, Bishop's Stortford_(Pages 133 - 165)

Recommended for Approval

6. Items for Reporting and Noting (Pages 166 - 252)

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

(B) Planning Appeals Lodged.

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

(D) Planning Statistics.

7. Urgent Business

To consider such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration and is not likely to involve the disclosure of exempt information.

MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD IN THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON WEDNESDAY 7
FEBRUARY 2024, AT 7.00 PM

PRESENT: Councillor Y Estop (Chairman)
Councillors R Buckmaster, V Burt, R Carter,
S Copley, I Devonshire, J Dunlop, G Hill,
A Holt, S Marlow, T Stowe and S Watson

ALSO PRESENT:

Councillors E Buckmaster and V Glover-Ward

OFFICERS IN ATTENDANCE:

Neil Button	- Team Leader (Strategic Applications - Development Management)
Jade Clifton-Brown	- Principal Planning Officer
Rani Ghattoura	- Planning Lawyer
Peter Mannings	- Democratic Services Officer

323 APOLOGIES

There were no apologies.

324 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed and introduced the Officers present at the meeting. There were no Chairman's announcements.

325 DECLARATIONS OF INTEREST

There were no declarations of interest.

326 MINUTES - 10 JANUARY 2024

Councillor Buckmaster proposed and Councillor Devonshire seconded, a motion that the Minutes of the meeting held on 10 January 2024 be confirmed as a correct record and signed by the Chairman.

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

RESOLVED – that the Minutes of the meeting held on 10 January 2024, be confirmed as a correct record and signed by the Chairman.

327 3/19/1237/FUL- RESIDENTIAL DEVELOPMENT FOR 50 DWELLINGS COMPRISING OF ONE-TO-FOUR-BEDROOM DWELLINGS, INCLUDING AFFORDABLE HOMES, SURFACE WATER BALANCING FACILITY, ACCESS ROADS AND FOOTPATHS AND ASSOCIATED LANDSCAPING AT LAND BETWEEN HAZEL END ROAD AND FARNHAM ROAD, NORTH OF (AND ACCESSED FROM) MORBURY AVENUE, BISHOP'S STORTFORD, HERTFORDSHIRE, CM23 1JJ

The Head of Planning and Building Control recommended that in respect of application 3/19/1237/FUL, planning permission be granted subject to the conditions set out at the end of the report.

The planning case officer set out details of the application and clarified questions regarding the section 106 legal agreement.

Mr Delafield addressed the committee as the applicant's agent.

Councillor Stowe proposed and Councillor Devonshire seconded, a motion that application 3/19/1237/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the following amendments to conditions:

- Plot 50 landing window condition (to be obscure glazed)
- Amendment to condition 13 relating to bike storage (location and details of structures to be submitted for approval)
- Amendment to condition 17 regarding building contractors' practices and to ensure reference is made to lighting affecting amenity and insects.
- The reason for the external lighting condition should include the need to avoid harm for insects (as a result of the proposed lighting).
- Amendment to the trigger point for when details as required by Condition 12 regarding the correct installation of solar panels are submitted to the LPA for approval and implemented.
- Clarity within the Section 106 legal agreement relating to the contributions.
- Landscape details secured by condition to include fencing around the balancing pond.
- Condition proposed to include details to be submitted of naturalistic play equipment within a fenced area within the greenspace.

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

RESOLVED – that application 3/19/1237/FUL be granted planning permission, subject to the conditions set out at the end of the report and subject to the amendments to conditions detailed above.

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.

329 URGENT BUSINESS

The Team Leader (Strategic Applications) said that recent lobbying of DMC Members relating to the Gilston planning applications which were considered by DMC in February and March 2023, suggestions were being made regarding the resolution to grant included the provision requiring Officers to report back about the developments to Development Management Committee in 12 months' time.

It was clarified to Members that the resolution specifically related to the "monitoring of the development", and not to present the outline planning applications.

The Team Leader (Strategic Applications) further clarified that this matter sat with the Head of Planning and Building Control, and she was currently considering how and when to report on the monitoring of the development given that the Section 106 was yet to be completed, and the monitoring framework was in the process of being drafted by Officers and would need to be agreed by the Executive.

Members were advised that once there was more clarity on timescales, an update would be provided. The Team

Leader (Strategic Applications) said that any questions should be directed to the Head of Planning and Building Control after the meeting.

The meeting closed at 8.47 pm

Chairman

Date

Agenda Item 5

East Herts Council Report

Development Management Committee

Date of Meeting: 10 April 2024

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 any plans relating to schemes on strategic sites. 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 Vicky Glover-Ward, Executive Member for Planning and Growth
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DEVELOPMENT MANAGEMENT COMMITTEE – 10 APRIL 2024

Application Number	3/19/0790/OUT
Proposal	Outline Application for up to 342 residential dwellings (of a range of size and type) together with associated access, parking, public open space and amenity space. Access and Scale to be determined (Layout, Appearance and Landscaping reserved for future determination).
Location	(HERT3) Archers Spring, Land North Of Welwyn Road, Hertford
Parish	Hertford Town Council
Ward	Hertford Sele

Date of Registration of Application	11 April 2019
Reason for Committee Report	Major Application
Case Officer	Scott Hackner

RECOMMENDATION

That planning permission be **GRANTED** subject to a Section 106 Legal Agreement and subject to the conditions set out at the end of the report.

1.0 Summary of Proposal and Main Issues

- 1.1 The application seeks 'Outline' planning permission for a wholly residential large scale scheme comprising the erection of up to 342 residential dwellings together with associated access, parking, public open space and amenity space. Only 'Access' and 'Scale' are to be determined at this time. 'Landscaping', 'Layout' and 'Appearance' are reserved for future determination.
- 1.2 The site forms part of the development strategy in the East Herts District Plan 2018 as detailed in policies DPS1, DPS2 and DPS3 and part of the Hertford Policy Site Allocation HERT3.
- 1.3 The application site comprises undeveloped land to the north of Welwyn Road on the western edge of Hertford and measures circa 12.55 hectares in area. Part of the site is a Local Wildlife Site (LWS) 'Land west of Sele Farm (ref 59/077)' and remains in the Green Belt. To the east of the LWS, is a 'central woodland spur', dividing two distinct parcels of developable land. The site itself is in an overgrown

state, which has been subject to motorcycle races, due to the varying topography of the site, and relatively open access and forms part of the Strategic allocation within the District Plan, covered by Policy HERT3.

- 1.4 The HERT3 site allocation is split between two parcels of land: the current application site (Land North of Welwyn Road) and an area to the south (Land south of Welwyn Road/West of Thieves Lane) on which 254 dwellings were approved in 2020 and are being built out.
- 1.5 The HERT3 allocation as a whole plans was to deliver a minimum of 550 homes, with around 300 homes on the land North of Welwyn Road. In accordance Policy HERT3, a Masterplan Framework for the site was formulated in consultation with relevant parties and following public consultation and this was endorsed by the Council in March 2019 as a material consideration for development management purposes.
- 1.6 The site comprises mainly scrubland located north of Welwyn Road and incorporates a designated Local Wildlife site which is within the Metropolitan Green Belt. To the south lies the Grade II* Registered Park and Garden known as Pansanger Park (Historic Park and garden) and to the north is woodland within the Green Belt. To the east is the built up residential area of Sele Farm and to the west is undeveloped Green Belt land.
- 1.7 The application proposes vehicular access from Welwyn Road to the south with bus and emergency only access/egress through Perret Gardens from the east.
- 1.8 The site forms part of the Landscape Character Area (67) known as Bramfield Plain which is characterised by a shallow bowl bounded by Bean valley sloping to the east and the Panshanger estate to the south with higher ground Bramfield to the north and west. The topography of the land, from the west is a wooded spur that rises to around 2.5m higher than the east at the southern end which is the highest point on the site.
- 1.9 The site is located in Flood Zone 1 which is considered low risk by the Environment Agency.

- 1.10 This site does not fall within any designated Conservation Area, nor does it not contain any listed buildings within the site extents. Bounding the site to the east is Sele Farm Estate, Welwyn Road to the south, open fields to the west, and woodland to the north. Panshanger Park is located beyond Welwyn Road to the south of the site, and the Grade II* Listed Registered Parks (approx. 200m) and Gardens and Goldings Historic Park to the North (approx.500). The landscaped park was laid out in 1799, which incorporated a country house that was later demolished.
- 1.11 Within Sele Farm to the east of the site are a number of local amenities including local shops and surgeries on Tudor Way, St Andrew's CE Primary School, and Sele Farm Community Centre, which is located in close proximity to the east of the Site, along Perrett Gardens. The Sele School is located to the south of Welwyn Road.
- 1.12 Hertford North train station operates regular services to London and is located approximately 1 mile to the east of the site, accessible along Welwyn Road. The closest bus stop is on The Ridgeway in Sele Farm, with bus services running frequently between Sele Farm and Hertford bus station, connecting to Hertford North and Hertford East stations, as well as Ware, Broxbourne, Cheshunt, Hatfield and Waltham Cross.
- 1.13 Whilst layout and appearance in this context (as well as landscaping) are not to be determined, the applicant has submitted details of the expected overall housing mix is as follows:

Unit	Quantity (Indicative)	Mix
1 bed flats/maisonettes	48	14%
2 bed flats/maisonettes	56	16%
2 bed houses	79	23%
3 bed houses	114	33%
4 + Bed houses	45	14%
TOTAL	342	100%

- 1.14 There would be four flatted blocks (A-D) containing (approx) 36 flats in Block A, (approx) 41 flats ranging from one to two bed in Blocks B

and D and (approx) 27 flats in Block C totalling (approx) 104 flats. The schedule is as follows:

BLOCK A	Quantity (Indicative)
1 bed flats	15
2 bed flats	21
TOTAL	36
BLOCK B	Quantity (Indicative)
1 bed flats	15
2 bed flats	15
TOTAL	30
BLOCK C	Quantity (Indicative)
1 bed flats	13
2 bed flats	14
TOTAL	27
BLOCK D	Quantity (Indicative)
1 bed flats	5
2 bed flats	6
TOTAL	11

- 1.15 The scheme would deliver 20% affordable housing with a 71% and 29% tenure split in favour of 'Affordable Rent' as set out (indicatively) below:

Size type	Affordable rent	Shared ownership	All	Percent (for approval)
1 bed flat	7	3	10	14.5%
2 bed flat	12	5	17	24.6%
2 bed houses	13	5	18	26.1%
3 bed houses	13	5	18	26.1%
4 + bed houses	4	2	6	8.7%
All	49	20	69	100%
	71%	29%	20%	

- 1.16 The affordable typology consists of the following mix. 60% of the affordable units comprises houses, 50% of the two bed affordable flats would have private gardens, a 77% of all the two bed affordable units having their private garden amenity.
- 1.17 The application documents submitted (for approval) are as follows:
- Site Location Plan, drawing no. AS1-AHR-M1-00-A-10-001 Rev P7
 - Proposed Site Plan, drawing no. AS1-AHR-M1-00-A-90-001 Rev P1
 - Proposed Site Plan Site Sections, drawing no. AS1-AHR-M1-00-90-002
 - Parameter Height Diagram drawing no. AS1-AHR-M1-00-A-90-100 Rev P2
 - Parameter Plan 001 – Land Parcel and Land Uses, drawing no. PP-001 Rev P1
 - Parameter Plan 002 – Access and Circulation, drawing no. PP-002 Rev P2
 - Parameter Plan 003 – Plot Developments, drawing no. PP-003 Rev P1
 - Drawing Plan ref: 2900-SK-19 P13 Full Extent of Highway Works to Be Delivered by HERT3 Allocation
 - "2900-SK-38 P03 – Proposed bus only access at Perrett gardens, kerbs realignment Option 3c"
 - 2900-SK-19 P14 – Highways Works Plan revised – Link to Bentley Road
- 1.18 Four Parameter plans accompanying the Outline planning application have been submitted for approval. The parameter plans indicate the areas of development (development parcels) with land uses specified within the application site (Parameter Plan 001), Access and Circulation Routes (Parameter Plan 002), development plots and open spaces (Parameter Plan 003) and the maximum heights/storeys of development (Parameter Height Diagram) within different parts of the application site. The expectation is to create different character areas within the scheme to respond to the existing landscape features within the site, identified as; "Valley Edge", "Woodland Edge", "West Farm", "Central Green" in the supporting Design and Access Statement (DAS). This is illustrated (indicatively in the illustrative masterplan here. The Illustrative Masterplan has been submitted to demonstrate how the quantum of development could be

delivered by adhering to good design principles with an appropriate layout, open spaces, routes and landscape provisions. The Illustrative Masterplan is not for approval.



1.19 The characteristics of these areas are summarised below:

- Valley Edge – rural character, with lower density to the west of the site
- Central Green – open space linking to the Local Wildlife Site;
- Woodland Edge – rural character, medium density, edging the woodland spur; and
- West Farm – adjoins Sele Farm Estate, higher density, community links encouraged, high degree of space enclosure.

1.20 The parameter plans show that the majority of the residential development consist of two to three storey in its wider context with three storey elements along the edges/extents of the site and with an area of four storey flatted blocks close to the main access on an area of lower land levels. This is shown in the above parameter plan (for approval).



1.21 The four flatted blocks A-D would have indicative heights of:

- Block A - 4 storeys (15m high)
- Block B - 3 storeys (13m high)
- Block C - 3 storeys (12m high); and
- Block D - 3 storeys (12m).

1.22 A treed area to the centre of the site is to be retained along with the area of the nature reserve. Childrens play spaces, both formal and informal are proposed within the development within dedicated open space areas with some 1200 sqm as set out in the Landscape Masterplan (ref: LD-SKE-2018-11-30) representing 20% above the standards set out the DAS. These provisions are illustrated on the parameter plans, although the detailed designs would be subject to reserved matters.

1.23 The submitted plans also indicate pedestrian and highway linkages and detailed access plans (Parameter Plan 002), together with details of proposed highway improvements outside of the site.

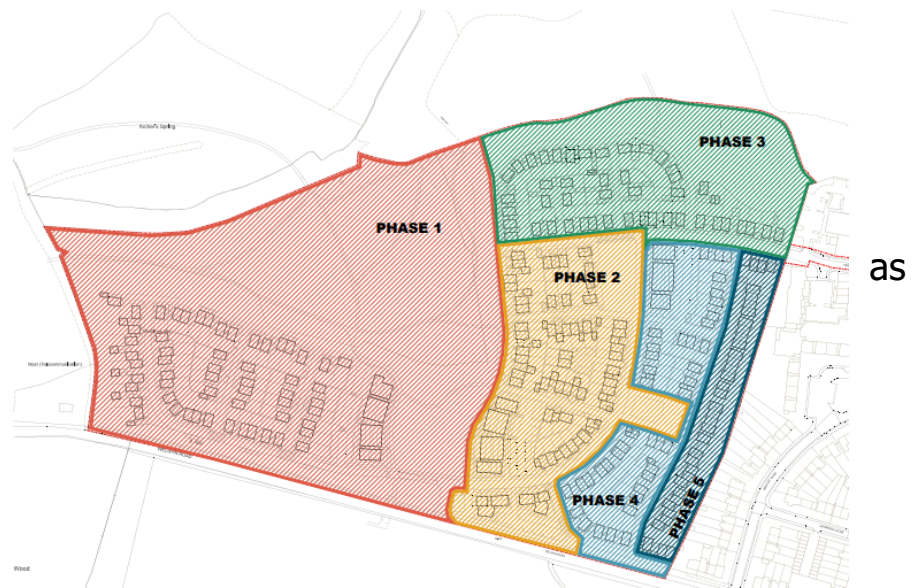
1.24 Whilst detailed layout plans and examples of house styles were submitted with the application, these are merely indicative as the layout appearance and landscaping are reserved for future consideration.

1.25 Indicative car and cycle parking provision for the scheme is set out below:

Illustrative car / cycle parking provision	
Allocated parking for dwellings	693
Visitor spaces	35
Disabled spaces	10% of total
Total car parking	728
Cycle parking	342 (min. 1 to 1 space)

1.26 All family size units would have two off-street car parking spaces and there would be parking courts for the flatted blocks (A-D).

1.27 The development programme would be delivered in five 'Phases' shown indicatively here:



1.28 It is noted that the application was revised during the planning process to overcome holding objections primarily on housing mix and highways ground and due to the new Planning Obligations toolkit in 2021 as guide to developers, outlining new headlines figures for sustainable travel contribution from developments where CIL tests are met. These included a revised housing mix and changes to the vehicle access design onto Welwyn Road, introduction of tactile paving, shared footway/cycleway provision and increasing buffer strips along Welwyn Road and eastward towards the roundabout with Thieves Lane. Further changes were to be made to Perrett Gardens to widen the access point, but this had to be reduced due to land constraints and resulted in a revised design setup.

1.29 Supporting Documentation:

- Indicative Phasing Plan - ASI-AHR-M1-00-A-90-001_Phasing Diagram Rev A

- Illustrative Masterplan, drawing no. LD-PLN-005 Rev B
- Ecological Appraisal and Survey prepared by LUC November 2022 – to determine the biodiversity net gain (BNG) and ecological impacts and how this benefits the proposed scheme;
- Archer Spring – Final Determination of the inputs into a Viability Assessment – Viability of the scheme that affects the provision of affordable housing and tenure split;
- Archers Spring - Phasing Schedule 22.02.2024 – Indicative Phasing of the development programme of the site subject to reserved matters approval.
- Transport Assessment (WSP) Dated 03 February 2019;
- Viewpoint Appraisal (LUC) Dated February 2019 – to assess the harm upon designated heritage assets – namely Grade II* Registered Parks and Gardens – Panshanger Park and Goldings Park;
- Noise Impact Assessment ref: 700029000-AC1 (WSP) Dated February 2019 – to ensure noise pollution is assessed for future and existing residents;
- Geo-Environmental and Geotechnical Preliminary Risk Assessment ref: 70002900-EF1 (WSP) Dated June 2014 – to assess contamination in the land a remediation techniques;
- Air Quality Assessment Ref: AQ1 (WSP) Dated February 2019 – to assess air quality from the development during construction and post construction;
- Planning Statement ref: OMSA/497/40/1 (Rapleys LLP) Dated 21 March 2019
- Design and Access Statement (PCKO an AHR Company) Dated 2019 – the design led approach with justifications;
- Archaeological Desk-Based Assessment ref: 70002900-AR1 (WSP) Dated March 2019 – to assess for archaeological findings and mitigations;
- Mineral Resource Assessment ref: 700032360-MRA (WSP) Dated December 2018 - to assess for mineral findings and mitigations;
- Trees Constraints Report (SJ Stephen Associates) Dated 29 September 2018 - to assess for existing and proposed trees planting and safeguarding.
- Illustrative Tree Removal and Retention Plan drawing no. LD-PLN-010 Rev A
- Proposed Diversion of Bus service 395 (Option 4) v4
- 395 Bus Timetable

1.30 The main considerations for the proposed scheme are:

- Principle of development
- Viability and Infrastructure Delivery
- Affordable housing provision and mix of housing
- Housing Delivery
- Good design/Landscape character
- Impact on Heritage Assets
- Access, Highways and transport
- Sustainability / water management
- Trees, Ecology and Biodiversity
- Amenity/Pollution
- Healthy and Safe Communities

2.0 Site Description

- 2.1 The application site takes its name from "Archer's Spring' which is a geological woodland that lies in a semi-rural location at the edge of Hertford, adjacent to the site to the north west. The site itself is located towards the northwestern urban edge of Hertford with Welwyn Road (B1000) running along the southern boundary and the residential area of Sele Farm to the east. There is an expanse of woodland to the north and agricultural land to the west.
- 2.2 The site is visibly undulating in character with a complex topography. There is a raised vegetated bund along the southern boundary. To the eastern side there is a raised plateau mainly grassed with extensive areas of raised ground and some shrubs and small trees. There is a pedestrian access on the eastern boundary and another into the woodland on the northern boundary. A large earth mound of up to 4 metres in height lies to the east of a central area of woodland. This central woodland spur divides the site and is 2-3m above the eastern plateau and contains a mix of mature and semi mature trees. To the south west of the site is a plateau about 3m lower than the western plateau and it is generally rough grass and Scrub. The western boundary is comprised of immature trees on a raised embankment.
- 2.3 The Local Wildlife Site to the north west of the site is located at the base of a slope approximately 10m in height on undulating land. The area is characterised by open grassland with informal gravel pathways. There are immature trees within this part of the site,

most densely in the north west corner and along the boundary adjacent to the wooded spur to the west.

- 2.4 The site has been used for informal recreation including unauthorised trail biking and is crisscrossed with tracks. There is no current formal vehicular access to the site and there are no public rights of way through the site.

3.0 Design Evolution

- 3.1 The National Design Guide (2021) advises in paragraph 16 thereof that an expressed 'story' for the design concept is akin to producing well designed places and buildings. This 'story' should inform and address all ten characteristics:

1. *Context – enhances the surroundings.*
2. *Identity – attractive and distinctive.*
3. *Built form – a coherent pattern of development.*
4. *Movement – accessible and easy to move around.*
5. *Nature – enhanced and optimised.*
6. *Public spaces – safe, social and inclusive.*
7. *Uses – mixed and integrated.*
8. *Homes and buildings – functional, healthy and sustainable.*
9. *Resources – efficient and resilient.*
10. *Lifespan*

- 3.2 The evolution of the design concept formed part of two pre-application submissions (refs: M/17/0006/MPREAP and M/18/0016/MPREAP) which sought detailed planning advice on the large scale redevelopment of the site to provide circa 350 new dwellings aligned to the adopted masterplan. An illustration of the design evolution is detailed in the accompanying design and access Statement which aligns with HERT3 Masterplanning framework. This detailed masterplan is not a one-size fits all approach but a series of steps that were based on a collaborative approach to identifying and creating a vision to provide high level opportunities at the application site and the masterplanning principles which inform a formal detailed scheme at the planning stage. The key masterplanning principles are set out to ensure the development is placed within a strong landscape framework and to create a defined urban edge to Hertford. To ensure high quality design is seen throughout the development. Emphasis is placed on how the site will integrate into its wider setting

through a series of pedestrian and cycle connections and prioritises pedestrian and cycle movement above the use of vehicles.

3.3 A Design Review (DR) was held on 12 November 2018 to discuss the emerging design of the proposed development and Design Review comments on the masterplan aspirations, it included the need to ensure that the character of the place translates to the masterplan and urban edges respond sensitively to the surrounding topography. The Panel broadly welcomed the scheme. The proposals were well received with a number of constructive comments to develop the masterplan, including the following:

- Ensure the character of the place as shown in the illustrative and pictorial information translates to the masterplan;
- Decide what will and will not be fixed at the outline planning stage;
- Produce a Movement Plan;
- Ensure the urban edge responds sensitively to the surrounding topography;
- An Urban Design Strategy should be developed to cover edge conditions/treatments, continuity of street frontages, key views and vistas, public, semi-public and private spaces, design typologies for the character areas;
- Revisit the parking strategy exploring the possibility of creative parking solutions;
- Ensure the principles of Secure by Design are brought into the masterplan

3.4 It is considered that the HERT3 Masterplan adheres to these principles and has created a narrative and story. The Masterplanning Framework for HERT3 was approved at the Executive Committee on 12 February 2019 and Full Council on 5 March 2019.

3.5 As such, EHDC officers welcome the scheme as a matter of principle underpinned by the significant public benefits it would deliver in terms of housing and district-wide and county-level contributions to infrastructure.

4.0 Relevant Planning History

4.1 The following relevant planning history is of relevance to this proposed scheme:

Application Number	Proposal	Decision	Date
3/16/1716/FUL	Indoor tennis centre incorporating indoor courts, pool, gym and outdoor facilities including outdoor swimming pool, tennis courts and golf range. (previous approval references 3/13/1348/FN and 3/08/1465/FP).	Granted planning permission	22 February 2018
Neighbouring Site - HERT3	(HERT3) Land West Of Thieves Lane Hertford Hertfordshire SG14 2EJ Hertfordshire		
3/19/1024/FUL	(Detailed planning application for the erection of 254 dwellings, associated parking, landscaping and amenity space along with vehicular and pedestrian access from Thieves Lane and Welwyn Road.	Granted Planning Permission	31 July 2020

5.0 Main Policy Issues

- 5.1 These relate to the relevant policies in the National Planning Policy Framework 2023 (NPPF), the adopted East Herts District Plan 2018 (DP), and the Hertford - Sele Ward Neighbourhood Area Plan (Adopted July 2021) (NP).

- 5.2 The Written Ministerial Statement published on 24 May 2021 is also relevant which sets out the minimum requirements a housing unit must meet to qualify as a First Home

Main Issue	NPPF	DP policy	NP policy
Principle of Development	Chapters 5, 11	INT1, DES1, DES2, DPS1, DPS2, DPS3, DPS4, HERT3, DEL1, DEL2, HOU1, HOU2, HOU3, HOU7	HSHE7
Delivery of Housing	Chapter 5	HERT3, HOU1, HOU2, HOU3, HOU7, HOU8	HSHT1
Scale and Design Quality	Chapters 8,11 and 12.	HERT3, DES1, DES2, DES3, DES4, DES5, HA1	HSHT2 HSHT3 HSHT4
Transport	Chapter 9	TRA1, TRA2, TRA3 CFLR3	HSE1 HSHT6 HSHT7 HSHT8
Heritage Assets	Chapter 16	HA1, HA2 HA3 HA4 HA8	HSHE8 HSHE9 HSHE10
Sustainability and Climate Change	Chapters 2, 14	CC1, CC2, WAT4	
Trees Ecology and Biodiversity	Chapter 15	DES2, NE1, NE2, NE3, NE4	HSHE3, HSHE4 HSHE5 HSHE6
Flood Risk and Drainage	Chapter 14	CC1, NE4, WAT1, WAT2, WAT3, WAT4,	HSHE5

		WAT5, WAT6	
Contamination	Chapter 15	EQ1	
Neighbour Amenity	Chapter 12	DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4	HSHT3
Viability and Delivery of Infrastructure	Chapters 2, 4	DEL1, DEL2, CFLR1, CFLR3, CFLR7, CFLR9, CFLR10	HSC1 HSC4

- 5.3 Other relevant Policy Considerations include the adopted Masterplan Framework for the site (West of Hertford (Archer's Spring), adopted March 2019), Supplementary Planning Guidance (Affordable Housing and S106 Agreements/Planning Obligations) and the Equality Act are referred to in the 'Consideration of Relevant Issues' section below.

6.0 **Summary of Consultee Responses**

HCC Highway Authority

- 6.1 The Highway Authority advises that it does not wish to restrict the grant of planning permission. The application is acceptable in principle from a highways context.

Lead Local Flood Authority (LLFA)

- 6.2 The LLFA advises that it has no objection on flood risk grounds subject to the imposition of specific conditions, and that the proposed development site can be adequately drained and mitigate any existing surface water flood risk if carried out in accordance with the overall submitted drainage strategy.

Environment Agency

- 6.3 The Environment Agency has no objection to the application subject to conditions.

- 6.4 It advises that the previous use of the proposed development site presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within source protection zone 2 and located upon a principal and secondary aquifers. The application demonstrates that it will be possible to manage the risk posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.
- 6.5 The advice is that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but that it respects that this is a decision for the local planning authority.

Thames Water

- 6.6 Thames Water advises that with regard to Foul Water sewage network infrastructure capacity, there is no objection to the above planning application, based on the information provided. The application indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

EHDC Housing Development Advisor

- 6.7 The Housing Development Advisor, following a robust viability scrutiny and number of negotiation meetings with the applicant and taking on a collaborative approach to finding an agreed balance of affordable housing took place. The resultant Affordable Housing offer is at 20% which underwent rigorous independent viability scrutiny. A revised affordable housing on site would deliver a 71:29 split in favour of affordable rent and a mix in favour of approx. 60% family housing typology. This is welcomed by the Housing Officer given the greatest housing need is for affordable rent and for houses, not flatted accommodation.

EHDC Conservation and Urban Design Team

- 6.8 Raises no objection to the proposals. The indicative layout provided, and character areas identified in the DAS follow our pre-application advice and are considered to be acceptable. The Team notes that the

footpath along Welwyn Road to the south-east of the site is outside the red line of the application. Advise that the case officer should ensure that this footpath and its connection into the existing footpath are secured through the S106 or a suitable condition.

Historic England

- 6.9 Historic England raise concerns regarding the application on heritage grounds with regard to the impact on the Grade II* registered Park and Garden Pansanger Park to the South and on Goldings Historic Park to the North. It stresses that it is important for the Council to have regard to the Panshangar Park, and the Environs Heritage Impact Assessment (Beacon Planning, Beacon Planning, July 2016) as required under the East Herts District Plan (Policy HERT3) and recommends that additional information is sought with regard to the provisions for Panshanger Country Park, addressing both potential physical and to a lesser extent visual impacts.

HCC Historic Environment Unit

- 6.10 No comments were provided at the time of writing this report.

EHDC Landscape Advisor

- 6.11 No objection is raised on landscape and Arboricultural grounds.

Herts Ecology

- 6.12 No comments were provided at the time of writing this report.

Natural England

- 6.13 Raises no objection. Advises that based on the plans submitted Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Attention is drawn to Natural England's generic advice on other natural environmental issues.

HCC Minerals and Waste

- 6.14 The Minerals and Waste Team advise that the site falls entirely within the Sand and Gravel Belt as identified in Hertfordshire County

Council's Minerals Local Plan 2002-2016. They agree that the northeast, NW and SW quadrants of the site appear not suitable for prior extraction due to the identification of prior workings. They also recognise the limitations to prior extraction in the southeast quadrant of the site due to the proximity of residential land. Given this they advise that the applicant explores further the opportunist use of the deposits across the site should permission be granted.

- 6.15 The team also draw attention to the need for a Site Waste Management Plan to ensure that waste is minimised in the development and that care is taken to ensure appropriate provision for waste and recycling is made within the design and layout of the development.

EHDC Environmental Health Advisor

- 6.16 No objection is raised relating to contamination land, air quality and noise subject to condition. Specific regard to acoustic fencing to dwellings or on the Archer's Spring boundary should be secured by condition and that would noise source of relating to nearest neighbours and the shooting range north of the site is considered within acceptable limits.

EHDC Operational Services

- 6.17 No comments were provided at the time of writing this report.

Herts Police Crime Prevention Advisor

- 6.18 No comments were provided at the time of writing this report.

HCC Public Health

- 6.19 Public Health give general support the principles proposed within the development, recognising the role that higher density urban developments can play in supporting healthy lifestyles; particularly where such development regenerates an area to the benefit of the wider community. However, further exploration of the combined health impacts from Archers Spring and Thieves Lane (HERT3) is recommended.

HCC Growth and Infrastructure Unit

- 6.20 In 2019 the Growth and Infrastructure Unit (GIU) initially provided a full breakdown of the Section 106 contributions and requirements in accordance with the then adopted toolkit based on the submitted housing mix to meet the full infrastructure requirements of the development.
- 6.21 Following the independent review of the viability of the development, the County were advised that the full requested sums could not be met and that all S106 contributions would need to be Significantly reduced if the development were to be viable and still provide an element of affordable housing.
- 6.22 On the basis that the likely amount available towards County requirements was estimated as **£1,555,000**. The County subsequently provided the following breakdown:
- Bus Service and Active Travel – **£458,937** (index linked to CPT 2021)
 - Travel Plan – **£6,000** (index linked to RPI March 2014)
 - Education Provision – **£928,266** (index linked to BCIS 1Q2020) towards primary education (including nursery) provision and/or secondary education provision and/or SEND provision serving the development
 - Childcare Services – **£129,920** (index linked to BCIS 1Q2020) towards the development of additional early years provision at either Hollybush Primary School and/or Hertford St Andrew CE Primary School and/or alternative provision serving the development
 - Library Service – **£5,905** (index linked to BCIS 1Q2020) towards increasing the capacity of Hertford Library and/or provision serving the development
 - Youth Service – **£12,991** (index linked to BCIS 1Q2020) towards increasing capacity by sourcing a new Young People's Centre in Hertford and/or provision serving the development
 - Waste Service – **£12,991** (index linked to BCIS 1Q2020) towards the new recycling centre facility at Ware and/or provision serving the development
- 6.23 Given that the **£1,555,000** represents a reduction in the total level of S106 financial contributions originally sought by the County Council they request that viability review mechanisms are included

within the S106 legal agreement and that if there is any future value in the scheme then how that is apportioned and on what projects is agreed by both East Herts and the County Council together.

Hertfordshire Fire and Rescue

- 6.24 The Fire and Rescue service requests the provision of fire hydrants at the site is secured through the Section 106 agreement in accordance with the HCC's Planning Obligations Toolkit.

Waste and Recycling

- 6.25 The shared service, waste and recycling team advise that the current application does not provide sufficient detail regarding waste and recycling to demonstrate that the necessary requirements can be met, and requests that conditions are attached to ensure that this is addressed when the detailed layout is considered.

Welwyn Hatfield Borough Council

- 6.26 The Borough Council raises no objection to the proposal subject to the development according with the criteria expressed under Policy HERT3 of the Local Plan and that identified in the Panshanger Park and its Environs Heritage impact Assessment, July 2016.

The Gardens Trust

- 6.27 In 2019 The Hertford Gardens Trust raised concern with regard to the impact of the proposed development on Pansahanger Park and Goldings and considered that the loss of much of the rural setting of these parks is detrimental to their significance. Concern was also raised regarding the proposed housing adjacent to the B1000 which it considers should be kept as a buffer, and regarding the lack of consideration given to screening in the views and vistas from Goldings Park. The Trust considers that the proposal is contrary to EHDC Policy HA8 and the NPPF including para 8, 184 and 194. The Trust subsequently reiterated these concerns following the reconsultation in 2023.

Herts and Middlesex Wildlife Trust

- 6.28 The Wildlife Trust initially sought additional information but following the submission of these details including a full Biodiversity Net Gain (BNG) Metric it now raises no objection to the proposals subject to conditions.

Active Travel England

- 6.29 No comment, as not statutorily required, but refer to their standing advice.

NHS

- 6.30 The East and North Herts and Herts Valleys Clinical Commissioning Groups (CCG) now replaced by as Integrated Care Boards (ICB) advised in 2019 that whilst there was no objection to the application this position is subject to S106 monies being provided to mitigate the impact of the development. Detailed calculations are provided for 342 units based on occupancy of 2.4 will create circa 820.8 new patient registration. A developers contribution is considered fair and reasonable and is calculated based on approximately £708 per dwelling towards GP Provision, £195 per dwelling towards Mental health Provision (Hertford Wellbeing Centre and Hertford County Hospital, £2,214 per dwelling for acute care (focused on Princess Alexandra Hospital Harlow and the Lister Hospital and £182 per dwelling towards community Healthcare costs focused on the Hertford Health and wellbeing Centre and Hertford County Hospital. A total of approx. **£1,190,000** should be secured by s.106 legal agreement.

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

7.0 Town/Parish Council Representations

- 7.1 In 2019 Hertford Town Council provided the following comments:
- 7.2 *"The Committee expressed that they would like to see a clear shared path, for cycle and pedestrians from the development directly to Fleming Crescent shops and local schools, along Welwyn Road.*

- 7.3 *The importance of a 'green street' for pedestrians, cyclists and emergency vehicles through the site was welcomed keenly by the committee.*
- 7.4 *To protect wildlife, the permeability of the site, making good, varied links between the Panshanger Estate woodland and Archer's Spring / Bramfield woodlands to the north of the site was considered of greatest importance.*
- 7.5 *The Committee hoped that the allowance of 40% affordable housing is provided and stressed the importance of including a significant proportion of affordable rented housing.*
- 7.6 *The Council also seeks assurance that the District Council carefully monitors the works undertaken in ground preparation due to the history of excavation at this site.*
- 7.7 *It was hoped that there is also adequate provision given locally for doctors' surgeries, schools and other community facilities for the new residents."*
- 7.8 Following reconsultation in 2023 the Town Council provided the following updated response in the light of the Sele Neighbourhood Area Plan (SNAP) adoption.
- 7.9 Committee strongly felt that these proposals does not meet the policies as set out in the SNAP. Policy HSHE3 in the SNAP identifies Archer's Spring as a designated wildlife site. The plan states:
- 'Proposals should conserve and enhance biodiversity and deliver net biodiversity gains (in accordance with the current best practice Biodiversity Impact Calculator). The nature conservation value of wildlife sites and other significant habitats including the River Beane will be protected from any harmful impacts of development, in accordance with their status. In particular, the following designated local wildlife sites listed will be protected, managed and where possible enhanced'.*
- 7.10 Committee regrets the lack of affordable housing proposed.
- 7.11 It was felt that little is proposed for local amenities with no local community hub proposed.

- 7.12 Concern was expressed regarding the proposed bus route through Perret Gardens, and route changes which may result in loss of bus stops.
- 7.13 It was felt that improvements could be made to cycling and walking routes both across the development and as part of the wider network to encourage sustainable travel. This includes:
- A wish that provision could be made to widen the footway alongside the lower part of Welwyn Road near to 1 Fordwich Rise which is a well-used route to the station and town for many people.
 - The ancient walking route connecting to the Ridgeway should connect to the walking routes in the development.
 - Concern was expressed regarding the exclusion of the green wildlife corridor and buffer zone on the east side of the development, which was identified in the original proposals but has not been included. This links with the ancient woodlands and could give further opportunity for a footway.
 - The 30mph speed limit on the B1000 should extend beyond the development to improve safety of pedestrians, cyclists, and vehicles.
 - It was noted that the energy saving plan has changed in the last five years, and questioned how the developers will respond to this.
 - It was noted that 4 plots would be provided for self-builders but would encourage these to be for zero carbon homes.
 - It was also hoped that all new homes on the development would include environmental and sustainable measures such as solar panels, air source heat pumps and charging points for electric vehicles.

8.0 Statement of Community Involvement

- 8.1 The applicant instructed Rapleys to carry out a statement of community involvement programme dated March 2019 which included engaging East Herts District Council, Hertfordshire County Council, Councillors, Neighbourhood Groups, Neighbours, and other key stakeholders and further engagement as follows:

- Design Review Panel

- Masterplan preparation
- Meetings with Members
- Sele Neighbourhood Area Plan consultations
- Consultation with Network Homes in relation to affordable housing prospects at the site, and in terms of the relationship with Sele Farm
- Meetings with Croudace (other HERT3 site) to ensure a combined approach
- Meeting with Secure By Design
- Engagement with Arriva buses to discuss the re-routing of bus services through the site
- Pre-application engagement with Hertford County Council in respect of highways
- Pre-development enquiry with Thames Water to confirm sewerage capacity
- Correspondence with EA and LLFA to establish flood risk
- Correspondence to confirm the location of the bridleway

8.2 The proposed scheme has been developed in full consultation in order to ensure the proposals are transparent, achievable, developable and appropriate over a period of seven years resulting in the planning application as submitted.

9.0 Summary of Other Representations

9.1 The application has been advertised by neighbour consultation to residents and businesses, by press and site notices. 454 residents and businesses were notified, and 77 responses have been received broadly objecting to the proposal on grounds summarised below:

- Lack of parking;
- Traffic issues;
- Pressure on amenities in the area;
- Pressure on healthcare, doctors, dentists, schools and nursery places;
- Water pressure and internet access;
- Lack of affordable housing;
- Area is known for sink holes, loose gravel sediments and land shifts, this development risk displacing settled land.
- Damaging the surrounding park land;
- Polluted surface water will drain into adjacent areas
- Increase in antisocial behaviour and general crime;

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- Impact on wildlife;
- Impact on woodland and Panshanger Park;
- Loss of Greenbelt land;
- Highway safety;
- Property values erosion;
- Noise and dust during construction;
- Loss of privacy;
- Drainage issues
- Retain the existing public right of way crossing the site;
- dwellings and provision for communal spaces;
- Use of sustainable measures are required;
- Loss of views and vistas
- Lack of infrastructure
- No green corridor between new development and Sele Farm Estate
- Speed limits around the area should be reduced;
- Safe cycling routes are necessary;
- Creation of rat runs
- Not a Full application
- Misallocations of s.106 contributions i.e., Schools in Ware
- Concerns of landfill and contamination

9.2 Representations are broadly made by residents from the following addresses:

<u>Bentley Road</u>	<u>North Road</u>
<u>St. Mary's Lane</u>	<u>Devey Way</u>
<u>Longwood Road</u>	<u>Chandlers Way</u>
<u>The Ridgeway</u>	<u>St. Leonards Road</u>
<u>Burnett Square</u>	<u>Queens Road</u>
<u>Calton Avenue</u>	<u>Burnett Square</u>
<u>Dimsale Street</u>	<u>West Street</u>
<u>Hamsworth Court</u>	<u>Windsor Drive</u>
<u>Lawrence Close</u>	<u>Colliers End</u>
<u>Welwyn Road</u>	<u>Edmunds Road</u>
<u>Thieves Lane</u>	<u>Goldens Way</u>
<u>Goldings Way</u>	<u>Cherry Tree Green</u>
<u>Perrett Gardens</u>	<u>Sawbridgeworth</u>
<u>Fordwich Hill</u>	<u>Patmore Heath</u>
<u>Fordwich Rise</u>	<u>Sele Farm Community Centre</u>
<u>Cherry Tree Green</u>	

<u>Charlton Avenue</u>

<u>Carde Close</u>

9.3 Sele Ward Neighbourhood Association in conjunction with the adopted Neighbourhood Plan adopted (July 2021) raised concerns with reference to the following SNAP policies:

- HSHE1 - Access to green space
- HSHE4 - Green corridors and networks
- HSHE7 - Views and vistas
- HSC1 - Provision of education facilities
- HSC2 - Existing community buildings and land.
- HSC5 - Existing shops (Fleming Crescent).
- HSHT3 - Design of new homes
- HSHT8 - Sustainable and integrated local transport solutions
- HSHE3 - Conserve and enhance biodiversity
- HSHE5 - Green infrastructure and suds.
- HSHE6 - Local green space
- HSC3 - New community facilities.
- HSC4 - Contribution to improve health care facilities.
- HSHT1 - Housing mix and affordable housing
- HSHT2 - Layout of redevelopment and new development
- HSHT4 - Landscaping in new development.
- HSHT6 - Vehicle parking in residential areas and new residential developments.
- HSHT7 - Safe and accessible walking and cycling routes

9.4 The Sele Ward Neighbouring Association concerns relate to:

- Level of parking provision
- Increased traffic along Welwyn Road
- Poor connections through Perrett Gardens
- Lack of affordable housing and mix
- Height of the development
- Design of new homes
- Lack of community facilities and GP surgeries; and
- School capacity and local infrastructure

9.5 North East Herts Swift Group request that a planning condition be imposed to include biodiversity mitigations at the rate of one swift brick and one bat brick per new dwelling as part of the overall proposed scheme. Three hundred and forty two swift bricks would be

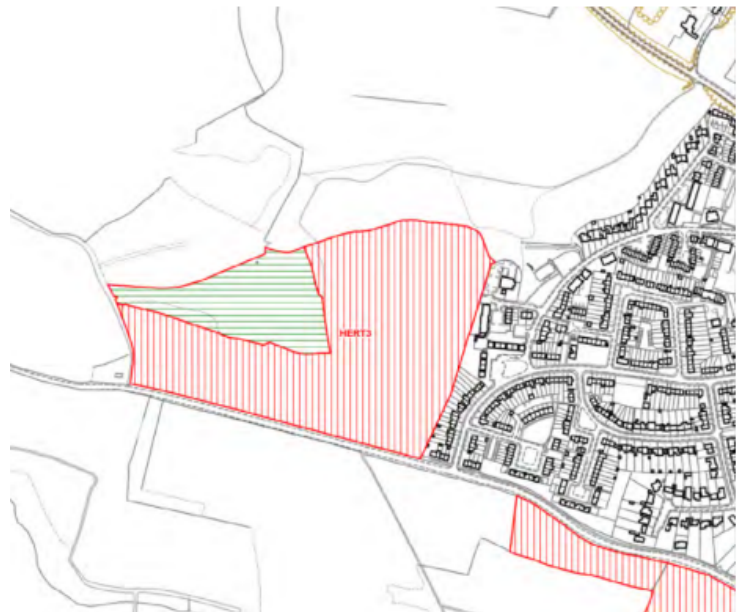
a significant benefit to these birds in the town and other birds that would also use them. This presents a real opportunity to help with the installation of swift and bat hollow bricks installed high on a building to give a cavity for wildlife to use.

10.0 CONSIDERATION OF ISSUES

Principle of Development

10.1 The overall development strategy in the East Herts District Plan 2018 is summarised in adopted Policy DPS1 which identifies the need to deliver new housing growth, with 18,458 new homes required over the plan period 2011-2033 (839 new homes per year) to meet identified needs. Policy DPS2 of the District Plan (DP) sets out the Council's development strategy for East Hertfordshire. Sites that are considered urban extensions form part of the development hierarchy for delivering the needs of the District.

10.2 The application site forms part of a wider site allocations for wholly residential development as set out in the adopted Policy HERT3 (West of Hertford) of the DP. The allocations are shown in hatching here:



10.3 The Site allocation Policy HERT3 for West of Hertford states (in full):

"Policy HERT3 West of Hertford

- I. Land to the west of Hertford is allocated as a residential site, to accommodate a minimum of 550 homes by 2022, **with around 300 homes being provided to the north of Welwyn Road and around 250 homes south of Welwyn Road/west of Thieves Lane.***

- II. A Masterplan will be collaboratively prepared, involving site promoters, landowners, East Herts Council, Hertfordshire County Council, Hertford Town Council, and other key stakeholders. This document will further be informed by public participation in the process.*
- III. The development of around 300 dwellings to the north of Welwyn Road is expected to address the following provisions and issues:*
- (a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing);*
 - (b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);*
 - (c) Self-Build and Custom Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing);*
 - (d) demonstration of the extent of the mineral that may be present and the likelihood of prior extraction in an environmentally acceptable way has been fully considered. As a minimum, an assessment of the depth and quality of mineral, together with an appraisal of the consequential viability for prior extraction without prejudicing the delivery of housing within the plan period should be provided;*
 - (e) necessary new utilities, including, inter alia: integrated communications infrastructure to facilitate home working, and necessary upgrades to the sewerage system;*
 - (f) sustainable drainage and provision for flood mitigation;*
 - (g) access arrangements and appropriate local (with contributions towards wider, strategic) highways mitigation measures;*
 - (h) encouragement of sustainable transport measures, both through improvements to the existing walking, cycling and bridleway networks in the locality and through new provision, which should also provide links with the adjoining area and the town centre (which should include, inter alia, the improvement of pedestrian and cycle access to Perrett Gardens and links from the Sele Farm estate to public footpaths and bridleways in the locality); shared use cycle/pedestrian way alongside Welwyn Road; enhanced passenger transport services (including, inter alia, improved service provision and the provision of new bus stops and shelters on B1000 Welwyn Road);*
 - (i) protection of public rights of way and other public access routes running through or on the boundaries of the site;*

- (j) landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate, including the provision of a suitable buffer between the development and existing woodland areas and a defined, recognisable boundary to the Green Belt;*
- (k) public open spaces across the site, including the provision of play areas and opportunities for outdoor health and fitness activities, as well as space for wildlife;*
- (l) quality local green infrastructure through the site including opportunities for preserving and enhancing on-site assets, maximising opportunities to link into existing assets and enhance biodiversity including the protection of Local Wildlife Site 59/077; Archers Spring; and other woodland and wildlife interests in the area, including a suitable buffer between woodland and development*
- (m) taking into account the contents of the 'Panshanger Park and its environs Heritage Impact Assessment, July 2016' and including measures to ensure that any impact on views affecting the Panshanger Country Park and Goldings are successfully mitigated;*
- (n) contributions towards the Panshanger Country Park;*
- (o) social infrastructure including contributions towards education, health services and other community facilities;*
- (p) the delivery of all other necessary on-site and appropriate off-site infrastructure; and;*
- (q) other policy provisions of the District Plan and relevant matters, as appropriate."*

10.4 The combined Archer's Spring and Thieves Lane allocated sites are spatially planned to deliver a minimum quantum of 550 units in total subject to the compliance with the criteria set out in the policy. Thieves Lane has been previously approved on 31 July 2020 under ref: 3/19/1024/FUL for 254 units for which construction and occupation is well underway with over half of units sold and occupied. The quantum of development across the two sites would exceed the minimum number of units by 46, totalling 596 units which attributes considerable positive weight in the planning balance by delivering significant public benefits to the district. Accordingly, the delivery of the HERT3 site allocation is strongly supported as it aligns with the expectations laid out in planning policy terms which accepts an uplift of 15%. This was accepted during the local plan making process and documented in evidence base.

- 10.5 As such, the proposed scheme is therefore considered acceptable in principle subject to adherence with the criteria set out in the HERT3 allocation policy and other material planning matters (not reserved) discussed later in the report, in accordance with policies DPS1, DPS2 and the HERT3 Masterplan of the District Plan (DP).

The Masterplan Framework

- 10.6 Policy DES1 of the DP requires that all significant proposals will be required to prepare a Masterplan setting out the quantum and distribution of land uses, sustainable high quality design and layout principles, necessary infrastructure, the relationship between the site and adjacent land uses, landscape and heritage assets and other relevant matters. In accordance with Policy HERT3 (I) The Masterplan has been prepared collaboratively with the Council, town and parish councils and other relevant stakeholders and has gone through a rigorous design review and the pre-planning application appraisal. The adopted Masterplan scheme is illustrated here in the following key plans:





- 10.1 The Masterplan Framework was developed in consultation with officers through pre-application discussions. A Steering Group was set up and comprised officers, local ward members and representatives from Hertford Town Council, town and other relevant stakeholders.
- 10.2 The Masterplan Framework sets out key master planning principles that the site as a whole will meet and was endorsed by full council on 5th March 2019 as a material consideration for development management purposes. The Masterplan Framework addresses sustainable credentials and the pedestrian routes throughout the site. The proposed illustrative masterplan and associated parameter plans submitted with the Planning Application reflect the general layout, connections/access points, provision of open spaces, density and block structure of the adopted Masterplan Framework. The illustrative masterplan and parameter plans submitted with the application therefore demonstrate that the proposed development could be delivered in accordance with the Masterplan Framework, and this carries considerable positive weight.

Housing Delivery

- 10.3 The overall development strategy for the District, as summarised above, identifies the need to deliver 18,458 new homes over the plan period 2011- 2033 (839 new homes per year) to meet identified unmet needs. Policies HERT1 and DPS2 of the DP seeks to deliver homes in sustainable locations, including urban areas such as Hertford with HERT3 allocated to deliver a minimum of 550 new homes as aforementioned.

- 10.4 The Strategic Lane Availability Assessment (March 2017) (SLAA) which forms part the evidence base for local plan making, is an important 'live' document that underpins and identifies HERT3 under ref: 03/152 as "Land north of Welwyn" as "*Suitable" land to development for up to 300 dwellings*". Furthermore, the NPPF requires local planning authorities to be able to demonstrate that they have identified the sites on which the first 5 years of housing will be supplied – a 5 year housing land supply (5YHLS). EHDC is currently able to demonstrate a five-year land supply position of 5.57 years against the identified requirement of 5,560 dwellings across the five-year period 2023-2028 which has been reported on 4 March 2024. The upshot of having a 5YHLS is that the 'tilted balance' is not engaged in the decision-making process as per paragraph 11(d) of the NPPF. In this context, the policies are not considered out of date referred to in this report.
- 10.5 As such, it is considered that the proposed scheme would deliver significant public benefits by contributing greatly to housing supply consistent with Policy HERT3 site allocation for large scale residential development West of Hertford in accordance with Policies DPS1, DPS2, HERT1 and the HERT3 Masterplan criterion (A) of the DP.

Viability and Infrastructure Delivery

- 10.6 The proposed scheme would provide 20% affordable housing (by unit number) as the Independent Final Determination Report considers it is unviable to achieve a 40% policy compliant provision. Officers concur with this assessment, following the process carried out which has reached a definitive and conclusive position on the development viability. Officers consider this comprises the maximum reasonable level of affordable housing that the development could reasonably support in order to deliver the required public benefits and social value sought by the District Plan, whilst also delivering significant mitigation provisions and infrastructure under s106 obligations. The applicant has agreed to below reasonable profit expectations supported by a Financial Viability Appraisal (FVA) prepared by Knight Frank then later by James R Brown. The EHDC Viability consultants are Bailey Venning Associates (BVA) who scrutinised the accompanying FVA. During the process, the FVA has been supported by professional commentary in order to unlock ongoing disagreements owing to the affordable offer and tenure split falling below policy requirements of 40% as set out in Policy HOU3 of

the DP. As such, viability became a significant focus for officers during the determination of the application.

- 10.7 Disagreements between the applicant and EHDC's viability assessors were centred around known 'viability inputs' and how these were having a significant knock-on-effects on the provision of affordable housing, tenure split and the level of financial contributions. As a viable scheme of development, the level of affordable housing and contributions were considered to be too low to be supported by officers at the time. At this point, in order to seek a formal resolution, a 'final determination' (as it is titled) of viability was conducted on 26 April 2023 by an independent expert (appointed by the president of RICS), instructed jointly by the Council and the applicant to overcome the *impasse* on viability grounds. The collaborative aim was to regain momentum in negotiations with the applicant to ensure the maximum reasonable affordable housing offer is agreed and secured by s.106 legal agreement.
- 10.8 The independent examiner having considered the appropriate input revisions and instructions, set out a series of appraisals based on those inputs at varying levels of affordable housing (in increments of 2.5% from 0% to 40%), tenure splits (ratios of 75% affordable rent to 25% intermediate, 40% affordable rent to 60% intermediate and 100% intermediate). As opposed to working to a residual land value or profit, the Independent Examiner was instructed to vary the level of financial contributions and provision of affordable housing until the scheme is deemed viable and **£4million** of financial contributions can be secured. To illustrate this, the following table, cribbed from the 'Final Determination' report, sets out a sliding scale of affordable housing, tenure split and financial contributions with cells highlighted in 'green' showing no deficit in viability:

Tenures	Policy Compliant 75%/25% AR:INT	Reduced Rent 40%/60% AR:INT	Intermediate only 100% INT
0%	£ 9,639,000.00	£ 9,639,000.00	£ 9,639,000.00
2.50%	£ 8,638,000.00	£ 8,746,300.00	£ 8,881,900.00
5%	£ 7,808,000.00	£ 8,016,700.00	£ 8,264,300.00
7.50%	£ 6,789,000.00	£ 7,156,500.00	£ 7,554,500.00
10%	£ 5,909,000.00	£ 6,427,500.00	£ 6,938,000.00
12.50%	£ 4,887,000.00	£ 5,547,000.00	£ 6,241,500.00
15%	£ 4,237,000.00	£ 4,979,700.00	£ 5,816,000.00
17.50%	£ 3,406,000.00	£ 4,280,000.00	£ 5,266,200.00
20%	£ 2,705,000.00	£ 3,672,000.00	£ 4,813,300.00
22.50%	£ 1,628,500.00	£ 2,805,000.00	£ 4,178,000.00
25%	£ 857,000.00	£ 2,151,000.00	£ 3,745,700.00
27.50%	£ 55,000.00	£ 1,522,000.00	£ 3,268,300.00
30%	Deficit	£ 667,000.00	£ 2,815,000.00
32.50%	Deficit	Deficit	£ 2,234,500.00
35%	Deficit	Deficit	£ 1,071,000.00
37.50%	Deficit	Deficit	£ 456,400.00
40%	Deficit	Deficit	Deficit

- 10.9 Based on the "final determination", the applicant offered 20% affordable housing with a 40% affordable rent 60% intermediate tenure split and £4million financial contributions to Hertfordshire County and EHDC infrastructure to be secured by s106 planning obligations. This represented £330k in excess of what is deemed viable. Notwithstanding this, the tenure split was not aligned to policy and as such, the applicant had further improved their offer to maintain the level of financial contributions whilst recognising the requirement to provide a minimum of 20% affordable housing. In discussions with Housing officers over concerns on tenure split, the applicant has again improved their offer to provide a 71:29 tenure split in favour of affordable rent whilst maintaining the minimum £4million financial contributions. It is noted that Thieves Lane part of the HERT3 allocation achieved the same tenure split. The final determination table indicates that the applicant has provided over and above the level of financial contributions which the viability supports. However, it is considered that securing £4million of contributions and a policy compliant type and tenure of affordable housing enables a satisfactory level of compliance with the objectives of the site allocation policy and District Plan policies as a whole, whilst enabling an adequate level of necessary infrastructure provisions to be delivered. Further housing requests were received

to reduce the number of flats and increase in the number of houses and with this the general provision of larger units. As a result, the scheme has been modified favourably so that 60% of all affordable units are houses to better respond to the advice provided by the Council's Housing Officer. The applicant has proposed an affordable housing provision and s106 obligation package which recognises the need to balance viability and affordable housing delivery and the aspirations of the EDHC to deliver social value and public benefits.

- 10.10 Following the final determination on viability, officers re-engaged in dialogue with the applicant and the Council's Housing officer. Subsequent iterations of affordable housing options were presented and reviewed resulting in the above final mix being tabled. The Council's Housing Officer supports the overall affordable housing provision.
- 10.11 As a result of extensive negotiations and intensive scrutiny of the FVA, officers consider that the offer is reasonable and fair, and it would be unsound to warrant refusal of the application on viability grounds due to the applicant going above and beyond the rigours and scrutiny of FVA and the final determination report.
- 10.12 As such, it is considered that the quantum of 20% affordable housing provision and level of financial contributions balanced with viability is supported.

Affordable Housing Provision and Mix of Housing

- 10.13 Policy HOU3 recognises housing affordability as a significant issue in the district and seeks up to 40% of new homes on larger developments of 15 or more units to be affordable. The policy also states that a mix of affordable housing tenure types is sought on a case by case basis. Affordable housing should also be of similar design quality to private housing and integrated evenly throughout the site.
- 10.14 Following independent advice regarding viability aforementioned, it is accepted that it has been demonstrated that the scheme is not able to meet the affordable housing policy requirement at 40% and remain viable. It is therefore necessary to balance s106 contributions towards infrastructure against the benefits of maximising the affordable housing provision in the development and Hertfordshire

County Council and EHDC s106 contributions towards infrastructure provision. The provision of affordable housing is high priority in order to ensure significant public benefits that contribute to the housing supply in the District. Securing financial contributions for other benefits and mitigations to ensure the scheme is acceptable in planning terms as set out in the Heads of Terms also require careful consideration in the round. Officers were meticulous in what the negotiations should be centred around and what achieves the greater percentage of affordable housing, tenure split and housing mix. The policy requirement is a tenure split of 75% affordable rent; 25% affordable home ownership, but it is acknowledged that as a result of the outcome of the independent examiner's viability report the exact mix would be likely to make the scheme completely unviable or significantly reduce the percentage of affordable units that could be provided within the site.

- 10.15 The LPA officers have secured an appropriate level, mix and type of affordable housing provision which goes beyond viability constraints and will provide 20% affordable units with a 71:29 tenure split comprising 71% affordable rent and 29% intermediate affordable home ownership (shared ownership). The negotiations achieved a more favourable mix in terms of addressing the current housing need as identified by the Council's Housing Officer. Such that there would be a greater emphasis on affordable rented units at affordable rent which is broadly policy compliant.
- 10.16 The Council's Housing officer advises that greatest need is for three bed houses followed by two bed houses, (flats are not the most suitable dwelling type for most households in need of two beds and there has been a significant over provision of new build two bed flats for affordable rent). The applicant has been receptive to this as described earlier in the report, and the mix now provides more houses than flats in terms of affordable housing, tenure split, and the unit mix the offer is now to provide more than 60% of the affordable units are houses and 50% of the 2 bed flats would have gardens. The resultant total is 77% of all the 2 bed affordable units would have gardens and therefore with the improved housing split, mix, the contributions of £4million is to be secured by 106 legal agreement. The Heads of Terms of the legal agreement include the obligation to submit an affordable housing scheme alongside the imposition of planning conditions requiring that the housing mix is within a specified range. A viability review mechanism as per Affordable

Housing SPD (2020) will be secured by way of s106 agreement which enables the LPA to review whether the development could support additional affordable housing provisions or additional financial contributions towards infrastructure, where a shortfall against the HCC and EHDC Planning Guidance formulas exist. These measures would allow officers to secure the optimum mix of affordable housing and infrastructure contributions at reserved matters stage, which addresses the above requirements as far as practicable given the viability issues.

- 10.17 The applicant informs the Council that Network Homes is the potential registered provider (RP) who are the RP of Sele Farm residential area, east of the application site, comprising 655 units and manage over 4000 homes in East Herts District. The proposals comprise up to 69 affordable homes (20% of the total) which would provide much needed new affordable housing in Hertford and provide an attractive prospect for downsizers in existing social housing units in the nearby and wider areas. The Council's Housing officer advises that providing good quality downsizing options in the locality is a priority in order to free up larger family units to ease issues of overcrowding in the locality. The change in the tenure split and mix of the affordable housing reflects this and is welcomed.

Overall Housing Mix

- 10.18 Policy HOU1 states that "On new housing developments of 5 or more gross additional dwellings, an appropriate mix of housing tenures, types and sizes will be expected in order to create mixed and balanced communities"
- 10.19 Policy HSHT1 of the neighbourhood Plan states that the tenure, type, and size of developments of 5 or more new homes should reflect identified local housing need in Hertford and local housing market assessments. To ease identified overoccupancy and lack of affordability for existing residents the following types of housing with an indistinguishable quality external finish will be distributed throughout the development:
- Starter homes and smaller dwellings
 - Accessible homes for those with limited mobility; homes for later life including bungalows; and homes for vulnerable residents

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- Affordable housing for rent or shared ownership (only to be required on schemes of 10 units or more).

10.20 The indicative housing mix includes a range of unit sizes including 1 and 2 bed flats/maisonettes and 2, 3 and 4+ bed houses such that on balance subject to the proposed adjustment to the affordable units and tenure split this is considered reasonable.

10.21 Policy HERT3 criterion (c) of the DP additionally requires the site to provide an element of self-build units, and these have been specifically identified within the



submitted indicative plan here (in pink) at the south east corner of the site. There would be four units which can be secured via the s.106 legal agreement and considered in detail during the reserved matters stage when 'layout' and 'appearance' matters are considered.

10.22 Policy HOU7 requires provision on major sites of units which meet the changing needs of residents or society over their lifetime, and as such 90% of homes should comply with the M4(2) (accessible and adaptable) accessibility standards in the Building Regulations and 10% should meet M4(3) (wheelchair user dwellings). A condition is recommended to secure this.

10.23 Bearing in mind that this is an Outline application and that the mix is indicative only, following discussions with the applicant, it is agreed that the housing % mix is as follows:

Unit	Quantity	Mix
1 bed flats/Maisonettes	48	14%
2 bed flats/maisonettes	56	16%
2 bed houses	79	23%
3 bed houses	114	33%

4 + Bed houses	45	14%
TOTAL	342	100%

- 10.24 As the application is at Outline stage, the house sizes, layout and relationship to each other would be considered at reserved matters stage. To ensure that they come forward in a format likely to be considered acceptable, a condition can be secured to balance the housing mix in accordance with policy HOU1 and HOU7 of the DP to ensure that the housing meets an identified local need.
- 10.25 As such, it is considered that the quantum of housing proposed by the scheme would deliver significant public benefits offering a range of housing types and tenures and therefore this attributes significant positive weight in the planning balance in accordance with Policy HERT3 criteria (b) and (c) of the DP. Early and Late viability review mechanisms would be included within the S106 legal agreement and that if there is any future value in the scheme for increasing public benefits in the form of affordable housing or financial contributions towards infrastructure.

Good design/Landscape character

- 10.26 Policy DES2 states that *"development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape"*. Policy DES4 requires development to be of a *"high standard of design and layout to reflect and promote local distinctiveness"* and should amongst other criteria *"respect or improving upon the character of the site and the surrounding area, in terms of its scale, height, massing (volume, shape), orientation, siting, layout, density, building materials (colour, texture), landscaping, environmental assets, and design features"*. The Masterplan Framework for the site at HERT 3 seeks a landscape led design approach which creates a well-connected site with a range a range of house types and sizes.
- 10.27 The HERT3 masterplan endorsed in March 2019 and the vision is to deliver an attractive gateway to Hertford with a design approach responsive of the surrounding area. The proposed masterplan *"has*

been designed to have distinct character areas, creating a distinctive, well connected neighbourhood, with good access to play spaces within the site and the wider wildlife areas and parks beyond, including Panshanger Park. The high quality distinctive design would reflect and promote local distinctiveness and make the best possible use of the land, having due regard to the opportunities and constraints of the site in line with DES3 of the Local Plan. Key urban design principles of the development are to preserve and enhance the character of the market town and neighbouring natural environment to enable the successful integration of the development. The masterplan will be accessible and permeable, prioritising pedestrian routes and linkages. As demonstrated in the LVIA, the proposal will strengthen the character and distinctive features of the landscape character of the area, in accordance with policy DES2. Key vistas will be maintained and maximised to make best use of the land. The proximity of Panshanger Park has been fully considered to ensure its protection and enhancement”.

- 10.28 The proposed 'Access' is set out in the circulation parameter plans and detailed access drawings. It is considered in consultation with the HA that Access aligns with the aspirations of Policy HERT3 Masterplan of the DP. Turning to the matter of 'Scale', by virtue of acceptable density and intensification of development, the proposals are considered to be optimal in line with the Masterplan site allocation aspirations and DP policies. Officers are satisfied the scale is appropriate to reflect the quantum of development.
- 10.29 The matters reserved comprise Appearance, Layout and Landscaping. The submitted indicative parameter plans (inter alia) have been subject to a detailed review as part of this application. It is considered that the parameter plans have been designed to enable the future consideration of 'Appearance' 'Layout; and 'Landscaping' under reserved matters. The outline parameters and detailed access plans provide sufficient detail to enable officers to have sufficient assurances that an acceptable detailed scheme can come to fruition at the reserved matters stage in accordance with the SNAP, the DP and the NPPF design policies.
- 10.30 It is important to note, that reserved matters will be subject to separate planning submissions, which will undergo comprehensive consultation with the local area, statutory and non-statutory consultees and resident groups. A further Design Review Panel

process may also be required to guide the detailed layout, appearance and landscape provisions in advance of the reserved matters submissions. The applicant will also be required to undertake future engagement with residents and the LPA pre-app process. Therefore, there will be significant further stages which enable local engagement and consultation as part of the planning process. Such applications may themselves be subject to the review of the DMC.

- 10.31 A key aspect of the design and landscape expectations for the HERT3 site allocation was as a result of Biodiversity Net Gain and planning a new green corridor that forms part of the adopted masterplanned approach in Policy HERT3 criteria (j), (k) and (l) of the DP. The proposed parameter plans comprise potential green north/south corridors for human and animal/wildlife movement across the site in accordance with the SNAP policy. Whilst the Green Corridor route is not aligned with the location in the appendix C(i) of the SNAP, the outline parameters provide sufficient space, access and landscape provisions for the requirements of the Policy HSHE4 to be met through the detailed plans at Reserved Matters stage. Officers consider that the efficacy of connecting to the existing Local Wildlife site would be better in a more centralised location, which aligns with the SNAP examiners advice (that the exact route to be determined at the application stage) at the time the SNAP was adopted. This will be discussed in more detail later in the report.

Overall design approach

- 10.32 The proposed scheme comprises four cohesive parcels (Valley edge, Central Green, Woodland Edge, West Farm) of development that read as a natural continuation of the adjacent earlier residential development to the east known as Sele Farm Estate. The illustrative layout plan below shows how the land to north of Welwyn Road can be developed in a layout with plans showing 2 to 4 bed, mainly detached 2 storey dwellinghouses and 1 and 2 bed 3 to 4 storey apartment blocks (A, B, C and D) as shown in the submitted illustrative layout plan here:



10.33 Some indicative dwelling types feature adjacent garages and on plot car parking, whilst others have car parking within the streetscape in front of proposed dwellings. Areas of soft landscaping, and an expanse of open space bounds to the east and north of the site.

10.34 The Illustrative layout plan also shows that it is possible for the site to be developed with perimeter blocks of predominantly two storey housing. The southern edge of development comprises three x three storey blocks of flats with parking courts. Areas of soft landscaping and tree planting are also proposed along the eastern and western edges of this part of the site.

10.35 This design-led approach is considered in accordance with that identified in the Masterplan framework and is supported in principle by officers as it would provide natural surveillance of streets of open spaces, secure rear boundaries to dwellings and allow permeability through the site to provide pedestrian/cycle connections with the adjacent development to the east, and the town centre to the south.

Density / scale / massing / architecture:

10.36 Policy HOU2 requires that residential development makes efficient use of land whilst meeting the above criteria for good design, as well as providing sufficient open space to meet the needs of future occupiers. Density is assessed considering the site-specific circumstances of each application.

- 10.37 Policy HSHT3 of the SNAP. States that design of new homes should follow sustainable design principles and reduce any negative impacts of development to protect the amenities of existing and future residents
- 10.38 The application proposes up to 342 dwellings which would represent a density of development of circa 27 dwellings per hectare. This is considered to be an acceptable level of density given the site's location at the urban edge of Hertford, adjacent to existing and newly constructed residential development comprising predominantly two storeys housing and the need to reduce height and intensity of development towards the outer edges of the settlement boundary.
- 10.39 The illustrative proposals comprise predominantly two storey scale housing with four flatted buildings at the northern edge of the site, adjacent to greenspace, and taller buildings at more prominent corner locations. This scale is considered to be appropriate given the site context at the edge of the town, adjacent to more recent residential development in accordance with Policy HSHT3 of the SNAP.
- 10.40 Concerns raised by the Design and Conservation team are duly noted although generally relate to more detailed matters which would be fully assessed at reserved matters application stage. Following revisions to the parameter plans, the heights of some of the proposed dwellings along the northern edge of the site (Parcels N4 and N5) and to the west of the site (Parcel W2) are proposed to be increased from two storeys to three storeys. Conservation and Design Team consider that the peripheral landscaping within the parcel and the existing woodland to the north would provide an effective buffer in long distance views and the additional impact on the wider landscape setting would therefore be minimal. The amended units in parcel W2 would sit opposite three storey units along the access road between W1 and W2 and would therefore be complementary in character. The additional impact of this height increase to one side of the street is considered to be within acceptable limits and would have minimal to neutral impact on surrounding landscape.
- 10.41 Following late discussions with the applicant, the Design Team sought connection from within the site towards Bentley Road to

promote active travel. The applicant has agreed to these works which will be secured by Section 278 works and thus is welcomed by officers.

- 10.42 Should the application be resolved by Members to grant planning permission, it is recommended that the design details are conditioned which would inform the reserved matters stage. In addition, a Sustainability Strategy document is required by condition to be approved prior to the determination of reserved matters applications so as to ensure a consistent approach to sustainable design across the site for all future reserved matters applications. The S106 should ensure that footpath connections are provided outside of the red line of the application to ensure onward connections. However, in general terms, the proposed buildings could provide adequate surveillance to Sele Farm and with appropriate landscaping would not result in a car dominated space on the approach to the development.
- 10.43 The architectural approach of the proposals is not fully known at this stage as elevational details and appearance of all dwellings is a reserved matter. However, the DAS suggests a palette of traditional materials and building elements are likely. This is considered appropriate given the pattern of development in the surrounding area and can be fully considered at reserved matters stage.

Design conclusion:

- 10.44 Design Officers comments with regard to some car dominated frontages, and the southern edge of the site are noted. However, these issues can be addressed at reserved matters stage.
- 10.45 HERT3 and SNAP includes a design guidance to ensure that developments accord with Policy HSHT3 which requires scheme design and building heights to reduce towards the outer edges to minimise impact on the countryside. The illustrative masterplan indicates that the scheme is capable of meeting this design expectation at reserved matters stage.
- 10.46 As such, it is considered the proposals represent a high-quality design at this outline stage which respects the surrounding character and landscape and adjacent townscape in accordance with policies DES2 and DES4 of the DP and HSHT3 of the SNAP.

Landscape:

- 10.47 The application site comprises an area of undulating land at the northwestern edge of Hertford. The Welwyn Road forms its southern boundary, and the urban edge of Hertford lies on its eastern boundary. Blocks of woodland lie immediately north of the site and agricultural fields extend out into the wider countryside to the west.
- 10.48 The site slopes down towards the northern boundary, with an overall height difference across the site of 16m. A bund extends across the southern boundary of the site, rising to the west. Vegetation along the western and south-western perimeter bunds screen views into the site from the west, and woodland blocks screen views into the site from the north. The site is partially visible from the B1000, where open views are available along the south-eastern section of road. Views are also available from the from first floor windows of houses along the eastern perimeter of the site.
- 10.49 The proposed development would include the removal of much of the vegetation and the high bund at the western part of the site and along the southern boundary, with trees being thinned but with some replanting in mitigation. In addition, the proposed indicative landscape strategy plan accords with the principles within the Masterplan Framework and shows that there is sufficient mitigation and boundary treatment is effective in the form of woodland buffer planning. The parameter plans demonstrate that the layout would sufficiently accommodate the submission of detailed landscape proposals coming forward at reserved matters stages that would respond to the sites character creating a place which blends countryside with built environment.
- 10.50 The outline landscape proposals are integrated into the layout set out in the site access and circulation route parameter plans as follows:

Wildlife Site: Scope for new pathways is provided for through to the wildlife site which facilitate controlled access. The proposals make provision for enhancements to the habitat mix improves the diversity species and creates a more naturalised edge to the existing woodland

Boundaries: The parameter plans secure generous green spaces around the edge of the development areas and between the east and west development parcels. These provide a green buffer to adjacent

woodland, enhancing the edge condition, create opportunities for recreation and enhance green links to Panshanger Park to the south.

Green Street: A primary street runs through the centre of the scheme connecting the east and west development areas. This is shown and secured under the parameter plans. The eastern section includes sufficient spaces for planted tree avenues to highlight the importance of the route. Secondary streets are indicated across the primary street providing direct links to the surrounding open space and footpath network. These also offer views of the adjacent woodland to connect residents with their surroundings and enhance legibility within the scheme. Streets will include trees and hedgerows pulling the native plant character into the heart of the development.

Welwyn Frontage: The parameter plans, and outline Landscape Masterplan proposes that the existing hedgerows are enhanced with new boundary planting to provide a green frontage to the development. The parameter plans make provision for the western section to be densely planted with development sitting at the base of the existing bank. Further east, the hedgerow is proposed to take on a more managed appearance with views opening up into the central green and eastern development areas. This reduction in vegetation would start to reveal the development and make the transition from rural to urban.

10.51 The Landscape Masterplan has been designed to ensure that the following provisions would be delivered as part of the overall landscaping scheme:

1. Existing deciduous woodland to be retained and brought into active management.
2. Proposed wildlife wetlands to assist in the diversification of the wildlife site (exact size and location to be agreed). Wetland to have interpretation signage and possible deck area.
3. Natural play areas dispersed across the scheme as part of a wider play walk, linking from east to west through the primary open spaces.
4. Entrance green providing views through to the woodland in the north and a green link through to the footpath network from Welwyn Road. The green will be more intensively managed to provide for recreation, with open grassland and specimen tree planting to the periphery.

5. Habitat replacement area - bare gravel with sporadic grassland and timber to provide replacement invertebrate habitat.
6. Actively managed wildflower grassland habitat. The wildlife site will be brought back into active management to assist in diversifying and improving the existing habitats. Formal pathways will be created or in some cases mown through the grassland to enable organised pedestrian access while minimising disturbance to the grassland.
7. Linked to the wider play space network, an informal play walk is proposed through the woodland spur, connecting the various play features across the site.
8. Buffer planting - native shrubs and specimen trees to provide a mixed hedgerow. This will assist in screening the development from the Welwyn Road.
9. New pedestrian footpath to the north side of Welwyn Road, linking to Hertford.
10. Equestrian route and footpath re-alignment proposed

10.52 The Council's Landscape Officer accepts a woodland buffer planting along the eastern and western edges of the site. This would help to screen the proposals from housing to the east, and to provide a visual buffer between the development and the A10 to west. These edges can also include scrub planting and areas of wildflower grassland. As such the outline proposals have demonstrated that there would be sufficient space within the proposals to achieve a good level of landscaping and shall be secured at the detailed reserved matters stage.

10.53 Immediately adjacent to the site to the east is a landscaped buffer strip which is associated with the adjacent housing development. To ensure that residents can take advantage of this area and so that the development of this site and the site to the east is well coordinated, a condition is recommended to secure the details of any fences to be erected, and the removal of permitted development rights relating to means of enclosures more generally to prevent boundary treatments clashing with the landscaped approach.

10.54 The landscaped areas have the potential to accommodate children's play provision predominantly for younger age groups. The most suitable locations for this are an area of open space located in the southern portion adjacent to a pedestrian route for younger children and a larger area in the north-west corner of the site. Details of the

landscape design including play provision is secured by planning condition.

- 10.55 Due to the topography, only the upper levels and rooftops of the new buildings will be visible from the road at its western end, and as the proposed planting becomes established the visual impact should gradually reduce. The development will be more visible in open views from the eastern end of the B1000, where the boundary vegetation and low bund on the eastern section will need to be removed to make way for a footpath/cycleway, although new hedges and trees will be planted to reduce the impact. Views from public rights of way and the Chain Walk are generally obscured.
- 10.56 The illustrative Masterplan includes a central green, retained woodland, SUDS provision, and nature reserve, provision of street trees and small pockets of amenity green space and with proposed roads and footpaths connecting with existing routes. The green space infrastructure provision, therefore, is fairly well integrated into the overall development. The Council's Landscape officer raises no objection to the outline scheme subject to conditions.
- 10.57 As such, it is considered that the proposed indicative landscaping scheme is capable of delivering acceptable strategy in accordance with policies HERT3 criterion (j), DES2 and DES4 of the DP and HSHT3 of the SNAP.

Impact on Heritage Assets

- 10.58 Conservation areas and listed buildings: Section 66 and 72 of the Listed Buildings and Conservation Areas Act 1990 require that the Local Planning Authority have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. This is reiterated within policy HA1 which states that *"Development proposals should preserve and where appropriate enhance the historic environment of East Herts... less than substantial harm should be weighed against the public benefits of the proposal"*.
- 10.59 The application site lies just to the north and east of the Grade II* Registered Panshanger Park, the setting and therefore heritage significance of which, there is potential to affect. The northernmost of the site is also considered to have the potential to affect the

setting of Goldings, a Grade II Registered Park and Garden which lies northeast of the site allocation.

- 10.60 Panshanger has dense woodland plantations on its boundaries which limits the interaction it has with the surrounding landscape however, its rural surroundings outside of these enclosed boundaries contributes to the way the asset is experienced. Therefore, the potential development of parts of this rural area, especially in close proximity to the eastern boundaries of the Park which the outer suburbs of Hertford already partially meet, has the potential to cause harm to the heritage significance of the Registered Park and Garden.
- 10.61 Turning to Goldings Park to the northeast of Panshanger Park, this has no designed intervisibility with the larger park with views from within Goldings designed to take advantage of prospects to the southwest, towards Hertford. The intervening land between the two parks was open farmland interspersed with woodland blocks, a landscape feature that remains today. The farmland closest to Panshanger has however been affected by mineral extraction works which have changed the landscape context between the two parks. Long Wood screens the northern site from any distant views from Goldings in this direction. Potential development of this site is therefore considered to have the potential for at worst, only a very limited impact on the heritage significance of Goldings.
- 10.62 Historic England advises that it is important for the Council to have regard to the Panshangar Park, and the Environs Heritage Impact Assessment (Beacon Planning, Beacon Planning, July 2016) as required under the East Herts District Plan (Policy HERT3) and recommends that additional information is sought with regard to the provisions for Panshanger Country Park, addressing both potential physical and to a lesser extent visual impacts.
- 10.63 It is acknowledged in the Panshanger Park and Environs Heritage Impact Assessment (2016) Evidence Base document for the District Plan states that the southern site of HERT3 has "*greater potential to harm the significance of the Grade II Registered Panshanger Park. Development here would expand the urban environment of Hertford across Thieves Lane for the first time, into an area that has historically formed a continuation of the rural parkland/agricultural character of the Registered Park and would lie immediately adjacent to the Registered boundary*".

- 10.64 In contrast, the application site, known as the northern site of the two HERT3 sites is of less importance to the setting of Panshanger Park, but still contributes to the rural environment of the park which is an important element of the way the park is experienced. It is commented that development in the eastern part of this site would therefore offer the opportunity to create a better defined urban edge to Hertford, whilst the western part of the site should be kept open to ensure an appropriate buffer to Panshanger is maintained. It is considered that the proposal adheres to the masterplan approach and suitably would largely preserve the significance of Panshanger Park and Goldings heritage assets, with cumulative impact of the HERT3 Allocation only resulting in less than substantial harm to the setting of the historic parks (at the lower end of the sliding scale of less than substantial harm).
- 10.65 The Views Appraisal Report prepared by LUC which accompanies the application assesses the potential visibility and effects and states that the proposals would have a moderate to neutral impact on views from Welwyn Road and Sele Farm to the east and recreational receptors using PROW that run adjacent to the application site. Views from within Panshanger Park would be likely to be unchanged and visibility would be very limited even during winter months as demonstrated by wireframes visuals in the report.
- 10.66 The application is also accompanied by Heritage Statement prepared by Asset Heritage Consulting. It is reported that the outline scheme would not result in a harmful impact on the significance of either of the two heritage assets. The scheme would not degrade or otherwise alter this significance and give rise to no harm to the Park's intrinsic significance.
- 10.67 The Council Conservation and Design officer advises that the application site is approximately 500m to the north of the application lies the Grade II Registered Park and Garden of Goldings, which includes numerous Grade II Listed Buildings and the Grade II* listed Goldings Mansion. The Goldings Park and Garden is on much lower land than the application site and the neighbouring Sele Farm Estate. There is some visibility from within the Registered Park and Garden of modern buildings along The Ridgeway within the Sele Farm Estate next to the site. However, whilst glimpses of these buildings can be seen above the treeline, they do not dominate in views. The

proposed buildings within the application site would be much further set back than the development along The Ridgeway and would be lower in height. It is not considered that any of the proposed buildings within the current application would appear prominently in any key views. However, there would be a minor impact on the significance of the Registered Park and Garden due to further encroachment on its wider rural setting.

- 10.68 Further reviews by the Conservation and Design officer were undertaken and the following conclusions are provided. The application site is approximately 200m to the south of the application site lies the Grade II* Registered Park and Garden of Panshanger. Whilst Panshanger Park and Garden covers the slope of a large valley, the existing mature tree planting along the northern edge, and the fact that the application site is on broadly level land with the tree planting to the northern aspect of the Panshanger Park and Garden, means that the any intervisibility will be minimal. It is not considered that any of the proposed scheme would appear prominently in any key views. However, there would be a minor impact on the significance of the Registered Park and Garden due to further encroachment on its wider rural setting. As such, it is possible that the scheme could result in some minor harm to the openness of the setting of Panshanger Park however, taking into account HE Guidance and the PPG, this harm would necessarily be limited by the low degree to which these aspects of the Park's setting actually contribute to its significance and the ability to appreciate that significance. Under the terms of the NPPF, this harm would be very much at the lower end of the scale of less than substantial harm, and would, in line with paragraph 196 of the NPPF, need to be weighed against the public benefits of the proposal.
- 10.69 The scheme seeks to maintain the views towards Blakemore Wood from the junction with Welwyn Road and Thieves Lane, maintaining a buffer to the ancient woodland and safe and attractive corridors for pedestrians and cyclists.
- 10.70 Overall, it is officers opinion that the impact of the proposals on the setting of nearby designated heritage assets, including the Registered Park and Garden of Panshanger and the Registered Park and Garden of Goldings, is considered to be minimal to neutral. Any less than substantial harm associated with development within their wider settings is accepted through the site allocation policy and is

considered to be fully outweighed by the public benefits associated with the provision of much needed housing in accordance with the adopted DP.

- 10.71 Whilst it is acknowledged that there is some development within an area which the Heritage Statement suggests being retained as open, the scheme does seek to provide a buffer to the southern end of the site, providing separation and ensures that development is not hard up against the edge of the site and Panshanger Park. The issue appears to be where there is a small gap between the two woodland areas which enable some views through into the application site. It is noted that some young trees have been planted and therefore in time these would mature helping to screen the development. It is also noted that amendments to the road results in clearer views towards Panshanger Park. Whilst some views of the development would be possible from within Panshanger Park itself, these views would be of dwellings within longer views. It is considered that whilst the development would result in some harm, this would be 'less than substantial harm'.
- 10.72 As such, the degree of harm should be weighed against the public benefits arising from the development. The proposal would deliver a significant number of new homes, of which a proportion would be affordable housing which would make an important contribution towards housing supply in the District planned for within the District Plan. The proposals would enable jobs throughout the construction period in the short term, and economically active occupants able to contribute to the economy of the wider area in the long term. The proposal would also result in a 13.12% net gain in biodiversity and deliver substantial areas of open space, play areas and public realm improving the quality of the environment. The proposals also provide improved access to public transport (by way of the bus route) and contributions and active travel by promoting walking and cycling by virtue of the provision of shared cycle/pedestrian route along Welwyn Road and connections between the site, Welwyn Road and the wildlife nature area to the north. As such, it is considered that the public benefits outweigh the less than substantial harm to the heritage assets in accordance with NPPF which affords great weight to the special duty outlined in s.66 of the Listed Buildings and Conservation Areas Act 1990 for the preservation of designated heritage assets.

Access, Highway and Transport

- 10.73 District Plan Policy TRA1 aims to promote developments are accessible and conducive to travel by sustainable transport modes. Policy TRA2 states that *"development proposals should ensure that safe and suitable access can be achieved for all users. Site layouts, access proposals and any measures designed to mitigate trip generation produced by the development should: (a) Be acceptable in highway safety terms; (b) Not result in any severe residual cumulative impact; and (c) Not have a significant detrimental effect on the character of the local environment"*.
- 10.74 Policy HSHE1 of the SNAP states that development proposals should aim to improve access into green/open spaces within and adjoining the Sele ward area, in particular, access to Panshanger Park, Archers Spring, Long Wood, the recreational open space on The Ridgeway and to new open spaces provided within the development proposals north of Welwyn Road and south of Welwyn Road/ west of Thieves Lane (Policy HERT3 of the East Herts District Plan) for existing and future residents. This includes:
- Improving and increasing pedestrian and cycling paths
 - Improving and increasing signage to encourage cycling uptake and walking for leisure purposes
 - Separating cycle paths from motorised vehicles where possible
 - Improving pedestrian crossings
- 10.75 The application site is located circa 1.5km from shops and services within Hertford Town Centre. Other services such as schools are in closer proximity. The nearest bus stop is at Sele Farm Terminus and runs frequent services between Sele Farm and Hertford bus station also connection Hertford North and Hertford East railway stations, Ware, Broxbourne, Cheshunt, Hatfield and Waltham Cross. A bus service that runs between Harlow, Welwyn Garden City, St Albans and Heathrow Airport also passes the site. As such, a number of services are accessible by sustainable transport modes, although a majority of trips are undertaken by private car.
- 10.76 The submitted Transport Assessment (TA) prepared by WSP considers the transport impacts of the proposals on highways and pedestrian safety. The TA considers that the proposals would generate 171 two-way trips each during AM peak (8-9am) and 174

trips (5-6pm) two-way trips during PM peak, which is considered to have a minimal impact upon the highway network and is comparatively less than the previously approved scheme for an "Indoor tennis centre incorporating indoor courts, pool, gym and outdoor facilities including outdoor swimming pool, tennis courts and golf range (ref: 3/16/1716/FUL). The vehicle trip generation for this wholly residential application compared with the previous approved racquet and sports facility between AM and PM peak hours is set out in the table below:

	Arrivals	Departures	Total
AM Peak Hour	-28	+50	+22
PM Peak Hour	-59	-108	-167
Total	-87	-58	-145

- 10.77 The table shows that during AM Peak, there are 28 fewer arrivals, but 50 additional departures at the residential development in contrast to the vehicle trip generation of the racquets and sports centre. During PM peak, the residential development generates 59 fewer arrivals, and 108 fewer departures than the racquets and sports centre. In total, during the PM peak hour, the residential development results in 167 fewer trips than the previously approved racquets and sports centre. This acts a precedent in the planning terms inasmuch as acceptable, previously approved vehicle trip generation trip rates.
- 10.78 As detailed in the Settlement Appraisal (2016) which forms part of the Evidence base for adopted DP and HERT3 site allocation specifically, the HA reviewed their position in relation to HERT3 as more up to date evidence, particularly in respect of impact on the A414 became available. The HA raised no in-principle objection to development of up to 550 dwellings in this location at a strategic scale. However, the HA recommended that detailed matters pertaining to access and the potential need to contribute to wider strategic improvements to mitigate impact of development had to be addressed through the planning application process. The HA considered that at this stage that any matters would prove to be of particular concern. This position remains the case following a comprehensive assessment of the planning application documentation.

- 10.79 Whilst there are currently no dedicated cycling facilities near the site, a new shared cycleway/footway is proposed along the north side of B1000 Welwyn Road. Further towards Hertford town centre, there are cycle lanes along North Road and Beane Road, linking to the cycle network within the town.
- 10.80 Officers consider that in principle, additional connectivity is encouraged however, the number of hard paved formal pedestrian footpaths should be carefully considered, so as not to undermine the landscaped spaces around the site. As such, this issue can be adequately addressed at reserved matters stage as part of the detailed landscaping proposals.
- 10.81 Vehicular tracking shown on drawing 2900-SK-010-11 and 2900-SK-010-12 have also been provided to show how single deck bus and refuse vehicle can access and service the entire site. In addition, details have been provided on drawing 2900-SK-08 to show the visibility splays for the proposed access arrangement from the Welwyn Road.
- 10.82 The TA has been reviewed by the HCC Highways Authority (HA) who consider the highway impacts of the proposals as set out in plan 2900-SK-19 P13 are acceptable subject to the imposition of conditions and securing 278 works by Section 106 legal agreement. As such, the proposals are not considered likely to have an adverse impact on highway safety.
- 10.83 In terms of cycle and car parking provision, car parking provisions are set out by Parking Zone 4 (75%-100% -zonal system for parking) as described in the Vehicle Parking SPD and Policy TRA3 of the DP which states that developments should provide sufficient parking to meet required standards (1.5 spaces for 1-bed, 2 spaces for 2-bed, 2.5 spaces for 3-bed and 3 spaces for 4 bed dwellings). A provision of 569 car parking spaces would therefore be required to meet the indicative housing mix. The proposals would exceed these requirements providing 693 spaces and 35 visitors spaces which represents 91.43% of the maximum car parking ratio and provision for electric vehicle charging points in line with DES4(e) which will be secured by condition. The proposed illustrative parking provisions are set out below:

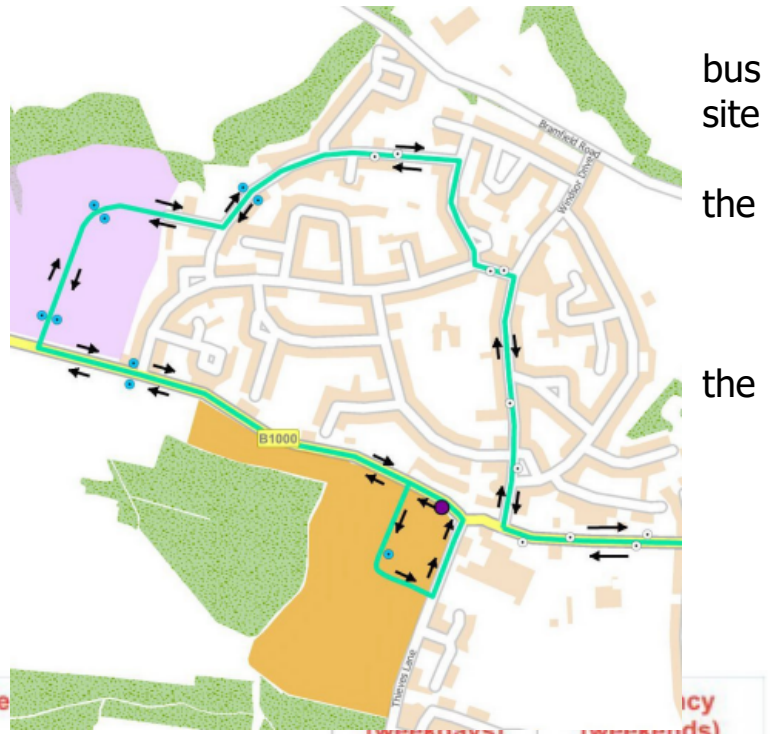
Illustrative car / cycle parking provision	
Allocated parking for dwellings	693
Visitor spaces	35
Disabled spaces	10% of total
Total car parking	728
Cycle parking	342 (min. 1 to 1 space)

- 10.84 With the indicative housing mix, this would require a dwelling with a parking ratio of between 1.5 and 3 spaces. The proposals are within this range, but less than the maximum on the basis that public transport in the form of an expanded bus service would be provided. A greater provision of cycle parking than the required standards of 1 per flat and 2 per house would be provided. All family houses would be provided with at two on-street parking spaces. On street parking would be secure by natural surveillance from the adjacent dwellings.
- 10.85 Garages are indicatively proposed across the site, in order for garages to be counted as parking standards they should achieve internal dimensions of 5.6m x 2.6m or 3.2m x 5m. The submitted illustrative plans show that all garages and car ports would meet these dimensions and can be counted as parking spaces. It is considered reasonable to remove permitted development rights in order to ensure that these spaces are retained for the parking of vehicles; a condition has been imposed to this effect.
- 10.86 The TA includes information on car ownership in the surrounding area, and notes that 38% of households own 2 vehicles, and 43% own 1 or fewer vehicles, and this information as well as policy TRA3 has informed car parking provision at the site. 120 residential parking spaces are proposed which would include at least 2 spaces for houses and 1 space for flats. No information is provided with regard to required Electric Vehicle Charging Points (1 point per dwelling), but as car parking spaces are designated, and mostly provided on each plot, provision of a proportion of car parking spaces as EV charging spaces shall be secured by condition. The proposed car

parking provision would exceed that required in policy terms and is considered to be acceptable. Particularly when considering levels of car ownership, the provision of cycle parking and the location of the site on the edge of a town.

- 10.87 No details of cycle parking have been provided. The illustrative parking plan shows each house has a garden which could accommodate some cycle parking, as well as a building at the rear of the block of flats which could be used for cycle parking for this block. Full details of cycle parking provision can be secured at reserved matters stage. Subject to these conditions car / cycle parking provision exceeds the requirements of District Plan.
- 10.88 Full details of the proposed access to the site have been provided. The proposal is for the creation of a vehicular access point to be provided near the centre of the site directly from Welwyn Road via a simple T junction. The detailed layout of the access has been the subject of extensive discussions with the Highway Authority and is considered to provide safe suitable access for the level of traffic movements envisaged.
- 10.89 In addition to this main access, a bus and emergency vehicle only access is proposed from Perret Gardens to the east of the site. This will enable a circular bus route to be provided that is to serve this site and the Thieves Lane site to the south. Details of the means of controlling access and egress to prevent unauthorised use of the Perret Gardens access can be the subject of a condition but the options being considered are the use of Numberplate recognition technology or a rising bollard.

10.90 The introduction and expansion of existing services through the is considered to be an important element of scheme, to ensure that residents have a choice of sustainable transport options in interests of reducing traffic impacts show here.



Bus Stop	Bus No.	Operator	Route	(weekdays)	(weekends)
Sele Farm Terminus	395/396	Arriva in Herts and Essex	Sele Farm – Hertford – Ware – Hertford – Sele Farm (Circular)	15 – 20 mins during daytime	15 – 20 mins during daytime
Welwyn Road	724	Green Line	Harlow – Hertford – Welwyn Garden City – Hatfield – St Albans – Watford – Uxbridge – Heathrow	Hourly	Hourly (Saturdays) Two-hourly (Sundays)
Turpins Close	388	Centrebus South	Stevenage – Welwyn Garden City – Hertford	One return journey	No weekend service.
	641	Uno	Hatfield – Hertford – Broxbourne	Two-hourly during daytime	Two-hourly (Saturdays) No service (Sundays)
	H3	Centrebus South	Horns Mill – Hertford – Campfield Road	Hourly during daytime	Hourly during daytime

10.91 The proposed timetable above shows buses that would route through or nearby the application site and then through neighbouring allocated site then towards the town centre. The first and last buses for the 395/396 bus services which would enter and leave the site are 0615 and 1920 on weekdays, 0719 and 1849 Saturdays and 0840 and 1740 (from Sele Farm) on Sundays. Given the frequency of the service, it is not anticipated this would have any detrimental impact on the operation of the exiting routes and on local amenities and would in fact provide good connections area at a reasonable rate.

10.92 The HA have provided detailed comments and following pre-engagement by the applicant, have afforded an extended period of consultation to ensure highways matters have been carefully

considered. Of particular note, the proposed widening of Perrett Gardens has led to certain limitations which have been raised concerns by local residents. Due to land constraints, it is not possible to widen the route any more than is proposed which forms part a revised design setup. Following HA advice, the applicant revisited off-site highway works previously proposed to assess for compliance with the latest standards. This has resulted in some minor changes to the proposed shared footway/cycleway provision from the site access onto Welwyn Road, eastwards, and to the roundabout with Thieves Lane. A shared design is to be retained as full segregation would result in the removal of numerous mature trees along the route. Additionally, the moderate levels of pedestrian and cycle flows expected along this route do not justify the need for full segregation, which is permissible as laid out in Local Transport Note (LTN) 1/20. The applicant has improved the previous design by ensuring at least a 0.5m buffer from the adjacent walls/boundaries in place, and at least a 1m buffer/separation for the entire length from the carriageway edge. The final iteration shows off-site highway works on plan drawing ref: 2900-SK-19 rev P13, and this would be secured by Section 278 works and conditions subject to resolution by Members to approve the application.

- 10.93 Turning to Perrett Gardens controlled access, the park land to the north is no longer available to accommodate road widening for which the applicant put forward several possible designs to seek to address this, and following discussions, the most appropriate is shown on drawing ref: 2900-SK-38 rev P03. Whilst the final detailed design is yet to be agreed following Road Safety Auditing and Section 278 highways agreements, the HA are satisfied that further improvements can be secured by condition and via the Section 278 agreement.
- 10.94 There are known concerns raised by the Sele Farm Community Centre (SFCC) and Town Council regarding the new access road from Perrett Gardens and the potential of congestion and traffic incidents. However, SFCC acknowledge the conditions as recommended by the HA to ensure highway and pedestrian safety and that details must address the traffic flows in Perrett Gardens resulting from activities at SFCC, including peak flows at the start and finish of sessions at the Centre. This is to be secured by a suite of highways conditions.

- 10.95 Given the concerns raised by local residents, it is important to explain that only a very short section of the south side of Perret Gardens would be removed from 2m to 1.4m and the north side would be retained along its entire length. A raised table crossing would be extended and incorporate SFCC which would encourage greater pedestrian movements and reduce vehicular speeds along Perrett Gardens. The proposed routing of the extended bus service provides high visibility for buses (traveling south-westward on The Ridgeway towards the junction), of buses heading eastbound on Perrett Gardens. This would enable buses on The Ridgeway to let buses out of Perrett Gardens before entering from The Ridgeway.
- 10.96 Furthermore, it is acknowledged that residents and the SFCC have concerns in connection with the proposed rising bollards. These would ensure only buses and emergency vehicles would contribute additional vehicular traffic to Perrett Gardens, and bus route 395/396 has a frequency of one bus every circa 30mins. Therefore, propensity for traffic to pass buses would be low. With the proposed widened carriageway on Perrett Gardens to provide passing places there is unlikely to be congestion and potential for accidents would also be low given the proposed raised tables and reduced traffic speeds. Any delay to buses would also be minimal. With the proposed passing places and the width of carriageway, there certainly would not be the need for the incursion of vehicles onto the footways.
- 10.97 Policy HSC2 of the SNAP states that existing community buildings valued by the community will be retained. The proposed scheme does not seek to replace the community facility nor impede its operation by reason of the new extended bus route or installation of rising bollards. The provision of additional residents to the area could result in the community centre being more well used with new residents walking to the SFCC from the development. Officers are satisfied this that the operations of the SFCC would not be compromised. There are concerns about the loss of six on-street spaces on the land adjacent to the community centre access are noted. However, these spaces are not under the demise of the SFCC so are not considered contingent to the successful operation of the SFCC. The loss of 6 parking spaces within the area would not be enough to warrant refusal of the application when read as a whole,

considering the substantial social, economic and environmental benefits to be secured as part of the development.

- 10.98 As such, subject to conditions requiring a Road Safety Auditing of the Perrett Gardens scheme with designer's response and revised plan should be conditioned. It is acknowledged by the Highways Authority that whilst the narrowing of parts of the footway are not a perfect solution, given the land constraints and the promotion of active travel, it is apparent that the existing footway along Perrett Gardens would only need to be narrowed for a short stretch. Therefore, the relaxation in best practice guidance is considered to be justifiable given the benefits of providing public transport improvements. Officers consider that as the proposed route would be a bus only and pedestrian/cycle only access to the wider development and it is planned to serve a relatively modest scale of residential quantum (in comparison to other site allocations) the HA are of the view that the principle of the access and the altered highway is acceptable and a suitable technical design can be secured by condition and highways works agreement to service existing and proposed uses without compromising pedestrian movements to an unacceptable level. In terms of a financial contributions, final contributions have change significantly in two areas since the planning submission due to the new Planning Obligations toolkit in 2021, outlining new headline figures for sustainable travel contributions from developments where CIL tests are met. The second is the applicant's assertion that the scheme is not financially viable if 'standard' contribution levels were sought from the various interested parties, including the highway related contribution.
- 10.99 The HA accept the EHDC agreement of the Independent examiners FVA assessment in line with paragraph 2.10 of the Transport / Appendix 1 section of our Toolkit, that a reduced contribution can be justified. At the early masterplanning stages, bus service provision of the Archers Spring was considered alongside the Thieves Lane development and the HERT2 site allocation, given the same service could be rerouted to serve all three developments. Whilst alternative bus service setups may now be an option, a contribution towards improved bus service provision is considered necessary and should take priority over any other possible sustainable travel schemes that might have previously been identified.

10.100 Connecting the site back into Hertford and surrounding areas is a critical consideration. The access and circulation parameter plan scheme would deliver a new bus connection route to Sele Farm and pedestrian/cycle link; this would allow the extension of a local bus route into the site. A primary vehicular link is also proposed onto the Welwyn Road to the south. New pedestrian links are proposed for amenity purposes, connecting to Panshanger park via a new equestrian crossing installed by the Highways Authority as part of their improvements to the local bridleway. In addition to connecting existing foot and cycle paths leading out into the countryside to the north and west thus providing suitable connectivity and permeability. The parameter plans illustrate the high levels of permeability and connectivity with the area and demonstrate that pedestrian and cycle movements are prioritised in accordance with the advice of the Highways Authority.

10.101 Accordingly, a Bus Service and Active Travel contribution of **£458,937** is to be secured by way of s.106 legal agreement and off-site Highways works would be secured by Section 278 legal agreement which includes:

- A footway/cycleway access to Hertingfordbury 11 bridleway, from the western side of the site access to provide a link to the equestrian crossing and beyond to the start of bridleway 11.
- A shared footway/cycleway from the site access, eastwards along Welwyn Road to just immediately west of the Welwyn Road / Thieves Lane roundabout (to include appropriate tactile treatment at Bentley Road and Elizabeth Close).
- Pedestrian link with Bentley Road
- A shared footway/cycleway from immediately east of the Welwyn Road / Windsor Drive mini roundabout, eastwards along Welwyn Road, to the signalised crossing (i.e. immediately by the pedestrian link to the eastern end of Hutton Close).
- Two new bus stops to be provided along The Ridgeway.
- Three sets of pedestrian dropped kerbs / tactile paving within the Sele Farm estates.
- Bus link to Perrett Gardens along with Public Realm improvements within Perrett Gardens;
- BUS SERVICE CONTRIBUTION - £458,937 to be pooled with contributions from the other sites in Hertford to provide the service;

- Archers Spring site (Part of HERT3): 342 units (32%)
- Thieves Lane (Part of HERT3): 254 units (24%)
- Marshgate Drive (part of HERT2): 375 units (36%)
- Norbury Woodyard (part of HERT2): 85 units (8%)
- SUSTAINABLE TRANSPORT CONTRIBUTION - to be pooled towards HCC's 'North Road' Route Improvement scheme.

10.102 This includes but is not limited to:

- A shared footway/cycleway of 3 metres width, on the northern side of Welwyn Road, from (and including) the new site access onto Welwyn Road up to a point around 250 metres west of the Welwyn Road / Thieves Lane roundabout (NB. the remaining section to be delivered by the Thieves Lane development);
- A shared footway/cycleway of 3 metres width, on the northern side of Welwyn Road, from the zebra crossing immediately east of the Welwyn Road / Windsor Drive junction up to and including the existing signalised crossing by the Hutton Close footpath link.
- Revised central hatching and running lane carriageway widths to include new central pedestrian refuge islands;
- As footway/cycleway link to the west of the site access up to Hertingfordbury Bridleway 011, to include a suitable route across the existing fenced/boxed equestrian crossing point, and onto the Bridleway.
- Two new bus stops along Welwyn Road, one on either side of the road.

10.103 These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation. Reason: To ensure users of the development can travel safely, freely, and sustainably to Hertford town centre and other key destinations.

10.104 As such, subject conditions and obligations, it is considered that the outline scheme and 'Access' in this regard would suitably promote active travel and sustainable transport infrastructure in accordance with Policy TRA1 of the DP and Policy HSHE1 of SNAP and the NPPF.

Sustainability/Water Management

10.105 District Plan Policy DES1 promotes incorporation of sustainable building design principles in new development, including an energy

hierarchy approach which first looks at reducing energy demand through building fabric measures such as insulation and air tightness, followed by efficient energy supply and finally incorporation of on-site renewable energy. Policies WAT4 and WAT5 require efficient use of water and Sustainable Drainage Systems, which aim to collect and retain water within the site, reducing runoff to greenfield rates.

- 10.106 The applicant has stated that the development would incorporate a fabric first approach to sustainability with levels of insulation, air tightness and double glazing. Energy efficient lighting, services and controls are also proposed in order to reduce energy demand for space heating, cooling ventilation and lighting. In addition, the proposed development is intended to be all electric with heat pumps and photovoltaic panels to meet heating and cooling requirements as well as some electricity demand. Dwellings are to be designed to meet the governments 'Future Homes Standard' in 2025 which requires that they have a 31% lower level of carbon emissions than 2022 building regulations. Accordingly, sustainable construction and design renewable technologies would be secured by condition and considered at the reserved matters stage. The development would not be acceptable if the information submitted in the conditions or reserved matters could not demonstrate compliance with the appropriate standards of sustainable construction or/and if the renewable energy provisions and carbon emission reductions fall short of the required standards. As the detailed design of the development is a reserved matter, it is at this stage to assess whether the development would fully meet the requirements of the policy. The outline planning conditions set out the framework for specifying what information should be provided in the reserved matters with overarching standards set where appropriate. It is considered that other Building Regulation standards also would be applied as part of the latter stages in the development, but these are not specifically relevant or applicable at the outline planning stage, where the information is not yet known. In terms of water efficiency, water consumption within the new dwellings would meet or exceed the higher efficient target consumption rate of 110 litres per person per day. Notwithstanding this, a condition requiring the proposal to meet the 110 litre per person per day would be imposed on any grant of permission.

- 10.107 The site falls within Flood Zone 1 where there is a low risk of flooding as described by the Environment Agency. A revised Flood Risk Assessment and Drainage Strategy prepared by WSP dated March 2024 has been submitted to overcome concerns from the LLFA relating to the absence technical information on surface water flow path and drainage. Following re-review, and an updated infiltration testing conducted in February 2024 (BRE 365 standards), LLFA do not raise an objection on flood risk grounds and advise that the proposed development site can be adequately drained and mitigate any potential existing surface water flood risk if carried out in accordance with the overall drainage strategy.
- 10.108 Infiltration is considered to be feasible in the east basin and the west basin at different rates, 0.072m/s and 0.036m/s respectively. Greenfield runoff rates would range from 3.76-5.22L per second in 1 in 30yrs and 1 in 100yrs (3.3% is high risk -1% is medium risk). These measures are considered to address previous LLFA concerns. Officers are satisfied that the scheme can be suitably drained to not result in the scheme or other surrounding properties being at significant risk of flooding and that a condition can secure details of sustainable drainage measures.
- 10.109 The proposed drainage is based on infiltration and the latest infiltration testing and there are no watercourses or surface water sewers within the vicinity of the site. The geo-environmental and geotechnical ground investigation identified that no groundwater was encountered during the investigation with the exception of perched groundwater within the Made Ground at WS102 at a depth of 0.8m to 0.9mbgl. We note that ground investigation has recorded as the chalk as low density and subsequent dissolution features have been identified within the vicinity of the site. Therefore, as per CIRIA C574 infiltration features have been sited at least 20m away from roads and building foundations. The sides of the drainage features will be lined to prevent any infiltration of water. Due to the presence of made ground in the locations of the proposed infiltration basins it has been ensured that the invert levels of both basins lie within permeable soils. Both basins are to infiltrate through their bases only.
- 10.110 It is acknowledged that the site is irregular in topography and significant amounts of earthworks are to take place throughout the site to incorporate the proposed development and drainage

strategy. As part of the conditions, updated infiltration tests after any earthworks would be secured to ensure that infiltration is still a feasible mechanism to discharge surface water.

- 10.111 The site is to split into two catchments based on the existing site topography – the east and west catchment. Each catchment would have its own surface water drainage network which would discharge to infiltration basins. It is proposed that the basins would have side slopes no steeper than 1 in 4 and would include a freeboard of 300mm for events beyond the 1:100 + climate change. The NW basin lies in part along the alignment of the identified surface water flow path. The basin has been located and levels set so as to intercept any overland flow. The two basins would be used to provide attenuation, water quality and biodiversity enhancement. The basins are to be sized to provide adequate attenuation for the 1 in 100 year storm + 40% climate change prior to discharge to an existing ditch. Both basins are to include sediment forebays at inlet locations to provide additional treatment. Outline Micro Drainage modelling has shown the required volume of attenuation in the east basin to be 1,790m³, and 1,650m³ in the west basin. The basins both include a 3m access track on the sides of the basin to allow for maintenance access.
- 10.112 Permeable paving areas are to take, where possible, development generated surface water from private car parking areas and footpaths and will be used for the purpose of pre-treatment and sediment removal. Permeable paving has not been allowed for within the Micro Drainage calculations at this stage. Surface water runoff would be attenuated onsite for events up to and including the critical 1 in 100 year storm rainfall event plus 40% allowance for climate change.
- 10.113 As the Outline scheme has yet to provide the final details and in order to secure the principles of the current proposed scheme, the imposition of conditions will be secured subject to resolution to approve by the planning committee.
- 10.114 As such, subject to conditions regarding drainage, and water/energy efficiency measures and sustainability and water management, it is considered that the scheme is in accordance with Policies DES1, WAT4 and WAT5 of the DP.

Trees, Ecology and Biodiversity

- 10.115 District Plan Policy NE2 states that *"All proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so, as measured by using and taking into account a locally approved Biodiversity Metric, and avoid harm to, or the loss of features that contribute to the local and wider ecological network"*.
- 10.116 Policy NE3 states that *"Development should always seek to enhance biodiversity and to create opportunities for wildlife...with evidence provided in the form of up-to-date ecological surveys"*. Part II-VIII of the policy also state that harm to trees and hedgerows will be resisted, and that bird and bat boxes will be sought on new development bordering open space.
- 10.117 POLICY HSHE3 of the SNAP states Development proposals should conserve and enhance biodiversity and deliver net biodiversity gains.
- 10.118 Policy HSHE4 of the SNAP relates that Green Corridors should provide permeability for wildlife and people and will be protected from harmful development, managed and where possible enhanced to create increased public access.
- 10.119 The applicant has submitted an Ecology Survey prepared by LUC which concludes that the proposed scheme would not result in harm to protected species subject to mitigation measures. These include initial works should not take place during the bird nesting season. In addition, several enhancements would provide opportunities for species such as birds, mammals and invertebrates utilising the site. Soft landscaping is identified as being capable of delivering an uplift of 13.12% for habitats and 75.14% for hedgerow units thus exceeding a minimum of 10% Biodiversity Net Gain (BNG) metrics in both respects. The total area of open space is 38% of the site (4.8ha, of which nature reserve is 2.6ha). These BNG scores are considered to meet the requirements of the above policies subject to securing proposed the mitigation and enhancement measures by condition. The final detailed design and would be expected to be capable of resolving any 'trading rule discrepancies through design at detailed stage.
- 10.120 In addition, an accompanying Tree Constraints Report prepared by SJ Stephens Associates considers potential impacts on trees and

hedgerows. The findings confirm there are no TPO trees within the site. The site comprises open land adjacent to Welwyn Road bordered to the east by housing and to the north by woodland, with a spur of woodland running north-south across the site. Details submitted show Construction Exclusion Zones for category A and B trees which would be retained and a proportion of category C/B trees to be removed in line with BS5837:2012. The submitted documents advise that once the site layout has been finalised, an Arboricultural Impact Assessment (AIA) would be prepared for inclusion within the reserved matters application and be secured by the imposition of a planning condition. Nevertheless, the indicative layout shows existing trees and woodland retained and integrated reasonably well into the overall development. The proposed development would include the removal of much of the vegetation and the high bund at the western part of the site and along the southern boundary, with trees being thinned but with some replanting in mitigation. This work would follow the determination of the reserved matters and any enabling works conditions.

- 10.121 The illustrative masterplan includes a central green, retained woodland, SUDS provision, and nature reserve, provision of street trees and small pockets of amenity green space and with proposed roads and footpaths connecting with existing routes. The green space infrastructure provision is considered to integrate well into a wholly residential scheme. There are sufficient areas designated within the land use parameter plans to enable detailed landscape, public realm and amenity space proposals to be developed at the reserved matters stage. The detail provided at reserved matters stage, in addition to any outline planning conditions would enable the LPA to secure appropriate biodiversity and ecological gains. The outline stage will set out the minimum standard in terms of the biodiversity net gain, including the method of securing the enhancements.
- 10.122 The Council's Tree officer raises no objection to the outline proposals on landscape or arboriculture grounds.

- 10.123 The need to ensure that the site delivers upon the requirements of the SNAP in terms of biodiversity and environmental enhancements is noted to be a concern as set out in the consultation responses, notably from the Sele Ward Neighbourhood Association and Local Councillors. The need to ensure that the site delivers upon the requirements of the SNAP in terms of



biodiversity and environmental enhancements is noted to be a concern as set out in the consultation responses, notably from the Sele Ward Neighbourhood Association, Town Council and Local Councillors. The comments received highlight that the Green Corridor routes in the outline parameter plans, and illustrative masterplan would be not located in the location on the Appendix to the SNAP labelled GC2. The requirement to provide Green Corridors within the site is set out in Policy HSHE4 of the Sele Neighbourhood Area Plan (SNAP) underpinned by the Policies Map. The SNAP examination took place on 11 January 2021.

- 10.124 It is important to observe the Examiner's commentary with regard to delivering a Green Corridor along the eastern boundary with Sele Farm as follows:

"...shown as GC2, running along the rear of the Bentley Road and The Ridgeway properties. In b) it is suggested that this could be achieved by appropriate design of the rear gardens. I have significant concerns as to the likely efficacy of such a route, once future houses are occupied and achieving the objective of ensuring the physical continuity of a wildlife corridor could be better achieved through a more strategic landscape solution. I propose that the policy be amended so that it provides that the "harmful impact of development" is clarified as having regard to the ability of wildlife to move through the site, as well as providing for the connectivity of humans. I will also retain the first sentence in b) which refers to the inclusion of a green corridor linking Longwood with

Blakemore Wood, but to leave the routing to the development management stage rather than being enshrined in policy. The final sentence relating to the choice of species which offer positive benefits for biodiversity, can be retained”.

- 10.125 The wording of the Green Corridors policy was therefore amended to accord with the above advice, notwithstanding the appendix inset map not being reconciled with the policy. Officers consider that the guidance in the policy takes precedence over the appendix inset map and the deletion of the specific text in the policy indicates that the SNAP does not require the Green Corridor to be located in the exact position as shown in the appendix inset map.
- 10.126 In summary, due to the drafted highlighted route being located at the rear of gardens in the development and adjacent area, the SNAP examiner considered that this route could not be secured effectively to achieve the aims intended by the policy, Officers have taken this preferred approach to efficacy of delivering a Green Corridor to a more centralised route on board. It is considered that it would be more appropriate and functional rather than positioned between existing development to the east and the proposed scheme where biodiversity benefits would be more constrained. A larger Green Corridor can be achieved resulting in greater BNG in a more centralised location that connects seamlessly to the 'Local Wildlife Site' nature reserve. Accordingly, the Illustrative Landscape Masterplans and supporting visuals demonstrate that a proposed Green Corridor could extend through the site as illustrated in the images here:





- 10.127 It is important to note, subject to Members resolution to grant permission, the Green Corridor will form a key part of the detailed plans at Reserved Matters stage and securing BNG and landscape management plans to ensure appropriate species rich planting/ground surfaces will be via imposition of planning conditions. The parameter plans suitably align with the masterplan which secures a central corridor which would be appropriately landscaped and laid out between Welwyn Road and the local Wildlife site to the north. The detailed design would enable the biodiversity and ecological requirements of Policy HSHE4 of the SNAP policy requirements to be met notwithstanding the red line shown in the Appendix in the SNAP.
- 10.128 As such, subject to conditions and further detailed landscape provisions within the reserved matters submissions, the proposals are considered acceptable regarding tree impacts, biodiversity gain and ecology. Landscape conditions are also proposed to secure a scheme of landscaping across the site, including a new green corridor with new tree and hedgerow planting, and incorporation of native species in accordance with Policies HERT3 criteria (j), (l) and (k), NE2 and NE3 of the DP.

Amenity/Pollution

- 10.129 Daylight / sunlight / overlooking existing occupiers: The proposals are a sufficient distance from neighbouring houses and/or screened by landscaping that they would not result in undue loss of daylight, sunlight or sense of enclosure to existing occupiers most notably those residents residing in Sele Farm Estate.

10.130 Amenity for proposed occupiers: The illustrative layout plan shows potential dwelling sizes which are capable of complying with Nationally Described Space Standards (NDSS) for dwellinghouses and flats. Private garden amenity for the houses is provided for each dwellinghouse within the illustrative layout. In addition, there would be sufficient amenity for flatted residents in the form of pocket parks and Green Spaces, Natural and seminatural green space as set out below:

Open space type	Recommended quantum	Actual Provision
Parks and Gardens / Amenity Green Space	11,102m ² (@1.4ha per 1000)	15,300m ² (Includes 2,000m ² of play)
Natural and semi Natural Green Space	25,376m ² (@3.2ha per 1000)	32,750m ²
Children's Play and provision for young people	1,982.5m ² (@0.25ha per 1000)	2,000m ² (Within Parks and amenity space)
Allotments	2,379m ² (@0.3ha per 1000)	Not provided on site
Total recommended provision	40,839.5m ²	48,050m ²

10.131 Overall provision of open space would be likely to exceed standards as set out in County's "Open spaces and Assessment" calculations by some 800m². Not least, all parts of the site are within 250m or a 2-3 minute walk of proposed play facilities and open space. The total open space is 38% of site (4.8 ha, of which nature reserve is 2.6 ha). Whilst there would be no allotment provision on site there, **£60,484** would be secured by s.106 legal agreement for allotment delivery within the Herford.

10.132 As 'Layout' is not to be considered at Outline stage, it is considered that there would be likely to be sufficient separation distances between windows of habitable rooms to ensure quality of accommodation and impact on further and existing neighbouring amenity is protected. The intervening distances between the proposed dwellings to the east of the site and existing dwellinghouses in the Sele Farm Estate would ensure that there would be no undue loss of privacy as a result of the proposed scheme.

10.133 As such it has been demonstrated that at reserved matters stage, the scheme would be able to provide an acceptable standard of

amenity for future residents, in terms of daylight, privacy and external amenity space.

- 10.134 Noise: The application site is bound by Welwyn Road (B1000) and Sele Farm to the NE and existing residential to the east which noise levels are generally low although increasingly dominated by road traffic noise from B1000 towards the south of the site. An acoustic report prepared by WSP has been submitted with the application which concludes that some mitigation is needed adjacent to B1000 with a low number of receptors being exposed. It is considered that the noise from road traffic on B1000 can be considered at reserved matters stage through the detailed design, landscape provisions and layout of the development and can be appropriately mitigated secured by planning conditions as advised by the Council's Environmental Health Officer (EHO). The site allocation policy considers the principle for residential use to be acceptable for this area and the noise conditions are not unusual for an edge of town urban expansion.
- 10.135 It is noted concerns from the nearby Shooting Club which is circa 500m due north have been raised in terms of safeguarding existing business and not having unreasonable restrictions placed upon them. The Council's EHO does not raise any objection in this regard and advises that noise mitigation e.g., fences to dwellings or on the Archers Spring boundary would have no effect as it would be too far from the source of the noise from potential shooting club activities. The LPA cannot place any restriction on the neighbouring business through the consideration of the HERT3 planning application process and it would be unreasonable to limit the development by way of securing conditions at this stage. It is the officer's opinion that a condition on the planning outline application would not be reasonable or necessary and therefore would not meet at least 2 of the six tests for imposing conditions (para. 56 (NPPF) (which states that conditions must be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects). It is advised that the neighbouring shooting club may need to review the operations strategy to ensure the facility continues to operate safely and at appropriate times.
- 10.136 As such, the Council's EHO have reviewed this assessment and raise no objection in relation to noise impacts subject to conditions controlling internal noise levels in line with relevant standards.

- 10.137 Ground Contamination: The site has historically been used for unauthorised mineral extraction and there is evidence of significant fly tipping. The Minerals Waste Resource and the Ground Investigation report both prepared by WSP accompany the application, identifies that there is low to moderate risk of soil contamination and notes that there may be unexpected contamination uncovered as a result of the variable Made Ground from historic landfill. Groundwater contamination is also considered to be low to moderate.
- 10.138 The Minerals and Waste Team advise that the site falls entirely within the Sand and Gravel Belt as identified in Hertfordshire County Council's Minerals Local Plan 2002-2016. Officers agree that the NE, NW and SW quadrants of the site appear not suitable for prior extraction due to the identification of prior workings. They also recognise the limitations to prior extraction in the SE quadrant of the site due to the proximity of residential land. It is also noted that it would not be viable to extract these deposits due this proximity of existing settlement. However, it is advised that the applicant explores further the opportunist use of the deposits across the site should permission be granted.
- 10.139 In terms of Asbestos supported by the Ground Investigation report, there was various locations where this was identified and represents a risk and elevated ground gas was also identified and is considered a moderate risk. The Council's Environmental Health Officer (EHO) has reviewed the report and accept these recommendations, subject to a condition requiring further site investigation in accordance with Policy HERT3 criterion (d) of the DP.
- 10.140 Air Quality: The Council's EHO has requested conditions to help manage air quality with regard to ensuring mitigation and compliance with the submitted Air Quality Assessment report prepared by WSP dated February 2019. The EHO considered the report comprehensive and robust. The construction and operation phases are not considered to exceed Air Quality objectives and a Construction Management Plan (CMP) would be secured by condition. One electric vehicle charging point for each new dwelling would be delivered and secured by condition. The applicant's sustainability strategy proposes an all-electric approach for

heating/cooling and as such gas fired boilers are unlikely to be used which can be secured as conditions.

Healthy and Safe Communities

- 10.141 There are a low number of indicative parking courts within the development.
- 10.142 The Hertfordshire Police Crime and Prevention Advisor have not provided any comments at the time of writing this report. However, officers raise no concerns regarding the development and is satisfied that the development will achieve the Police Preferred minimum security standard that is Secured by Design. The proposal therefore complies with policy DES5 of the District Plan.
- 10.143 The proposed parameter plans make provision for large areas of public open space which include a buffer around the perimeter of the site. An adjacent green corridor and pocket parks are shown in the illustrative layout which enables opportunities to provide formal and informal play space. The indicative details provided show how various pieces of play equipment could be integrated into the open areas. Subject to the detailed provisions of the play equipment being conditioned, the proposals are considered to be acceptable at this outline stage and it is possible to achieve compliance with Policy HERT3 criterion (m) of the DP.

Equality Act

- 10.144 Section 149 of the Equality Act (2010) requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 10.145 The policies and guidance referenced in the committee report have all been subject to an equalities impact assessment (EqIA) and therefore, the planning policy framework is considered to meet the first stage in the process.
- 10.146 The application proposes new housing, including affordable and adaptable units. These could provide adequate levels of types of housing to accommodate all individuals including those with

protected characteristics. The additional bus service connections and cycle/pedestrian routes will benefit individuals with mobility or accessibility protected characteristics. The improved access to the wildlife area to the north also provides an added benefit. It is not considered that the proposal would harm those with protected characteristics defined by the Act. The loss of car parking spaces on Perrett Gardens does not harm individuals with protected characteristics seeking to use the Sele Farm Community Centre as there remains adequate on-site car parking for visitors. There is sufficient parking available on-street within the vicinity to not cause any harm to individuals with protected characteristics.

10.147 It is the case that during construction works there may be impacts due to the building works taking place however these would be temporary in nature and would be outweighed by the considerable positive benefits of the resultant scheme.

10.148 Officers have duly considered the equalities impacts on protected groups in the context of the development proposals. As such it is considered that the Council has fulfilled its requirements to consider the equality impacts on protected groups

Human Rights

10.149 In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the East Hertfordshire District Council to act in a manner that is incompatible with the European Convention on Human Rights.

10.150 You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Other Considerations

- 10.151 Chapter 10 of the NPPF relates to Supporting high quality communication. Para 118 expressly states that planning decisions should support the expansion of electronic communications network. Include next generation mobile technology and full fibre broadband connections.
- 10.152 Policy DES4 criterion d) states that all development will be expected to incorporate high quality innovative design and new technologies. Proposals for residential development should seek to make appropriate provision for high speed broadband connectivity, ensuring that Fibre to the Premises (FTTP) is provided.
- 10.153 On this basis, is it reasonable to ensure future occupiers have appropriate connectivity to facilitate easier homeworking commitments and general quality of life. As such, a condition will be imposed subject to resolution to grant permission by members, to secure broadband facilities.

11.0 Planning Obligations

- 11.1 Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 11.2 A range of contributions have been requested by the County Growth Infrastructure Unit (GIU) and the Council's Infrastructure Contributions Officer to so that infrastructure in the Hertford town can support additional residents from the development in accordance with Policy HERT3 Criteria (n), (o) and (p) of the DP.
- 11.3 Planning contributions referenced in the committee report have been considered in accordance with the East Herts Planning Obligations SPD 2008 and HCC Guide to Developer Infrastructure Contributions 2021. As referenced in Paragraph 57 of the NPPF, the obligations are considered to meet the following CIL Regulation 122 tests:

- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development
- 11.4 The triggers for the payment of contributions are subject negotiation between parties and are not for the resolution of the Committee.
- 11.5 As such, the following contributions subject to resolution by planning committee will be secured as part of the s.106 agreement towards county and local infrastructure as set out in the Heads of Terms in the following section of this report.
- 11.6 All the above contributions are proposed to be secured by heads of terms within the s.106 agreement as set out later in the report.

12.0 Planning Balance and Conclusion

- 12.1 The report provides officer's comprehensive consideration of the Outline planning application and its supporting documentation, including the further/additional information submitted and any representations received. The report has considered the proposals in light of the adopted development plan policies and other material considerations or representations relevant to the environmental effects of the proposals.
- 12.2 In the planning balance, the most important policy is compliance with the criteria set out in Policy HERT3 of the DP which allocates the site for around 300 dwellings. The below table indicates the extent to which the outline application is able to demonstrate compliance with this criteria:

HERT3 PROVISIONS AND ISSUES	HERT3 CRITERIA MET?
<i>a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing);</i>	Yes – <i>the scheme would deliver a range of units including flats and houses for 1, 2, 3 bed homes.</i>

	<i>The type and mix would be secured under a condition with the detail provision coming forward in reserved matters.</i>
<i>b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);</i>	Yes – subject to FVA, 20% affordable housing is secured with a compliant tenure split of 71:29 in favour of affordable rent would be secured via s.106 legal agreement.
<i>c) Self-Build and Custom Build Housing in accordance with Policy HOU8 (Self-Build and Custom Build Housing);</i>	Yes – 4 plots would be provided to accommodate self-build and custom building housing.
<i>d) demonstration of the extent of the mineral that may be present and the likelihood of prior extraction in an environmentally acceptable way has been fully considered. As a minimum, an assessment of the depth and quality of mineral, together with an appraisal of the consequential viability for prior extraction without prejudicing the delivery of housing within the plan period should be provided;</i>	Yes – there is no evidence of mineral in the land and suitable conditions would be imposed to ensure compliance and remediation.
<i>e) necessary new utilities, including, inter alia: integrated communications infrastructure to facilitate home working, and necessary upgrades to the sewerage system;</i>	Yes – infrastructure, utilities and broadband communications would be secured by way of conditions and s.106 legal agreement.
<i>f) sustainable drainage and provision for flood mitigation;</i>	Yes – Site falls in flood Zone 1 which is low risk of flooding, and a detailed SuDS and Drainage

	<p><i>Strategy would be secured by way of conditions and s.106 legal agreement. SuDS designs will be set out in detail within the reserved matters submissions</i></p>
<p><i>g) access arrangements and appropriate local (with contributions towards wider, strategic) highways mitigation measures;</i></p>	<p>Yes – <i>The detailed plans demonstrate that suitable access for pedestrians, cyclists and vehicular traffic is provided to the site to avoid severe transport impact and promote active travel. Details of the access routes, roads, cycleways, and bus route would be secured by way of conditions and s.106 legal agreement. Financial contributions towards sustainable transport are also secured.</i></p>
<p><i>h) encouragement of sustainable transport measures, both through improvements to the existing walking, cycling and bridleway networks in the locality and through new provision, which should also provide links with the adjoining area and the town centre (which should include, inter alia, the improvement of pedestrian and cycle access to Perrett Gardens and links from the Sele Farm estate to public footpaths and bridleways in the locality); shared use cycle/pedestrian way alongside Welwyn Road; enhanced passenger</i></p>	<p>Yes – <i>active travel initiatives would be delivered including extension of bus routes and improving connections and linkages with a shared cycle/foot path secured by way of conditions and s.106 legal agreement.</i></p>

<i>transport services (including, inter alia, improved service provision and the provision of new bus stops and shelters on B1000 Welwyn Road);</i>	
i) <i>protection of public rights of way and other public access routes running through or on the boundaries of the site;</i>	Yes – <i>there are no PROWs within the application site and those adjacent would not be unduly affected by the proposed scheme.</i>
j) <i>landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate, including the provision of a suitable buffer between the development and existing woodland areas and a defined, recognisable boundary to the Green Belt;</i>	Yes – <i>Landscaping is a reserved matter yet indicatively; high quality landscaping and planting would be considered at reserved matter stage, but conditions would be secured to ensure criteria compliance.</i>
k) <i>public open spaces across the site, including the provision of play areas and opportunities for outdoor health and fitness activities, as well as space for wildlife;</i>	Yes – <i>the scheme would deliver the creation of new expansive centralised green corridor and a number of pocket parks with areas of informal and formal play areas for all ages of children in close proximity to new homes. New shared cycle and footway will promote active travel plus a suite of contributions towards fitness gyms, and local communities facilities secured by s.106 legal agreement.</i>
l) <i>quality local green infrastructure through the site including opportunities for preserving and enhancing on-site assets,</i>	Yes – <i>the scheme would deliver an indicative landscaping scheme with appropriate planting</i>

<p><i>maximising opportunities to link into existing assets and enhance biodiversity including the protection of Local Wildlife Site 59/077; Archers Spring; and other woodland and wildlife interests in the area, including a suitable buffer between woodland and development;</i></p>	<p><i>buffers to ensure an appropriate landscaping works in harmony with the scheme in this allocated site location. The extent of new green corridor and green infrastructure works would result in a biodiversity net gain of 13.12% for habitats and 75.14% for hedgerow units thus exceeding a minimum of 10% Biodiversity Net Gain (BNG) metrics in both respects. Conditions would be used to secure a Landscape Environmental Management Plan (LEMP) and biodiversity measures.</i></p>
<p><i>m) taking into account the contents of the 'Panshanger Park and its environs Heritage Impact Assessment, July 2016' and including measures to ensure that any impact on views affecting the Panshanger Country Park and Goldings are successfully mitigated</i></p>	<p>Yes – scheme has been designed and assessed on the basis of the findings of the landscape impacts and heritage assessment alongside the evidence base for the adoption of the District Plan.</p>
<p><i>n) contributions towards the Panshanger Country Park;</i></p>	<p>Yes – a financial contribution of £337,133 would be secured by s.106 legal agreement for Parks and Garden and Amenity Greenspace, which could include Panshanger Country Park.</p>
<p><i>o) social infrastructure including contributions towards education,</i></p>	<p>Yes – the scheme would secure a range of financial</p>

<i>health services and other community facilities</i>	<i>contributions for District and County wide infrastructure as set out in the Heads of Terms including Education, NHS and local community facilities.</i>
<i>p) the delivery of all other necessary on-site and appropriate off-site infrastructure; and</i>	Yes – <i>the scheme would deliver on-site improvements to the highway and off site infrastructure as set out in the Heads of Terms.</i>
<i>q) other policy provisions of the District Plan and relevant matters, as appropriate.</i>	Yes – <i>the scheme has been assessed against the adopted District (and County) development plan read as a whole.</i>

- 12.3 Given the resultant compliance with Policy HERT3 of DP as laid out above, the Outline scheme would provide significant new housing in a sustainable location which would help meet housing need, including affordable housing and would contribute considerably towards the Council's 5-year housing land supply. The illustrative parameter plans shows that a development scale of up to 342 dwellings can be achieved to a high standard of design in accordance with the adopted HERT3 masterplan framework for the site allocation.
- 12.4 Coupled with this, the proposals are considered to be acceptable in relation to access and transport impacts, sustainability, drainage and residential amenity at this outline stage with detailed designs being the subject to reserved matters. Subject to financial contributions towards delivery of additional infrastructure, the proposals would not result in undue pressure upon local facilities and infrastructure. Appropriate mitigations for potential impacts around biodiversity / sustainability and water management can be secured by condition. As such the Outline scheme is considered to accord with all relevant District Local Plan policies and the NPPF.

- 12.5 It is noted that the applicant has agreed to a longer period (ten years) in which to allocate S106 contributions from date of receipt to allow for project planning and procurement of goods and works.
- 12.6 The application, if approved, would deliver significant public benefits, not least including:
- Up to 342 new residential units (20% of which are affordable rent/Intermediate) which contribute towards district housing targets;
 - Deliver housing within an allocated site within the District Plan as part of a masterplanned approach to development
 - Redevelop a former unauthorised landfill site to provide the optimal amount of housing and making efficient use of the land;
 - Enhancing the urban edge of Hertford by transitioning into the countryside beyond;
 - Public open space/s within the site, including the provision of play areas and opportunities for outdoor health and fitness activities
 - Biodiversity Net Gain of 13.12% for habitats and 75.14% for hedgerow units
 - Promoting sustainable modes of transport (ie: accommodating a bus connection and a financial contribution towards improvement to the bus services) with less reliance on the private car;
 - Promoting Active Travel;
 - Enhanced cycle and pedestrian facilities;
 - Creation of extensive new public realm spaces and improved access to the wildlife area north of the site subject to long-term management) Employment opportunities through construction and operation site management and maintenance provisions;
 - Deliver energy reduction measures and meet the required carbon dioxide reduction targets through air quality, noise and renewable energy considerations;
 - Creation of jobs throughout the construction period in the short term, and economically active occupants able to contribute to the economy of the wider area in the long term; and
 - Contributions towards social infrastructure, including education, health services and other community facilities

13.0 RECOMMENDATION

- 13.1 That planning permission is **GRANTED** subject to the conditions/reasons and the completion of a Section 106 agreement with the following heads of terms set out below.

HEADS OF TERMS

HCC Contributions

- **Education Provision – £928,266** (index linked to BCIS 1Q2020) towards primary education (including nursery) provision and/or secondary education provision and/or SEND provision serving the development
- **Bus Service and Active Travel – £458,937** (index linked to CPT 2021)
- **Childcare Services – £129,920** (index linked to BCIS 1Q2020) towards the development of additional early years provision at either Hollybush Primary School and/or Hertford St Andrew CE Primary
- **Library Service – £5,905** (index linked to BCIS 1Q2020) towards increasing the capacity of Hertford Library and/or provision serving the development
- **Youth Service – £12,991** (index linked to BCIS 1Q2020) towards increasing capacity by sourcing a new Young People's Centre in Hertford and/or provision serving the development School and/or alternative provision serving the development
- **Waste Service – £12,991** (index linked to BCIS 1Q2020) towards the new recycling centre facility at Ware and/or provision serving the development
- **Travel Plan – £6,000** (index linked to RPI March 2014)

EHDC Contributions

- **Affordable Housing** - 20% of total housing units equating to up to 69 units with tenure split of 71% affordable rent and 29% intermediate ownership, with size of units to be agreed at reserved matters stage.
- **NHS - Health Hertfordshire and West Essex Integrated Care Board – 242,068** - a financial contribution is required by the East and North Herts CCG (now the Hertfordshire and West Essex Integrated Care Board (HWE ICB))

- **Children's Play and Provision for Young People - £734,329** - towards the costs of provision, improvement and maintenance of children's play and young people's facilities at the Farm Close Open Space and/or improvements at The Ridgeway play areas as used by the residents of the development;
- **Natural and Semi-natural greenspace - £141,931** - towards the provision of improvements to the green space at Farm Close Open Space and/or The Ridgeway Local Park and/or Hertford Castle Gardens and/or other green spaces used by the residents of the development
- **Fitness Gyms - £87,000** - Towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Hartham Leisure Centre as used by the residents of the development and/or alternative provision serving the Development as agreed between the Owners and the Council in writing.
- **Bowls - £82,371** - towards the costs of provision, maintenance and improvements including the bowling green and clubhouse at Sele Bowls Club in Hartham Common and/or Hertford Castle Bowls Club as used by residents of the development
- **Allotments - £60,484** - towards the cost of facilities provision, improvements, and maintenance of allotment(s) at Norwood Close and/or North Road allotments and/or other allotments and community growing spaces in Hertford.
- **Parks and Garden and Amenity Greenspace £337,133** – towards the costs of provision, improvement, and maintenance of parks and gardens and amenity green space facilities at Farm Close Open Space and/or Hertford Castle Gardens and/ or other public parks (including Panshanger Park and Goldings Park), gardens and amenity greenspaces in Hertford as used by residents of the development including landscape planting and new access features such as gates, pathways and interpretation signage
- **Outdoor Tennis - £56,429** - Towards the costs of provision, improvement, and maintenance of the outdoor tennis courts facilities, including relining and new nets, at the hard surface tennis court within the multi-use games area at Hartham Common and/or alternative provision serving the Development as agreed between the Owners and the Council in writing
- **Recycling - £24,624** - towards the Council's costs for the provision of refuse and recycling containers to the Dwellings in the Development

- **Sports Hall - £195,763** - towards the costs of provision of facilities, improvements, and maintenance of the indoor community sports facilities at Wodson Park and/or other community sports halls as used by the residents of the development
- **Studio Space - £35,939** - Towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Grange Paddocks Leisure Centre as used by the residents of the development and/or alternative provision serving the Development as agreed between the Owners and the Council in writing
- **Swimming Pool - £200,188** - towards the costs of provision of facilities, improvements, and maintenance of the swimming pool facilities) Grange Paddocks Leisure Centre and/or at the Ware Lido Pool as used by the residents of the development and/or alternative provision serving the Development as agreed between the Owners and the Council in writing
- **Village and Community Centres - £236,961** - towards the provision of facilities, improvements, and maintenance of Sele Farm Community Centre and/or Hertford Wellbeing Hub at Glenfield Court and/or other community facilities in the Hertford area used by the residents of the development
- **Legal and Monitoring Fees - £3,600** - for the Council's costs of monitoring the Development over the lifetime of the planning obligations

Section 278 Highways Works:

- A footway/cycleway access to Hertingfordbury 11 bridleway, from the western side of the site access to provide a link to the equestrian crossing and beyond to the start of bridleway 11.
- A shared footway/cycleway from the site access, eastwards along Welwyn Road to just immediately west of the Welwyn Road / Thieves Lane roundabout (to include appropriate tactile treatment at Bentley Road and Elizabeth Close).
- Pedestrian link with Bentley Road
- A shared footway/cycleway from immediately east of the Welwyn Road / Windsor Drive mini roundabout, eastwards along Welwyn Road, to the signalised crossing (i.e. immediately by the pedestrian link to the eastern end of Hutton Close).
- Two new bus stops to be provided along The Ridgeway.

- Three sets of pedestrian dropped kerbs / tactile paving within the Sele Farm estates.
- Bus link to Perrett Gardens along with Public Realm improvements within Perrett Gardens;
- BUS SERVICE CONTRIBUTION - £458,937 to be pooled with contributions from the other sites in Hertford to provide the service;
- Archers Spring site (Part of HERT3): 342 units (32%)
- Thieves Lane (Part of HERT3): 254 units (24%)
- Marshgate Drive (part of HERT2): 375 units (36%)
- Norbury Woodyard (part of HERT2): 85 units (8%)
- SUSTAINABLE TRANSPORT CONTRIBUTION - £to be pooled towards HCC's 'North Road' Route Improvement scheme.

Non-Financial

- The enhancement of approximately 12.55 hectares of mainly scrubland located was to achieve a net gain in biodiversity of 13.12.7%.
- Viability review mechanisms

Planning Conditions

Time Limit

1. Applications for approval of the Reserved Matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990

Approved plans

2. The development hereby approved shall be carried out in accordance with the approved plans listed below:
 - Site Location Plan, drawing no. AS1-AHR-M1-00-A-10-001 Rev P7
 - Proposed Site Plan, drawing no. AS1-AHR-M1-00-A-90-001 Rev P1
 - Proposed Site Plan Site Sections, drawing no. AS1-AHR-M1-00-90-002
 - ASI-AHR-M1-00-A-90-001_Phasing Diagram Rev A
 - Illustrative Masterplan, drawing no. LD-PLN-005 Rev B
 - Parameter Height Diagram drawing no. AS1-AHR-M1-00-A-90-100 Rev P2
 - Parameter Plan 001 – Land Parcel and Land Uses, drawing no. PP-001 Rev P1
 - Parameter Plan 002 – Access and Circulation, drawing no. PP-002 Rev P2
 - Parameter Plan 003 – Plot Developments, drawing no. PP-003 Rev P1
 - Transport Assessment (WSP) Dated 03 February 2019
 - Ecological Appraisal (LUC) Dated January 2019
 - Viewpoint Appraisal (LUC) Dated February 2019
 - Noise Impact Assessment ref: 700029000-AC1 (WSP) Dated February 2019
 - Geo-Environmental and Geotechnical Preliminary Risk Assessment ref: 70002900-EF1 (WSP) Dated June 2014
 - Air Quality Assessment Ref: AQ1 (WSP) Dated February 2019

- Planning ref: OMSA/497/40/1 (Rapleys LLP) Dated 21 March 2019
- Design and Access Statement (PCKO an AHR Company) Dated 2019
- Cover Letter (Rapleys LLP) Dated 29 March 2019
- Archaeological Desk-Based Assessment ref: 70002900-AR1 (WSP) Dated March 2019
- Mineral Resource Assessment ref: 700032360-MRA (WSP) Dated December 2018
- Trees Constraints Report (SJ Stephen Associates) Dated 29 September 2018
- Flood Risk Assessment and Drainage Strategy ref: FRA001 (WSP) Dated January 2019
- Ground Investigation Report ref: 70032360 (WSP) Dated September 2017
- Statement of Community Involvement ref: OMSA/497/40/1 (Rapleys LLP) Dated 13 March 2019
- Heritage Statement Ref: 9834 (Asset Heritage Consulting) Dated December 2019
- Drawing Plan ref: 2900-SK-19 P13 Full Extent of Highway Works to Be Delivered by HERT3 Allocation
- 2900-SK-38 P03 – Proposed bus only access at Perrett gardens, kerbs realignment Option 3c
- Illustrative Tree Removal and Retention Plan drawing no. LD-PLN-010 Rev A
- Proposed Diversion of Bus service 395 (Option 4) v4
- 395 Bus Timetable
- Ecological Appraisal and Survey prepared by LUC November 2022
- Archer Spring – Final Determination of the inputs into a Viability Assessment
- Archers Spring - Phasing Schedule 22.02.2024
- 2900-SK-19 P14 – Highways Works Plan revised – Link to Bentley Road

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

Reserved matters to be submitted

3. The Details of the (i) Appearance, (ii) Layout and (iii) Landscape defined by the Town and Country Planning (General Development

Procedure) Order 1995 (as amended) (hereinafter called "the Reserved Matters") of the development shall be submitted to and approved in writing by the Local Planning Authority before the phase of development commences. the phase of development shall be carried out in accordance with the Reserved Matters as approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the Local Authority is satisfied with the details of the proposed development and To comply with the provisions of Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended).

4. The details to be submitted at reserved matters stage shall include detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed building. The development shall be carried out in accordance with the approved details.

Reason: The details are required to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

Contaminated Land

5. No development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted prior to each phase of development, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - a) A preliminary risk assessment which has identified:
 - all previous uses • potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site

- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
- c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to Cont/d.. 2 demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to or is not put at unacceptable risk from/adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018).

Verification Report

- 6. A verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority Prior to each phase of development. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018).

Monitoring and maintenance plan

7. The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the local planning authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the local planning authority.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018).

Previously unidentified contamination

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph Cont/d.. 3 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018).

Infiltration of surface water

9. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be

supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018).

Piling

Piling and foundation designs using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling/ foundation works do not harm groundwater resources which is in line with paragraph 174 of the National Planning Policy Framework and Policy EQ1 of the East Herts District Plan (Adopted October 2018). Piling and foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers, and creating preferential pathways.

Decommissioning of investigative boreholes.

10. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the local planning authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of each phase of development.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in line with paragraph 174 of the National Planning Policy Framework and 'The Environment Agency's approach to groundwater protection'.

Accesses

11. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the Welwyn Road access and associated highway works, as shown on drawing number 2900-SK-008 Rev I ('Proposed Access Arrangement Welwyn Road'). These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation of the development.

This shall include the permanent provision of the visibility splays as shown on these plans, within which there shall be no obstruction to visibility between 600mm and 2 metres above the carriageway level.

Reason: To ensure the provision accesses which are safe, suitable, and sustainable for all highway users.

12. Before commencement of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show a revised highway design to the Perrett Gardens plan, drawing number 2900-SK-38 rev P03, to suitably accommodate all public highway users. The detailed engineering designs of the Perrett Gardens access and associated highway works, as shown on the approved plan shall be submitted before first occupation, and these works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, completed before occupation of the development.

Reason: To ensure the provision accesses which are safe, suitable, and sustainable for all highway users.

13. Before the Perrett Gardens and Welwyn Road accesses are both first brought into use together, an urban clearway shall be implemented, suitably signed, and fully in place along the full stretch of the main spine road within the site.

Reason: To ensure the spine road does not become parked up, except in designated roadside parking spaces, which would otherwise adversely affect bus and service vehicle movements through the site.

14. Before occupation of any part of the development, all existing accesses not incorporated in the approved plans shall be permanently closed to the satisfaction of the Highway Authority.

Reason: In the interest of highway safety and to avoid inconvenience to highway users.

Wider Highway Works:

15. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of all improvement works to Welwyn Road to the west of line A and between lines B and C, as shown on drawing number 2900-SK-19 rev P13 ('Full extent of highway works'). This includes but is not limited to:
- A shared footway/cycleway of 3 metres width, on the northern side of Welwyn Road, from (and including) the new site access onto Welwyn Road up to a point around 250 metres west of the Welwyn Road / Thieves Lane roundabout (NB. the remaining section to be delivered by the Thieves Lane development);
 - A shared footway/cycleway of 3 metres width, on the northern side of Welwyn Road, from the zebra crossing immediately east of the Welwyn Road / Windsor Drive junction up to and including the existing signalised crossing by the Hutton Close footpath link.
 - Revised central hatching and running lane carriageway widths to include new central pedestrian refuge islands;
 - As footway/cycleway link to the west of the site access up to Hertingfordbury Bridleway 011, to include a suitable route across the existing fenced/boxed equestrian crossing point, and onto the Bridleway.
 - Two new bus stops along Welwyn Road, one on either side of the road.
 - These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to Hertford town centre and other key destinations.

16. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the pedestrian dropped kerbs and tactile paving points at the junctions of Carde Close / Carlton Avenue, Edmunds Road / Carlton Avenue and Edmunds Road / Bentley Road, as shown indicatively on Figure 10 ('Provision of tactile Paving') These works shall be constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction, and completed before first occupation.

Reason: To ensure users of the development can travel safely, freely, and sustainably to the Sele Farm area, Hertford town centre and other key destinations.

17. Before occupation of any part of the development, additional plans must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, which show the detailed engineering designs and construction of the new bus stops to be provided along The Ridgeway, as shown indicatively on drawing number 2900-SK-25 P01 ('The Ridgeway bus stops'), to include raised Kassel kerbing and shelters.

Reason: To ensure the removal of the current bus layover at Bentley Road / The Ridgeway (which results from this development) does not result in existing residents of the Sele Farm estate being inconvenienced by having to walk further to a bus stop, in the interests of sustainable travel.

Construction Traffic Management Plan

18. Before commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' must set out:

- the phasing of construction and proposed construction programme.
- the methods for accessing the site, including wider construction vehicle routing.
- the numbers of daily construction vehicles including details of their sizes, at each phase of the development.
- the hours of operation and construction vehicle movements.
- details of any highway works necessary to enable construction to take place.
- details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway.
- details of any hoardings.
- details of how the safety of existing public highway users and existing public right of way users will be maintained.
- management of traffic to reduce congestion.
- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels.
- the provision for addressing any abnormal wear and tear to the highway.
- the details of consultation with local businesses or neighbours.
- the details of any other Construction Sites in the local area.
- waste management proposals.

Reason: To minimise the impact of the construction process on the on local environment and local highway network and in order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

19. The detailed plans submitted in connection with approval of reserved matters shall show to the satisfaction of the Local Planning Authority:
- The details of all hardsurfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
 - The level of footway and carriageway visibility from each individual vehicle access, and the level of
 - visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.

- That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.
- The provision of sufficient facilities for cycle storage.
- Bus stop provisions/designs within the site.

All these features shall be provided before first occupation and maintained in perpetuity.

Reason: To provide adequate visibility for drivers within the site, to promote alternative modes of travel, and for the overall free and safe flow of all site users in accordance with Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Contaminated land survey and remediation

20. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
1. A Phase II intrusive investigation report, as recommended by the submitted "Geo-Environmental and Geotechnical Preliminary Risk Assessment, Archer's Spring, Land North of Welwyn Road" Report Ref 70002900-EF1 dated April 2014 by WSP UK Ltd detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
 2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
 3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to the development being brought into use. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of National Planning Policy Framework and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Levels

21. Prior to the commencement of development of each Phase hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

Connectivity

22. Prior to the commencement of any part of the development hereby permitted apart from enabling works, details of the measures required to facilitate the provision of high speed broadband connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high speed broadband for each residential unit. Once approved, high speed broadband infrastructure

shall be implemented thereafter in accordance with the approved details including the timetable and method of delivery.

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development in accordance with policy HERT3 and DES4 of the East Herts District Plan 2018 and the NPPF.

Surface water drainage scheme

23. No development shall take place until a detailed surface water drainage scheme for the site based on the approved drainage strategy and sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including 1 in 100 year + climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details, including a timescale for implementation.

Reason: In the interests of sustainable drainage in accordance with policy WAT5 of the East Herts District Plan 2018.

Landscape Environmental Management Plan (LEMP)

24. Development shall not commence until a LEMP has been submitted to and approved in writing by the local planning authority to achieve a net gain in biodiversity and include the following:
- a) Description and evaluation of features to be managed
 - b) Aims and objectives of management
 - c) Appropriate management options for achieving target condition for habitats as described in the approved metric
 - d) Details of management actions
 - e) Details of the body or organisation responsible for implementation of the plan
 - f) Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met
 - g) Details of species and mixes selected to achieve target habitat conditions as identified in approved metric
 - h) Location of bat and bird boxes/structures

- i) Compliance with the mitigation measures set out the Ecological Appraisal prepared by LUC.

The plan shall be implemented as approved for the life of the development.

Reason: This Management Plan is required to secure the protection of and proper provision for protected species and habitats of ecological interest in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018 and to ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with Policies DES3 and DES4 of the East Herts District Plan 2018.

25. No development or groundworks shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policies HA3 and BH3 of the East Herts District Plan September 2018 and the National Planning Policy Framework

Car/cycle parking

26. No above ground construction on the hereby approved development in accordance with the timing / phasing shall take place until details of car / cycle parking provision which shall have regard to the Councils Vehicle Parking SPD have been submitted for approval by the local planning authority. The approved vehicle parking shall thereafter be implemented prior to first occupation, retained and maintained in full accordance with the approved details.

Reason: In order to promote sustainable transport and reduce environmental impacts in the District in accordance with Policy TRA1

Sustainable Transport, EQ4 Air Quality, DES4 Design of Development of the adopted East Herts District Plan 2018 and the East Herts Vehicle Parking Standards SPD 2007.

Electric Vehicle Charging Points

27. The occupation of the development authorised by this permission shall not begin until the details of the siting, type and specification of Electric vehicle charging points (EVCPs) (with one EVCP provided per dwelling unless otherwise agreed), the energy sources and the strategy/management plan for supply and maintenance of the EVCPs have been submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained. No dwelling shall be occupied until the EVCP serving that dwelling has been installed.

Reason: To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018)

SuDS Management Plan

28. Upon completion of the drainage works for the site, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) Provision of a complete set of built drawings for site drainage.
 - b) Photos demonstrating the installation of SuDS features.
 - c) Details of all maintenance and operational activities for drainage systems on site.
 - d) Arrangements for adoption and any other measure to secure the operation of the scheme throughout its lifetime. Confirmation of who will be adopting and maintaining the system will be required.

Reason: To ensure the site is appropriately drained as required by policies WAT1 and WAT5 of the East Herts District Plan 2018.

Flooding

29. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference FRA001 dated January 2019. The surface water drainage scheme should include:
- a) Implementing the appropriate drainage strategy based on infiltration.
 - b) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event for both the northern and southern sites.
 - c) Undertake the drainage to include, tanked permeable paving and infiltration basins as indicated in drawing no. 2900-D-06 Rev P05.
30. Upon completion of the cut/fill works and prior to commencement of development works, updated infiltration and ground condition tests should be carried out. Results should be used to confirm final design of drainage for the scheme and submitted to the Local Planning Authority for approval. The scheme shall be based on the approved Flood Risk Assessment and Drainage Strategy carried out by WSP reference FRA001 dated January 2019 and the mitigation measures as detailed within the surface water drainage strategy.

The scheme shall include:

- a) Full detailed engineering drawings including cross and long sections, location, size, volume, depth and any inlet and outlet features. This should be supported by a clearly labelled drainage layout plan showing pipe networks. The plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.
- b) All calculations/modelling and drain down times for all storage features.
- c) Demonstrate an appropriate SuDS management and treatment train and inclusion of above ground features reducing the requirement for any underground storage.
- d) Incorporate the use of catch pits, interceptors and additional swale features etc. for highway drainage.
- e) Details of final exceedance routes, including those for an event which exceeds to 1:100 + cc rainfall event

Reason: To prevent the increased risk of flooding, both on and off site.

31. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
32. Upon completion of the drainage works for each site in accordance with the timing / phasing, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) Provision of complete set of as built drawings for site drainage.
- b) Maintenance and operational activities.
- c) Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Building Sustainability Measures

33. Prior to commencement of above ground works, details of sustainability measures to be incorporated with the development including energy efficient construction techniques, energy efficient lighting, services and controls, efficient energy supply, water efficiency measures which show that the higher building regulations standard (G2) for water efficiency (110L per day) is met, compliance with Future Homes standard (unless otherwise agreed) shall be submitted for approval to the local planning authority. The development, hereby permitted, shall be implemented and thereafter maintained in full accordance with these details.

Reason: In the interests of reducing carbon dioxide emissions and promoting the principles of sustainable construction (East Herts Sustainability SPD 2021).

Travel Plan Statement

34. At least two months before first occupation, a revised Travel Plan Statement for the development shall be submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall consist of a written agreement with the County Council setting out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development'. The Plan shall be implemented in full thereafter.

Reason: To promote sustainable travel measures to the development, in accordance with paragraphs 110-112 of the NPPF and HCC's LTP4 policies 1, 3, 5, 6, 7, 8, 9, 10.

Foul drainage capacity

35. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development, or
 - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
 - c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development.

Biodiversity enhancement measures

36. Prior to the occupation of the development, details of biodiversity enhancement measures in the ecological report prepared by LUC, consisting of integrated bat cavity boxes and integrated sparrow and swift brick/boxes, shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme, be fully constructed prior to occupation of the approved development and retained and maintained as such thereafter.

Reason: To conserve and enhance biodiversity in accordance with NE3 VII of the East Herts District Plan 2018 and NPPF.

Waste and recycling storage details

37. Prior to any above ground construction works being commenced, full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the local planning authority. Such details shall identify the specific positions of where wheeled bins, will be stationed, and walk distances for residents including the specific arrangements to enable collection from the kerbside of the adopted highway/ refuse collection vehicle access point or within 15m. 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.

If a refuse collection vehicle (RCV) is required to enter the site, the swept path showing this is achievable should be provided.

Further swept path information is required to demonstrate that an RCV can traverse the entire site in a forward motion and gain access to within 15m of bin collection locations in accordance with BS5906:2005.

38. No development shall commence until further details of the circulation route for refuse collection vehicles have been submitted to the local planning authority and approved in writing. The required details shall include a full construction specification for the route, and a plan defining the extent of the area to which that specification will be applied. No dwelling forming part of the development shall be occupied until the refuse vehicle circulation route has been laid out and constructed in accordance with the details thus approved, and thereafter the route shall be maintained in accordance with those details.

Reason: To facilitate refuse and recycling collections in accordance with the Hertfordshire Waste Local.

Pedestrian footpath links

39. The hereby approved development shall not be occupied until details of pedestrian footpath connections from the site to the adjacent housing development to the east are submitted for approval to the local planning authority. The development shall not be occupied until the approved details are implemented in full prior and shall be retained and maintained thereafter.

Reason: To support active travel and to ensure that the development integrates appropriately with surrounding built environment.

Phasing

40. The proposed development shall be carried out in accordance with a phased programme of works, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development.

Reason: To enable the Local Planning Authority to exercise control over the development.

Hours of construction

41. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0800hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

Reason: To safeguard the amenities of residents of nearby properties, in accordance with Policy EQ2 of the East Herts District Plan 2018.

Reserved matters mix of unit sizes

42. Concurrent with the submission of reserved matters, the housing mix for a Phase shall be submitted to and agreed in writing with the local planning authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications submitted for that Phase.

Reason: To ensure that an adequate mix of housing by unit/tenure/position is provided.

Reserved matters to comply with National Space Standards

43. Reserved Matters Applications shall demonstrate that all of the residential units hereby approved will be designed and constructed as far as practicable to meet the standards contained within the Nationally Described Space Standards (unless otherwise agreed).

Reason: To ensure that reasonable living conditions for future occupiers Reserved matters details of boundary treatments

44. Reserved matters applications shall include details of boundary treatments both to delineate public and private defensible space, as well as the boundaries of the site with adjacent land. The submitted details shall demonstrate that there would be no walls / fencing restricting access between the site and neighbouring housing development to the east.

Reason: To ensure that the development integrates appropriately with surrounding environment.

Sele Neighbourhood Plan Design Policies

45. Reserved matters applications shall be accompanied by a checklist against the Design Policies for example The Essex Design Guide of Sele Neighbourhood Plan.

Reason: In order to ensure a high standard of design and accordance with Policy HSHT2 of the Sele Neighbourhood Plan.

M4(2) Dwellings

46. All dwellings within the development (except those completed to M4(3) requirements) hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4(2) 'accessible and adaptable dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter.

Reason: To ensure that the proposed development is adequately accessible for future occupiers. M4(3) dwellings

M4(3) Dwellings

47. At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) 'adaptable wheelchair user dwellings' (or any subsequent replacement) prior to first occupation and shall be retained as such thereafter, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development is adequately accessible for future occupiers.

Quantum and Mix of Dwellings

48. Reserved matters applications shall not exceed 342 residential units and dwelling mix, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the development is in accordance with the regulatory plans and particulars of the application.

Reserved matters hard surface requirements

49. The detailed plans submitted in connection with approval of reserved matters shall show to the satisfaction of the Local Planning Authority:
- a) The details of all hard surfaced areas within the site. This includes, but is not limited to, all roads, footways, forecourts, driveways, parking and turning areas, and foul and surface water drainage.
 - b) The level of footway and carriageway visibility from each individual vehicle access, and the level of visibility from and around each main junction within the site, within which there shall be no obstruction to visibility between 600mm and 2 m above the carriageway level.
 - c) That service vehicles, including refuse and emergency vehicles, can safely and conveniently access and route through the site, to include the provision of sufficient turning and operating areas.

- d) The provision of sufficient facilities for cycle storage. All these features shall be provided before first occupation and maintained in perpetuity.

Reason: To provide adequate visibility for drivers within the site, to promote alternative modes of travel, and for the overall free and safe flow of all site users.

Noise levels

50. The noise levels in habitable rooms (living rooms and bedrooms) and the external amenity areas at the development hereby approved shall meet the amenity standards in accordance with the criteria of BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' for internal rooms and external amenity areas. Construction methods and materials to achieve this shall be implemented prior to use of the development and thereafter be permanently retained.

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

51. No development shall take place until a scheme for protecting the proposed dwellings from noise from road traffic has been submitted to and approved in writing by the local planning authority. The scheme shall follow the recommendations identified in the "Archers Spring Noise Assessment" Report reference 70002900-AC1, dated February 2019. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and it shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for future residents in accordance with policy EQ2 of the adopted East Herts District Plan 2018

Best Practical Means for construction

52. Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

Boundary walls and fences

53. Prior to the first occupation of any dwellings hereby approved, means of enclosure shall be erected in accordance with the details of all boundary walls, including acoustic fences or other means of enclosure having been submitted to and approved in writing by the Local Planning Authority.

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

Materials of construction

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

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

Sample Brickwork Panel

55. Prior to the commencement of above ground bricklaying in accordance with the timing / phasing, a sample panel of brickwork shall be provided on the site and shall be formally approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The panel shall be retained as a reference for all external brickwork within the development.

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

Hard surfacing

56. Prior to first occupation of the development hereby approved in accordance with the timing / phasing the areas the hard surfaced areas of the development, including roads, pavements, driveways and car parking areas shall be surfaced in accordance with details having been submitted to and approved in writing by the Local Planning Authority.

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

Landscape design proposals

57. Prior to first occupation of the development hereby approved the site shall be landscaped in accordance with landscaping details having been submitted to and approved in writing by the Local Planning Authority. Where relevant the details shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes and density of planting.

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

Landscape works implementation

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

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

Trees

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

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

60. All existing trees, shrubs, natural and historic features not scheduled for removal, shall be fully safeguarded during the course of the site works and building operations. No work shall commence on site until all trees, shrubs or features to be protected are fenced along a line to be agreed with the Local Planning Authority with 2.3 metre minimum height metal fencing (i.e., weld mesh) to BS5837: 2012 Trees in relation to design, demolition and construction (or any updated British Standard) securely mounted into the ground. Such fencing shall be maintained during the course of the works on site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area. In the event that any tree dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

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

61. Prior to the commencement of the development hereby approved in accordance with the timing / phasing, details of the design of building foundations and the layout, with positions, dimensions and levels, of (a) service trenches (b) ditches (c) drains (d) other excavations on site insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details.

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid damage to root systems in accordance with Policy DES3 of the East Herts District Plan 2018.

62. The soil levels within the root spread of trees/hedgerows shown as being retained on the approved plan(s) shall not be raised or lowered.

Reason: To avoid damage to health of existing trees and hedgerows, in accordance with Policy DES3 of the East Herts District Plan 2018.

63. A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the arrangements for its implementation.

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

64. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any amending Order, the areas shown for landscaping on the plans approved shall be retained and maintained as open landscaping, and shall not be developed, enclosed or used in any way that is detrimental to that character.

Reason: To ensure a high standard of design and that good quality landscaping is maintained, in accordance with Policies DES3 and DES4 of the East Herts District Plan September 2018.

Fire Hydrant

65. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of fire hydrants at the development. No dwelling shall be occupied until the fire hydrant has been installed as approved. Thereafter the fire hydrants shall be retained in their approved form.

Reason: To ensure a safety and Building and Fire Regulations in accordance with Policies DES5 of the East Herts District Plan September 2018.

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g., Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The granting of this permission does not convey or imply any consent to build upon land not within the ownership of the applicant, without the approval of the landowner.
3. This planning permission gives no entitlement to affect the public rights of way on the application site. Any diversion, extinguishment or creation of a public right of way needs its own legal authority before any works affecting the right of way can be commenced. Applications for this purpose should be made to Development Control, Wallfields, Pegs Lane, Hertford, SG13 8EQ. Telephone number 01279 655261 ext 1571.
4. The development will involve the numbering of properties and naming of new streets. The applicant MUST consult the Director of Finance and Support Services. Application for this purpose should be made to

the Local Land and Property Gazetteer Custodian, East Herts Council, Wallfields, Hertford, SG13 8EQ. Tel: 01279 655261.

5. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning Application Number: 3/19/1024/FUL 02035779483 or by emailing [wwgriskmanagement@thameswater.co.uk/](mailto:wwgriskmanagement@thameswater.co.uk).
6. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
7. Obstruction of public highway land: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the website <http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
8. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the

development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

9. Construction standards for works within the highway. The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the website
<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.
10. Estate Road Adoption: The applicant is advised that Hertfordshire County Council as Highway Authority no longer adopts new highway as maintainable at the public expense unless a wider public benefit can be demonstrated. However, all internal roads should be built to adoptable standards and the Highway Authority in this case would have to adopt the main spine road through the site once a public bus service routes along it. In that case, the applicant should discuss with the Highway Authority at the earliest opportunity the extent of highways to be included as maintainable at the public expense and mark these on a plan, together with details of the specification, layout and alignment, width and levels of the said highways together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. For any sections of highway that will not be adopted, the developer should put in place a permanent arrangement for long term maintenance, and at the entrance of any such residential estates, a road name plate should indicate that it is a private road to inform purchasers of their future maintenance liabilities. Further information is available via the website

<http://www.hertsdirect.org/services/transtreets/highways/> or by telephoning 0300 1234047.

11. Section 106 Agreement: Planning permission granted subject to the completion of a Section 106 Agreement between the applicants, East Herts District Council, and Hertfordshire County Council to secure the following:
 - A) A pooled financial contribution of £458,937 index linked by CPT from the date planning permission is granted, to extend the 395/396 bus route (or other suitably identified bus route) into the site. This is considered necessary to ensure the site is brought to within the current good practice guideline of 400 metres of a bus stop, and in compliance of HERT3 policy.
 - B) A Travel Plan consisting of a written agreement with the County Council which sets out a scheme to encourage, regulate, and promote sustainable travel measures for owners, occupiers, and visitors to the Development in accordance with the provisions of the County Council's 'Travel Plan Guidance for Business and Residential Development'. The Travel Plan is subject to an evaluation and support contribution' totalling £6,000 (index linked by CPI to the date planning permission is granted), payable before first occupation of the development. This contribution is to cover the County Council's costs of administrating and monitoring the objectives of the Travel Plan and engaging in any Travel Plan Review. The applicant's attention is drawn to Hertfordshire County Council's guidance on residential/commercial Travel Plans.
12. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.



DO NOT SCALE

KEY

— SITE RED LINE BOUNDARY



REV	DATE	BY	DESCRIPTION	CHK	APP
P03	17/03/2023	ST	ADDITIONAL OS MAPPING INCLUDED	TP	TP
P02	17/03/2023	ST	DRAWING STRIPPED BACK FOR SIM SEARCH	TP	TP
P01	24/02/2023	ST	FIRST ISSUE	TP	TP

DRAWING STATUS: **S0 - WORK IN PROGRESS**



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CLIENT: **LONDON & REGIONAL PROPERTIES LIMITED**

ARCHITECT: **AHR**

PROJECT: **ARCHERS SPRING, LAND NORTH OF WELWYN ROAD, HERTFORD**

TITLE: **SITE RED LINE BOUNDARY**

SCALE @ A3: 1:2500 CHECKED: TP APPROVED: TP

PROJECT No: 70002900 DESIGNED: ST DRAWN: ST DATE: March 23

DRAWING No: **2900-SK-31** REV: **P03**

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DEVELOPMENT MANAGEMENT COMMITTEE REPORT

Application Number	3/23/0681/FUL
Proposal	Change of use of land and the erection of 9 dwellings, with associated landscaping, vehicular access and parking.
Location	Land At Thorley House, Thorley Street, Thorley, Bishop's Stortford
Parish	Thorley
Ward	Bishop's Stortford – South

Date of Registration of Application	27 th April 2023
Target Determination Date	1 st May 2024
Reason for Committee Report	Member call-in Cllr Diane Hollebon. Reason for this referral request: Site entrance goes straight onto Whittington Way. This is dangerous due to the high volume of traffic onto Whittington Way. Poor visibility of traffic coming from London Road and Thorley Street. Traffic turning right will be at certain times dangerous due to high volume of back up traffic. Drivers exiting this development would have to sit in the middle of the road at peak times which could be extremely dangerous. Unsustainable due to traffic issues, will have a negative impact on the local environment.
Case Officer	David Lamb

RECOMMENDATION

That planning permission be **GRANTED** subject to the completion of a Section 106 Planning Obligation and the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

1.1 Planning approval is sought for the erection of nine dwellings, with associated landscaping, vehicular access and parking, on this undeveloped site located at Thorley Street, Bishop's Stortford.

1.2 It is proposed to provide a new vehicular access towards the northwestern corner of the site onto Whittington Way. The development proposes 3 X 3-bedroom, 2 X 4 bedroom and 4 X 5-bedroom detached dwellings. Some of the proposal maps for the District Plan indicate that part of the site lies with the BISH5 Bishop's Stortford South Local Plan housing allocation. However, this is an error and none of the site is allocated for development under policy BISH5.

1.3 The determining issues in the determination of this application are:

- Principle of the development
- Impact on the character of the area
- Impact on Designated Heritage Assets
- Impact on the amenities of nearby dwellings
- Highway Safety and Car Parking
- Affordable Housing
- Trees and Landscape
- Ecology
- Climate Change
- Flooding and Drainage
- Other Issues

2.0 Site Description

2.1 The application site is located within the settlement boundary at the junction of Thorley Street and Whittington Way Bishop's Stortford, and measures 0.94 hectares in area. The site contains many unprotected trees located on its boundaries and within the site. It sits approximately 1.5 metres higher than Thorley Street, and the majority of houses surrounding the land are two storey.

2.2 The site levels increase from east to west, and a mature hedge runs along the northern boundary of the land. To the west of the site sits the recently constructed Northwold Close, part of the BISH5 housing allocation. To the south of the site lies the existing dwellings Thorley House, and to the southeast Sparrow's Nest, both are grade II Listed Buildings.

3.0 Planning History

Application Ref	Description	Decision	Date
3/02/1594/OP	Single storey dwelling with	Refused	17.10.02

	double garage		
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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, the and the All Saints, Central, South and part of Thorley Neighbourhood Plan (NP).

Main Issue	NPPF	DP policy	NP policy
Principle of development	7 –14,47, 60,124	INT1 DPS1 DPS2	
Impact on the character of the area	131- 140	DES3 DES4	HDP2 HDP3
Impact on Designated Heritage Assets	200, 205, 208	HA1 HA7	
Impact on the amenities of nearby dwellings	135	DES4	HDP1
Highway Safety and Car Parking	108 – 112,114 - 116,	TRA1 TRA2 TRA3	TP7, TP8, TP10, TP11
Affordable Housing	60, 63 - 66	HOU3	HDP4
Trees and Landscape	128, 135- 136	DES3	GIP5
Ecology	180, 185 -186	NE1, NE2, NE3.	GIP5
Climate Change	158-159	CC1, CC2, WA4	CC1, CC4
Flooding and Drainage	165, 173, 175	WAT1	GIP8
Other Issues (Equality Act, First Homes etc)			
Planning Balance			

5.0 **Summary of Consultee Responses**

5.1 HCC Highway Authority

Notice is given under article 22 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 that Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission subject to conditions.

This application for the erection of nine dwellings on the site of a single property is acceptable in principle from a highway context. Whittington Way is a road subject to a 30-mph speed limit with a highway grass verge/bank and signage fronting the development site. The scheme proposes a new vehicle access at a point where appropriate visibility splays can be provided. A suitable level of parking and space for vehicle turning is included within the proposal shown on drawing SPD257.300.13. The application is supported with a Transport Statement dated November 2023 and the highway authority concurs with its findings apart from point 2.2 which conflicts with 4.22. There is an existing vehicle access to the site from Whittington Way and I have included condition 5 above to cover this point. Traffic generation will not be significant on this unclassified road. Works are required on the public highway, and I have included condition 1 and AN1 above to cover this point.

5.2 Thames Water

No comments.

5.3 EHDC Housing Strategy Officer

The scheme proposes nine dwellings with a combined internal floorspace of 1,858m², which is above the threshold for the provision of affordable housing.

In accordance with Policy HOU3 approved October 2018 the scheme should deliver 35% affordable housing. Therefore, based on 9 dwellings overall, 3 affordable homes should be provided.

5.4 EHDC Conservation and Urban Design Advisor

No objection.

The design of elevations has been revised and is now well considered in relation to their position and visibility along London Road and Whittington Way.

There is a sufficient distance between the units and Sparrow's Nest to ensure there is no harm.

The application would result in less than substantial harm to the significance and special interest of Thorley House. There are no heritage benefits associated with the scheme. The less than substantial harm should be weighed against the public benefits of the proposal. The balancing exercise to consider whether the public benefits of the development would be sufficient to outweigh the less than substantial harm identified is a matter of planning judgement to be made by the Planning Case Officer.

5.5 EHDC Landscape Officer

No overall unacceptable adverse aboricultural impact and overall site layout is acceptable. SUDS feature could be improved, and revisions to planting beds requested.

5.6 Herts Ecology

No objections

It is noted that trees T50-54, T66-68 and T70-76 may support bat roosts and would need to be removed to allow the development to proceed. Accordingly, it recommended that all those listed were subject to a 'ground up preliminary roost assessment and the results provided to the Council for review before the application can be determined.

Considers the predicted net gain in biodiversity to be acceptable, subject to conditions.

5.7 EHDC Environmental Health Advisor

No objections subject to conditions.

5.8 EHDC Waste and Recycling

All roadways should be constructed to facilitate waste collections prior to occupation.

5.9 HCC Fire and Rescue

Requests condition to require the provision of fire hydrants.

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

6.0 **Town/Parish Council Representations**

Thorley Parish Council – Objects.

The Council objected originally for three reasons two of which remain as there have been no changes in the amended application on:

- **Impact on Highway Capacity and Safety:** where we support the comments of Herts Highways that the new site access on to Whittington Way will impact on the central island crossing point and that there is insufficient information provided in the Transport Statement to assess the impact on the highway network; and
- **Non-compliance with EHDC Sustainability SPD on biodiversity:** where we continue to support the Herts and Middlesex Wildlife Trust objection that the application is not consistent with local or national policy on biodiversity loss.

The Council also continues to object to **the failure to provide affordable housing** as required by District Plan Policy HOU3 which requires an affordable housing provision on all development sites proposing 10 or fewer additional dwellings with a combined gross floor space greater than 1,000 square metres and by Neighbourhood Plan and NPPF policies on sites greater than 0.5 hectares.

We note that the Planning Statement (PS) accompanying the original application which wrongly asserted that *"the proposal does not meet the minimum threshold for providing affordable housing"* has not been amended and, although the combined gross floor space has been reduced by approximately 12% it is still greater than 1,000 square metres and the site area remains the same at 0.9 hectares.

Our discussion with the case officer indicated that, although the amended development makes no affordable housing provision, the applicant now recognises the policy requirements and, since it would be difficult to find an affordable home provider for a small-scale provision on the site, they would consider making a financial contribution for off-site provision elsewhere. Thorley Parish Council would support such provision but would expect it to be made to an affordable housing development within the area in order to meet local needs.

For the above reasons - and until an adequate affordable housing financial contribution is independently estimated and agreed in an appropriate location - we therefore continue to recommend **refusal** of the amended planning application.

7.0 Summary of Other Representations

7.1 Fourteen responses have been received objecting to the proposals on the following grounds:

- Loss of green space which helps to buffer the impacts of climate change
- Disruption of habitat
- Loss of garden for historical house which contributes to its overall charm, aesthetics and historical context.
- Increase in traffic volume, worsening of air quality
- Loss of trees and hedges
- More development in the area is not needed, the area needs less houses and more green spaces
- Loss of outlook
- No affordable housing proposed
- Road unable to cope with extra traffic
- The existing access from Thorley House should be used
- Would worsen road safety.
- New entrance will make the path useless for pedestrians
- Flooding to properties since the St James's development built
- The site buffers the adverse effects of extreme weather such as rainstorms
- Construction work will disturb the area for years
- There will be noise, pollution and loss of sunlight

7.2 One response received neither objecting or supporting the proposals on the following grounds:

The commitment to biodiversity enhancements is welcomed. However, the proposed bird boxes should be changed to integrated swift bricks.

7.3 Cllr Diane Hollebon –

Original Plans - Site entrance goes straight onto Whittington Way. This is dangerous due to the high volume of traffic onto Whittington Way. Poor visibility of traffic coming from London Road and Thorley Street. Traffic turning right will be at certain times dangerous due to high volume of back up traffic. Drivers exiting this development would have to sit in the middle of the road at peak times which could be extremely dangerous. Unsustainable due to traffic issues, will have a negative impact on the local environment.

Amended Plans - As per the initial proposal to build houses on this parcel of land, I strongly object as per my previous objections. Definitely over intensification of the site. Poor access/site lines onto both the London Road and Whittington Way. Congested traffic since the development of B.S. South and this is still ongoing. Infrastructure issues too. To name but a few.

7.4 Herts and Middx Wildlife Trust – Before a decision can be made on this application, the full biodiversity metric must be supplied to enable scrutiny. This must show a net gain of more than 10% in accordance with the EHDC Sustainability SPD. *Include here any other persons or groups, eg local Member, residents associations, MPs etc*

7.5 Bishops Stortford Civic Federation (BSCF)-

Continues to object to the failure to provide affordable housing. Understands the developer is considering making a financial contribution towards affordable housing elsewhere and welcomes this. It is recognised as being difficult for an affordable housing provider to provide homes on such a small site. Would support contribution being used locally, rather than elsewhere in the district. Believes there is insufficient information in the Transport Statement to assess the impact on the highway network. Objects on highway impact and safety grounds.

8.0 **Consideration of Issues**

Principle of Development

- 8.1 The application site lies around 1.5 miles from the centre of Bishop's Stortford, and the town can be assessed on foot in around 25 minutes or even quicker by cycle, or by using one of the frequent buses. Adjoining the large District Plan allocation BISH5, this area forms part of Bishop's Stortford with its many facilities and is a sustainable location for new development, in accordance with policy DPS2. As such, the principle of new housing on the site is acceptable in accordance with local and national planning policy.

Impact on the character of the area

- 8.2 With its elevated levels, and position at the junction of Thorley Street and Whittington Way, the application site can be described as being prominently located. However, the mature trees and hedging on the boundaries of the land do provide screening to the interior part of the site. The proposed layout plan shows nine detached two storey dwellings being served from a single vehicular access from Whittington Way. The majority of trees on the site are being retained with most of the development being planned around them.
- 8.3 Many of the existing dwellings in the area are two storey in height, and detached. With the exception of the new dwellings being constructed to the west of the site, most dwellings in the area date from pre-1970s. A SUDs attenuation basin is proposed in the south east corner of the site, and an undeveloped biodiversity area will be retained on the eastern side of the land adjacent to Thorley Street. All of the new houses would have chimneys to articulate the roof form, along with a varied palette of materials being proposed namely, clay pantiles/plain tiles, red multi brick, black timber boarding, chalk, yellow and pink render. Apart from the bell mouth at the junction of the access and Whittington Way, the onsite access will be constructed in block paving.
- 8.4 At just under 8.5 dwellings per hectare, the proposal represents a low-density development, and this has allowed most existing trees to be retained. Each property has a reasonably sized garden, adequate parking and acceptable distances between each dwelling. The Design and Access Statement sets out that a landscape led approach has been taken to the development and this can be seen in the layout plan proposed. There is architectural variety in the detailed design on the dwellings which incorporate decorative soffits and fascias. Overall, by the retention of most existing trees and hedging, and the density of housing shown, the proposal demonstrates a sensitive approach to the

development of the site which seeks harmonise the new dwellings with their surroundings.

- 8.5 The Council's Urban Design and Conservation Officer considers the elevations of the dwellings as revised to be well considered in relation to their position and visibility along London Road and Whittington Way.
- 8.6 The existing and proposed landscaping will ensure that the new houses do not appear prominent in the street scene, and they will not have an unacceptable impact on the character of the area. The proposal is considered to comply with District Plan policy DES4 and NP policies HDP2 and HDP3.

Impact on Designated Heritage Assets

- 8.7 The site lies within the setting of several designated heritage assets which surround the land, and these are all grade II Listed Buildings. To the south of the site lies Thorley House, to the south east Sparrow's Nest, Park View Cottages to the east on the other side of London Road, and Old Post Office Cottages to the south east.
- 8.8 The NPPF sets out in para. 200:
In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.9 Para. 205 states:
When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 8.10 Para. 208 outlines:
Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 8.11 Policy HA1 in the District Plan requires that proposals preserve and where appropriate enhance the historic environment of East Herts. Moreover, policy HA7 states that proposals affecting the setting of a Listed Building will only be permitted where the setting of the building is preserved.
- 8.12 The listing for Thorley House states: *House. Circa 1901 (in Kelly's Directory 1902) by Eustace C Frere, architect, as his own residence. Brick, roughcast even on the chimneys. Steep red tile roofs. Planned with all main rooms on S side. Two and a half storeys rear elevation has 3 gables and lead roofed small porch, half-glazed with moulded cornice curved round corners. 6-panel door flanked by small paned wooden windows, similar window carried round porch at same level. W gable has corbels carrying the eaves of rear part. External gable chimney with upper part of gable corbelled-out to its outer face. Asymmetrical main front to S. Two and a half storeys with gabled cross-wing on right with a tall lateral chimney engaged in the lower part of its left slope. Lower gable towards left hand side, all in same plane. 3-sided single storey parapeted bay on left with tall narrow openings and much wall area between. Projecting rectangular wooden bay window over with 4/4:6/6:4/4 panes. Small 6/6 paned recessed sash in gable over. Centre eaves carried on 2 corbels. Rectangular wooden bay with elongated panes 4/4:6/6:4/4 on Ground floor. Lower 3-light sash windows with similar panes over, righthand gable has narrow tall glazed door, 6/6 panes window over and 6/6 sash window in gable. Plane of front carried on righthand by rendered wall and to left hand by similar wall. Louvred shutters to some windows. Garden said to be professionally designed. Small walled service garden on E end of house. E end has corbelled eaves to front parts, central gable with engaged chimneystack 6/6 sash on 1st floor and 3-light sash on Ground Floor under segmental arch. Projecting NE wing, gabled left chamfered corner turret with 3-sided coved window with moulded cove and 1 small light each side. 6/6 sash to E end of S front.*
- 8.13 The Heritage Statement accompanying the application outlines the significance of the building deriving from its high architectural value owing to the quality of its design and overall composition. It is of historic interest owing to its date, construction, and reference to a "professionally" designed garden. Moreover, the house was designed and once occupied by the architect Eustace Frere, who designed some

relatively prominent buildings and extensions in London, including the 1908 extension to the Royal College of Surgeons, Lincoln's Inn Fields.

- 8.14 Plot 5 will be around 23 metres from Thorley House, and 37 metres from Sparrow's Nest, these are the two nearest Listed Buildings to the new houses situated to the south of the site. The application sets out that the site was historically owned by Thorley House. The site therefore has a historical and visual link to this Listed Building. Thorley House has a front elevation facing north across the application site, although the house was designed to take advantage of the views south over open land and associated gardens. The proposed development would be clearly visible from the north facing rooms in Thorley House and from the garden area. The Urban Design and Conservation Officer considers that unit 4 and to some extent unit 5 would detract from the architectural significance of the building, resulting in less than substantial harm to the significance and special interest of the Listed Building.
- 8.15 Whilst the comments of the Urban Design and Conservation Officer have been considered very carefully, the officer highlights the most architecturally significant elevation of Thorley House is to the rear which was designed to take advantage of the views south over open land and associated gardens.
- 8.16 It is important to note that the proposal would not affect views south from Thorley House, and the rear elevation of the building is some 33 metres from plot 4. Moreover, views north towards the application site would be screened to a great extent by a mature Blue Cedar to the west of the dwelling, and the mature Beech tree proposed to be retained in plot 4's garden provides further screening. A planning condition is proposed to require the Council's approval for any works to this tree. In addition, the retention of the existing Beech boundary hedge would also assist in softening the impact of the development on Thorley House. Whilst Historic England cautions against placing too much weight on the screening effects of soft landscaping, the Blue Cedar and Beech hedge have existed for many years and there are no reasons to believe they will not exist and mature for many years to come. The applicant has submitted photomontages illustrating the potential impact from the most sensitive viewpoint which have been carefully considered by officers in coming to a conclusion on the level of less than substantial harm caused to the setting of the listed building.

- 8.17 Sparrow's Nest is located at the entrance to Thorley House from Thorley Street, on the northern side of the private driveway, onto which its principal elevation faces. The listing for the property states: *House. C17. 2 storeys, timber frame plastered over low plinth. 3-unit plan with large central stack at upper end. Small central stack inserted at service end against cross passage. Cased axial beam in hall. Formerly winding stair in position of modern rear stair in rear extension. 2 storeys rear lean-to extension, 3 window front, steep gabled roof now slated. Bellcast and projecting eaves to front. 3-light early C19 'Gothic' pointed windows with labels, leaded glazing and iron opening lights. Porch off-centre to left. C19 trellis, slated, gabled porch with faceted posts and stepped cap and trabiation. Plain pilasters with stepped caps. 2-panel battened door with pointed glazing bars in upper part. Heavy old iron chain and crossbar internally. Modern bay on N end.*
- 8.18 The significance of Sparrow's Nest is derived from its architectural interest owing to its overall level of survival and quality of the principal south-facing elevation. The property is of historic interest owing to its age and being one of the earlier surviving buildings along Thorley Street.
- 8.19 The proposed development site is adjacent to the plot boundary of Sparrow's Nest and some views of the new development would be visible, however these views are unlikely to be intrusive or impact on the significance of the building given the siting of the dwellings. The Urban Design and Conservation Officer considers there is a sufficient distance between the units and Sparrow's Nest to ensure there is no harm.
- 8.20 Both Park View Cottages and the Old Post Office Cottages are located to the east of the site on the opposite side of London Road. They are on the opposite side of Thorley Road and their relationship to the site is limited. The proposed development would not impact on their significance or setting.
- 8.21 Due to the proximity of the development to Thorley House there would be less than substantial harm to the setting of the building. The level of harm is viewed as being at the lower end of less than substantial. The harm is mitigated by existing intervening trees and landscaping within Thorley House's garden and the application site, and by the generous separation distance to the new dwellings. The visual impact has been illustrated within the photomontages provided which demonstrate the effect (of the development) on the listed building's setting will be

minimised. As such, and in accordance with the NPPF, the harm must be weighed against the public benefits of the proposal, and this assessment is done in the Planning Balance section of the report below.

Impact on the amenities of nearby dwellings

- 8.22 Immediately to the west of the site lies the recently constructed Northwold Close. Plot 1 will be around 17 metres from 4 Northwold Close which is sited side on to the application site. Plot 2 will be approximately 27 metres from 2 Northwold Close, plot 3 will 22 metres away from 1 Northwold Close, and 20 metres from 4 Horsley Court. Given the siting of the proposed dwellings they will be visible from the existing housing to the west, however due to the above separation distances the development will not be overbearing or give rise to an unacceptable loss of light or privacy. Any overlooking which may result would not be unreasonable within a residential area.
- 8.23 The separation distances to Thorley House and Sparrows Nest to the south are described earlier in this report. At a minimum of 23 metres away, plots 4, 5 and 6 would not have an overbearing impact or result in an unacceptable loss of privacy, outlook or light to occupiers within the above-mentioned listed buildings.
- 8.24 All other existing dwellings in the area do not directly adjoin the application site. Given their siting on the opposite side of Thorley Street and Whittington Way, their amenities would not be materially affected by the development. Given the above, the proposal would comply with policy DES4 in the District Plan and HDP1 in the NP.

Highway Safety and Car Parking

- 8.25 Hertfordshire County Council as Highway Authority for the area has been consulted on the proposal and does not wish to restrict the grant of planning permission for the development, subject to the imposition of conditions on any approval issued.
- 8.26 The Highway Authority have confirmed that Whittington Way is subject to a 30-mph speed limit, and the new vehicular access to the north west of the site will provide appropriate visibility splays. The application is supported by a Transport Statement, and the Highway Authority concurs with its findings, apart from conflict within the report regarding the existence of an access at the site. There is an existing access from

the site onto Whittington Way, which will need to be closed as part of the development, and this will be achieved by condition.

- 8.27 The Highway Authority advise that the trip generation will not be significant from the development. The Transport Assessment outlines that the proposal would likely result in 5 trips in both the AM and PM peak, with a total of 43 vehicular trips per day, amounting to under 4 additional trips per hour. Whilst a number of local residents have objected to the proposal due to existing traffic congestion, it is clear from the above figures that the traffic impact from this development would not be severe which is the test imposed for new development in the NPPF. Given the above advice it is not considered that the proposal would result in adverse impact on highway safety. As such the development complies with policy TRA2 in the District Plan and policy TP1 in the NP.
- 8.28 In terms of car parking, it is proposed to provide a total of 33 car parking spaces set against the requirement for 26 spaces in the Council's Updated Vehicle Parking Standards. The proposal complies with policy TRA3 in the District Plan and policy TP8 in the NP. All the dwellings have large garages which will be available to provide secure cycle parking to encourage sustainable travel.

Affordable Housing

- 8.29 Policy HOU3 in the District Plan requires up to 35% affordable housing on sites proposing 10 or fewer gross additional dwellings, where the dwellings would have a combined gross floorspace greater than 1,000 square metres. The policy also states that a lower provision may be permitted due to viability reasons or where it would prejudice the need to secure other infrastructure priorities. In this scenario applicants are required to provide a financial viability assessment as part of the planning application, and the Council will appoint an independent consultant to assess the viability of the development. Policy HOU3 also states that affordable housing should normally be provided on site, apart from in exceptional circumstances when agreed with the Council. Applicants are required to provide justification as part of their planning application setting out the need for off-site provision or financial contributions. In terms of the gross floorspace of the dwellings proposed this would amount to 1,614 square metres, and policy HOU3 therefore requires 35% affordable housing as part of this development.

- 8.30 The Council's Affordable Housing SPD states that the Council will not seek affordable housing on sites with less than 10 dwellings unless the site is 0.5 hectares or more, or national policy is changed following the publication of the SPD. The application site area in this case is 0.90 hectares.
- 8.31 In terms of current national guidance regarding affordable housing, paragraph 65 of the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments. A major development is defined in the NPPF as: *For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more.* The Planning Practice Guidance echoes the advice in the NPPF. It is therefore clear that at a national level there is also a requirement for affordable housing as part of this proposal.
- 8.32 In the Written Ministerial Statement dated 24th May 2021, the Government announced that First Homes would be a new scheme to provide homes for first time buyers at a discount of 30% against the market value, and after applied the sale price must be no higher than £250,000 outside Greater London. A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes. However, the Council currently prefers to seek the provision of affordable rented properties in line with its Affordable Housing SPD. This provision is considered to better address the local housing need for affordable housing in the District as opposed to securing First Homes.
- 8.33 The NPPF also advises that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment, and the weight to be given to such an assessment is for the decision maker, having regard to all the circumstances in the case. The NPPF expects affordable housing to be provided on site unless off-site provision or an appropriate financial contribution in lieu can be robustly justified, and the agreed approach contributes to the objective of creating mixed and balanced communities.
- 8.34 To comply with policy HOU3 the development would need to provide 3 affordable units. The applicant has approached 15 Registered Providers (RPs) and none of them were interested in bidding for the affordable units, with many citing the small number of dwellings being offered as being the reason. Two of the RPs stated they would only bid on sites offering a minimum of 20 or 30 affordable units.

- 8.35 The site also requires a pumped system for foul and surface water which will involve significant management costs which may also make the site unattractive for affordable provision. For this reason, the site has not been designed to support affordable housing given the extensive management costs and service charges.
- 8.36 The justification from the applicant has been considered and the practical and financial difficulties of providing affordable housing on small sites is acknowledged and understood. It is not unusual for RPs to be unwilling to bid for small numbers of affordable units given the higher management costs involved. It is considered that taking all the factors into consideration, the principle of providing an off-site contribution towards affordable housing is accepted in this case.
- 8.37 The Council's Affordable Housing SPD sets out that where an off-site contribution is accepted, the level of contribution should be broadly equivalent to the cost of providing the affordable housing on-site via an agreed methodology with the Council. The SPD includes a formula for calculating the level of off-site provision, which results in a higher number of affordable units than would be required if provision is made on site. This is a reflection that the developer is able to provide more market units on their development than would be the case if the affordable units were also provided on site. The Council's formula requires a financial sum for off-site provision for this proposal equivalent to the cost of providing 5 dwellings (rounded up from 4.84). For a small scheme of 9 market dwellings, the SPDs requirements represents a significant financial burden for the development.
- 8.38 The applicant has submitted a viability assessment which sets out that even with no provision made for affordable housing the scheme is financially unviable. In order to assess independently the viability of the development and in accordance with policy HOU3, the Council appointed a viability Consultant to consider the evidence submitted with the application. The Council's Consultant concluded that based on the applicant's cost plan the development would produce a negative land value of -£402,631 or -£214,317 depending on whether a 20% or 17.5% profit margin is applied. As a guide the Planning Practice Guidance advises that for plan making an assumption of 15-20% of gross development value may be considered a suitable return to a developer in order to establish the viability of plan policies. Based on the above figures the development is not viable, and any provision for affordable housing would make it more unviable.

- 8.39 The Council's viability Consultant advises further that if BCIS rates for base build costs are used, then applying an addition for external works, and the use of median BCIS sales values, the scheme (for 100% market housing) could be more viable. Based on these assumptions the Council's Consultant advises the scheme may therefore be capable of making a modest affordable housing contribution depending on the profit margin and use of BCIS as the base build cost.
- 8.40 The above factors demonstrate the difference in outcomes depending on whether the applicant's cost plan is used, or whether the Council's consultant's BCIS based 'hybrid' approach is adopted.
- 8.41 There is clearly a difference of opinion between the applicant and the Council's Viability Consultant on the issue of build costs for the development. In this respect, Officers have undertaken negotiations with the applicant in an attempt to reach a reasonable outcome which reflects the differing views on build costs, and the importance of securing an appropriate contribution towards affordable housing.
- 8.42 The outcome of discussions with the applicant is that they have offered to contribute £100,000 towards affordable housing which sits approximately halfway between the Council's advisors 'hybrid position and the applicant's position. Given this is a small development, and the viability position as outlined above, this is viewed as a reasonable offer particularly taking into account the difficulties in the housing market at present. In line with the advice from the Housing Officer, this contribution would be put towards the provision of affordable housing in the district and will be secured by way of a Section 106 Obligation.
- 8.43 Based on the evidence available the financial position of the scheme is constrained, and with the above contribution to affordable housing being made, it is considered there is compliance with policy HOU3 and the NPPF in respect of affordable housing.

Trees and Landscape

- 8.44 The site contains many trees both around its boundaries and within its interior. None of the trees are protected by way of a Tree Preservation Order. The Arboricultural Impact Assessment accompanying the application individually surveyed a total of 87 trees, 7 groups of trees, 8 areas of hedges, and a woodland area. The Assessment sets out the need to fell approximately 30 trees, one entire group of trees, and the

partial removal of another group. It is proposed that several other trees will either crown reduced or have their crowns lifted.

- 8.45 The Arboricultural Impact Assessment states that there will be a high impact from the loss of group 1 (G1) as the trees are growing outside of the site immediately adjacent to Whittington Way. There will also be a moderate impact from the loss of 7 other trees as they are either growing reasonably close to the northern boundary of the site and therefore have high amenity value when viewed from Whittington Way or are much larger trees internal to the site but are likely to have amenity value to both the adjacent roads and public footpaths given their stature.
- 8.46 In acknowledging the removal of landscaping outlined above, the Council's Landscape Officer considers that the most important trees are being retained and successfully assimilated into the layout such to satisfy green space infrastructure requirements and give an instant sense of maturity to the development. The hard landscaping proposed is acceptable, and subject to an appropriate landscaping scheme being secured by condition, the proposals show a high-quality landscape setting for the new dwellings. In this way there is compliance with policy DES3 in the District Plan.

Ecology

- 8.47 Policies NE1 and NE3 of the District Plan indicate that proposals should not result in detrimental impacts to biodiversity and should in fact seek to enhance biodiversity and create opportunities for wildlife. Policy NE2 of the District Plan outlines that all proposals should achieve a net gain in biodiversity.
- 8.48 Whilst the site is mainly grassed, it also contains many trees and other soft landscaping. A Preliminary Ecological Appraisal (PEA) has been submitted with the application, which puts forward a number of recommendations to ensure there is not an unacceptable impact on ecology. This includes undertaking a reptile survey, and a Preliminary Roost Assessment prior to any tree removals. It also recommends the woodland on the eastern side of the site is subject to enhancements via Woodland Management Plan. A reptile survey has also been undertaken separately and no reptiles were found on the site.
- 8.49 The Ecologist at Herts County Council considers the PEA to be fit for purpose and has no reason to disagree with its outcomes. In

accordance with the PEA, the Ecologist advises that those trees shown for removal that have potential to contain bat roosts should be surveyed before the application can be determined. The applicant has arranged for the survey to be undertaken, and an update will be provided to the Committee in advance of their consideration of the application.

- 8.50 As the site contains many trees and soft landscaping the majority of which are being retained, the site already has a relatively high biodiversity value. These means it is very difficult to achieve a sizeable biodiversity net gain (BNG) on a site of this size and nature. However, a number of biodiversity enhancements are proposed as part of the scheme and these include proposed planting native species of hedging, planting of trees and shrubs beneficial to biodiversity, bat/bird boxes, and hedgehog highways. The updated Biodiversity Metric accompanying the application indicates a BNG of 2.01% in habitat units and 73.19% in hedgerow units. The Ecologist at the County Council considers that the delivery of a BNG should not represent a fundamental constraint to the development or reason for objection, subject to the imposition of a condition securing its delivery.
- 8.51 Overall subject to appropriate conditions, it is not considered there would be detrimental impact on biodiversity, and there would be a BNG on the site. As such, the proposal complies with policies NE1, NE2 and NE3 in the District Plan and policy GIP5 in the NP.

Climate Change

- 8.52 Policies CC1 and CC2 in the District Plan requires new developments to demonstrate how they intend to minimise overheating in summer, reduce the need for heating in winter, integrate green infrastructure to contribute to urban greening, and reduce carbon dioxide emissions. Policy WA4 meanwhile requires developments show they will minimise the use of mains water.
- 8.53 For this development the applicant proposes to install solar panels, air source heat pumps, and Electric Vehicle (EV) chargers for all properties. In addition, rainwater will be collected for garden use. A fabric first approach will be used to reduce energy demand. All these measures will be secured by condition and ensure that the use of energy is reduced for each property, and that carbon dioxide emissions are minimised. The additional landscaping proposed will help to integrate

green infrastructure with the surrounding area. The proposal will therefore comply with policy CC1 and CC2 in the District Plan.

- 8.54 Low and reduced water demand fittings such as taps, showers and water consuming appliances will be provided to each dwelling. All dwellings on the site will achieve a water conservation standard of 110 litres per person per day in accordance with policy WAT4, and this will be secured by condition.

Flooding and Drainage

- 8.55 Policy WAT1 in the District Plan states that proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people, property, crops or livestock from such events, both on site and to neighbouring land. Policy WAT5 outlines that development must utilise the most sustainable forms of drainage systems in accordance with the SUDS hierarchy, unless there are practical engineering reasons for not doing so.
- 8.56 The site is located in Flood Zone 1 which is defined as land having a low probability of tidal or fluvial flooding. A very small part of the site near to the southern boundary is shown to be at low risk of surface water flooding, and this area would be at the very rear of the garden for plots 3, 4 and 5.
- 8.57 The drainage strategy will encompass a Sustainable drainage system (SuDS), and attenuation to manage peak run-of volumes required during rainfall events up to and including the 1:100 year event inclusive of a 40% climate change allowance. Flood volumes will be stored on site in the proposed attenuation basin, along with the use of permeable paving.
- 8.58 Affinity Water have not responded to the consultation sent regarding the application, and Thames Water have stated they have no comments to make on the proposal. Connections into Thames Water's sewer network will need to go through the company's own application process.
- 8.59 Based on the information provided, and in the absence of any technical objections, it is considered that the proposal is acceptable in terms of flooding and drainage. This being the case the development complies with policy WAT1 and WAT5 in the District Plan.

Other Issues

Equality

- 8.60 Section 149 of the Equality Act (2010) requires the Council to consider the equality impacts on all protected groups when exercising its functions.
- 8.61 The policies and guidance referenced in the committee report have all been subject to an equalities impact assessment (EqIA) and therefore, the planning policy framework is considered to meet the first stage in the process.
- 8.62 The application proposes new housing, it is not considered that the proposal would harm those with protected characteristics defined by the Act.
- 8.63 Officers have duly considered the equalities impacts on protected groups in the context of the development proposals. As such it is considered that the Council has fulfilled its requirements to consider the equality impacts on protected groups.

Third Party Comments

- 8.64 The majority of comments received from local residents have been addressed within this report. Concerns regarding the impact of construction works on existing dwellings are noted. However, such impacts are temporary and would not be a reason to withhold planning permission.

9.0 Planning Obligation

- 9.1 The sum of £100,000 will be secured towards off-site affordable housing provision. Whilst the comments of the Parish Council and Civic Federation are noted, the affordable housing needs of the authority are assessed on a district wide basis. As such, the contribution made by the developer would be spent towards providing affordable housing in the East Herts District.

10.0 Planning Balance and Conclusion

- 10.1 The impact of the development on the character of the area, the amenities of nearby residents, ecology and on highway safety is acceptable. In view of the viability of the scheme, an appropriate contribution will be secured towards affordable housing. There would be a net gain to biodiversity, and the proposal is acceptable in term of climate change, flooding and drainage.
- 10.2 In terms of benefits, the proposal provides nine dwellings in a sustainable location, and this would be a small contribution to the local supply of housing. There would be economic benefits both during and after construction, due to it providing employment, and from future occupiers buying goods and services locally. The negative aspects of the proposal are limited to the less than substantial harm identified to the setting of Thorley House. The harm would be mitigated by existing soft landscaping, and the appreciation of the views south from the rear of the Listed Building would not be affected by the development. For the above reasons, it is the officer's view that the public benefits outlined above outweigh the harm identified, and the development accords with the NPPFs presumption in favour of sustainable development.
- 10.3 There is overall compliance with the District Plan, Neighbourhood Plan, and NPPF, and the application is therefore recommended for approval.

RECOMMENDATION

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

Conditions

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

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

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

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

- 3 Before first occupation of the approved development, the access arrangement, including visibility splays, onto Whittington Way shall be completed in accordance with the approved in principle plan DR1 Rev b contained in the Transport Statement dated November 2023 and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction.

Reason: To ensure that the access and proposed roadworks within the highway are constructed to an adequate standard.

- 4 Prior to first occupation or use of the development hereby approved the hard surfaced areas of the development, including roads, turning areas, pavements, driveways and car parking areas shall be surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority so as to ensure satisfactory parking and turning of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway. The development should be implemented in accordance with the approved details.

Reason: To ensure safety and satisfactory appearance in accordance with Policies DES4, TRA2 and TRA3 of the East Herts District Plan 2018.

- 5 Prior to the commencement of the development, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The 'Construction Traffic Management Plan' shall identify details of:

- phasing for the development of the site, including all highway works;
- methods for accessing the site, including construction vehicle numbers and routing;
- location and details of wheel washing facilities;
- associated parking areas and storage of materials clear of the public highway;

Reason: To ensure that the development takes place in a comprehensive manner having due regard for highway safety and capacity and to ensure that the impact of construction traffic on the local road network is minimised.

- 6 Prior to the first occupation or use of the development hereby approved, details of all boundary walls, fences or other means of enclosure to be erected shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development should be implemented in accordance with the approved details.

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

- 7 Prior to the commencement of development hereby approved, detailed plans showing the existing and proposed ground levels of the site relative to adjoining land, together with the slab levels and ridge heights of the proposed buildings, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: The details are required to be approved prior to the commencement of development to ensure that the development is properly related to the levels of adjoining development in the interests of neighbour amenity and good design in accordance with Policy DES4 of the East Herts District Plan 2018.

- 8 Prior to the first occupation of the development hereby approved details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development should be implemented in accordance with the approved details. Any external lighting scheme should follow guidance from the Bat Conservation Trust and ILP 2023, and CIE 150:2017 and be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Reason: In the interests of protecting against light pollution, to protect the amenities of neighbouring residents, to safeguard the use of the site by bats and other species, and in accordance with Policies DES4, EQ3 and NE3 of the East Herts District Plan 2018.

- 9 Prior to any above ground construction works being commenced, the external materials of construction for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be implemented in accordance with the approved details.

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

- 10 The development shall be implemented in accordance with all biodiversity enhancement measures as indicated on the Biodiversity Enhancement Plan No. OS 2358-22.7 Rev A hereby approved.

Reason: To accord with policy NE2 in the East Herts District Plan and to provide a Biodiversity Net Gain on the site.

- 11 No dwelling hereby approved shall be occupied until a Woodland Management Plan for the woodland to the east of the site has been submitted to and approved by the local planning authority. The Woodland Management Plan shall include details of future management of the woodland and measures to enhance its biodiversity value.

Reason: To accord with policy NE2 in the East Herts District Plan and to enhance features that contribute to the local and wider ecological network.

- 12 The development shall be carried out in accordance with the Preliminary Ecological Survey Incorporating Bat Survey Inspection and Defra Metric Calculation Dated March 2023 and the Reptile Survey Report dated Spring 2023.

Reason: To protect the habitats of any protected species under the Wildlife and Access to the Countryside Act 1981, and other biodiversity on the site, and in accordance with Policy NE3 of the East Herts District Plan 2018.

- 13 All sustainability measures aimed at reducing carbon dioxide emissions, use of energy, and improving air quality, as indicated on plan no. SPD257.308.05 shall be implemented prior to the first occupation of the dwellings to which they relate.

Reason: To adapt to climate change and reduce emissions of CO₂, in accordance with policies CC1 and CC2 of the East Herts District Plan 2018.

- 14 Prior to erection of above ground superstructure of the development hereby approved, a noise impact assessment shall be submitted to and approved in writing by the Local Planning Authority of the sound level

emitted by the air source heat pumps (ASHP) inclusive of any mitigation measures as appropriate. The assessment shall demonstrate that the external sound level emitted will be lower than the existing background noise level by at least 5dBA at the nearest and / or at the most affected noise sensitive premises, with equipment operating at maximum capacity and inclusive of any penalty for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact.

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.

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

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

- 16 Best Practicable Means (BPM) shall be used in controlling dust emissions during all site preparation, demolition, construction and ancillary activities. In times of exceptionally dry weather, additional measures should be put in place to mitigate against the spread of dust.

Reason: In order to ensure an adequate level of amenity for nearby residents in accordance with Policy EQ4 Air Quality of the adopted East Herts District Plan 2018.

- 17 Prior to the commencement of any piling works, details of the method of piling for the construction works, including a method statement and noise emissions, shall be submitted to and approved in writing by the local planning authority. All piling works shall be carried out in accordance with the agreed details.

Reason: In the interests of avoiding potential detrimental impacts on the amenity of occupiers of neighbouring properties in accordance with Policy EQ2 Noise Pollution of the adopted East Herts District Plan 2018.

- 18 Prior to above ground construction work commencing, details of a scheme providing fire hydrants to serve the development shall be submitted to and approved by the Local Planning Authority. The development shall accord with the details approved.

Reason: In order to ensure there is an adequate water supply at the site in the event of a fire.

- 19 The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:

1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment.
2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.
4. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the

necessary documentation detailing what waste materials have been removed from the site.

Reason: To minimise and prevent pollution of the land and the water environment and in accordance with national planning policy guidance set out in section 11 of the National Planning Policy Framework, and in order to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

- 20 The development shall be undertaken in accordance with the Arboricultural Impact Assessment dated August 2023. All existing trees and hedges shall be permanently retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

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

- 21 Prior to first occupation of the development hereby approved, details of landscaping shall be submitted and approved in writing and shall include full details of both hard and soft landscape proposals, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting and implementation timetable and thereafter the development should be implemented in accordance with the approved details.

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

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

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

- 23 Prior to the commencement of any above ground works, details of the measures required to facilitate the provision of high-speed broadband internet connections shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a timetable and method of delivery for high-speed broadband for each residential dwelling. Once approved, high-speed broadband infrastructure shall be implemented thereafter in accordance with the approved details and shall be made available for use in respect of each residential dwelling prior to the first occupation of that residential dwelling to which it relates.

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

- 24 The development shall be implemented in accordance with Flood Risk Assessment by SPD Studio dated March 2023, unless otherwise agreed in writing with the Local Planning Authority. Upon completion of the surface water drainage scheme, a management and maintenance plan for the surface water drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority to secure the operation of the scheme throughout its lifetime. It shall be supported by a full set of as-built drawings, and a post-construction location plan of the SuDS components cross-referenced with a maintenance diagram.

Reason: In the interests of the management of surface water flows in accordance with Policies WAT1 and WAT5 of the East Herts District Plan 2018.

- 25 Prior to the first occupation of the development hereby approved, measures shall be incorporated within the development to ensure that a water efficiency standard of 110 litres (or less) per person per day is achieved.

Reason: To achieve a reduction in water usage and increased water efficiency in accordance with Policy WAT4 of the East Herts District Plan 2018.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), or any amending Order, development consisting of the enlargement, improvement or other alteration of a dwellinghouse as described in Schedule 2, Part 1, Classes A, B, C and E of the Order shall not be undertaken without the prior written permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over the nature of development taking place at this site; in the interest of local amenity, to protect the amenities of adjoining dwellings, to ensure the retention of existing trees, protect the setting of adjacent listed buildings and to accord with Policies DES3, DES4 and HA7 of the East Herts District Plan 2018.

- 27 Notwithstanding any details contained in the application hereby approved, no works shall be undertaken to fell or reduce the mature Beech tree within the garden of plot 4 as shown on plan no. SPD257.300.18 without the written approval of the Local Planning Authority.

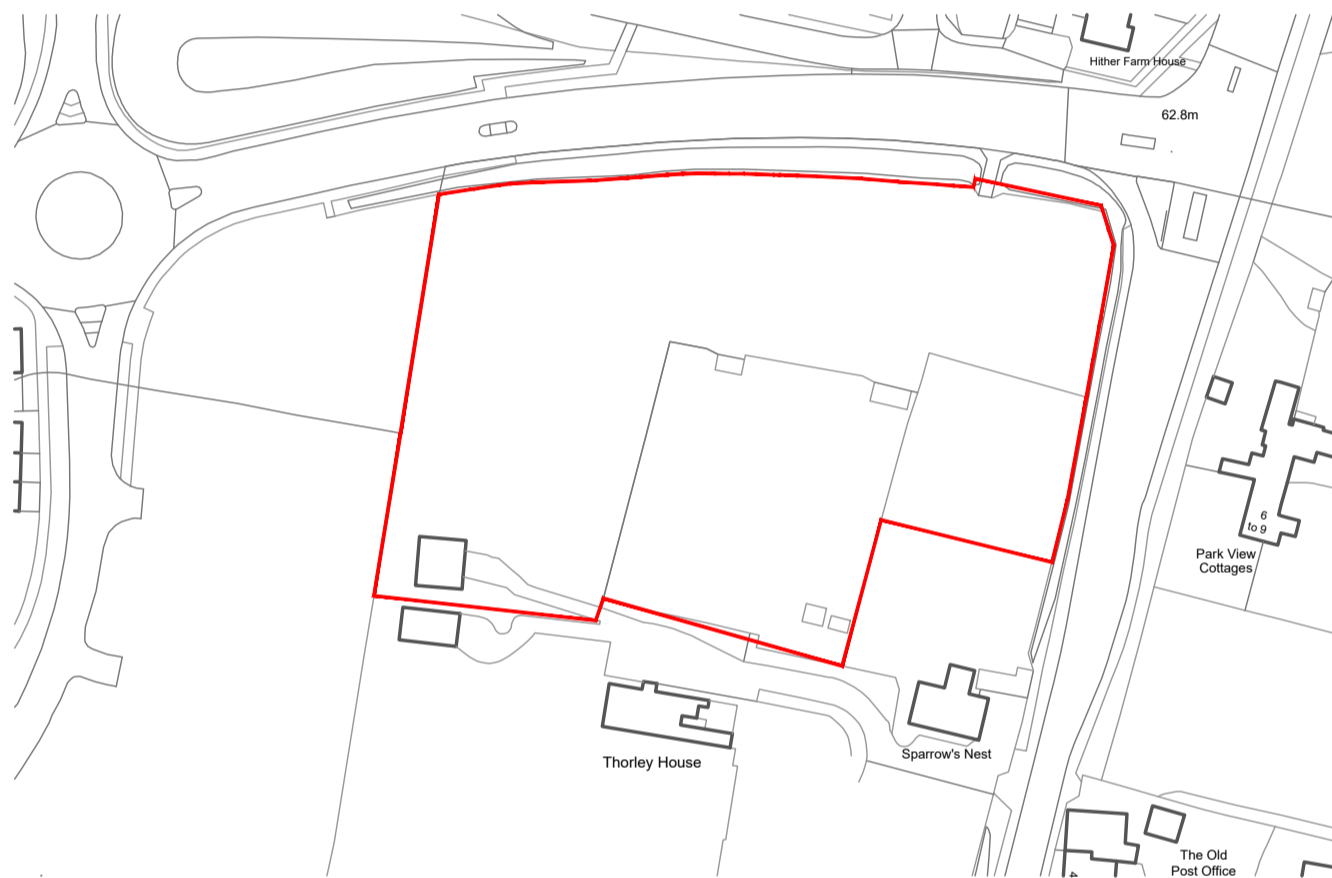
Reason: In order to protect the setting of Thorley House and to accord with policy HA7 of the East Herts District Plan.

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g.

Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.

2. This planning permission is also subject to a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
3. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.
4. Works within the highway (Section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.
5. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.



Rev.	Amendment	Date
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SPDSTUDIO
SUSTAINABLE . PLANNING . DESIGN



RESIDENTIAL DEVELOPMENT

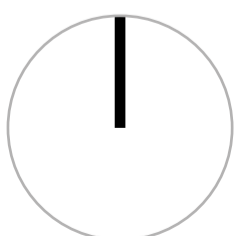
EXISTING SITE LOCATION PLAN

SJT DEVELOPMENTS

THORLEY HOUSE,
BISHOP'S STORTFORD
CM23 4AL

SPD257.001.00 1:1250 @ A3 25.01.23

WWW.SP D - STUDIO . CO . UK



1:1250
0m 12.5m 37.5m 75m

EXISTING SITE LOCATION PLAN

Agenda Item 6

EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
DECEMBER 2023

Application Number	3/22/1146/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Opposite Amwell Grove Cauthery LaneGreat AmwellSG12 9SP
Appellant	Mr John Van Hage
Proposal	Construction of a detached two-storey, three bedroom dwelling.
Appeal Decision	Allowed

Application Number	3/22/1937/PIP
Decsn	Refused
Level of Decision	Delegated
Address	Land Adj To The AcornsGinns RoadStocking Pelham
Appellant	
Proposal	Erection of a self-build dwelling
Appeal Decision	Dismissed

Application Number	3/22/2445/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land To The Rear Of The Moat House226 Hertingfordbury RoadHertford SG14 2LB
Appellant	Mr and Mrs Buckingham
Proposal	Installation of ground mounted solar PV panel array
Appeal Decision	Dismissed

Application Number	3/23/0119/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Bourne Farm (North Of Bourne Villa)Wareside Ware SG12 7SH
Appellant	MR JOHN BASHFORTH
Proposal	Proposed part change of use of existing barn to holiday let, including the installation of doorway, windows and two rooflights and existing stable to be used in conjunction with the holiday let
Appeal Decision	Dismissed

Application Number	3/23/0345/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Twyford OrchardPig LaneBishops Stortford CM22 7PA
Appellant	Mr Brian Pigott
Proposal	Demolition of annex and replacing with new single dwelling
Appeal Decision	Withdrawn

Application Number	3/23/0494/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land To The South-East Of The BuryBury GreenLittle Hadham SG11 2HE
Appellant	Mr And Mrs Simmonds
Proposal	Erection of a new house and the conversion of a curtilage listed outbuilding including inserting new windows and doors, attaching solar panels and a single storey link to new house. Creation of new driveway.
Appeal Decision	Withdrawn

Application Number	3/23/0620/VAR
Decsn	Non Determination
Level of Decision	Delegated
Address	Ash Tree Barn 1-6Monks Green FarmMangrove LaneBrickendon SG13 8QL
Appellant	Mr William Ashley
Proposal	Removal of condition 11 (Use for the provision of live/work units) of planning permission 3/11/1808/FP - Conversion and extensions and alterations to existing sheds to provide 6 live/work units.
Appeal Decision	Withdrawn

Application Number	X/22/0515/CND
Decsn	Non Determination
Level of Decision	
Address	Bircherley Green Shopping Centre Hertford SG14 1BN
Appellant	Mr A Ward
Proposal	Discharge of conditions 19 (A3/A4 - Sound Insulation) 41 (Lighting - Block A and B) 49 (Health Facility) 52(F) (Proposed and existing functional services above and below ground) 65 (Odour) of planning approval 3/22/0712/VAR
Appeal Decision	Dismissed



Appeal Decision

Site visit made on 29 August 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/J1915/W/22/3313327

Land opposite Amwell Grove, Cauthery Lane, Great Amwell SG12 9SP

- 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 John Van Hage against the decision of East Herts Council.
 - The application Ref 3/22/1146/FUL, dated 27 May 2022, was refused by notice dated 17 October 2022.
 - The development proposed is the construction of a detached two-storey, three-bedroom dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a detached two-storey, three-bedroom dwelling at Land opposite Amwell Grove, Cauthery Lane, Great Amwell SG12 9SP in accordance with the terms of the application Ref 3/22/1146/FUL, dated 27 May 2022, subject to the conditions appended to this appeal.

Preliminary Matters

2. I have used the Council's description of development as this more accurately describes the proposal. I note that this features on the appellant's appeal form.
3. The appeal relates to proposed development in proximity to listed buildings and which is located within a conservation area. Accordingly, I have had special regard to the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Since the appeal was lodged, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issues.

Main Issues

5. The reasons for refusal in the Council's decision notice refer to harm to the setting of designated heritage assets and the conservation area. Although not referenced on the decision notice, the officer's report also refers to the effect of the proposed development on non-designated heritage assets.
6. Taking the above into account, I consider the main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area; and
 - whether the proposed development would preserve the settings of adjacent Grade II* and Grade II listed buildings and identified non-

designated heritage assets, and the extent to which the development would preserve or enhance the character or appearance of the Great Amwell Conservation Area.

Reasons

Character and appearance

7. The appeal site comprises a parcel of land set between Cautherley Lane and St Johns Lane. The surrounding area is made up, predominantly, of residential properties, although the George IV public house lies adjacent to the site and the Parish Church of St John the Baptist lies opposite.
8. There is significant variation in the scale, period and detailed design of properties within Great Amwell. However, consistent features typically exist including the setback of properties from roads, within large, well landscaped garden plots. Similarities also exist in the use of materials, which typically comprise brick and render.
9. The proposed development would be reasonably prominent from Cautherley Lane by reason of the site's elevated position relative to this road. The site would also be clearly visible from St Johns Lane and from the private vantage points of neighbouring properties. As such, the proposed development would undoubtedly change the appearance of the site and its relationship with the surrounding area. However, the development would be set amongst established built form of a varied scale, style and period, and I observed that both the boundary wall of Amwell Grove and the west elevation of the George IV public house form prominent structures along the edge of Cautherley Lane. Moreover, the proposed development would not be the first contemporary intervention in the village, nor is the built form of the village entirely cohesive or unadulterated. Notwithstanding the planned elements of Great Amwell, in particular the landscape to the north of the site, the established development in the surrounding area is the result of the evolution of the village over time.
10. Although the majority of properties within the village feature traditional roof profiles, examples of contemporary flat roof designs, as well as more traditional parapet roof features, are visible. Accordingly, the proposed flat roof design, rather than a suggested pitched roof (which is not before me), would not appear unduly out of keeping with the wider area.
11. Based on the submitted information, together with my observations on site, I do not find that the overall size and bulk of the proposed dwelling would be substantial or out of proportion with the site or the established properties within the surrounding area. Rather, the proposed development would respond to, and complement, those adjoining properties, respecting the change in levels between the public house and The Mount. Ultimately, the scale and design of the proposed dwelling would have an acceptable effect on the character and appearance of the site and surrounding area. I consider that further details of the external materials and landscaping, including boundary treatments and hard landscaping, can be satisfactorily dealt with by condition.
12. For the above reasons, I conclude that the proposed development would have an acceptable effect on the character and appearance of the site and surrounding area, in accordance with the relevant provisions of Policies DES2, DES3 and DES4 of the East Herts District Plan (DP, 2018). These policies, in

summary, seek to achieve high quality design in development which respects its context, including the historic environment. This is in a similar vein to the provisions of the Framework insofar as good design is concerned.

Heritage assets – special interest and significance

Parish Church of St John the Baptist

13. Parish Church of St John the Baptist is a Grade II* listed building¹. It is a largely 15th century building, with some intact 14th century features. The building has evolved over time to include 19th century elements. It is set within an historic graveyard, enclosed and largely obscured by walls and mature landscaping. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are its age, its dominant presence within its grounds, its surviving historic fabric and its historic and continued use as a place of religious congregation.
14. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The grounds and graveyard of the church have an historic, visual and functional connection with the heritage asset. These grounds are clearly defined by boundary treatments including walls and mature landscaping. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
15. Beyond this, the surrounding area, of which the site forms a part, is made up of loosely arranged, predominantly residential, development. This is indicative of the evolution of the surrounding village over time. Some glimpsed views of the asset are possible between gaps in landscaping, including from St Johns Lane. This surrounding area, including the appeal site, forms the asset's wider setting. The surrounding village development has altered how the asset is experienced to a degree. Whilst the asset might once have formed a very prominent and imposing building within the wider landscape, the later residential development and now mature landscaping that surrounds it has, to a degree, altered how the asset is experienced from the surrounding public realm. This moderates the contribution this wider setting makes to its special interest and significance.

Amwell Grove

16. Amwell Grove² is a Grade II listed building, set within expansive grounds. Designed by Robert Mylne, it dates from the 18th century, with later extensions and alterations. Based on the evidence before me, the special interest and significance of the listed building is largely derived from its historic and architectural interest. Important contributors in these regards are the association with the architect Robert Mylne and its surviving historic fabric.
17. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The well enclosed and landscaped grounds of Amwell Grove are largely set away from public views. It is from these closely related grounds that the asset is best appreciated. This forms the asset's immediate setting. This immediate setting contributes somewhat to the asset's

¹ List Entry Number: 1341839

² List Entry Number: 1101799

special interest and significance. Beyond this, the surrounding area is made-up of established development and mature landscaping. This surrounding area, which includes the appeal site, forms the asset's wider setting. There is some, but very limited, intervisibility between the wider setting and heritage asset. This moderates the contribution the wider setting makes to the asset's special interest and significance.

Gatepiers, screen wall, gate and gateway at Amwell Grove (hereafter referred to as 'the Amwell Grove wall and gatepiers')

18. The Amwell Grove wall and gatepiers³ form a mid-19th century structure of tall yellow brick piers, with moulded stone details, positioned either side of the gateway to Amwell Grove. The adjoining walls are of flint and yellow brick. Based on the evidence before me, the special interest and significance of the listed structure is largely derived from its historic and architectural interest. Important contributors in these regards are the association with Amwell Grove and the architect Robert Mylne, together with its surviving historic fabric.
19. Pertinent to this appeal, the structure's special interest and significance are also derived, in part, from its setting. The asset is best appreciated from adjoining, verdant Cautherley Lane. The lane forms, in part, the immediate setting of the asset, which contributes somewhat to the asset's special interest and significance. Beyond this, the surrounding area is made-up of established development and mature landscaping. This surrounding area forms the asset's wider setting. The established development to the east of the structure, and the unused space formed of the appeal site, alter how the asset is experienced from surrounding public realm and moderates the contribution this wider setting makes to the asset's special interest and significance.

Non-designated heritage assets

20. Two buildings, namely the George VI public house and The Mount, have been identified as non-designated heritage assets. These lie adjacent to the site. I have noted the Council's reference to the effect of the proposed development on these buildings, although there is no evidence before me to demonstrate that these are locally listed.
21. The Mount is located to the east of the appeal site and is of a modest scale. Despite this, it sits in a reasonably prominent position within the streetscene, adjacent to St Johns Lane and near to the main gateway of the church. The wider St Johns Lane forms the setting of the asset, from which it is best appreciated, particularly from the west approach. As a result, St Johns Lane contributes to how this asset is experienced and so adds to its significance.
22. The public house is a relatively large building which sits in a highly prominent position within the village, at the junction of Cautherley Lane with St Johns Lane. It is best appreciated from both lanes, particularly from the west. These lanes form part of the setting of the asset. As a result, both Cautherley Lane and St Johns Lane contribute to how this asset is experienced and so add to its significance.

³ List Entry Number: 1077995

Conservation Area

23. The appeal site is located within Great Amwell Conservation Area (CA).
24. The special interest and significance of the CA is largely derived from its historic townscape, together with its sunken lanes and planned verdant open space. It includes significant buildings such as the Parish Church of St John the Baptist. Insofar as the appeal is concerned, there is variation in dwelling style and period within the CA. However, the dwellings are typically positioned within large, spacious plots.
25. The appeal site forms an undeveloped site with limited mature vegetation. This creates a gap in established built form, and makes a neutral contribution to the character and appearance of the CA and thereby to its significance as a designated heritage asset.

Heritage assets – appeal proposal and effects

Parish Church of St John the Baptist

26. There is no doubt that the proposed development would be visible, introducing built form to a site where there is currently none, and in a contemporary style. Nevertheless, the physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development. The retention of a considerable separation distance, intervening landscaping features and highway would all reinforce this. Furthermore, the immediate setting and most of the wider setting that contributes to the asset's significance would remain undisturbed by the proposed scheme.
27. Taking these factors into account, the proposed development would not compromise the setting of Parish Church of St John the Baptist, rather it would have a neutral effect that would not detrimentally alter how the asset would be experienced and would not adversely affect the ability to appreciate its significance. Consequently, the immediate and wider settings of the asset and the contribution that they make to its significance would be preserved.

Settings of Amwell Grove and Amwell Grove wall and gatepiers

28. The position and nature of the proposed development, together with the limited intervisibility between the appeal site and these heritage assets, would mean that the visually and physically separate relationship between the sites would be maintained. The historic and architectural interests of the assets would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features and roads, in particular, would reinforce this. Ultimately, the settings that contribute to the significance of those assets would remain undisturbed by the proposed scheme.
29. Taking these factors into account, the proposed development would not compromise the settings of Amwell Grove or Amwell Grove wall and gatepiers. Rather, it would have a neutral effect that would not adversely affect the ability to appreciate the significance of those assets. Consequently, the settings of the assets, and the contribution those settings make to their significance would be preserved. The Council is of the same view in this respect.

Non-designated heritage assets

30. By reason of the nature, scale and position of the proposed development, set away from the boundaries of the site, in undertaking a balanced judgment, I do not consider the proposal would result in any harmful effects to the setting, and therefore the significance of the identified non-designated heritage assets.

Conservation Area

31. The proposal would be visible in public views, including from Cautherley Lane and St Johns Lane. However, it would be set amongst established built form and setback from the site's boundaries within a landscaped garden plot. The building would be of a scale, height and position which would respond appropriately to the site and adjoining properties, which generally sit within large, landscaped garden plots. The proposed development would also appropriately respond to the site's, and adjoining site's, levels.
32. Whilst clearly contemporary, the proposal would be congruent within a context of relatively varied properties in terms of scale, period and detailed design. The dwelling would be finished in materials including red stock brick and reconstituted stone, which, in my view, would complement and respond positively to the character and appearance of the CA.
33. For the reasons above, I consider that the proposals would have a neutral effect on, and would therefore preserve, the character and appearance of the CA as a whole.

Heritage – conclusion

34. Overall, I conclude that the proposed development would preserve the settings of the Grade II* listed building, Parish Church of St John the Baptist, the Grade II listed buildings, Amwell Grove and Amwell Grove wall and gatepiers, and the identified non-designated heritage assets of The Mount and George VI public house. It would also preserve the character and appearance of the CA. Consequently, the proposed development would not harm the significance of these heritage assets. In doing so, it would satisfy the requirements of Sections 66(1) and 72(1) of the Act, and would not conflict with the relevant provisions of DP Policies HA1, HA4, HA7 and HA8 which, in summary and taken as a whole, seek to protect heritage assets. This is in a similar vein to the relevant provisions of the Framework, insofar as they seek to protect the historic environment.
35. In finding no harmful effects to the special interest and significance of the designated heritage assets, it is not incumbent on me to consider any public benefits that would flow from the proposal.

Other Matters

Amwell Grove and Amwell Pool

36. Amwell Grove and Amwell Pool⁴ is a Grade II Historic Park and Garden. It comprises a late 18th and early 19th century landscape associated with Amwell Grove house, which is itself located within the designated landscape, designed by Robert Mylne. The gardens and pleasure grounds include a prominent body

⁴ List Entry Number: 1000903

of water known as the 'Pool', with islands within, and various structures and memorials associated with the planned landscape. Mature trees dominate the landscape. Based on the evidence before me, the special interest and significance of the asset is largely derived from its historic and architectural interest. Important contributors in these regards are its association with the architect Robert Mylne, its impressive scale and picturesque appearance.

37. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. Amwell Grove and Amwell Pool is surrounded by a backdrop of verdancy and scattered development, of which the appeal site forms a part. These surroundings form the asset's wider setting and positively contribute to its significance.
38. The position and nature of the proposed development, together with the limited intervisibility between the appeal site and this heritage asset, would mean that the visually and physically separate relationship between the sites would be maintained. The historic and architectural interests of the asset would remain unaffected. The retention of a reasonable separation distance and intervening landscaping features and roads, in particular, would reinforce this. Ultimately, the proposed development would not compromise the setting of Amwell Grove and Amwell Pool, and the contribution it makes to the asset's significance would be preserved.

Other considerations

39. A range of comments have been received from neighbours of the site and others. Objections raised relate to the impact of the proposed development on the green belt, heritage assets, highway safety and flood risk. I have dealt with matters of design and heritage above. There is no dispute between the Council and appellant in respect of the green belt, highway safety and flood risk. Based on the evidence before me, I have no reason to disagree with those findings.
40. In respect of the site's proximity to Amwell Quarry Site of Special Scientific Interest (SSSI), and the potential for the development to affect that designated site, Natural England (NE) were consulted during the course of the planning application. NE confirmed that in the event that the development proposed to connect to the mains sewer, it would have no further comments to make. In response, and notwithstanding that this was not clear within the original application form, the appellant has confirmed that a connection to the mains sewer is proposed. Accordingly, and subject to a condition ensuring that the development does connect to a mains sewer, I have no reason to come to any alternative conclusion on the main issues.

Conditions

41. The Council has provided a list of 21 conditions. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance, and consider in that context that only 14 need to be applied. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
42. Conditions relating to time limits and approved plans are necessary for certainty. A condition is imposed relating to construction hours in the interests of public safety and the protection of the living conditions of neighbouring occupants. Conditions relating to external materials, details of windows/doors,

details of parking areas, landscaping and measures for the protection of trees (noting the appellant's comments on this condition) are imposed. These are necessary in the interests of character and appearance, to ensure the health of any retained trees on or adjacent to the site, and for certainty.

43. A condition is necessary to ensure adequate provision of bin storage. Conditions relating to the provision of an electric vehicle charging point and gas-fired boilers are necessary in the interests of air quality. A condition relating to details of foul sewage arrangements is required in the interests of sustainability.
44. A condition relating to the ecological assessment is necessary for certainty and to protect and enhance biodiversity. A condition relating to archaeology is imposed as the site is located within an Area of Archaeological Significance and in the interests of DP Policy HA3. This is a pre-commencement condition as it is necessary to ensure that any potential risks are known, and mitigation measures planned in, prior to the commencement of development.
45. Suggested conditions relating to the rooflight materials and boundary treatments have not been imposed as these matters are adequately covered by the provisions of the external materials and landscaping conditions. A suggested condition requesting site levels has not been imposed as this is covered under the provisions of the landscaping condition. Suggested conditions removing permitted development rights and requiring details of overheating/cooling have not been imposed as there is insufficient evidence before me to demonstrate why these measures are reasonably necessary in this particular case.
46. A suggested water efficiency standards condition has not been imposed as this matter would be dealt with under Building Regulations. A suggested condition relating to contamination has not been imposed as there is no evidence before me, including any correspondence from environmental health specialists, which justifies the need for this condition.

Conclusion

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

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 220417-PL-001 B; 220417-PL-002 B; 220417-PL-100 A; 220417-PL-101 B; 220417-PL-102 B; 220417-PL-301 A; 220417-PL-302 A; 220417-PL-303 A; 220417-PL-304 A; 220417-PL-305 A; 220417-PL-306 A; 220417-PL-307; 220417-PL-308 A.
- 3) Prior to the commencement of the development hereby permitted, details of the means of foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 4) Prior to the commencement of any above ground works of the development hereby permitted, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. This shall include samples of the brickwork. The development shall be carried out in accordance with the approved details and samples.
- 5) Prior to the commencement of any above ground works of the development hereby permitted, detailed drawings of the windows and doors proposed, including a section of the glazing bars, frame moulding, reveals, arch and sills, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of any above ground works of the development hereby permitted, the applicant, or their agents, or their successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are submitted to and approved in writing by the Local Planning Authority.
- 7) Prior to any above ground works being commenced, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) earthworks showing existing and proposed finished levels or contours;
 - ii) means of enclosure and retaining structures;
 - iii) boundary treatments;
 - iv) hard surfacing materials;
 - v) an implementation programme;
 - vi) Planting plans, schedules of plants, species, planting sizes, density of planting.

All hard and soft landscaping works shall be carried out in accordance with the approved details, prior to the first occupation of the

development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.

- 8) Prior to the first occupation of the development hereby permitted, details of all on site vehicular parking and turning areas, and the means of disposing of associated surface water, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained.
- 9) Prior to the first occupation of the development hereby permitted, 1 electrical car charging point shall be provided, installed and retained for the lifetime of the development. The electric vehicle charging points shall thereafter be maintained.
- 10) Prior to the first occupation of the development hereby permitted, details of the facilities for the storage and removal of refuse from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities provided prior to the occupation of the development.
- 11) Existing trees and hedges identified for retention as part of the development hereby permitted, or existing trees and hedges growing on an adjacent site, shall be protected from damage as a result of works on the site, in accordance with BS5837:2012, or any subsequent relevant British Standard.
- 12) The development hereby permitted shall be carried out in accordance with the details and mitigation measures set out within the Ecological Appraisal (ELMAW Consulting updated April 2022).
- 13) Any gas-fired boiler shall meet a minimum standard of less than 40 mgNO_x/kWh.
- 14) Demolition or construction works shall take place only between 0800 and 1800 on Monday to Friday and 0800 and 1300 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.



Appeal Decision

Site visit made on 7 December 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/J1915/W/23/3319594

Land adjacent to The Acorns, Ginns Road, Stocking Pelham SG9 0JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Premier Developments Hitchin Ltd against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1937/PIP, dated 12 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is the erection of a self-build dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle and this route has two stages. The first stage establishes whether a site is suitable in-principle, and the second (for technical details consent) stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent if permission in principle is granted. I have determined the appeal accordingly.
4. Plans showing the site layout, floor plans and elevations have been submitted, which, given this is for permission in principle only, I have treated as indicative.
5. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

6. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

Reasons

7. Paragraph 84 of the Framework requires planning authorities to avoid the development of isolated homes in the countryside. The dwelling proposed here

would be set within an existing row of dwellings and within the general environs of Stocking Pelham. In this context it would not be an isolated dwelling and would be read in the village context.

8. Nevertheless, the village of Stocking Pelham is a Group 3 village, as defined by policy VILL3 of the East Herts Local Plan 2018 (EHLP). The supporting text to this policy identifies that these are the smallest villages in the district and generally have a poor range of services. The village does indeed have very limited services which extend to no more than a cricket club and village hall. There are negligible bus services in the area. The nearest villages where higher tier services are located still remain relatively limited – in the form of small local convenience shops and primary schooling. Even then, these facilities are very minimal and add very little to the limited offering in Stocking Pelham. The roads serving the area are almost universally narrow with no footways and are unlit.
9. As such, I conclude that there would be a distinct reliance on the private motor vehicle for even the most basic of day-to-day requirements. On this basis proposed development would not provide a suitable location for housing considering the accessibility of services and facilities.
10. I have recognised the provisions of paragraph 83 insofar as new development may support the vitality of rural communities. However, in this instance, other than contributing to part of the local community, the addition of one dwelling would have little to offer, given the limited range of facilities that exist in this and surrounding villages.
11. I do accept that rural villages are not expected to have immediate and close access to the same level of facilities and services that larger settlements may have. Nevertheless, the distances, minimal infrastructure in the wider area and lack of any meaningful services in this or adjoining villages is a material factor here.
12. As such, I conclude the proposed development would conflict with policies DSP2, GBR2 and TRA1 of the EHLP and the provisions of the Framework. These policies promote development in accordance with a distinct hierarchy and in places which enable sustainable journeys to be made to key services and facilities.
13. Turning to the matter of whether one additional dwelling could be considered as 'limited infilling', as allowed by Policy GBR2(e) of the EHLP, and subject to other criteria, the village of Stocking Pelham is a small village predominantly featuring detached houses which address a small cluster of rural lanes. The appeal site is set within a short row of dwellings addressing Ginns Road. Policy GBR2(e) of the EHLP allows for limited infilling, subject to other criteria. 'Infilling' is not defined in either the Framework or the EHLP. The row of dwellings to either side of the appeal is short, consisting of no more than three or four existing dwellings and some current or former farm buildings. The appeal site is an obvious gap in a brief, but otherwise developed frontage. Its frontage and overall size are comparable to the properties to either side and a new building in this location would not be unexpected or jarring.
14. I note the centre of the village is some distance away however the settlement is clearly quite dispersed with numerous groups of buildings extending quite some way to the south, well beyond the appeal site and 'central' part of the

village. The row of dwellings here is clearly part of this dispersed village. I am satisfied that the use of the site for residential purposes is acceptable in this regard as a form of limited infilling.

15. The detailed design of any dwelling on this site can be the subject to the technical details consent. I therefore conclude, in this regard that the residential use of the site accords with policy GBR2(e) insofar as it constitutes limited infilling.

Other Matters

16. I have noted the previous housing land supply position of 5.8 years has been revised following questions about the deliverability of this being raised in a recent appeal decision at Whempstead Road¹. In this decision it was found that the District's land supply may have fallen below a five-year supply due to slow or non-delivery of a number of strategic sites. This position is accepted by the Council, and it observes the current housing supply position as being 4.41 years.
17. I am unaware as to whether this position has been formally adopted by the Council, however, if the land supply position has fallen below five years, the provisions of paragraph 11d(ii) of the Framework apply. In this case, the unsuitability of the site for residential development due to its location, being distant from services and facilities, would still significantly and demonstrably outweigh the benefits of providing a single dwelling.
18. A Unilateral Undertaking was submitted during the course of the appeal. This secures the dwelling as a self-build, restricts a change in ownership for a period of three years and mandates a Community Infrastructure Levy 2010 exemption. I have had regard to the benefits that the provision of a self-build home would have to the diversity of the dwelling stock and an increase in options for homeowners. I have also had regard to the intent to utilise sustainable construction methods.
19. The self-build nature of the scheme is of note and the Council has acknowledged an unmet demand in this regard. I have further noted the conclusion reached in relation to the Dunsfold Common² appeal however this decision differs insofar as the suitability of the site, with regard to access to local facilities and services, was not in question. To my mind, this is a material difference between these two schemes as the self-build aspects, undertaken in a sustainable manner, do not alter the conclusions I have reached above.
20. Reference has additionally been made to the Council's recent decision at Glencol Allens Meadow³. However, this decision by the Council was made with much weight placed upon a previous appeal decision from July 2018. I do not have sight of the decision, nor the Council's land supply position at that time. Further reference has been made to 3 Maple Side⁴ however this scheme also appeared to be a renewal of an older planning permission from 2017. In any case, each site must be considered on its merits which includes the individual sites history – particularly, in these instances, where developments arose from

¹ Refs: APP/J1915/W/22/3303408, APP/J1915/W/22/3303413 and APP/J1915/W/21/3288702

² Ref: APP/R3650/W/22/3300262

³ Ref: 3/22/1995/FUL

⁴ Ref: 3/19/0171/FUL

previously approved schemes with their own history and context. As such, I can attribute these little weight in my reasoning here.

Conclusion

21. I conclude that the proposed dwelling would be located within an existing row of dwellings and is in the context of the wider dispersed village. It would therefore constitute limited infilling and its proximity to other dwellings would not render it as an isolated dwelling. Nevertheless, the substantial distance to any meaningful facilities and services, combined with the lack of public transport and unlit nature of nearby roads with no footway, leads me to conclude that the proposed development would have an excess reliance on private vehicle transport. It is therefore an unsuitable location for this form of residential development and conflicts with the provisions of the development plan, read as a whole, and the Framework. There are no other material considerations, which includes the benefit of adding a single dwelling to the housing stock, which outweigh the harms I have identified.

22. For these reasons I conclude that the appeal should be dismissed.

Nick Bowden

INSPECTOR



Appeal Decision

Site visit made on 19 December 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2024

Appeal Ref: APP/J1915/W/23/3320046

**Land to the rear of Moat House, 228 Hertingfordbury Road,
Hertingfordbury, Hertford SG14 2LB**

- 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 and Mrs Buckingham against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/2445/FUL, dated 22 November 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as ground mounted solar PV panel array.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note the application form refers to the site address as No 226 Hertingfordbury Road, however, all other submissions by both parties refer to No 228. This leads me to believe that No 228 is the correct address. I have therefore referred to No 228 in my banner heading above to accurately reflect the address of the appeal site.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. A relevant part of the Framework has been amended, which I will take into account. As a result, I have gone back to the parties to seek any further submissions on the revised Framework.

Main Issues

4. The main issues are:
 - i) whether the proposed development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - ii) the effect of the proposal on the openness of the Green Belt; and
 - iii) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate Development

5. The appeal site is a relatively flat part of a large field, adjacent to the river Mimram. It is situated a significant distance away from Moat House and its garden. The wider field is undulating, rising up to the south with dwellings beyond and a wooded copse on land rising up to the west.
6. The proposed solar array would consist of 3 rows of 10 panels, providing a total of 30 panels, which would have a south facing aspect. The panels would measure approximately 10.5m in length by 5m wide and would be 1.5m at their highest point and would be mounted on black frames.
7. Policy GBR1 of the East Herts District Plan 2018 (District Plan) states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes at Paragraph 156 that elements of many renewable energy projects will comprise inappropriate development, and in such cases, developers will need to demonstrate very special circumstances if projects are to proceed.
8. The solar panels would not fall within any of the exceptions for development identified at paragraphs 154 and 155 of the Framework. The effect of the proposal would be to extend built development into land that is presently open. It would therefore result in encroachment of development into the countryside that would be contrary to the purposes of including land within the Green Belt, as set out in Paragraph 143 of the Framework.
9. Accordingly, the proposal would be inappropriate development in the Green Belt and fails to accord with Policy GBR1 of the District Plan and Section 13 of the Framework.

Openness

10. Openness is an essential characteristic of the Green Belt. There are spatial and visual aspects to the assessment of the openness of the Green Belt. The appeal site forms part of a larger field. It is devoid of any buildings or structures. Whilst the solar array may be a lightweight structure with no foundations or base, and could be conditioned to be a temporary structure only, in spatial terms, the solar panels would introduce built development into an area devoid of any development. Whilst modest and relatively low level the proposed development would nevertheless have an adverse impact on the openness of the Green Belt in spatial terms.
11. In visual terms, the proposed development is likely to be visible from the rear garden of properties along Hertingfordbury Road, to the south of the appeal site. However, given the long separation distance between these properties and the appeal site, coupled with the intervening topography and the relatively low height of the solar panels, the visual impact would be limited. To the north views would be limited from the public footpath, which runs along the north side of the river Mimram, due to the presence of mature vegetation either side of the river. As a result, the visual harm arising from the proposal would be localised.

12. I am not persuaded that a landscaping scheme, that could be secured by condition in any approval, would overcome the harm I have identified above. It therefore follows that even with additional landscaping, the proposed development, albeit to a limited extent, would undermine the approach to preserving the openness in the Green Belt as set out in the Framework.

Other Considerations

13. Paragraph 164 of the Framework states that significant weight should be given to support energy efficiency and low carbon heating improvements to existing buildings, including solar panels. The policy support for renewable energy recognises that the wider environmental benefits associated with increased production of energy from renewable sources may constitute very special circumstances.

14. The evidence before me sets out the benefits of the proposed 10Kw solar array, including that it would supplement the energy needs of the appellants property. I note the appellants assertion of measures already implemented to increase the dwellings energy efficiency and that further options may be limited due to the host property's status as a listed building. Whilst I have no evidence to substantiate this, I have no reason to disagree.

15. The provision of renewable and low carbon energy is central to the economic and environmental dimensions of sustainable development set out in the Framework. There is a strong local and national policy support for the development of renewable energy sources, including solar power, to ensure the country has a secure energy supply, and to reduce greenhouse gas emissions. Although the scheme is modest in size, the Framework confirms that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.

16. Whilst the amount of renewable energy generated overall would be modest nevertheless, the renewable energy benefits of the proposal must be afforded significant weight.

Other Matters

17. I have had special regard to the desirability of preserving the setting of the listed buildings in the area. In particular Moat House, a Grade II listed building. This property derives its significance from its historical association built as the Miller's House to Hertingfordbury Corn Mill. The appeal site currently has a neutral effect on the setting of the listed building. Being sited approximately 140m away from the property with intervening built form and landscaping coupled with the low height of the solar panels I am satisfied that the proposed development would preserve the setting, and thereby the significance of the listed building. This reflects the Council's similar conclusion.

18. Mayflower Place Memorial Hall, a Grade II listed building, is set in an elevated position to the south of the appeal site. Its significance derives from its architectural detail and historical association. The appeal site currently has a neutral effect on the setting of this listed building. Whilst there may be views across the landscape, given the location of the proposed solar panels would be approximately ¼ mile away, the intervening topography, landscaping and the relatively low height of the proposal, I am satisfied that the significance of the designated heritage asset would be preserved.

19. The site lies outside, but adjacent to the Hertingfordbury Conservation Area (CA). The CA derives its significance from a collection of historic buildings and association with the 18th century water mill. The appeal site sits beyond existing properties that lie within the CA and, in my view, has a neutral impact on the significance of the CA. The proposed development would have a greater visual impact on the CA than the existing situation. However, the height and scale of the proposal are limited. Having regard to the plans before me, and as observed at my site visit, I do not consider the proposal would have an adverse impact upon the setting of the CA. I note this reflects the Council's similar conclusion.
20. I note the appellants assertion that the level of movement within the field associated with the proposed use would not change or intensify. I have no evidence to substantiate this. Nevertheless, this issue is not determinative to the appeal.
21. Due to its proposed location, a significant distance, from existing residential properties I am satisfied that the proposed development would not harm the living conditions of nearby properties. I note this is a view shared by the Council. Furthermore, the fact that there were no objections raised to the proposal by consultees or members of the public is of neutral consequence in the overall planning balance.
22. My attention has been drawn to a number of appeal decisions, including a decision¹ for a large solar farm on Green Belt land. From the limited information before me whilst the proposal was found to result in moderate harm the proposal would provide energy for over 16,000 homes. I have also been referred to planning permission² for a solar farm providing energy for up to 5,300 homes. In both circumstances, given the scale of development I do not consider either scheme to be comparable to the appeal before me. Reference has also been drawn to a planning application³ whereby the heritage merits of the case constituted very special circumstances and the generation of renewable energy weighed positively in the planning balance of the consideration of that planning permission. I have limited information before me and so cannot be certain that the scheme is comparable. Reference has been made to a further case⁴, whereby the array is located within a hollow and the presence of existing landscaping. Accordingly, based on the information before me I do not consider the locational context of this scheme to be comparable. In any event, I have determined the appeal on its own merits.

Green Belt Balance and Conclusion

23. The proposed development would be inappropriate development in the Green Belt, which, by definition, is harmful. In addition, there would be moderate harm arising from the loss of openness. As such, the Framework establishes that substantial weight should be given to any harm in the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
24. Whilst significant weight is given to the environmental benefits of the proposal, overall, the other considerations referred to by the appellant do not clearly

¹ APP/W1525/W/22/3300222

² 22/01816/FUL

³ 3/22/1799 at Warrengate Farm

⁴ APP/C1950/W/19/3225810

outweigh the totality of harm to the Green Belt. Therefore, the very special circumstances necessary to justify the development do not exist. Accordingly, the proposed development conflicts with Policy GBR1 of the District Plan and the Framework which seek, amongst other things, to protect the Green Belt from inappropriate development.

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

R. Gee

INSPECTOR



Appeal Decision

Site visit made on 19 December 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2024

Appeal Ref: APP/J1915/W/23/3325533

**Bourne Farm (North of Bourne Villa), Bakers End, Wareside, Ware
SG12 7SH**

- 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 John Bashforth against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0119/FUL, dated 23 January 2023, was refused by notice dated 17 April 2023.
 - The development proposed is described as proposed part change of use of existing barn to holiday let, including the installation of doorway, windows and two rooflights and existing stable to be used in conjunction with the holiday let.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In my banner heading I have used the revised description agreed between the parties when the planning application was validated as this more accurately describes the proposal.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:
 - i) the effect of the proposal upon the character and appearance of the area; and
 - ii) whether the site would be an appropriate location for the proposed use having regard to local planning policies.

Reasons

Character and appearance

5. The proposal includes the part change of use of an existing barn for holiday-let purposes. The building is constructed of breeze block with an external finish of timber weatherboarding under a tiled roof. There is an existing door to the

single storey element of the building and a roller shutter door to the west elevation. The appeal site comprises an irregular shaped parcel of land, which also contains a stable and store, set back from the highway behind mature landscaping to its eastern boundary. To the north of the existing barn is a paddock. To the south of the appeal site are residential properties. The surrounding land to the west and east is characterised by fields interspersed with tree lines and field boundaries.

6. The conversion would introduce new window and door openings that would change the external appearance of the building. Whilst the domestication of the building would introduce a large area of glazing, this elevation of the building would be largely screened from wider views due to its orientation away from the highway and by existing vegetation. The two small rooflights proposed would have only a limited impact on the visual appearance of the barn.
7. The proposed patio area would be relatively small, and any furniture would be moveable and would not result in material harm to the character and appearance of the surrounding countryside.
8. For the reasons stated above, the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policies DES4 and GBR2 of the East Herts District Plan 2018 (District Plan). Collectively these policies seek a high standard of design where the size, scale, mass, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and surrounding areas. Nor do I find conflict with the Framework which seeks to secure high-quality design.

Appropriate Location

9. The proposal is for holiday accommodation and would result in a building with the facilities required for day-to-day private existence. In planning terms, this would be a new dwelling. However, occupancy could be controlled by a condition to ensure that it was used for holiday accommodation as intended. It is therefore appropriate to have regard to District Plan policies that relate to tourism enterprises.
10. The appeal site lies within the Rural Area Beyond the Green Belt. Amongst others, Policy GBR2 of the District Plan is supportive of new employment generating uses where they are sustainably located, in accordance with Policy ED2. Policy ED2 of the District Plan allows for proposals that create new employment generating uses or support the sustainable growth, expansion of existing businesses in the rural area. Proposals will be supported, in principle, where they are appropriately and sustainably located and do not conflict with other policies within the Plan. Policy ED5 of the District Plan states that new tourism enterprises, and extensions to existing tourism enterprises will be supported in principle where the facility meets identified needs which are not met by existing facilities, is appropriately located and does not conflict with other policies within the Plan. Furthermore, Policy TRA1 of the District Plan states that developments should primarily be located in places which enable sustainable journeys to be made to key services to reduce carbon emissions.
11. The District Plan sets out a village hierarchy listed 1-3, reflecting their relative sustainability, with 1 being the most sustainable. Bakers End is defined as a Group 3 Village, which is the least sustainable. Whilst the settlement boundary

at Bakers End is not defined in the District Plan the appeal site lies beyond the existing cluster of properties.

12. The site is not well served by public transport. I saw that local roads are narrow lanes with no footway or lighting. Anyone working at or visiting the site, or accessing services and facilities from the site, would be highly reliant on the private motor vehicle as there are no facilities within a reasonable walking distance. The appellant indicates that they would be willing to accept a planning condition limiting the management and servicing of the unit to the occupiers of Bourne Villa. However, having regard to the Planning Practice Guidance, I do not consider that this would be reasonable. In any event, such a condition would not overcome the accessibility concerns relating to the future occupiers of the holiday-let. In my view the site is not in a sustainable location having regard to the village hierarchy.
13. I am mindful that the Framework supports the re-use of brownfield sites and a prosperous rural economy. I note the appellants submission that the proposal would provide for accommodation specifically related to an equestrian use which would be operated and managed by the occupier of the residential property opposite the appeal site. However, there is no evidence of a specific need for such accommodation, and, in any event, no mechanism has been put forward to limit the occupation of the holiday-let to those taking part in equestrian activities. I therefore afford this limited weight.
14. For the reasons stated above, I conclude that the proposed use would not be in an appropriate location having regard to local planning policies. Accordingly, I find conflict with Policies GBR2, ED2, ED5 and TRA1 of the District Plan. Collectively these policies require development proposals to be sustainably and appropriately located and to meet an identified need.

Other Matters

15. The proposal would be accessed via an established vehicular access point and would have a limited impact on the number of vehicles accessing the site. Furthermore, the site is of sufficient size to accommodate the parking of vehicles associated with the proposed use. Consequently, there are no highway safety concerns. The distance between the proposal and nearby residential properties is significant, with intervening boundary treatments and roads. As such it is unlikely that any unacceptable harm to the living conditions of neighbouring occupiers would arise.
16. The development would give rise to some economic and social benefits including contributions to local employment, visitor accommodation, supplier chain spend, the use of local contractors and the contributions to the local economy and through spending in local shops and services. Visitors may benefit from personal well-being given the countryside location with access to footpaths, bridleways and other tourist destinations in Hertfordshire. Whilst these elements weigh in favour of the scheme, given the small scale of the development proposed, they attract limited weight.
17. The appellant suggests that the site is in residential use. It is not for me, under a section 78 appeal, to determine whether or not that use is lawful. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act, regardless of the outcome of the appeal.

Conclusion

18. Although I find no harm to character and appearance, I have identified that the proposal would not be in an appropriate location having regard to local planning policies. My overall assessment is that the proposal would conflict with the development plan as a whole. There are no other considerations, including the Framework, that outweigh this conflict.
19. For the reasons given above, I therefore conclude that the appeal should be dismissed.

R. Gee

INSPECTOR



Appeal Decision

Site visit made on 19 December 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/J1915/W/23/3324315

Bircherley Green Shopping Centre, Hertford SG14 1BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr A Ward against the decision of East Hertfordshire District Council.
- The application Ref X/22/0515/CND, dated 1 December 2022, sought approval of details pursuant to condition No 19 of a planning permission Ref 3/22/0712/VAR, granted on 19 August 2022.
- The application was refused by notice dated 5 May 2023.
- The development proposed is discharge of conditions 19 (A3/A4 - Sound Insulation) 41 (Lighting - Block A and B) 49 (Health Facility) 52(F) (Proposed and existing functional services above and below ground) 65 (Odour) of planning approval 3/22/0712/VAR.

The details for which approval is sought are:

Before any of the A3/ A4 uses have been brought into use, a scheme of sound attenuation works shall be submitted to and approved in writing by the Local Planning Authority. Once these details are agreed they shall be installed and retained in the approved form thereafter. The scheme of works shall be capable of restricting noise breakout from the A4 use to the flat above to levels complying with the following:

- o Bedrooms. Noise Rating Curve NR20 (2300 to 0700 hrs)
- o Living Rooms. Noise Rating Curve NR25 (0700 to 2300 hrs)

The Noise Rating Curve shall be measured as a 15-minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz.

- The reason given for the condition is:
In order to ensure an adequate level of amenity for nearby residents in accordance with policy EQ2 of the East Herts District Plan 2018.
-

Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. I have taken the address from the Council's Decision Notice as this more accurately describes the location.

4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
5. At the time of my visit, I observed the development to be at an advanced stage of construction.

Main Issue

6. The main issue is whether the details submitted to discharge Condition 19 would protect the living conditions of nearby residents in relation to noise and disturbance.

Reasons

7. The appeal site comprises a mixed-use development including commercial units at ground floor level and residential flats on the upper floors.
8. Condition 19 requires that a scheme of sound attenuation works capable of restricting noise breakout from the A4 use to the residential flat above be submitted to and approved in writing by the Local Planning Authority.
9. The appellant acknowledges that in order to provide a high standard of amenity for the future occupiers of the flats it is necessary for noise mitigation measures to be provided. The Cass Allen report ref: RP03-20631-R0 demonstrates that, assuming that noise generated by A3 and A4 uses are approximately 85dBA and the proposed flooring system is installed, residents within the development will be sufficiently protected. The report goes on to state that *"Should noisier commercial uses ultimately want to use the space (e.g. a busy bar with loud music), they will be required to increase the sound insulation performance of the floor as part of the fit out of the commercial units. This is achievable by adding acoustic ceilings to the commercial units..."* and *"...The inclusion of these treatments, if required, will be controlled via the imposition of a suitable acoustics-related clause on the lease agreements for the commercial units. The following clause (or similar approved) will be imposed..."*.
10. Leaving any enhanced sound mitigation to agreement between the landlord and a future occupier would result in the Council not having the ability to approve the specification of the enhanced measures. Furthermore, if the requirement for the enhanced measures were part of the lease agreement between the landlord and tenant it would be unenforceable by the Council.
11. A scheme has been proposed which satisfies part of the planning condition in that it would protect future occupants against a noise level of 85dBA arising from the commercial units. However, higher noise levels may be generated within the commercial units depending on the nature of the occupier. The further measures set out in the Cass Allen report are not sufficient to allow the discharge of the condition. The details submitted would be unenforceable and so cannot meet the tests for conditions in the Framework.
12. I have carefully considered the representations of the appellant. Mindful of relevant advice in the Framework and the expectation of a good standard of

amenity for future occupiers of the flat, I am not satisfied that the requirements of condition 19 have been met or that the living conditions of the future occupiers of the residential accommodation would be adequately protected.

13. For the above reasons, I am not satisfied that the details submitted to discharge Condition 19 would protect the living conditions of nearby residents in relation to noise and disturbance. I therefore find conflict with Policy EQ2 of the East Herts District Plan 2018. Amongst other matters, this states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment with particular consideration given to the proximity of noise sensitive uses, and in particular, the potential impact of development on human health. In reaching this conclusion I have also had regard to the Framework which seeks to ensure a good standard of amenity for all future occupants of buildings and that new development is integrated effectively with businesses.

Other Matters

14. The appeal relates to the discharge of a planning condition. Whether or not the condition is unreasonable is not before me.

Conclusion

15. For the reasons stated above, the appeal is dismissed.

R. Gee

INSPECTOR



Costs Decision

Site visit made on 19 December 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Costs application in relation to Appeal Ref: APP/J1915/W/23/3324315 Bircherley Green Shopping Centre, Hertford, Hertfordshire SG14 1BN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr A Ward for a full award of costs against East Hertfordshire District Council.
 - The appeal was against the refusal of the Council to discharge condition 19 of planning permission X/22/0515/CND relating to sound attenuation works on a planning permission for commercial development.
-

Decision

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

Reasons

2. The parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant considers that the Council has exhibited unreasonable behaviour in relation to procedural matters and to the substance of the appeal.
4. The appeal relates to the discharge of a planning condition. Whether or not the condition is unreasonable is not before me.
5. The applicant cites a lack of co-operation from the Council. The National Planning Policy Framework (the Framework) requires Councils to approach decisions in a positive and creative way. The appellant states that discussions were had with the Council prior to submission. Informal advice given before an application is made is given without prejudice and cannot pre-determine the outcome of a subsequent application, which must take account of all the relevant factors. Due to the absence of the Environmental Health Officer the Council cannot respond to the appellant's complaint regarding cancelled meetings. Nevertheless, from the evidence before me, the Council did engage in dialogue with the applicant during consideration of the application, including telephone calls and emails. There were some negotiations throughout the application process, with the Council accepting the submission of a revised report. This report was subsequently reviewed and confirmed as addressing part of the Council's concern. In this regard I have seen no evidence of unreasonable behaviour on the part of the Council in respect of lack of co-operation during the process.

6. In respect of the complaint regarding the failure to have proper regard to documentation submitted, the officer's report provides an analysis of the proposal giving clear reasoning. The Council considered the examples provided by the applicant.
7. I do not consider that the Council failed to properly evaluate the application. The Council was not persuaded that the report submitted satisfies the requirements of Condition 19.
8. My decision, which accompanies this costs decision, agreed with the Council's assessment and dismissed the appeal on similar grounds. It follows that I am satisfied that the Council has not incorrectly interpreted condition 19.
9. Accordingly, I do not consider that the Council failed to properly evaluate the application or consider the merits of the scheme and therefore the appeal could not have been avoided. I have found that the Council had reasonable concerns which justified its decision.
10. I conclude that unreasonable behaviour resulting in unnecessary or wasted expense at appeal, as described in the PPG, has not been demonstrated and the application for an award of costs must fail.

R Gee

INSPECTOR

EAST HERTS COUNCIL
DEVELOPMENT MANAGEMENT COMMITTEE
ITEMS FOR REPORT AND NOTING
FEBRUARY 2024

Application Number	3/22/1208/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Land Adjacent To Hightrees 1 ParksideBuntingford SG9 9RT
Appellant	Ms Miranda Delnevo
Proposal	Retrospective change of use to dog day care.
Appeal Decision	Dismissed

Application Number	3/22/1264/FUL
Decsn	Refused
Level of Decision	Delegated
Address	33-35 Baldock StreetWare SG12 9DH
Appellant	Andrews
Proposal	Retention of: Rearrangement of builders merchant yard including additional external racking units up to maximum height of 4 metres
Appeal Decision	Dismissed

Application Number	3/22/1838/LBC
Decsn	Refused
Level of Decision	Delegated
Address	Flats A and B 71 Fore Street Hertford SG14 1AL
Appellant	Mr & Mrs H & S Chapman
Proposal	Replacement to front and rear windows at first and second floor with double glazed wood effect UPVC sash white windows.
Appeal Decision	Dismissed

Application Number	3/22/1841/FUL
Decsn	Refused
Level of Decision	Delegated
Address	Flats A And B 71 Fore StreetHertford SG14 1AL
Appellant	Mr And Mrs H & S Chapman
Proposal	Replacement to front and rear windows at first and second floor with double glazed wood effect UPVC Sash white windows.
Appeal Decision	Dismissed

Application Number	3/22/2583/CLXU
Decsn	Refused
Level of Decision	Delegated
Address	Maltons Cambridge RoadThundridge SG12 0ST
Appellant	Mr. Ali Shafiy
Proposal	Retention of marquee to rear.
Appeal Decision	Allowed

Application Number	3/22/2660/FUL
Decsn	Refused
Level of Decision	Delegated
Address	49 London RoadBishops Stortford CM23 5NA
Appellant	Mr Jay Sayed
Proposal	Demolition of existing single storey, three bedroom dwelling and replacement with two four bedroom dwellings
Appeal Decision	Dismissed

Application Number	3/23/0633/HH
Decsn	Refused
Level of Decision	Delegated
Address	18 Well RowBayfordHertford SG13 8PW
Appellant	Ms M Phillips
Proposal	2 proposed outbuildings to provide a gym and office. Demolition of garage.
Appeal Decision	Allowed

Application Number	3/23/0676/FUL
Decsn	Refused
Level of Decision	Delegated
Address	33 - 35 Baldock StreetWare SG12 9DH
Appellant	Mr Chris Andrews
Proposal	Rearrangement of builders merchant yard including additional external racking units
Appeal Decision	Dismissed

Application Number	3/23/0864/HH
Decsn	Refused
Level of Decision	Delegated
Address	23 Cambridge RoadSawbridgeworth CM21 9JP
Appellant	Miss Jennifer Maiden
Proposal	Dropped kerb to provide vehicle access
Appeal Decision	Dismissed

Application Number	3/23/1132/HH
Decsn	Refused
Level of Decision	Delegated
Address	10 Spring View RoadWare SG12 9LB
Appellant	Funmi Watkins
Proposal	Demolition of single storey side extension and erection of two storey side extension. Addition of new first floor to dwelling with pitched roof. Alterations to fenestration.
Appeal Decision	Allowed

Application Number	3/23/1180/HH
Decsn	Refused
Level of Decision	Delegated
Address	128 Ware RoadHertford SG13 7HR
Appellant	Dr Ashley Gray
Proposal	Removal of chimney, garage and detached outbuilding. Construction of two storey and part single storey side and rear extension (to provide accommodation for elderly relatives). Addition to rear garden wall, new fence, retaining wall and external steps.
Appeal Decision	Dismissed

Application Number	3/23/1216/PNHH
Decsn	Refused
Level of Decision	Delegated
Address	Lane CroftPerrywood LaneWatton At StoneHertford SG14 3RB
Appellant	Mr T Walton
Proposal	Erection of single storey rear extension. Depth 8.00 metres, Maximum height 2.68 metres, Eaves height 2.68 metres.
Appeal Decision	Withdrawn

Application Number	3/23/1239/HH
Decsn	Refused
Level of Decision	Delegated
Address	Tollgate HouseAmwell HillGreat AmwellWare SG12 9QZ
Appellant	Ross Newham
Proposal	Erection of 2 bay cart shed
Appeal Decision	Dismissed

Application Number	3/23/1429/HH
Decsn	Refused
Level of Decision	Delegated
Address	The BeechesWestmillBuntingford SG9 9LL
Appellant	Mr And Mrs N And S Robson
Proposal	Erection of detached car port
Appeal Decision	Allowed

Application Number	3/23/1443/HH
Decsn	Refused
Level of Decision	Delegated
Address	7 Postwood GreenHertford HeathHertford SG13 7QJ
Appellant	Mr Domenico Rocco

Proposal	Proposed first floor single storey side and rear extension incorporating juliet balconies with part ground floor rear extension. Ground floor front extension. Alterations to facade, roofing, and fenestration. Relocation and extension of external steps to rear. Alterations to driveway.
Appeal Decision	Allowed



Appeal Decision

Site visit made on 23 January 2024

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2024

Appeal Ref: APP/J1915/W/23/3315560

Hightrees, 1 Parkside, Buntingford, Hertfordshire SG9 9RT

- 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 Miranda Delnevo of Bonus Canine against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1208/FUL, dated 9 June 2022, was refused by notice dated 4 November 2022.
 - The development proposed is described as 'I have already been granted a two year dog day-care/animal activity license by environmental health. Inspector was Neil Webb. I have since been informed by the planning department that "change of use" is required in order for the license to be granted'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of the development, as stated on the application form, is specified within the banner above. However, the nature and extent of the development is wholly unclear from this description. Based on the evidence, and notwithstanding the Council's description of the development on the decision notice, I understand the development subject of this appeal to be 'the use of the site as a residential dwellinghouse and for business purposes associated with dog daycare'. The appellant and the Council have had the opportunity to comment on this description, and no objections have been raised. I therefore proceed on this basis.
3. The Council determined the application on the understanding that it was made retrospectively. However, the application form indicates that the change of use had not been undertaken at the time the application was made. Furthermore, and from my observations on site, I cannot be certain that any development that has been undertaken is as per the submitted plans and details. Therefore, this appeal is considered as a scheme for proposed development.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issues

5. The main issues are the effect of the development on;
 - the living conditions of occupiers of adjoining dwellings, with particular regard to noise and disturbance; and
 - highway safety.

Reasons

Living conditions

6. The appeal site comprises a semi-detached dwelling with associated gardens and areas of hardstanding, as well as a small paddock-type area beyond the rear garden. Gardens serving several nearby dwellings are also adjacent to parts of the paddock. Although a snap-shot in time, during my site visit, and from within the paddock, the sound of chirping birds was easily discernible above the moderate and frequent noise of vehicles using the nearby road network. As such and notwithstanding the road noise, I found the area to be somewhat peaceful. I have no reason to doubt that the types and levels of sound I encountered were typical of the area.
7. Barking is a normal behaviour for dogs. They may bark for many reasons, but in an environment where dogs are brought together in a restricted area, as is proposed under this appeal, there is an increased likelihood of barking, whimpering, and/or whining. Although such noises are unlikely to be constant, they would be variously likely during onsite exercise/training; periods of outdoor free play; at drop-off and pick-up times; and/or at times when unaccompanied. These noises would also be likely when other infrequent or irregular activities or noises occur in the area.
8. The presence of a range of dogs within the appeal site as part of a dog daycare business, would therefore be likely to result in intermittent bursts of loud noises of various pitches. Even though I have no reason to doubt that the dogs would be well-cared for, there would be considerable periods when the neighbouring residents would be subjected to noises that would be clearly and harmfully prominent above the existing background noises. Furthermore, the proximity of the nearby residential dwellings to the site, means that these effects would be especially pronounced at times when neighbours may have their windows open or when utilising their garden spaces.
9. There could be days and times when the number of dogs being cared for on-site in association with the dog daycare business would be nearer the lower estimate provided by the appellant. However, I am unconvinced that restricting the hours of operation and the maximum number of dogs permitted to be on-site at any one time to those suggested by the appellant, would overcome the previously identified harm. Nor would the planting of additional hedgerow shrubs, and/or scented climbing plants.
10. For the reasons given, the proposed development would cause harm to the living conditions of the occupiers of neighbouring residential properties, with particular regard to noise and disturbance. Consequently, it would conflict with policies DES4 and EQ2 of the East Herts Council East Herts District Plan October 2018 (the Local Plan). These policies require development to avoid significant detrimental impacts on the amenity of occupiers of neighbouring

properties and land, and to minimise the direct and cumulative impact of noise on the surrounding environment.

Highway safety

11. Parkside is a private road serving a low number of properties. Drivers travelling along the 2-way Ermine Street near the junction with Parkside, closest to the appeal site, are afforded good forward visibility. This is because of the straightness of the carriageway. Good visibility of oncoming traffic is also available when exiting this junction onto Ermine Street.
12. On the evidence before me, vehicle movements to and from the site which would be associated with the dog daycare business, would be likely to comprise a mixture of individual customer drop-off and collections, and individual and group drop-off/collections undertaken by the appellant. Details of the numbers of associated movements have not been provided. However, the appellant indicates that between 4 and 12 dogs would be cared for on-site in any one day, and that these would be dropped off and collected at various times throughout the day. As such, and subject to the number of dogs being restricted to no more than 12, the number of additional vehicles that would be attracted to the site in connection with the business, is likely to be moderately low and spread out.
13. I observed that the existing driveway within the appeal site is of sufficient size to accommodate at least 3 cars parked end to end. However, the width is such that only the vehicle closest to Parkside would be clear to manoeuvre on and off the site independently. Furthermore, while some parking spaces have been formed within the verge between Parkside and Ermine Street, the evidence suggests that these are associated with allocated dwellings, which do not include Hightrees. As such, these spaces cannot be relied upon to provide car parking provision for visitors to the appeal site.
14. The creation of an additional parking space within the front garden of Hightrees would enable parking and independent access and egress to be secured to the site for more than one vehicle at any one time.
15. Given the additional vehicle movements anticipated, and subject to the use of the extra on-site parking being restricted to customer drop-off and collection only, the on-site parking provision would be sufficient to meet the needs of the occupiers of the dwelling as well as the dog-day care business. The additional parking would also prevent the likely occurrence of dangerous or obstructive parking, such as at the closest road junction between Parkview and Ermine Street, and/or across driveways. Had the development been otherwise acceptable, this additional car parking provision could have been secured via an appropriately worded condition.
16. On either arrival or exit, it would be necessary for drivers to undertake a reversing manoeuvre between Parkside and the on-site parking. However, the need to undertake such a manoeuvre is common to many of the properties along this road. Drivers can then secure access Ermine Street in forward gear. The evidence does not indicate that there have been collisions, injuries, or near misses in the past either on Parkside or its junctions with Ermine Street. Therefore, and given the relatively low number of additional vehicle movements anticipated, such movements would not lead to either a harmful obstruction to the free flow of traffic in the area, or harm to highway safety.

17. For the reasons given, the development would not cause harm to highway safety. In respect of this main issue, it would comply with policies TRA2 and TRA3 of the Local Plan. Amongst other things, these policies require development to provide safe and suitable access for all users, which is acceptable in terms of highway safety, and to provide suitable car parking provision, to ensure the provision of safe environments.

Other Matters

18. Even if a license has been granted for dog daycare/animal activity on the site, the licensing regime is separate and different from the planning process. The granting of a license therefore has a very limited bearing on my decision.
19. Although the occupiers of some neighbouring properties have not objected to the proposals, I have found that harm would be caused to the living conditions available to them. Furthermore, I must also consider the living conditions that would be available to future occupiers of these properties.
20. I am mindful that the National Planning Policy Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way. However, given the nature of the Council's concerns, it is highly unlikely that better communication between the main parties, prior to the determination of the application, would have led to an alternative outcome. Furthermore, and even if informal support of the proposals was given by officers of the Council before the application was submitted, any such support would not have been binding.

Conclusion

21. I have found that the development proposals would cause harm to the living conditions of the occupiers of neighbouring properties. Whilst I have also concluded that the development would not cause harm to highway safety, the absence of harm in respect of this consideration does not justify a different conclusion being reached regarding the acceptability of the development.
22. The proposed development would conflict with the development plan when taken as a whole. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. I therefore conclude that this appeal should be dismissed.

V Simpson

INSPECTOR



Appeal Decision

Site visit made on 6 February 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal A Ref: APP/J1915/W/23/3322175

33-35 Baldock Street, Ware, Hertfordshire SG12 9DN

- 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 Andrews of Travis Perkins PLC against the decision of East Herts Council.
 - The application Ref 3/22/1264/FUL, dated 15 June 2022, was refused by notice dated 18 January 2023.
 - The development proposed is described as 'retention of: rearrangement of builders merchant yard including additional external racking units up to a maximum height of 4 metres.'
-

Appeal B Ref: APP/J1915/W/23/3328449

33-35 Baldock Street, Ware, Hertfordshire SG12 9DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Andrews of TP Property Company Limited against the decision of the East Herts Council.
 - The application Ref 3/23/0676/FUL, dated 3 April 2023, was refused by notice dated 26 May 2023.
 - The development proposed is rearrangement of builders' merchant yard including additional external racking units.
-

Decision

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

Preliminary Matters

3. As set out above, there are 2 appeals on this site. Both schemes seek to reconfigure the builder's merchant yard and provide additional external racking in different configurations. I have considered each appeal on its individual merits. However, to avoid duplication I have dealt with the 2 schemes together, except where otherwise indicated.
4. Amended plans were submitted to the Council during the course of the planning application process relating to the scheme in Appeal A, which reduced the height of the external racking units. As a result, I have taken the proposal description for Appeal A from the decision notice and appeal form.

5. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issues

6. The main issue for both appeals is the effect of the proposed development on the character and appearance of the area, having particular regard to the Ware Conservation Area (CA) and the setting and therefore the significance of nearby listed buildings.

Reasons

7. The appeal site incorporates a two storey flat roof building, which is accessible from Baldock Street and forms part of a terrace, which contains a number of listed buildings. To the rear of the property is a builder's yard, which includes a covered canopy along one side. The remainder of the yard comprises of areas which are used to store building materials (including on racking) and hardstanding, which is used for vehicular parking and turning. Although the appellant states that the existing racking has been in place for several years, the Council advises that it does not have planning permission.
8. The appeal site lies within the Ware CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA covers a large part of the town, including its commercial centre and a section of the River Lea. The significance of the CA insofar as is relevant to this appeal is derived from its diverse range of high quality historic buildings, which include commercial, residential and industrial architecture, including buildings relating to the malting industry.
9. Section 66(1) of the Act requires me to have special regard to the desirability of preserving the setting of a listed building during the determination of an appeal. The appeal property forms part of a historic terrace, which contains a number of listed buildings. Nos 37 – 47 Baldock Street back onto the builder's yard and are Grade II listed buildings. The significance of these Grade II listed buildings insofar as is relevant to this appeal is derived from their sixteenth century architecture, timber frame construction and use of traditional materials. No 31 Baldock Street, which lies adjacent to the appeal property is another Grade II listed building. The significance of this listed building in relation to this appeal is derived from its seventeenth century architecture, timber frame, use of yellow brick and historic shopfront.
10. North Central Maltings and North Maltings lie to the rear of the appeal site and are Grade II listed buildings. They form part of a historic brewery yard, which has been converted to residential use. The significance of these listed buildings insofar as is relevant to this appeal is derived from their mid nineteenth century industrial architecture, their long rectangular form, presence of kilns and cowls and use of historic materials. The setting of the listed buildings incorporates the surrounding land, in which they are appreciated.

11. The builder's yard is screened from Baldock Street by the existing built form. There is a high boundary wall that runs along the rear boundary of the site and adjacent to the boundaries of properties that front onto Baldock Street. Views of the existing storage, racking and sheds within the yard are available from the access point to the rear and above the rear boundary wall. The northern boundary of the site is more open and consists of a low wall, with railings above. Public views are available into the builder's yard from Watton Road between the existing built form.
12. I appreciate that the builder's merchant lies within a commercial area and has been in situ for sometime. Nevertheless, the builder's yard currently appears in stark contrast from the high quality, historic environment in which it forms part.
13. Both appeals seek to provide additional external racking. However, aside from general areas within the site, it is unclear from the plans before me exactly where these units would be sited. Appeal A seeks to provide additional external racking units up to a maximum height of 4 metres within the central part of the site. The proposed plan shows that the storage areas adjacent to the north, east and western boundaries would be up to 3 metres in height. The proposed plan for Appeal B shows a storage area up to 4 metres in height adjacent to the northern boundary of the site and part of the eastern boundary. A larger storage area is proposed adjacent to the eastern boundary of the site, which would extend towards the centre of the yard and would be up to 3 metres high. A storage area of up to 3 metres in height is also shown adjacent to the western boundary of the site in Appeal B.
14. At present, the existing racking is predominantly sited adjacent to the builder's merchant building and within the central part of the site. While building materials are stacked at some height adjacent to the boundaries of the site, this is of an informal and low key nature and does not result in a continuous area of storage at a high level. The existing informal areas of storage enable views across the site to be retained of the neighbouring properties, some of which are of high architectural and historic merit.
15. The listed buildings that front onto Baldock Street have small back gardens. The provision of racking up to 3 metres in height adjacent to the eastern boundary of the site would exceed the height of the boundary wall and would partially obscure views of the rear elevations of these listed buildings. Consequently, the provision of additional racking in such close proximity to the boundaries of these listed buildings would detract from their setting and therefore the significance of these listed buildings. The proposed racking would also exceed the height of the rear boundary wall. The increase in the amount of visual clutter at height would also detract from the setting of the listed buildings within the historic brewery yard.
16. The provision of additional racking would intensify the amount of material which could be stored at height and create additional visual clutter. Both schemes would increase the prominence of the builder's yard within public views and would cause harm to the historic character of the area. As a result, I find that the proposal would fail to preserve the character and appearance of the CA.
17. As required by the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the harm identified.

I find the harm to be less than substantial to the significance of the CA and nearby listed buildings, but nevertheless of considerable importance. In accordance with paragraph 208 of the Framework, this harm should be weighed against any public benefits of the proposal.

18. The appellant states that both schemes would generate additional full-time jobs. The creation of additional jobs would also result in an increased employee spend in the local area, which would benefit other local businesses. The additional racking would enable the business to increase the amount and diversity of stock stored on site, which would help to ensure the long-term viability of the business, which is of value to local tradespeople. The Framework requires that significant weight should be placed on the need to support economic growth and productivity.
19. The appellant alleges that the continued payment of annual business rates is a planning benefit. However, there is limited evidence before me to suggest that the proposal would generate additional business rates compared to the existing situation. While the appellant suggests there is potential for a proportion of the business rates to be retained for local priorities, there is no mechanism before me to secure such a proposal. I therefore give these alleged benefits limited weight in my decision. I also do not find that either scheme would improve the appearance of the site, as alleged by the appellant.
20. Overall, I give significant weight to the economic benefits of the proposed development. However, this does not outweigh the great weight that I am required to give to the harm that I have identified to the designated heritage assets.
21. For the reasons given above, I conclude that both appeal schemes would be harmful to the character and appearance of the CA and would harm the setting and therefore the significance of nearby listed buildings. Both appeal schemes would conflict with Policies DES4, HA1, HA4 and HA7 of the East Herts District Plan October 2018. These policies among other matters require that development respects or improves upon the character of the site and surrounding area; that development proposals preserve and where appropriate enhance the historic environment, including the CA and that proposals that affect the setting of a listed building will only be permitted where the setting of the building is preserved. Furthermore, the proposal would fail to accord with the Framework, which seeks to conserve and enhance the historic environment.

Other Matters

22. While the appellant refers to other sites within the CA, which have areas of external storage and fencing, there are limited details before me to enable me to make a comparison. In any event, I am required to determine these appeals on their own merits.
23. I appreciate the height of the external racking is lower than typically required by the business. However, this does not justify the harm that I have identified above at this site.

Conclusion

24. For the above reasons, I conclude that the developments subject of Appeal A and Appeal B would conflict with the development plan as a whole and there

are no material considerations, including the Framework, which would outweigh that conflict. Therefore, Appeal A and Appeal B are dismissed.

A James

INSPECTOR



Appeal Decisions

Site visit made on 12 December 2023

by **O S Woodward BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal A - Ref: APP/J1915/W/23/3320990

Flats A & B, 71 Fore Street, Hertford SG14 1AL

- 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 and Mrs Chapman against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1841/FUL, dated 31 August 2022, was refused by notice dated 23 January 2023.
 - The development proposed is the replacement to front and rear windows at first and second floor with double glazed wood effect UPVC Sash white windows.
-

Appeal B - Ref: APP/J1915/Y/23/3320993

Flats A & B, 71 Fore Street, Hertford SG14 1AL

- 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 and Mrs Chapman against the decision of East Hertfordshire District Council.
 - The application Ref 3/22/1838/LBC, dated 30 August 2022, was refused by notice dated 23 January 2023.
 - The works proposed are the replacement to front and rear windows at first and second floor with double glazed wood effect UPVC Sash white windows.
-

Decisions

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

Preliminary Matter

3. I have adopted the description of development from the decision notices because this is a more precise description of the proposed development.

Main Issues

4. The main issues are:
 - whether or not the proposed development would preserve or enhance the character or appearance of the Hertford Conservation Area (the CA); and,
 - the effect of the proposed development on the special architectural or historic interest of the listed building, identified as 67, 69 and 71 Fore Street¹.

¹ List entry No 1268898.

Reasons

Significance

Listed building

5. The appeal relates to one of two semi-detached listed properties, at Nos 67 to 71 (odd) Fore Street. The building is three-storeys to the main part with two storey wings to either side. It is located on Fore Street, which is one of the principal shopping streets in the centre of Hertford. The significance of the listed building primarily derives from its front elevation, which is well detailed, pleasantly proportioned, and prominent along a busy, commercial street. However, the windows to the non-appeal property have been changed to uPVC although in a sash style. In addition, the window to the wing of the appeal property has been changed. It is still timber but of a different style and is no longer recessed into the façade. Of particular importance, therefore, are the recessed, timber framed, 12-pane sash windows to the upper floors of the main part of the appeal property, as they are the only remaining historic fenestration features to the front elevation.
6. To the rear, the main part of the listed building has retained its original fenestration pattern in the main. However, there are new windows to the wing section of the appeal property. They are timber but are not sash. The windows to the non-appeal property are uPVC, although in a sash style. The recessed, timber framed, 12-pane sash windows to the main part of the appeal property are therefore an important part of the significance of the listed building, as they are the only remaining historic fenestration features to the rear elevation.

Conservation area

7. As set out in the Hertford Conservation Area Appraisal and Management Plan, March 2017 (the Management Plan), the appeal site lies within Identity Area 1 – The Historic Core of the CA. In this area there is a variety of building styles and types. However, to the upper floors of the other buildings along both sides of Fore Street there is a relatively large proportion of timber framed sash windows. They are of different styles and detailing, eg number of panes, but there is a prevalence of timber framed sash windows. Where there are uPVC windows, they tend to be on more modern buildings. Where they are on historic buildings, the uPVC material is jarring and unattractive and the detailing of the windows and the panes unsuccessful. The Management Plan specifically mentions the importance of windows several times.
8. As far as it is relevant to this appeal, the significance of the CA is principally derived from the contribution made by the predominantly high quality of the historic buildings along Fore Street, including the large proportion of historic, timber framed, sash windows. The property the subject of the appeal contributes positively to this significance because it retains most of its timber framed sash windows to upper levels.

Proposed

9. It is proposed to replace the existing front and rear windows at first and second floor levels with wood effect, uPVC, sash style casement windows coloured white. One small window to the rear would also be changed to be an obscure glazed uPVC window. The proposed windows would have 6 over 6 panes, apart

from within the front wing where it would be 3 times 4 panes. They would use surface glazing bars which would not be structural.

The effects

Listed building

10. To both the front and rear, the timber framed sash windows to the appeal property are in a relatively poor state of repair. However, no substantiated evidence has been provided of the precise level of wear and tear. This is not sufficient justification for the proposed loss of historic fabric. The existing windows in the main part of the property are an important part of the significance of the building and their loss without justification is unacceptable in-principle. In this case, total loss is proposed and there has been no consideration of repair which in many cases is an option. The windows in the wing section are less important because they have already been replaced. However, they do remain timber framed so are appropriate in material with similar physical characteristics and patina of the historic windows and so contribute to the appearance of the building.
11. The proposed replacement with uPVC windows would introduce an unattractive material that is not appropriate for a building of the age and style of the host property. I acknowledge that uPVC window design has improved and that a wood effect finish is proposed. However, it would still be clear that the windows are not timber framed. The glazing bars would be different in design and profile than timber glazing bars in order to support the double-glazed sealed units. Even if historically accurate horns were included, they would still be in uPVC and manufactured rather than hand crafted to fit the building and would be simply added as decorative in contrast to the historic roll of a horn which is mainly for strength.
12. The timber effect uPVC would not accurately reflect the look and feel of genuine timber. This could not be controlled by condition because it is a fundamental part of the nature of uPVC windows. Moreover, glazing reflections would change with the larger, double-glazed panes of modern glass. In the wing section, the proposed introduction of a more historically accurate glazing pattern would be a benefit, but would not overcome the harm caused by the proposed use of modern materials.
13. Whether or not the proposed windows would be better than those at No 69, they would be harmful. In any event, a poor intervention does not justify further harm. I appreciate the proposal would result in a greater degree of conformity across the listed building as a whole, because there would be uPVC to both the semi-detached properties. However, this does not overcome my fundamental concerns with the unjustified loss of the existing historic fabric and the intrinsically unsympathetic character and appearance of the replacement windows.

Conservation area

14. The front façade of the appeal property is particularly prominent in the CA because it faces onto a busy, commercial street. The proposed uPVC windows would harm the character and appearance of this street, appearing jarringly discordant particularly given the relatively high proportion of timber framed sash windows along this part of Fore Street.

Conclusion

15. Therefore, the proposal would harm the special architectural and historic interest of the listed building. It would also fail to preserve or enhance the character or appearance of the CA. In terms of the National Planning Policy Framework (the Framework), I assess the level of harm to both the listed building and the CA to be less than substantial, but that harm nonetheless is a matter of considerable importance and weight. The proposal consequently fails to comply with Policies HA1, HA4, HA7 and HOU11 of the East Herts District Plan 2018 (the LP), which require high quality design and reflect the statutory protections given to heritage assets.

Planning Balance

16. Paragraph 208 of the Framework states that, where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use.

17. The appellant has stated that it is necessary to upgrade the windows so that the flats can still be let and occupied, due to energy targets set out in the Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (as amended) (the Regulations). However, s31 of the Regulations states that energy efficiency improvements do not need to be made if a listed building consent application has been refused. The works are not, therefore, required to ensure the flats can still be let.

18. Nevertheless, the existing windows are single glazed and are not energy efficient. Changing them to double glazed uPVC windows would improve the energy efficiency of the property. This is a public and a private benefit. However, it would be possible to improve the energy efficiency of the property through other means. In addition, any improvement in energy efficiency has not been quantified and would likely be relatively small. I therefore place limited weight on the proposed energy efficiency improvements to the property.

19. In accordance with Paragraph 205 of the Framework, I place great weight on the harm I have identified to the architectural and historic interest of the building and to the character and appearance of the CA. This outweighs the limited public benefits. The proposal is therefore unacceptable and fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 16 of the Framework.

Conclusions

20. For the reasons above, the appeals are dismissed.

O S Woodward
INSPECTOR



Appeal Decision

Site visit made on 8 January 2024

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 5TH FEBRUARY 2024

Appeal Ref: APP/J1915/X/23/3319967

Maltons, Cambridge Road, Thundridge, Hertfordshire SG12 0ST

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Ali Shafiy against the decision of East Hertfordshire District Council.
- The application ref 3/22/2583/CLXU, dated 12 December 2022, was refused by notice dated 13 March 2023.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is described as 'An existing free standing demountable marquee located in the rear between the existing restaurant / bar & the existing smoking shelter. The marquee is over 2m from the boundary, 2.95m high & less than 50msq in area. The marquee is used for eating & drinking.'

Summary Decision: The appeal is allowed and a certificate of lawful use or development is issued, in the terms set out below in the Formal Decision.

Preliminary Matters

1. The application form refers to the development as an 'existing use' but it is apparent from other application documents that the development in question is operational development and I consider the application on that basis.
2. Amended plans were submitted during the course of the application as those originally submitted apparently did not properly reflect the size or position of the appeal marquee. The Council then determined the application based upon those revised drawings.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development ('LDC') was well-founded. This will turn upon whether the development described in my banner heading above would have been lawful as at the date of the LDC application. Planning merits are not relevant to the assessment¹ and the onus is on the appellant to make their case on the balance of probability.

¹ Albeit that I have seen interested party comments setting out concerns in relation to matters of planning merit

Reasons

Legislation/case law

4. There is no suggestion from either of the main parties that the appeal marquee does not represent development requiring planning permission. Rather, the matter in dispute is whether it represents permitted development ('PD') granted planning permission by Article 3 and Schedule 2, Part 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('Class G').
5. Class G grants planning permission for '*The provision of one moveable structure within the curtilage, and for the purposes, of a building used*' for purposes of a drinking establishment/for the sale of food and drink. The parties are agreed that the marquee in question is used for purposes permitted by Class G and that the limitations contained in G.1 would be met. Accordingly, the only matter in dispute is whether the appeal marquee is 'moveable' per the Class G description above.
6. The Council cites case law² dealing with the consideration of whether an item is a building. These cases indicate that in making such an assessment, regard must be had to size, permanence and degree of physical attachment. However, the matter to be determined in these cases was whether the item in question was a building (indicating that operational development requiring planning permission had occurred). As outlined above, the point in contention here is not whether the marquee is a building, but instead whether it is 'moveable'. As such, whilst the cases cited might contain some useful indicators as to whether or not an object is moveable, these were dealing with a different question and so their applicability is limited in this way.

Analysis

7. The marquee is a metal framed object with fabric covering of some 10m in length by 4m in width, with a maximum height of 3m³. It has a significantly smaller footprint than that of the main appeal premises building. The size of an object has a bearing on whether or not it can reasonably be said to be moveable and I acknowledge that the marquee is large enough to mean that it was likely constructed on site. However, since the marquee falls fairly comfortably within the maximum footprint stipulated in G.1⁴, it would be illogical to find that its size indicated it to not be moveable; Class G envisages structures of a similar or even greater size being moveable.
8. The Council points to the degree of physical attachment of the marquee as evidence that it should not be deemed moveable. The marquee has no permanent foundation and is secured to the patio by a relatively small number of metal bolts and is attached to the barge boards of the adjacent part of the

² *Skerritts of Nottingham Ltd v SSETR (No. 2)* [2000] 2 PLR 102; *R (oao Hall Hunter Partnership) v FSS* [2006] EWHC 3482 (Admin); and *Barvis v SSE* [1971] 22 P&CR 710

³ The Council's measurements differ very slightly from those shown on the application plans albeit that both would meet with the G.1 size restrictions. For simplicity, my determination is therefore based upon a marquee of a size that is 3m or less in height, having less than a 50 square metre footprint and no part of which is within 2m of any residential curtilage and as otherwise described in the application documents

⁴ Being the lesser of either 50% of the footprint of the main building or 50 square metres

appeal premises by a fairly small number of screw fixings. Heating and lighting are provided suspended from the marquee roof frame, with the power supply provided from the adjacent outbuilding.

9. The appellant comments in response that structures of the size permitted by Class G would be likely to require some form of bracing for the purposes of stability and has submitted a letter from the manufacturer of the marquee stating that it could be dismantled and removed by non-professionals using basic tools in under two hours.
10. In my view, the physical attachment of the marquee to the patio is no more than is reasonable to provide stability bearing in mind its size and the hard surface on which it sits. The appellant explains that the affixation to the barge board is to weatherproof the connection between the main building and the marquee. Both of these means of physical attachment could be fairly swiftly and easily detached, and I find as a matter of fact and degree that these do not render the marquee to not be moveable. On the contrary, the appellant's evidence is that the marquee can be fairly swiftly removed.
11. The Council also draws my attention to how long the marquee has been in situ, that the appeal site would not readily accommodate this elsewhere, and that it is unlikely to be moved in view of its convenient position in relation to the main building. Reference is made to an earlier application dismissed at appeal⁵ for a covered pergola in broadly the same position as evidence of an intention for the marquee to remain in situ. I share the appellant's view though that Class G does not stipulate that the structure should be moved, but only requires that it be moveable. The absence of an intention to move an object does not necessarily preclude it from being deemed moveable. In any event, the appellant outlines that it is possible that the marquee might be dismantled and reassembled off-site or might be disassembled and removed in summer months to enable more 'al fresco' dining.
12. Drawing these matters together, Class G stipulates only that the structure is moveable and not that it will in fact be moved around within the appeal site. Its size is permissible under Class G and logically cannot therefore be a reason for it to be deemed not to be moveable. I accept that in reality there is a spectrum of moveability in the sense that a structure might theoretically be moveable but in practice would take many professionals a number of days to move. In this case, the means of attachment and construction of the marquee mean that it is less moveable than an structure that could be disassembled and moved in minutes, but it is more moveable than a structure which would take days to be disassembled and moved⁶.
13. I find then as a matter of fact and degree on the evidence before me that, since the marquee could be disassembled with basic tools in less than two hours, it is moveable for the purposes of Class G. It therefore represents PD under Class G and is lawful.

Conclusion

14. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the operational development described above was not well-founded

⁵ APP/J1915/W/21/3277099

⁶ As was assumed to be the case as regards the marquee in the *Skerritts* judgment referenced above

and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Formal Decision

15. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing operation which is found to be lawful.

V Bond

INSPECTOR

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 12 December 2022 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The operations are granted planning permission by Article 3 and Schedule 2, Part 2, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 and so represent permitted development.

Signed

V Bond
Inspector

Date: 5TH FEBRUARY 2024
Reference: APP/J1915/X/23/3319967

First Schedule

An existing free standing demountable marquee located in the rear between the existing restaurant / bar & the existing smoking shelter and being of a size that is 3m or less in height, having less than a 50 square metre footprint and no part of which is within 2m of any residential curtilage and as otherwise described in the application documents. The marquee is used for eating & drinking.

Second Schedule

Land at Maltons, Cambridge Road, Thundridge, Hertfordshire, SG12 0ST

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

Plan

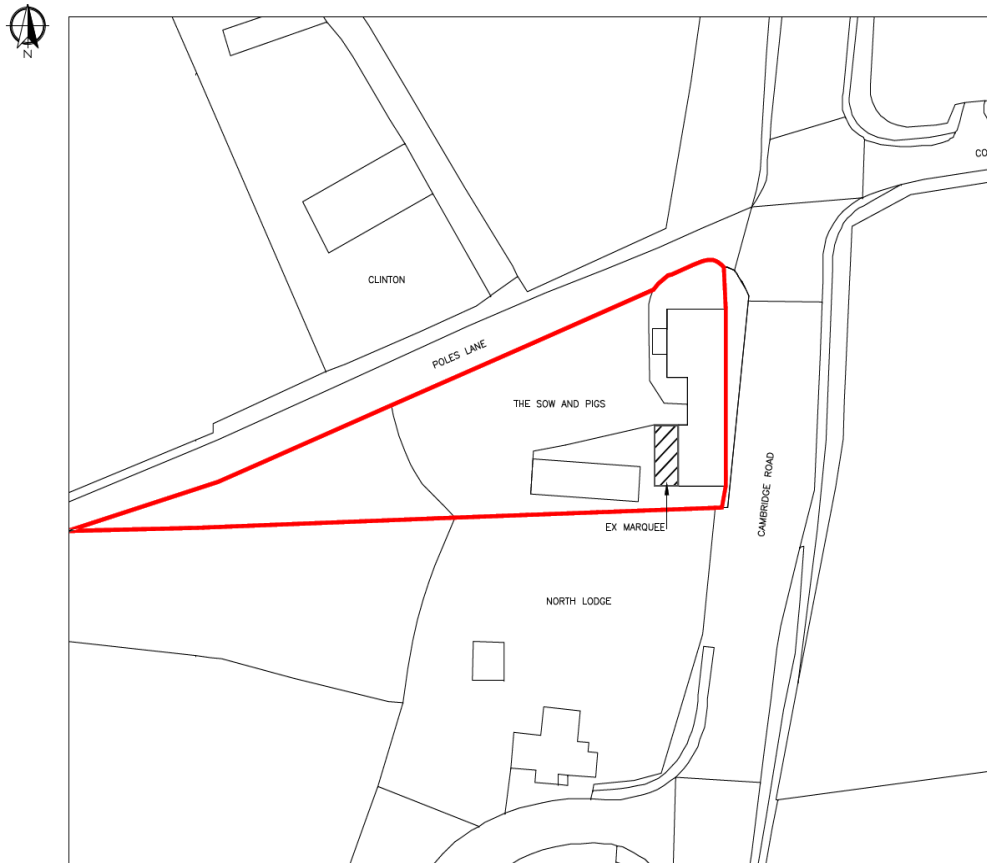
This is the plan referred to in the Lawful Development Certificate dated: **5TH FEBRUARY 2024**

by V Bond LLB (Hons) Solicitor (Non-Practising)

Land at: Maltons, Cambridge Road, Thundridge, Hertfordshire, SG12 0ST

Reference: APP/J1915/X/23/3319967

Scale: Not to Scale



Appeal Decision

Site visit made on 5 January 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 20.02.2024

Appeal Reference: APP/J1915/W/23/3321931

Land at 49 London Road, Bishops Stortford, Hertfordshire CM23 5NA

- 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. J. Sayed against the decision of East Herts Council.
 - The application (reference 3/22/2660/FUL, dated 3 January 2023) was refused by notice dated 28 February 2023
 - The development proposed is described in the application form as follows: "demolition of existing single storey, three bedroom dwelling and replacement with two four bedroom dwellings".
-

Decision

1. The appeal is dismissed.

Main issues

2. There are three main issues in this appeal. The first is the effect of the proposed development on the character and appearance and its surroundings. Related to that issue, it is necessary to consider whether the scheme would make adequate on-site car parking provision. The third main issue is the effect of the proposed development on biodiversity.

Reasons

3. London Road (the A1060) is a busy through route in Bishops Stortford and the appeal site is located near to the centre of the town, opposite the junction of London Road and Station Road. The appeal site is easily accessible to local jobs and services as well as to public transport links, including the main line railway station.
4. Number 49 is located on the eastern frontage of London Road, between Grange Road and Warwick Road. This frontage and the side roads are essentially residential in character, while the western frontage of London Road is primarily non-residential, with a large supermarket at the corner of London Road and Station Road.
5. The dwellings on this part of the eastern frontage of London Road are mixed in character, including two-storey houses as well as the single-storey dwelling on the appeal site. These sites are closely built up and at a higher level than the

- highway, while the pedestrian footpath is rather narrow. Even so, the dwellings are set back from their front boundaries and they do not excessively dominate the road.
6. The dwelling at number 49 London Road is a modest bungalow with a tiled roof above rendered walls, set back from the road. The front garden is screened by a high front hedge and is reached from the road by a flight of steps. The back garden is mainly laid to grass, with a paved terrace and a small outbuilding. The properties on either side are significantly larger, two-storey semi-detached houses.
 7. It is now proposed that the existing single storey dwelling should be demolished and replaced with a pair of semi-detached dwellings with accommodation on three floors.
 8. A revised version of the National Planning Policy Framework was published in December 2023 and it has been taken into account in this appeal. It encourages the construction of new homes, in principle, subject to other planning considerations of course.
 9. Thus, the 'National Planning Policy Framework' also emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes the provision of good standards of accommodation.
 10. Policies in the Development Plan also identify the need for new housing, while seeking to achieve high standards of design. In particular, Policy DES4 of the 'East Herts District Plan' (dated 2018), and Policies HDP1, HDP2 and HDP3 of the 'Neighbourhood Plan for All Saints, Central, South and part of Thorley (First Revision)' emphasise the importance of achieving a high standard of design. It is also recognised that higher densities may be appropriate, however, in order to make efficient use of land.
 11. The 'National Planning Policy Framework' also states that new developments should function well. It promotes sustainable transport (at Section 9) and recognises that parking standards need to be flexibly applied, taking account of specific site considerations.
 12. Policy TRA3 of the 'District Plan' and Policy TP8 of the 'Neighbourhood Plan' are concerned with residential parking provision but it is recognised that the need for on-site parking provision in relation to development proposals can be assessed on a site-specific basis, taking into account the provisions of the District Council's Supplementary Planning Document (entitled 'Vehicle Parking Provision at New Development').
 13. In Section 15, the 'National Planning Policy Framework' sets out the need for planning policies and decisions to contribute to and enhance the natural and local environment. Similarly, Policy NE3 of the 'District Plan' has the aim of seeking to enhance biodiversity and to create opportunities for wildlife.

14. The proposed new semi-detached houses would create a bulky building on the appeal site, with three-storey elevations to the main road and their back gardens. The building would have a considerable depth and mass on the site and would include an area of flat roof to create space for accommodation on the second floor. The footprint of the new building would be only a little larger than that of the existing bungalow but the building would be much larger in scale and bulkier than others nearby.
15. On the other hand, the architectural style of the new building would not be out of keeping with the surroundings. Moreover, although I have noted that the Bishops Stortford Conservation Area covers land to the east, west and north of the appeal site (without covering the appeal site itself), the scheme would not have a materially harmful impact on the character or appearance of the Conservation Area.
16. Nevertheless, the scale and dominance of the new pair of semi-detached houses would be excessive on the site, in my view. The new building would not be in harmony with the surroundings in London Road and it would be intrusive in the streetscene. I have formed the opinion that it would amount to an overdevelopment of the site.
17. Turning to the second main issue, I acknowledge that the site is well located in relation to local facilities and public transport connections. I am also aware that it could be difficult to achieve a safe and practical access for on-site parking, due to the ground levels and the nature of London Road. Even so, I am conscious that the project would generate two large four-bedroom houses and I have concluded that the scheme would also add unacceptably to parking pressures in the vicinity. This issue reinforces concerns about the scale of the proposed development, therefore.
18. The Council have also argued that insufficient information has been provided to clarify the effect of the proposals on biodiversity. Nonetheless, I have noted that the existing plot has little obvious biodiversity potential, in view of its small size and its nature, and I accept that this issue could have been dealt with adequately by the imposition of suitable conditions, if there had been no other objections.
19. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a small but useful addition to the provision of housing within the urban area. I am conscious that in this appeal the Council's failure to achieve its housing targets is an important consideration and, based on the evidence that has been submitted, I consider that a "tilted balance" should apply in the decision-making.
20. Nevertheless, I am convinced that the benefits of the proposals are significantly and demonstrably outweighed by the harm that would be done to the character and appearance of the surroundings, combined with the lack of parking provision for a scheme of this scale.
21. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that

have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR



Appeal Decision

Site visit made on 7 February 2024

by **P B Jarvis BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29.02.2024

Appeal Ref: APP/J1915/D/23/3334483

The Beeches, Westmill, Buntingford Herts SG9 9LL

- 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 and Mrs N & S Robson against the decision of East Herts District Council.
- The application Ref 3/23/1429/HH, dated 25 July 2023, was refused by notice dated 20 September 2023.
- The proposed development is the erection of a detached car port.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a car port at The Beeches, Westmill, Buntingford Herts SG9 9LL in accordance with the terms of application ref: 3/23/1429/HH dated 25 July 2023 and subject to the following conditions:
 - 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: 20590-S002-1st (existing site plan) and 20590-P001-1st (proposed plans and elevations – with location plan).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.
 - 4) No development shall take place until tree protection measures, which shall ensure that no storage, mixing of cementitious products or fires take place within 5 metres of the Root Protection Areas, have been put in place in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be maintained throughout the construction period.

Main Issue

2. The main issue is the impact on the character and appearance of the Westmill Conservation Area, including the wider rural area and adjacent trees.

Reasons

3. The appeal site lies towards the south western edge of the small village of Westmill. It comprises a modern detached dwelling which occupies an elevated position relative to the adjoining road. The frontage is marked by a grass bank at the top of which is a 'hit and miss' timber fence with newly planted laurel

- hedge behind. Two tall mature trees are located close to the side boundary towards the front of the adjoining property the canopies of which overhang the front corner of the appeal site with another tall tree located along the frontage.
4. The Westmill Conservation Area encompasses virtually all of the built development within the village as well as areas of open space and woodland. Plan 2 of the Westmill Conservation Area Appraisal and Management Plan (CAA) identifies the buildings of historic interest as well as important trees, hedgerows, open spaces and water features to be protected.
 5. The older central part of the village is characterised by 17th and 18th century smaller terraced and semi-detached cottages, many of which are listed. These are set close to the road frontage along which is an avenue of trees with small green at the western end. Larger properties in more extensive grounds including the Grade II* listed St Mary's Church and Westmill Bury and adjoining Westmill Bury Farm barns lie at the eastern end. The CAA notes that Westmill's character is also defined by small scale open spaces that envelop the historic core, separate from the open countryside beyond. Trees predominate with some particularly fine rows.
 6. Properties located towards the edges of the conservation area, such as the appeal site, are predominantly detached and set back from the road frontage with a more spacious character. There are few listed properties within the immediate context of the appeal site but I note that the adjoining pair of cottages to the north (2 & 4 School Court) are identified as 'unlisted buildings to be protected from demolition' on Plan 2 and included as 'other unlisted buildings that make an important architectural or historic contribution' in the CAA. Whilst they do not appear to be identified formally by the Council as non-designated heritage assets, I saw that they are an attractive pair of cottages comprising of flint elevations with natural slate pitched roof, though appeared to have later extensions to the front. Plan 2 also identifies three trees along the northern boundary of the appeal site as important trees to be protected.
 7. The significance of the part of the conservation area in which the appeal site is located, which lies to the south, away from its main historic centre, is therefore derived from the mixture of traditional and modern buildings and their varied relationship with the street, as well as the important natural elements of the trees to the front of the appeal site and woodland opposite.
 8. The proposed car port would be sited forward of the existing dwelling and, due to its elevated position relative to it, would be visible within the street scene. However, it would be of a sympathetic traditional design and appearance with two open fronted bays and closed store section. The elevations would be of horizontal timber boarding, between oak timber posts with brick plinth and plain clay tiled roof to match the existing dwelling. It would be set back from the site frontage such that it would not appear overly large or dominating and over time, this impact would be mitigated to a further degree by the front boundary hedge which has been recently planted.
 9. The proposed car port would be likely to be seen in views approaching from the north from the centre of the conservation area and whilst the roof would be seen above the existing boundary fence, it would extend only marginally forward of the adjoining dwellings at School Court which themselves have forward projecting elements. The Appellant has provided examples of other properties within the village where garages are set forward to address the

Council's concern in this regard, albeit none of these are directly comparable to the situation at the appeal site. Whilst there are no similar examples in the immediate context of the appeal site, for the reasons given above, the proposal would not be a detracting feature in the street scene. Therefore, despite its forward siting relative to the dwelling, I find that it would be a complementary addition to both the conservation area and the wider rural area.

10. In this regard I find no conflict with Policies GBR2, VILL2 and HA4 of the East Herts District Plan 2018 (EHDP) which seek to ensure that development relates well to the village, is of an appropriate scale and design and in respect of outbuildings that they are of a scale, form and siting appropriate to the setting of the existing dwelling and surrounding rural area and generally appear as a subservient addition. Furthermore, they seek to ensure that the special interest, character and appearance of the conservation area is preserved, in particular that they are of a scale, form, height, design and overall character that accord with and complement the surrounding area.
11. With regard to the impact on the adjoining trees, the Appellant has provided an Arboricultural Impact Assessment (AIA) prepared by a qualified arboriculturalist. It includes a tree survey (trees T1 to T6) and the AIA concludes that the proposal requires no tree removal or facilitation pruning. It also confirms that it would result in negligible incursion of the identified Root Protection Areas (RPAs) of the adjacent affected tree T3 (sycamore).
12. The AIA also notes that the RPAs of both T1 and T3 encompass areas where building activity can occur as these are confined to areas already used as a drive and in view of the relatively small scale nature of the proposal, the effects are not considered to be significant. Possible impacts during construction works can be conditioned to ensure that they do not adversely affect the trees as suggested in the AIA. Therefore, there would be no conflict with EHDP Policy DES3 which, amongst other things, requires development proposals to demonstrate how they will retain and protect existing landscape features of amenity value to ensure no net loss.
13. Overall, having regard to all of the above, I consider that the proposal would preserve the character and appearance of the Westmill Conservation Area and the character of the wider rural area. There would thus be compliance with the development plan overall. The National Planning Policy Framework states that heritage assets should be conserved in a manner appropriate to their significance and the proposal would achieve this. There are no other material considerations that weigh against the proposal.

Conclusions

14. Conditions to ensure that the development is built in accordance with the approved plans and use suitable matching materials are necessary for the avoidance of doubt and in the interests of the visual amenity of the area. Conditions to protect the adjacent trees during construction are also necessary for the reasons set out above.
15. I conclude that the appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR



Appeal Decision

Site visit made on 26 January 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/J1915/D/23/3333684

7 Postwood Green, Hertford Heath, Hertfordshire, SG13 7QJ

- 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 Domenico Rocco against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/1443/HH, dated 26 July 2023, was refused by notice dated 21 September 2023.
 - The development proposed is a first floor, single storey and rear extension, front porch extension, alterations to façade, roofing and fenestration.
-

Decision

1. The appeal is allowed and planning permission is granted for a first floor, single storey and rear extension, front porch extension and alterations to façade, roofing and fenestration at 7 Postwood Green, Hertford Heath, Hertfordshire, SG13 7QJ in accordance with the terms of the application, Ref 3/23/1443/HH, dated 26 July 2023 , subject to the following conditions:
 - 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:00-200 P02, 00-201 P01, 00-202 P01, 00-210 P01, 00-211 P01, 00-212 P01, 00-213 P01, 98-001 P01, 98-002 P01, 98-200 P01, 98-201 P01, 98-202 P01, 98-210 P01, 98-211 P01, 98-212 P01, 98-213 P01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those set out in the original application, ref. 3/23/1443/HH, including on the application form.
 - 4) The rooms served by the first floor flank windows hereby permitted shall not be occupied until the windows have been fitted with obscure glazing to a minimum degree of obscurity level three, and no part of those windows that is less than 1.7m above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscure glazing shall be retained thereafter.
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Main Issue

2. There is one main issue which is the effect of the first floor side and rear extension on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal dwelling is a wide, two storey post war house on a generous plot. It is of unremarkable design with a single storey attached garage to one side and a small projecting flat roofed porch. To the rear it has undergone various single storey side and rear extensions which do not align, giving the dwelling a disjointed appearance.
4. The Council raises no objection to the single storey front extension, including the porch, or to the alterations to external materials including fenestration. Neither does it object to the element of the first floor side extension which adjoins the side wall of the original dwelling. In view of other extensions and alterations to similar dwellings in the street, I agree that these parts of the proposed development would be acceptable.
5. The Council notes that there are inconsistencies between the proposed plans and elevations in that the first floor windows do not match. I have considered these inconsistencies which appear to relate to the position of the small first floor windows in the proposed front elevation. These appear to be minor positional variations. Most noticeably, one window is shown in plan to sit symmetrically above the porch. However, this is not reflected on the elevation where it is offset. Nevertheless, this arrangement does not materially detract from the character or appearance of the dwelling. I therefore find that whilst the arrangement shown on the plan view is more logical; either would be acceptable and the differences are not therefore material.
6. Turning to the first floor rear extension and that part of the first floor side extension which wraps round the dwelling, the Council does not object to the overall depth which would sit over replacement ground floor extensions. I agree this would not be excessive. The proposed rear building line at first floor would match that seen at No 6 and would be similar to other two storey rear extensions visible from the appeal site.
7. Nevertheless, the first floor rear extension would increase the width of the dwelling with a seamless addition to the side. The proposed elevation would be symmetrical. It would incorporate two rear facing gables that finished below the height of the main ridge and incorporated contemporary glazing, together with a flat roofed section between the gables that would sit at eaves level. In my view, although enlarged and altered, the proposed extension would not detract from the character or appearance of the dwelling but would rather update it in a sympathetic way. The extension would be well proportioned, notwithstanding its width, and would give the dwelling a more balanced and cohesive appearance.
8. In opposing the flat roof element at first floor eaves level, the Council refers to Policy HOU11 c) of the East Herts District Plan (DP), 2018. This resists flat roofs above ground floor as being visually undesirable other than in exceptional circumstances. However, I consider the flat roof to be an integral element of the overall design which enables a pleasing, contemporary appearance without

overwhelming the roofscape or rear elevation of the dwelling. I therefore consider it to represent an innovative design approach which would comply with Policy HOU11 c).

9. Turning to the surrounding area, the rear of the dwelling faces Hertford Heath Park. This is separated from the appeal site by a close boarded fence some 2m high and, in the park, a belt of trees. Thus, the extensions would be substantially screened from the park. Even if the trees were to be removed, the fence and distance between the park and the rear elevation would be sufficient to ensure that the extensions were not overbearing or otherwise harmful to the character of the village.
10. It is concluded on the main issue that the proposed first floor side and rear extension would be of a size, scale and design that would not detract from the character or appearance of the host dwelling or the surrounding area and in combination with the other proposed extensions would be acceptable. In consequence, the proposed extensions would comply with Policies VILL1, DES4 and HOU11 of the DP. Taken together these expect development, including extensions, to be of a high standard of design that is appropriate to the character, appearance and setting of the existing dwelling and/or surrounding area such that they are in keeping and relate well to their location and, in the case of extensions, generally appear as a subservient addition.
11. Turning to conditions, the Council suggests three conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans and in materials that match those set out in the original application in order to provide certainty and to protect the character and appearance of the host dwelling and the surrounding area. In addition, a condition requiring the first floor flank windows serving bathrooms to be obscure glazed and partially non opening is necessary in order to protect the living conditions of neighbouring occupiers with respect to privacy.
12. For the reasons set out above, and having regard to all other matters raised, including concerns raised by a third party regarding overlooking from the Juliet balconies, I conclude that the appeal should be allowed.

KE Down
INSPECTOR



Appeal Decision

Site visit made on 2 February 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/J1915/D/23/3324872

18 Well Row, Bayford, Hertfordshire, SG13 8PW

- 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 Ms M Phillips against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/0633/HH, dated 29 March 2023, was refused by notice dated 31 May 2023.
 - The development proposed is erection of 2No outbuildings to provide a gym and office. Demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2No outbuildings to provide a gym and office. Demolition of existing garage at 18 Well Row, Bayford, Hertfordshire, SG13 8PW in accordance with the terms of the application, Ref 3/23/0633/HH, dated 29 March 2023, subject to the following conditions:
 - 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: 20491-S001-1st, 20491-P002-1st.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those set out on approved plan ref. 20491-P002-1st.

Main Issues

2. There are four main issues. Firstly, whether the proposed outbuildings would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; secondly, the effect of the proposed outbuildings on the openness of the Green Belt; thirdly, the effect of the proposed air conditioning units on the living conditions of neighbouring occupiers with respect to noise; and fourthly, if the proposed outbuildings would amount to inappropriate development, whether the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.
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Reasons

Whether inappropriate development in the Green Belt

3. Bayford is a small village in open countryside and lies within the Green Belt. The appeal dwelling is one of a short row of similar, semi-detached houses on relatively wide plots which front the highway and back onto fields. It lies within the village boundary. The appeal dwelling has a detached single garage to the side which is proposed to be demolished. No objection is raised to this, and I agree it would be acceptable.
4. The proposed outbuildings would be sited in the rear garden. One would be set a short distance behind the dwelling and close to the boundary with No16, which comprises mostly vegetation and is relatively open. The other would be set further from the dwelling and on the opposite side of the garden, close to the boundary with No 20 which comprises a high, close boarded fence.
5. Policy GBR1 of the East Herts District Local Plan (LP), 2018, states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings should be regarded as inappropriate except in a number of circumstances, such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. Although the proposed buildings are not conventional extensions, the High Court has ruled [*Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)*] that for the purpose of Green Belt assessment an outbuilding should not be assumed not to be an extension simply because it is not physically attached to the host building. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. Factors that may be relevant include whether, in the case of a residential outbuilding, it would be a "normal domestic adjunct", its purpose, its relationship with the original building and its size.
7. In this case planning permission has recently been granted for single and two storey extensions to the rear and side of the original dwelling. Although the proposal includes demolition of the garage and existing single storey projections, these extensions if built, whilst considered proportionate by the Council, would noticeably increase the size of the modest original dwelling. I do not have full details of the permitted extensions but, in view of the size of the proposed outbuildings, I consider it likely that, taken together with the permitted extensions, they would amount to a disproportionate increase over the size of the original dwelling. In the absence of further evidence, I therefore find that the outbuildings could not reasonably be considered as proportionate extensions to the original dwelling. The exceptions set out in paragraph 154 of the Framework do not therefore apply in this case.
8. It is concluded on the first main issue that the proposed outbuildings would amount to inappropriate development in the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

9. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The proposed outbuildings would be set within the garden of the dwelling but would be clearly visible from the open countryside beyond. Although single storey they would be some 3.5m by 7m and 3.5m by 5.5m respectively and would have a height of about 3.8m. Together they would have a noticeable effect on the openness of the area which would result in modest harm to the openness of the Green Belt.
10. It is concluded on the second main issue that the proposed outbuildings would materially detract from the openness of the Green Belt and given the location of the site on the edge of open countryside this would result in a limited encroachment of the countryside which would conflict with one of the purposes of Green Belts. The harm caused to the Green Belt by reason of effect on openness and purposes of the Green Belt attracts substantial weight.

Living conditions - Noise

11. The proposal includes the provision of two modest air conditioning units, one attached to the western elevation of each outbuilding, facing towards the open countryside. The Council considers that these might cause a significant detrimental impact on the amenity of occupiers of neighbouring properties, which would conflict with LP Policy DES4 due to noise. However, the position of the units, their scale and the separation distance between them and the closest noise sensitive receptor would ensure that properly maintained air conditioning units would be unlikely to cause material disturbance to neighbouring occupiers.
12. The Council also suggests a conflict with LP Policy EQ2 which seeks to avoid noise pollution. However, the examples of noise generating development set out in the explanatory text to the policy, including traffic, aircraft, industrial, commercial and outdoor recreation noise, suggest that the policy is designed to control larger scale noise sources, rather than the everyday noise from commonplace sources associated with minor development.
13. It is therefore concluded on the third main issue that the proposed air conditioning units would have no materially detrimental impact on the amenity of occupiers of neighbouring properties with respect to noise and that the provision of a noise impact assessment would not be justified. In consequence, there would be no conflict with LP Policies DES4 or EQ2.

Other considerations

14. The appellant draws my attention to one other consideration which she considers might amount to the very special circumstances necessary to justify the proposal. On 28 February 2023 the Council granted a Lawful Development Certificate (LDC) for the erection of two outbuildings and the demolition of the garage. The outbuildings were in the same locations and of the same footprints as those now applied for. However, they were flat roofed, having a height of some 2.5m.
15. The Council took the view that the additional height of the buildings the subject of this appeal would materially increase the loss of openness to the Green Belt

over and above that resulting from the LDC proposal and as such they did not represent a meaningful fallback.

16. However, on 27 July 2023 the appellant secured an LDC for the erection of two outbuildings and demolition of the garage but in this case the buildings were essentially the same scale and design as the appeal buildings but were located 2m from each respective side boundary and hence sited more prominently within the site, thus having a greater effect on the openness of the Green Belt than the appeal proposal.

17. I consider that if the appeal was dismissed it is highly likely that the appellant would implement one of the LDC schemes and, given the width of the garden which would be sufficient to accommodate the buildings if they were set away from the boundaries, the aesthetically more pleasing pitched roof design would be more likely to be implemented. Overall, I therefore find that the LDCs would amount to a realistic fallback with a genuine prospect of being implemented and that the LDC for the pitched roof design, which would have a greater effect on openness than the appeal scheme, would be the more likely. This carries considerable weight.

18. It is concluded on the fourth main issue that the other consideration in this case would clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that the very special circumstances necessary to justify the development therefore exist. In consequence, there would be no conflict with national policy set out in the Framework or with LP Policy GBR1.

Conditions

19. Turning to planning conditions, the Council suggests three conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the submitted plans for the avoidance of doubt. A condition requiring external materials to match those of the existing building would not be reasonable since the development comprises stand-alone buildings which have a different finish to the host dwelling. The proposed materials are clearly shown on the submitted drawings. I shall therefore impose a condition requiring these to be implemented in order to protect the character and appearance of the surrounding area. Finally, the Council suggested a condition requiring an assessment of noise and rating levels for the proposed air conditioning units at the nearest noise sensitive premises. However, for the reasons set out in paragraphs 11-13 above, such a condition would be unnecessary and unreasonable and I shall not therefore impose it.

Conclusion

20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

Appeal Decision

Site visit made on 5 January 2024

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 15.02.2024

Appeal Reference: APP/J1915/D/23/3331016

Land at 23 Cambridge Road, Sawbridgeworth, Hertfordshire CM21 9JP

- 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 Miss J. Maiden against the decision of East Herts Council.
 - The application (reference 3/23/0864/HH, dated 31 May 2023) was refused by notice dated 21 August 2023.
 - The development proposed is described in the application form as a vehicle access.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on highway safety and convenience.

Reasons

3. Sawbridgeworth is a substantial town in Hertfordshire and Cambridge Road (the A1184) is the busy main road leading north out of the town. In the vicinity of the appeal site, development along the road frontages is mainly residential in nature, although there is a variety of building types, set back from the road in some cases but not in others.
4. The appeal site is located on the western frontage of the road, where there is a wide verge, with some trees, alongside the footpath. On-street parking provision is also made on this side of the road, although some of the properties on both road frontages have direct vehicular access on to the main road. Of those, some have sufficient space on-site to enable cars to enter and leave in forward gear. Others, however, require parked cars to back out into the road (or to back into their site).
5. It is stated that the on-street parking bays on the western frontage of the highway were created primarily to serve dwellings on this side of the road but there are no restrictions to that effect. I accept that others also use these parking bays, to the disadvantage of local residents.

6. Number 23 Cambridge Road is one of a group of similar semi-detached houses, set back from the highway behind their front gardens. The front gardens have sufficient depth to allow for a car to be parked but the gardens are not large enough to enable a car to turn before re-entering the highway.
7. It is now proposed that a dropped kerb should be installed at number 23 Cambridge Road, to enable vehicular access to the property and to allow for the provision of an off-street parking space.
8. Under the broad heading "Promoting sustainable transport", Section 9 of the 'National Planning Policy Framework' deals with a number of transport related issues. It points out the need to address concerns about the transport network (including in terms of "capacity and congestion") and to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "*safe and suitable access to the site can be achieved for all users*".
9. Policy TRA2 of the 'East Herts District Plan' (dated October 2018) is likewise, aimed at achieving safe and suitable highway access arrangements for all users.
10. Furthermore, broader national and local planning policies that seek to encourage good design intrinsically include a requirement to maintain highway safety and convenience.
11. In this case, the proposed dropped kerb and its associated parking area would require cars parked at number 23 Cambridge Road to either enter or leave the new parking area in reverse gear. In spite of the wide verge area that is available for the crossing, this would increase the number of awkward turning movements in the highway and would inevitably interfere with the traffic flow on the main road. I am persuaded that there would be a significant interference with the traffic flow on the main road (which is a busy classified A-road) that would be unsatisfactory in terms of highway safety.
12. It has been pointed out that no restrictions currently apply to the existing parking bays, and that special health concerns are relevant for the appellant in this case. It is not within the scope of this decision to suggest such potential restrictions, however.
13. It has also been pointed out that emerging cars would leave the appeal site between parked cars in the lay-by area alongside the main road. I am not persuaded that this would significantly increase dangers to pedestrians but it would add to the difficulty of emerging into the traffic flow, underpinning the broader objection that has been raised.
14. On the other hand, I do not accept that the loss of a parking space on the highway would justify a refusal of planning permission, since residents at the appeal site would be likely to park on the highway in any case. Indeed, that appears to have been the rationale for the parking bays. Of course, a new provision would be created at the appeal site, albeit for the private use of that property.

15. Nevertheless, I have concluded that the proposed dropped kerb and parking area at number 23 Cambridge Road would have an unacceptable impact on highway safety and convenience, since it would interfere excessively with the free flow of traffic on the busy main road.
16. Hence, I have formed the opinion that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR

Appeal Decision

Site visit made on 26 January 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/J1915/D/23/3329989

10 Spring View Road, Ware, Hertfordshire, SG12 9LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Funmi Watkins against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/1132/HH, dated 13 June 2023, was refused by notice dated 8 August 2023.
 - The development proposed is the demolition of a single storey extension and erection of a two storey extension. Replacement of existing roof with a new second storey with pitched roof. Replacement windows and doors. Internal reconfiguration.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of a single storey extension and erection of a two storey extension. Replacement of existing roof with a new second storey with pitched roof. Replacement windows and doors and internal reconfiguration at 10 Spring View Road, Ware, Hertfordshire, SG12 9LB in accordance with the terms of the application, Ref 3/23/1132/HH, dated 13 June 2023, subject to the following conditions:
 - 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: B.EX.0.1, 0.2, 2.1, 2.2, 2.3, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2, D.PR.0.1, 2.1, 2.2, 2.3, 2.4, 3.1, 3.2, 3.3, 3.4, 4.1, 4.2.
 - 3) Prior to the commencement of above ground construction, details of the external materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Following approval, the development shall be carried out in accordance with the approved details.

Main Issue

2. There is one main issue which is the effect of the proposed extensions and alterations on the character and appearance of the host dwelling and the surrounding area, including the street scene of Spring View Road.
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Reasons

3. Spring View Road is a residential street with steeply sloping topography. The appeal dwelling and its neighbours are set on significantly higher ground, above other dwellings in the road. The appeal dwelling can be seen when entering the street, although it is partially screened by mature trees. The dwelling is a post war bungalow on a wide but shallow plot with the main garden being to the north-east side of the dwelling. It has been extended in the past, including a large and bulky box dormer which is clearly visible from Spring View Road on the north-east roof slope, and a single storey side addition beyond this which together give the dwelling a disjointed appearance. Nevertheless, the property appears more modest in scale than its closest neighbours, which are bulkier chalet bungalows, and than other dwellings on lower ground which are two storey houses. It is also different in its design, which is unremarkable.
4. The existing single storey addition and box dormer would be removed to which no objection is raised. The proposed extensions include the raising of the roof of the central part of the bungalow to form a first floor, partly within the roof space. The increase in ridge height would be some 1.6m which would not appear excessive in the context of the dwelling and its setting. Although the alterations would create a two storey dwelling, the prominent and characteristic front gable would be retained, the main entrance would be moved to the centre of the building and new windows would introduce interest and a more pleasing arrangement. The raising of the roof and associated alterations would therefore comprise a sympathetic and proportionate addition to the host dwelling.
5. The dormer and single storey extension would be replaced by a two storey, flat roofed extension. This would be some 1.8m deeper than the existing single storey addition, projecting some 5m from the original side wall. The roof height would be below the ridge of the enlarged central section. The Council considers that the scale and design of the proposed extension would be bulky and would dominate the host dwelling. However, the additional projection at ground floor would be modest and whilst there would be added bulk at first floor, this would be carefully designed as an innovative and contemporary addition that would enable two storey accommodation within a similar footprint and without an excessive increase in height above that of the existing bungalow.
6. Overall, the side extension would appear in keeping with the central element and not cramped on the large plot or overly dominant in the context of the enlarged bungalow as a whole. It would be finished in a horizontal timber cladding which would be sympathetic to its wooded setting and to which the Council raises no objection. Although large and despite being clearly visible from Spring View Road, I find that the two storey side extension, whilst introducing a clear change, would not detract from the character or appearance of the dwelling.
7. Whilst the proposed extensions would not be subservient, as is generally expected by Policy HOU11 of the East Herts District Plan (DP), 2018, the wording of the policy clearly anticipates circumstances, such as the appeal proposal, where more substantial additions and alterations would be in accordance with the objectives of the policy and hence acceptable. Likewise, a flat roof above ground floor is policy compliant where it represents an innovative design approach such that it complies with HOU11 (a).

8. Other proposed alterations include the addition of roof lights, the rendering and cladding of the central and south-west sections of the dwelling and the replacement of windows and doors with modern aluminium frames. The Council does not object to these changes, and I agree they would be acceptable, helping to raise the standard of design and promoting higher levels of sustainability. This would be in accordance with the objectives of the National Planning Policy Framework, 2023.
9. It is concluded on the main issue that the proposed extensions and alterations would have no materially detrimental effect on the character or appearance of the host dwelling and the surrounding area, including the street scene of Spring View Road. In consequence, they would comply with Policy HOU11 (a) and (c) of the DP. Taken together and amongst other things these proposed extensions and alterations to be of a scale, mass, form, siting, design and materials that are appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area.
10. Turning to conditions, the Council suggests four conditions in addition to the statutory commencement condition. I agree that the development should be carried out in accordance with the approved plans for the avoidance of doubt and to preserve the character and appearance of the host dwelling and the surrounding area. In addition, since details of materials are not shown on the submitted plans and will differ from those used in the existing building, a condition is necessary to require details to be submitted and approved by the Council, prior to the commencement of above ground construction so as to protect the character and appearance of the surrounding area.
11. The Council also suggests a condition requiring details of proposed ground levels, slab levels and ridge heights to be submitted and approved. However, the upward extension would be over the existing ground floor and the slab level of the side extension relative to this is clearly shown on the approved drawings, as is the finished ridge height. I therefore consider that the proposed condition is neither necessary nor reasonable.
12. The Council also suggests a condition requiring a bat survey on the basis that the site is close to Ware Chalk Mine Wildlife Site which is understood to be identified primarily due to the bat population, bats being protected species. However, no details of the site, including its location and designation status, are provided in evidence and no comments were received from either Natural England nor the Herts and Middlesex Wildlife Trust both of whom were consulted on the proposed development. Moreover, the Council's delegated report concluded that the proposed development was not considered to have a detrimental impact on wildlife. I therefore have no evidence to suggest any potential effect on bats and hence no reasonable justification for requiring a bat survey. I shall not therefore impose the suggested condition.
13. For the reasons set out above and having regard to all other matters raised, including the representations of a third party regarding land stability and effect on trees, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

Appeal Decision

Site visit made on 26 January 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2024

Appeal Ref: APP/J1915/D/23/3329440

128 Ware Road, Hertford, SG13 7HR

- 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 Dr Ashley Gray against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/1180/HH, dated 3 July 2023, was refused by notice dated 4 September 2023.
 - The development proposed is a two storey side and rear extension to provide accommodation for elderly relatives, following demolition of existing garage and annexe building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. Firstly, the effect of the proposed extension on the character and appearance of the host dwelling and the street scene of Ware Road; and secondly, whether there is a clear functional link between the proposed extension and the host dwelling.

Reasons

3. The appeal dwelling is a traditional, detached house on a wide plot set back from Ware Road in an elevated position and behind frontage vegetation. It is a well proportioned, hip roofed double fronted dwelling with a central, forward projecting section under a lower hipped roof. It has an attached single storey garage to the side with a single storey brick annexe behind. The street scene in the vicinity of the appeal dwelling is mainly residential in character with no regular scale or design of dwellings, particularly on the south side of the street where the appeal site is located. Most dwellings are detached and on generous plots and a number that I saw have been extended in the past.
 4. The garage and annexe at the appeal site and an existing chimney would be demolished to which no objection is raised. I agree that the removal of the garage and annexe which are of no particular architectural merit would be acceptable and although the chimney contributes to the traditional appearance of the dwelling its removal would not result in material harm.
-

5. The proposed extension would fill much of the gap between the dwelling and the side boundary, increasing its width by about 50%. It would be two storey with a front facing gable and a roof height lower than that of the existing house. Although dwellings with front facing gables are seen elsewhere in the vicinity, the design, including the windows, would be at odds with that of the existing house. Moreover, although the roof would be set down, the eaves height would be similar to the host dwelling and its setback from the host dwelling would be limited. This, coupled with the prominent front gable and width of the extension would result in a dominant and incongruous addition that would materially detract from the symmetry design and proportions of the host dwelling.
6. The proposed rear elevation would also differ noticeably from the host dwelling but the asymmetric single storey projection would introduce interest and soften the effect of the two storey element. Moreover, the rear of the host dwelling has previously been extended at single story and the fenestration is mismatched. I therefore consider that the proposed extension would not materially detract from its appearance.
7. The appellant justifies the design as being modern and energy efficient. However, its boxy appearance would have little architectural merit and its size and unsympathetic design which would unbalance the host dwelling, particularly when seen from the front, would not be outweighed by a more energy efficient building, particularly since I have no evidence that a more sympathetic design could not incorporate a similar level of energy efficiency.
8. The appellant suggests that the position of the extension, set back from the street and screened by frontage vegetation, would limit its effect. However, it would be clearly visible through the open driveway and as a result would have a detrimental effect on the character and appearance of the street scene.
9. I note the appellant's reference to the need for adaptable, safe, accessible and inclusive buildings but these should be achievable without compromising character or appearance and therefore carry little weight in this case.
10. It is concluded on the first main issue that the proposed extension would, owing to its scale and design, have a materially detrimental effect on the character and appearance of the host dwelling and the street scene of Ware Road. In consequence, it would conflict with Policies DES4, HOU11 and HOU13 of the East Herts District Plan (DP), 2018, the Kingsmead Neighbourhood Plan (NP) and the National Planning Policy Framework (NPPF). Taken together and amongst other things, these expect extensions, including annexe extensions, to be of a high standard of design such that they are of a size, scale, mass, siting and design that does not dominate the existing dwelling and is appropriate to its character, appearance and setting and that of the surrounding area.
11. Turning to the second main issue, the Council suggests that the size of the extension, internal configuration, including separate entrance and the partial separation of the rear garden would imply that no clear functional link was demonstrated between the extension and the main dwelling.
12. However, the extension would be physically attached to the host dwelling, would be accessed via the same front drive, share the same parking area and the rear garden would remain substantially as one. There would be an intervening door between the extension and the host dwelling and although this

would be some distance from the kitchen, that is as a result of the layout of the host dwelling and cannot be used to imply a lack of functional link, particularly since the extension has no separate kitchen. The extension is applied for as an annexe and the householder application form was submitted. Both of these were accepted by the Council.

13. In terms of size, the evidence states that the extension would provide annexe accommodation for two elderly relatives. Whilst their needs are not made explicit, the provision of space for a lift, circulating space, an accessible en-suite and clear access to the bed in the main bedroom do not imply that the space is excessive but rather that it is to cater for disability and/or infirmity in a convenient and comfortable environment. Likewise, a second bedroom is reasonable in that a live-in carer or overnight presence may be required either now or in the future. The Council refers to the "Technical housing standards – nationally described space standard" to justify its position that the space would be excessive. However, these are minimum standards and may not provide suitable special needs housing.
14. Overall, I find that neither the scale, layout nor facilities of the proposed extension suggest that a clear functional link would not exist between it and the host dwelling. On the contrary, most factors point to a clear link between the two. I therefore consider that the extension could function as and therefore amount to a residential annexe. Proof of need is not a pre-requisite for an annexe. Moreover, it is open to the decision maker to impose a condition, ensuring that it remained as annexe accommodation in the future.
15. It is concluded on the second main issue that there would be a clear functional link between the extension and the host dwelling. The proposed extension would thus amount to annexe accommodation, as set out in the application. In consequence, it would comply with Policy HOU13 of the DP, insofar as it supports a residential annexe where it forms an extension to the main dwelling and is capable of being used as an integral part of the dwelling. Moreover, there is no evidence that the annexe would provide more than the minimum level of accommodation required to support the needs of the occupant(s).
16. The Council also suggests a conflict with the NP and the NPPF. However, the point of conflict is not clear and I find that no conflict is demonstrated.
17. A third party raised concerns regarding loss of outlook and privacy to No 124 and effect on trees and parking space. However, the proposed extension would be separated from this property by an access drive serving No 126 to the rear and proposed side facing windows would be secondary so could be required to be obscure glazed. Moreover, there would be no direct effect on trees and ample parking would remain for vehicles, despite the loss of the garage.
18. Notwithstanding my findings on the second main issue, these would not alter or outweigh my conclusions on the first main issue. Therefore, for the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR

Appeal Decision

Site visit made on 2 February 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2024

Appeal Ref: APP/J1915/D/23/3330627

Tollgate House, Amwell Hill, Great Amwell, Hertfordshire, SG12 9QZ

- 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 Ross Newham against the decision of East Hertfordshire District Council.
 - The application Ref 3/23/1239/HH, dated 26 June 2023, was refused by notice dated 23 August 2023.
 - The development proposed is erection of a new 2-bay cart shed.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was determined, a revised National Planning Policy Framework (Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework and new paragraph numbers in reaching my decision.

Main Issues

3. There are four main issues. Firstly, whether the proposed outbuilding would amount to inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; secondly, the effect of the proposed outbuilding on the openness of the Green Belt; thirdly, the effect of the outbuilding on the character and appearance of the area with regard to trees and the setting of the Grade II listed building; and fourthly, if the proposed outbuilding would amount to inappropriate development, whether the harm, by reason of inappropriateness and any other harm is clearly outweighed by other considerations, such as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

4. Amwell Hill (A1170) is a busy road that lies within the Green Belt. There is sporadic development on both sides of the highway. The appeal site is accessed via a gated entrance off Amwell Hill. It comprises a Grade II Listed dwelling set on a large and steeply sloping plot. The dwelling is on high land with the site entrance and site of the proposed cart shed on the lowest part of the site, some 55m away. Despite the presence of other buildings, including dwellings, in the vicinity the site is not within a defined settlement and the character of the area is that of open countryside.
5. The proposed cart shed would have two bays and a roughly square footprint. It would have a pitched, tiled roof. It would be located immediately to the northwest of the site entrance and under the canopy of a large tree. The existing drive would be extended to provide access to the cart shed. This would come within a short distance of the tree trunk.
6. Policy GBR1 of the East Herts District Local Plan (LP), 2018, states that planning applications within the Green Belt will be considered in line with the provisions of the Framework. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 states that the construction of new buildings should be regarded as inappropriate except in a number of circumstances, such as the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. Although the proposed building is not a conventional extension, the High Court has ruled [*Warwick DC v SSLUHC, Mr J Storer & Mrs A Lowe [2022] EWHC 2145 (Admin)*] that for the purpose of Green Belt assessment an outbuilding should not be assumed not to be an extension simply because it is not physically attached to the host building. Whether a detached structure would amount to an extension of the existing building is a matter of fact and degree. Factors that may be relevant include whether, in the case of a residential outbuilding, it would be a "normal domestic adjunct", its purpose, its relationship with the original building and its size.
8. In this case the cart shed in itself would not be excessive in size. However, it is clear from the evidence that a number of other planning permissions have been granted for the extension of the original dwelling. It is not therefore clear whether the cart shed, in conjunction with other extensions, would amount to a disproportionate addition over and above the size of the original dwelling. Moreover, although its use may be for the parking of domestic vehicles, this is not clear from the evidence and there is an existing garage at the site, closer to the dwelling. Finally, the outbuilding would be a significant distance from the original dwelling. The functional relationship between the original dwelling and the proposed cart shed is thus not proven and the significant separation distance reinforces my view that, on the basis of the evidence, it could not reasonably be considered as an extension to the original dwelling. The

exceptions set out in paragraph 154 of the Framework do not therefore apply in this case.

9. It is concluded on the first main issue that the proposed cart shed would amount to inappropriate development in the Green Belt. The Framework advises that substantial weight should be given to any harm to the Green Belt, including that by reason of inappropriateness.

Openness of the Green Belt

10. The Framework states that the essential characteristics of Green Belts are their openness and permanence. The proposed cart shed would be a modest structure on a currently undeveloped site resulting in harm to the spatial openness of the Green Belt. However, it would be largely hidden from beyond the appeal site and domestic in scale and would result in limited harm to the visual openness of the Green Belt.
11. It is concluded on the second main issue that the proposed outbuilding would lead to some minor harm to the openness of the Green Belt.

Character and appearance

12. Tollgate House is a Grade II listed building constructed in the seventeenth century forming a small house. Its significance largely derives from its architectural and historic interest as an early example of domestic rural architecture contributing to an understanding of its significance in the countryside.
13. The proposed cart shed would be located close to several mature trees which contribute to the setting of the listed building and to the wider, wooded setting of Amwell Hill. In addition, they have amenity and biodiversity value. In particular, the building would lie within the root zone and under the canopy of one particularly large and prominent tree which is visible from the street and makes a significant contribution to the character and appearance of the appeal site. The proximity of the proposed cart shed and the extended driveway to the trees means that there is clear potential for harm to either or both the root zone and canopy during construction or in the longer term. No evidence has been submitted regarding the trees, their ability to withstand development in close proximity or any details of the proposed foundations or paving that might ameliorate potential harm.
14. It is suggested that planning conditions could be used to require an arboricultural assessment prior to development. However, I have no evidence that suitable methods could be employed to protect the trees, given their proximity to the proposed building. In consequence, there is no certainty that there would not be material harm to or potential loss of trees and hence no certainty that the setting of the listed building and the character and appearance of the wider area or biodiversity would be preserved.
15. The harm I have found to the setting of the listed building is less than substantial but nevertheless of considerable importance and weight. There would be minor economic benefits from the purchase and installation of the materials for the structure. However, these would be insufficient to outweigh the considerable importance and weight I attach to the harm I have identified.

16. I therefore conclude on the third main issue that the proposed outbuilding would have a potentially harmful effect on the character and appearance of the area with particular regard to trees and the setting of Tollgate House a Grade II listed building. In consequence, it would conflict with LP Policies HA1, HA7, NE3, DES3 and DES4. Taken together and amongst other things these expect new development to preserve and where appropriate enhance the historic environment including the setting of listed buildings, not to result in the loss of or significant damage to trees and to retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value.

Other considerations

17. The appellant draws my attention to the design and overall scale, mass and bulk of the proposed cart shed and to its siting and use that he says would be incidental to the enjoyment of the dwelling. In addition, the appellant would be willing to enhance soft landscaping through the provision and implementation of a landscaping scheme. These matters, it is suggested, might amount to the very special circumstances necessary to justify the proposal.

18. However, all development, both inside and outside the Green Belt, should be of a high quality design and of a size and in a location that does not materially harm the existing surroundings. Moreover, the provision of enhanced landscaping is frequently necessary. I do not therefore find that these matters could be afforded more than limited weight.

19. It is therefore concluded on the fourth main issue that the other considerations drawn to my attention would be insufficient clearly to outweigh the harm that would be caused to the Green Belt by reason of inappropriateness and harm to the openness, which carries substantial weight, and the potential harm to the character and appearance of the wider area, the setting of the listed building and to biodiversity. The very special circumstances necessary to justify the development do not therefore exist and the proposed outbuilding would conflict with LP Policy GBR1 and national policy set out in the Framework.

20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR

NEW PLANNING APPEALS LODGED JANUARY 2024
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/21/1451/FUL	Change of use of existing holiday letting accommodation building to single residential dwelling house	Barn 2 Gregorys FarmDane End SG12 0PH	Refused Delegated	18/01/2024	Written Representation
3/22/1180/FUL	Erection of 1, 4 bedroomed dwelling with associated landscaping and parking.	Land To The Side Of 3 East RidingTewin WoodTewinWelwyn AL6 0PA	Refused Delegated	29/01/2024	Written Representation
3/22/1964/FUL	Enlargement of block of flats by construction of an additional storey for 2 additional flats.	Peregrine HouseThe BlanesWare SG12 0XD	Refused Delegated	17/01/2024	Written Representation
3/22/2156/FUL	Erection of one, four bedroom detached self-build dwelling with detached garage/car port; installation of air source heat pump and solar panels; creation of new vehicular access way and associated landscaping.	Land At Church LaneHunsdon	Refused Delegated	02/01/2024	Written Representation
3/22/2159/FUL	Garage conversion to 1 bedroom detached two storey dwelling. Insertion of ground floor windows. Instillation of air source heat pump and photovoltaic roof panels.	Eden House21A Knight StreetSawbridgeworth CM21 9AT	Refused Delegated	17/01/2024	Written Representation
3/22/2215/FUL	Erection of a new detached 4 bedroom bungalow with basement	82 Ware RoadHertford SG13 7HN	Refused Delegated	03/01/2024	Written Representation
3/23/0345/FUL	Demolition of annex and replacing with new single dwelling	Twyford OrchardPig LaneBishops Stortford CM22 7PA	Refused Delegated	16/01/2024	Written Representation
3/23/0356/FUL	Conversion of agricultural barn to a single residential dwelling.	Quinbury FarmHay StreetBraughingWare SG11 2RE	Refused Delegated	16/01/2024	Written Representation
3/23/0374/FUL	Change of use of land to D2 (Assembly and leisure) Erection of cricket school and creation of 17 parking spaces	Jobbers Wood Sports Pavilion Great Hadham RoadMuch Hadham SG10 6FB	Refused Delegated	10/01/2024	Written Representation
3/23/0885/FUL	Erection of additional storey to existing office building, installation of cladding and provision of parking and cycle/refuse stores	Watton MillMill LaneWatton At Stone	Refused Delegated	18/01/2024	Written Representation
3/23/1092/FUL	Conversion of Barn at Swades Farm to form a residential dwelling, demolition of an existing outbuild and erection of new garaging	The GrangeSwades FarmWareside SG12 7QG	Refused Delegated	17/01/2024	Written Representation
3/23/1132/HH	Demolition of single storey side extension and erection of two storey side extension. Addition of new first floor to dwelling with pitched roof. Alterations to fenestration.	10 Spring View RoadWare SG12 9LB	Refused Delegated	04/01/2024	Fast Track
3/23/1216/PNHH	Erection of single storey rear extension. Depth 8.00 metres, Maximum height 2.68 metres, Eaves height 2.68 metres.	Lane CroftPerrywood LaneWatton At StoneHertford SG14 3RB	Refused Delegated	16/01/2024	Fast Track
3/23/1519/HH	Removal of conservatory. Erection of single storey rear extension with steel balustrade on the roof and an attached external spiral staircase. Loft conversion and insert 4 rear facing rooflight windows. Construction of steel frame open-sided dining area to rear with a clay pantile mono-pitched roof.	41 High StreetBuntingford SG9 9AD	Refused Delegated	22/01/2024	Written Representation
3/23/1520/LBC	Removal of conservatory. Erection of single storey rear extension with steel balustrade on the roof and an attached external spiral staircase. Loft conversion and insert 4 rear facing rooflight windows. Construction of steel frame open-sided dining area to rear with a clay pantile mono-pitched roof. Install internal staircase from first floor to loft floor.	41 High StreetBuntingford SG9 9AD	Refused Delegated	22/01/2024	Written Representation
3/23/1558/HH	Demolition of outbuilding. Removal of Conifer hedging. Single storey rear extension incorporating 5 rooflights. Relocation of external steps.	8 London RoadHertford HeathHertford SG13 7RH	Refused Delegated	18/01/2024	Fast Track
3/23/1659/CLEO	The erection of two separate outbuildings within the curtilage of a dwellinghouse as a use incidental to the enjoyment of a dwellinghouse.	Little CroftErmine StreetColliers EndWare SG11 1EH	Refused Delegated	04/01/2024	Written Representation

Background Papers

None

Contact Officers

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

NEW PLANNING APPEALS LODGED FEBRUARY 2024
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/22/1555/OUT	Outline planning application for erection of 4 three bedroom detached bungalows together with creating two new vehicular accesses - all matters reserved except for access.	Land East Of Upper Green Road Upper Green RoadTewin	Refused Delegated	21/02/2024	Written Representation
3/22/2104/FUL	Change of use of barns to Class E(g)(i) office use with insertion of windows/doors, new openings, insulation, re-roofing of Barns 1 and 2 and internal partitions with mezzanines to Barns 2 and 3. Creation of car park, gates with creation of wall, bin store, cycle store, lighting, landscaping and dedicated bat loft. Demolition of modern stables building and blockwork walls within the courtyard.	Piggotts FarmAlbury EndAlburyWare SG11 2HS	Refused Delegated	29/02/2024	Written Representation
3/22/2105/LBC	Change of use of barns to Class E(g)(i) office use with insertion of windows/doors, new openings, insulation, re-roofing of Barns 1 and 2 and internal partitions with mezzanines to Barns 2 and 3. New car park, gates, new section of wall, bin store, cycle store, lighting, landscaping and dedicated bat loft. Demolition of modern stables building and blockwork walls within the courtyard.	Piggotts FarmAlbury EndAlburyWare SG11 2HS	Refused Delegated	29/02/2024	Written Representation
3/23/0144/FUL	Erection of entrance gates	Land At Woodland GroveWaterford	Refused Delegated	27/02/2024	Written Representation
3/23/0641/FUL	Change of use and conversion of games room/ residential annexe into a three bedroom dwelling; alterations to fenestration and openings; front open sided porch extension and installation of electric vehicle charging point (part retrospective).	Land Adjacent To Hunsdon House LodgeChurch LaneHunsdonWare SG12 8PP	Refused Delegated	23/02/2024	Written Representation
3/23/0803/FUL	Subdivision of house to create 2 flats (whilst retaining the remainder of the property). Replace the garage door with windows and a door. Creation of new private gardens for the 2 properties and off-street car parking spaces.	Morley HallWaresideWare SG12 7QP	Refused Delegated	21/02/2024	Written Representation
3/23/0958/FUL	Construction of a new house, garage and driveway with new landscape planting	Land Opp 44 - 58 Chapel LaneLetty GreenHertford SG14 2PA	Refused Delegated	26/02/2024	Written Representation
3/23/1281/FUL	Proposed new two bedroom dwelling	25 Temple CourtHertford SG14 3LY	Refused Delegated	20/02/2024	Written Representation
3/23/1590/HH	Demolition of rear extension. Erection of single storey rear and side replacement extension incorporating two roof lanterns.	Gannet House11 Chapmore EndWare SG12 0HF	Refused Delegated	07/02/2024	Fast Track
3/23/1821/HH	Demolition of existing garage and side projection and construction of part single part two storey rear and side extension. Construction of front porch and rear patio. Alterations to fenestration including rear juliette balcony.	10 Henderson PlaceEpping GreenHertford SG13 8GA	Refused Delegated	21/02/2024	Fast Track
3/23/2018/HH	Demolition of garage. Erection of a two-storey side extension and single storey side extension. Insertion of dormer window to rear with roof light to front.	36 Cozens RoadWare SG12 7HJ	Refused Delegated	07/02/2024	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
3/22/2635/FUL	Maya Cullen	The Piggeries Benington Road Walkern SG2 7HX	Erection of a rural worker's dwelling to replace existing mobile home.	LODGED	Hearing	21/02/2024
3/23/1024/FUL	James Mead	Silver Leys Polo Club Millfield Lane Little Hadham Hertfordshire SG11 2ED	Continued use of land for the stationing of a mobile home (Unit B) for Bury Green Farm Limited	LODGED	Hearing	TBC

Public Inquiry and Hearing Dates

All Hertford Council Chamber unless specified

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Appeal Date
3/22/2025/FUL	Maya Cullen	The Piggeries Benington Road Walkern SG2 7HX	Erection of a rural worker's dwelling to replace existing mobile home.	LODGED	Hearing	21/02/2024
3/23/1024/FUL	James Mead	Silver Leys Polo Club Millfield Lane Little Hadham Hertfordshire SG11 2ED	Continued use of land for the stationing of a mobile home (Unit B) for Bury Green Farm Limited	LODGED	Hearing	TBC
3/23/1447/OUT	Hannah Weston	Land East Of The A10 Buntingford Hertfordshire	Outline planning application (with all matters reserved except for access) for up to 350 dwellings, up to 4,400 sqm of commercial and services floorspace (Use Class E and B8), and up to 500 sqm of retail floorspace (Use Classes E) and other associated works including drainage, access into the site from the A10 and Luynes Rise (but not access within the site), allotments, public open space and landscaping	LODGED	Public Inquiry	TBC

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2023)

	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24		
<i>Total Applications Received</i>	160	340	519	689	839	983	1165	1335	1499	1647				
<i>Percentage achieved against Local and National Targets</i>	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	National Designation Targets (set by Government)	
Major %	100%	80%	67%	78%	75%	70%	73%	75%	73%	73%			Major %	60%
Minor and Other %	84%	83%	85%	86%	85%	84%	84%	87%	85%	86%			Minor %	70%
	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24		
Total number of appeal decisions (Monthly)	10	6	5	10	12	10	6	9	5	5				
Number Allowed against our refusal (Monthly)	5	2	1	3	4	3	2	6	2	1				
Total number of appeal decisions (Cumulative)	10	16	21	31	43	53	59	68	73	78				
Number Allowed against our refusal (Cumulative)	5	7	8	11	15	18	20	26	28	29				

AGENDA ITEM NO. 6D

DEVELOPMENT CONTROL

Major, Minor and Other Planning Applications

Cumulative Performance
(calculated from April 2023)

	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	
<i>Total Applications Received</i>	160	340	519	689	839	983	1165	1335	1499	1647	1846		
<i>Percentage achieved against Local and National Targets</i>	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	National Designation Targets (set by Government)
Major %	100%	80%	67%	78%	75%	70%	73%	75%	73%	73%	75%		Major % 60%
Minor and Other %	84%	83%	85%	86%	85%	84%	84%	87%	85%	86%	86%		Minor % 70%
	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	
Total number of appeal decisions (Monthly)	10	6	5	10	12	10	6	9	5	5	14		
Number Allowed against our refusal (Monthly)	5	2	1	3	4	3	2	6	2	1	5		
	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	Oct-23	Nov-23	Dec-23	Jan-24	Feb-24	Mar-24	
Total number of appeal decisions (Cumulative)	10	16	21	31	43	53	59	68	73	78	92		
Number Allowed against our refusal (Cumulative)	5	7	8	11	15	18	20	26	28	29	34		

AGENDA ITEM NO. 6D