



**MEETING** : DEVELOPMENT MANAGEMENT COMMITTEE  
**VENUE** : COUNCIL CHAMBER, WALLFIELDS, HERTFORD  
**DATE** : WEDNESDAY 22 JANUARY 2025  
**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 S Watson (Chair)

Councillors R Buckmaster, V Burt, R Carter, S Copley, I Devonshire,  
J Dunlop, Y Estop, G Hill, A Holt, S Marlow and T Stowe

### **Substitutes**

Conservative Group: Councillors S Bull and T Deffley  
Green Group: Councillors M Connolly and V Smith  
Liberal Democrat Group: Councillor M Adams  
Labour Group: Councillor C Redfern

*(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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### **Disclosable Pecuniary Interests**

A Member, present at a meeting of the Authority, or any committee, sub-committee, joint committee or joint sub-committee of the Authority, with a Disclosable Pecuniary Interest (DPI) in any matter to be considered or being considered at a meeting:

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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;
- if the interest is not registered and is not the subject of a pending notification, must notify the Monitoring Officer of the interest within 28 days;
- must leave the room while any discussion or voting takes place.

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## AGENDA

1. Apologies

To receive apologies for absence.

2. Chair's Announcements

3. Declarations of Interest

To receive any Members' declarations of interest.

4. Minutes - 4 December 2024 (Pages 5 - 15)

To confirm the Minutes of the meeting of the Committee held on Wednesday 4 December 2024.

5. Planning Applications for Consideration by the Committee (Pages 16 - 18)

(A) Planning application 3/24/0294/OUT Land north of Hare Street Road, Buntingford\_ (Pages 19 - 158)

6. Items for Reporting and Noting (Pages 159 - 236)

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 4  
DECEMBER 2024, AT 7.00 PM

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PRESENT: Councillor S Watson (Chair)  
Councillors R Buckmaster, S Bull, R Carter,  
S Copley, T Deffley, J Dunlop, Y Estop, G Hill,  
S Marlow, V Smith and T Stowe

ALSO PRESENT:  
  
Councillors B Deering, V Glover-Ward, A Holt  
and A Parsad-Wyatt

OFFICERS IN ATTENDANCE:

- |                  |   |
|------------------|---|
| Neil Button      | - Interim<br>Development<br>Management Team<br>Leader                   |
| Steve Fraser-Lim | - Principal Planning<br>Officer   |
| Janna Hon        | - Planning Officer  |
| Peter Mannings   | - Committee Support<br>Officer  |
| Ellen Neumann    | - Planning Officer  |
| Martin Plummer   | - Service Manager<br>(Development<br>Management and<br>Enforcement)     |
| Elizabeth Oswick | - Senior Planning<br>Officer  |
| Claire Spendley  | - Environmental<br>Health Practitioner<br>(Environment<br>Team Manager) |

Victoria Wilders - Legal Services  
Manager

257 APOLOGIES

Apologies for absence were submitted from Councillors V Burt, I Devonshire and A Holt. It was noted that Councillors S Bull, T Deffley and V Smith were substituting for Councillors A Holt, I Devonshire and V Burt.

258 CHAIR'S ANNOUNCEMENTS

The Chair welcomed everyone present at the meeting and those that were watching online. He introduced the Officers and reminded everyone to use the microphones for the webcast.

The Chair said that this was the last meeting of the Development Management Committee for Victoria Wilders, after 8 years of supporting the committee with advice as the Legal Services Manager since September 2016. He thanked Victoria on behalf of the committee and wished her well for the future.

Councillor Deering added his thanks to Victoria from his time as Chair of the committee for a number of years before the elections in May 2023.

259 DECLARATIONS OF INTEREST

Councillor Buckmaster declared a personal interest in application 3/23/2062/FUL, on the grounds that she was a Member of Sawbridgeworth Town Council. She said that she was able to determine the application with an open mind.

260 MINUTES - 13 NOVEMBER 2024

Councillor Stowe proposed and Councillor Buckmaster seconded, a motion that the Minutes of the meeting held on 13 November 2024 be confirmed as a correct record and signed by the Chair, subject to the following amendment:

Delete in the resolution of minute 232:

1. The application did not with policies DES1, BUNT1, GBR2 and the Neighbourhood Plan.

Replace with:

1. The application did not comply with policies DES1, BUNT1, GBR2 and the Neighbourhood Plan.

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

**RESOLVED** – that the Minutes of the meeting held on 13 November 2024, be confirmed as a correct record, and signed by the Chair, subject to the following amendment:

Delete in the resolution of minute 232:

1. The application did not with policies DES1, BUNT1, GBR2 and the Neighbourhood Plan.

Replace with:

1. The application did not comply with policies DES1, BUNT1, GBR2 and the Neighbourhood Plan.

261 3/23/2062/FUL - PARTIAL CHANGE OF USE FROM CLASS E USE INTO SUI GENERIS TO ALLOW FOR LIVE ENTERTAINMENT WITH THE SALE OF ALCOHOL AND HOT FOOD. INSTALLATION OF AIR SOURCE HEAT PUMP,

ERECTION OF REAR CANOPY, SCREEN FENCE, EXTERNAL FLUE, AND EXTERNAL SEATING AREA AT 28 KNIGHT STREET, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 9AT

At this point in the meeting (19:08), Councillor Watson (Chair) proposed, and Councillor Hill seconded, a motion for a 5-minute adjournment from 19:10 to 19:15, to allow Members time to read the late representations summary. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Chair said that there was an error in the report in that the application had been called in by Councillor Angus Parsad-Wyatt, and not by Councillor Eric Buckmaster as stated in the report.

The Chair reminded Members that they should not discuss the application during the 5-minute adjournment period.

**RESOLVED** – that the meeting be adjourned for 5 minutes from 19:10 to 19:15.

The Head of Planning and Building Control recommended that in respect of application 3/23/2062/FUL, planning permission be granted subject to the conditions set out at the end of the report.

The planning case officer summarised the application and set out in detail the key issues for Members to consider. She said that her presentation would also cover listed building application 3/23/2185/LBC, and Members were reminded that the internal alterations required listed building consent only and therefore formed no part of the considerations of the full application.

The planning case officer presented the committee with a series of elevation drawings and said that there had been no objection from Hertfordshire Highways. The planning



case officer advised the committee of the main planning considerations and advised of the neutral impact on the listed building and the Sawbridgeworth conservation area.

Sarah Glover addressed the Committee in objection to the application. Councillor N Parsad-Wyatt addressed the committee on behalf of Sawbridgeworth Town Council.

Councillor A Parsad-Wyatt addressed the committee as an East Herts local ward Member. The Committee debated the application and asked questions of the planning officers and the Environmental Health Officer. The officers responded to the questions asked by the Committee.

The Legal Services Manager said that the impact of the proposed development in the context of the four licensing objectives was covered by the separate licensing regime. She detailed the four licensing objectives for Members.

The planning case officer advised that the proposed hours of operation were covered by a condition and were for a closure time of 11 pm on Sundays and midnight on Fridays and Saturdays. The Interim Team Leader (Strategic Applications Team) said that the hours of operation could be further curtailed by the separate licensing regime in respect of the sale of alcohol or live music. He said that his advice was that this satisfactorily addressed the noise concerns.

Councillor Estop mentioned the possibility of a proposal to defer the application to secure more information in respect of the proposed operation so that was a better understanding of the planned activities on the site. The Legal Services Manager said that Members needed to be mindful of the statutory timescales for the council determining the application, and the risk of an appeal for non-determination of the application.

Councillor Watson proposed, and Councillor Hill seconded, a motion that an extra condition be applied in respect of the service delivery strategy to include details of the hours of operation which would seek to avoid a conflict with school opening and closing times.

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

At this point in the meeting (20:30), Councillor Watson proposed, and Councillor Hill seconded, a motion for a 5-minute adjournment from 20:30 to 20:35. After being put to the meeting and a vote taken, the motion was declared CARRIED.

The Chair reminded Members that they should not discuss the application during the 5-minute adjournment period.

**RESOLVED** – that the meeting be adjourned for 5 minutes from 20:30 to 20:35.

The meeting reconvened and Members continued to debate the application. They asked further questions of the officers.

Councillor Estop proposed, and Councillor Buckmaster seconded, a motion that application 3/23/2062/FUL be deferred so that there could more be information regarding the proposed uses of the site under licensing terms.

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

Councillor Watson proposed, and Councillor Hill seconded, a motion that application 3/23/2062/FUL be granted planning permission subject to the conditions set out at the end of the report, and subject to the extra condition

previously approved by the Committee being applied in respect of the service delivery strategy to include details of the hours of operation which would seek to avoid a conflict with school opening and closing times.

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

**RESOLVED** – that application 3/23/2062/FUL be granted planning permission subject to the conditions set out at the end of the report, and subject to the extra condition previously approved by the Committee being applied in respect of the service delivery strategy to include details of the hours of operation which would seek to avoid a conflict with school opening and closing times.

- 262 3/23/2185/LBC - INSERTION OF PARTITION WALLS, FLOORING, KITCHEN/PREP AREA, STAGE, BAR, EXTERNAL FLUE AND FOOD STORAGE AREA. ALTERATIONS TO FIRST FLOOR WC/S TO INCLUDE REMOVAL OF BATH, RELOCATION OF SINKS AND INSERTION OF TOILETS. INSTALLATION OF 3 EXTERNAL SIGNAGE, NEW SCREEN FENCE, ACOUSTIC WORKS INCLUDING THE INSTALLATION OF SECONDARY GLAZING AND NOISE ABSORPTION AND ERECTION OF REAR CANOPY AT 28 KNIGHT STREET, SAWBRIDGEWORTH, HERTFORDSHIRE, CM21 9AT
- 

The Head of Planning and Building Control recommended that in respect of application 3/23/2185/LBC, listed building consent be granted subject to the conditions set out at the end of the report.

The planning case officer summarised the application and recapped on the key issues for Members to consider. She referred to the comments of the Conservation Officer, and the conclusion drawn was that the proposed alterations would result in less than substantial harm to the listed building.

Members were advised that the conservation team considered that the significant public benefit of bringing the listed building back into use, supporting the long term of preservation of the heritage asset and the economics benefits together with the positive impact of supporting the vibrant and mixed-use area would outweigh any harm that was significant to the heritage asset.

The Committee debated the application and asked questions of the planning officers. The officers responded to the questions raised. The planning case officer confirmed that the signage formed part of the listed building consent application, and this matter was also covered by an informative requiring the submission of an advertisement consent application for the signage.

Councillor Stowe proposed, and Councillor Carter seconded, a motion that application 3/23/2185/LBC be granted listed building consent subject to the conditions set out at the end of the report.

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

**RESOLVED** – that application 3/23/2185/LBC be granted listed building consent subject to the conditions set out at the end of the report.

- 263 3/23/1641/FUL - THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF BARN 1: OFFICE ACCOMMODATION, AND 6 UNITS OF OVERNIGHT ACCOMMODATION (WITH 14 BEDS IN TOTAL) FOR STAFF, VOLUNTEERS AND STUDENTS WORKING ON THE FARM SITE (CLASS E(G); BARN 2: 12 SELF-CONTAINED HOLIDAY LODGES, OUTBUILDING FOR SHOWER AND LAUNDRY FACILITIES (CLASS C3 BUT OCCUPATION RESTRICTED TO SHORT STAYS ONLY); BARN 3: 3 RETAIL/WORKSHOPS (CLASS E(A) / E(G)); BARN 4 - LEARNING AND MEETING/EVENTS SPACE WITH KITCHEN

AND TWO OFFICES AT FIRST FLOOR (CLASS F.1(A) / F.2(B) AND CLASS E(G)); ERECTION OF 6 DWELLINGS (CLASS C3); WIDENING OF ACCESS AND FOOTPATH AND ASSOCIATED CAR PARKING PROVISION AT CHURCH FARM, MOOR GREEN ROAD, ARDELEY, STEVENAGE, HERTFORDSHIRE, SG2 7AH

The Head of Planning and Building Control recommended that in respect of application 3/23/1641/FUL, planning permission be granted subject to the conditions set out at the end of the report.

The planning case officer summarised the application and set out in detail the key planning policy issues for Members to consider. He presented the detailed ground floor and first floor plans and described the proposed layout of the site. He also detailed the relevant planning history and referred to the previous application for 3 dwellings.

Mr Tim Waygood addressed the committee in support of the application as the applicant. The Committee debated the application and asked questions of the planning officers. The officers responded to the questions raised by the Committee.

Members were advised that there were no grounds for refusing the application on the grounds of design quality, due to the similar appearance of the proposed dwellings in comparison with those already approved. The planning case officer said that the proposed development was appropriate in this location, and there was already a permission in place for 3 residential dwellings.

Councillor Carter spoke about the positive benefits of the application for the wider community. She supported the point that had been made that the buildings were at the end of their useful life and the proposed development was a big improvement. She acknowledged the problem

of availability of rural housing in rural areas for younger people.

Councillor Carter referred to condition 19 in respect of swift bricks and the details of biodiversity enhancements, and a request for 16 swift bricks to be integrated into buildings and for details of these measures to be submitted for approval at an earlier stage i.e., not just before occupation but before above ground development had commenced.

Councillor Carter proposed, and Councillor Buckmaster seconded, a motion for an amendment to condition 19 regarding biodiversity so that the condition specified 16 integrated swift bricks with details required to be submitted before above ground development had commenced.

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

Councillor Buckmaster proposed, and Councillor Dunlop seconded, a motion that application 3/23/1641/FUL be granted planning permission subject to the conditions set out at the end of the report, to include an amendment to condition 19 regarding biodiversity so that the proposed 16 swift bricks were integrated and with details required to be submitted before above ground development had commenced.

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

**RESOLVED** – that application 3/23/1641/FUL be granted planning permission subject to the conditions set out at the end of the report, and subject to the revised condition 19 regarding biodiversity so that the proposed 16 swift bricks were integrated with details required to be

submitted before above ground development had commenced.

264 ITEMS FOR REPORTING AND NOTING

Councillor Stowe complimented the Officers on the outcome of the appeal decisions from the planning inspectorate.

**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.

265 URGENT BUSINESS

There was no urgent business.

The meeting closed at 9.45 pm

Chairman	.....
Date	.....

# Agenda Item 5

## East Herts Council Report

### Development Management Committee

**Date of Meeting:** 22 January 2025

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

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

**Ward(s) affected:** All

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### Summary

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

### RECOMMENDATIONS FOR DEVELOPMENT MANAGEMENT COMMITTEE:

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

#### 1.0 Proposal(s)

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

#### 2.0 Background

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

#### 3.0 Reason(s)

3.1 No.



## **4.0 Options**

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

## **5.0 Risks**

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

## **6.0 Implications/Consultations**

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

### **Community Safety**

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

### **Data Protection**

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

### **Equalities**

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

### **Environmental Sustainability**

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

### **Financial**

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

### **Health and Safety**

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

### **Human Resources**

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

### **Human Rights**

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

### **Legal**

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

## **Specific Wards**

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

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

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

#### 7.2 Display of Plans

7.3 Plans for consideration at this meeting are available online. An Officer will be present from 6.30 pm to advise on 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  
[vicky.glover-ward@eastherts.gov.uk](mailto:vicky.glover-ward@eastherts.gov.uk)

**Contact Officer** Sara Saunders, Head of Planning and Building Control, Tel: 01992 531656  
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**Report Author** Peter Mannings, Committee Support Officer,  
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## DEVELOPMENT MANAGEMENT COMMITTEE – 22 JANUARY 2025

<b>Application Number</b>	3/24/0294/FUL
<b>Proposal</b>	a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval, and b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans
<b>Location</b>	Land North of Hare Street Road Buntingford Hertfordshire
<b>Parish</b>	Buntingford Parish Council
<b>Ward</b>	Buntingford

<b>Date of Registration of Application</b>	27 <sup>th</sup> February 2024
<b>Target Determination Date</b>	31 <sup>st</sup> January 2025
<b>Case Officer</b>	Steve Fraser-Lim

### **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 Introduction**

1.1 This application was previously considered by the Development Management committee on 13th November 2024, and the committee resolved to refuse planning permission due to concerns summarised as follows:

- “1. The application did not comply with policies DES1, BUNT1, GBR2 and the Neighbourhood Plan.
2. The speculative application would conflict with the development plan strategy and would result in the loss of a large open area on the outside of a town development.
3. Loss of agricultural land.

4. The lack of sustainability as there was only one school within the walking area of the site.
5. The application would have a significant visual impact on the rural landscape and a wider impact on the whole area”.

- 1.2 Following a review of the motion, the minutes and the webcast of the meeting, officers identified a number of concerns regarding the resolution and resulting reason for refusal. Firstly, it was noted that the resolution of the committee did not appear to have been predicated on the ‘tilted balance’, which basis of assessment was necessary given the inability of the Council to demonstrate a five-year supply of housing sites. Secondly, officers considered that the draft reason for refusal, in the form set out in the motion, was also potentially flawed, since the policies referenced did not relate to the planning harms identified. Further, there was concern that the wording in the draft reason for refusal was not sufficiently precise with respect to the harms perceived and the relevant planning policy/policies with which members considered the proposed development would be in conflict.
- 1.3 In summary, it was considered that the draft reason for refusal, as provided for in the motion, did not provide sufficiently strong or robust grounds for refusing the application. It was further considered that, in the event of an appeal against a decision to refuse the application, the Council would be at material risk of an award of costs against it, were it to rely upon the draft reason for refusal. Essentially, the draft reason for refusal could expose the LPA to a significant cost burden, unless it were amended or revised to better address the explicit concerns of the DMC.
- 1.4 Officers subsequently took advice from Kings Counsel (KC) who advised that the application should be returned to the committee to allow for a further discussion on the elements of the proposal that members considered were unacceptable, and for the correct policies be referred to in the reason. Reconsideration of the wording of the reason would clarify the position of the Local Planning Authority which would assist with any future appeal (in focusing consideration of the main concerns of the LPA and appellant’s position) and would minimise exposure to cost awards.
- 1.5 In addition, and as a further, separate consideration, since the 13<sup>th</sup> November 2024 Development Management committee, certain considerations which were not before members at the time of that committee have been noted or have otherwise arisen, which –

individually and/or in-combination – constitute important material planning considerations which, in officers opinion, may have a material bearing on the committee’s determination of the planning application. That is, in Officers opinion, these issues could potentially result in a change to members’ judgement in relation to the planning application. Such matters comprise, on the one hand, matters that were known at the time of the November Committee but were not brought expressly to members attention in the November Committee report, and, on the other hand, material changes in circumstances that have arisen since the November planning committee. Officers consider that the latter are of particular importance; they concern both changes in the evidential position and also changes in relevant policy.

- 1.6 Accordingly, and consistent with principles established by caselaw, officers consider that the application should be brought back before members for their reconsideration, in light of the new matters which have come to light/arisen since the November planning committee.
- 1.7 The Council is required to discharge its statutory duty under Section 70(2) of the Town and Country Planning Act 1990 (as amended) and therefore consider whether to grant planning permission or not taking account of all relevant material circumstances at the time of issuing a decision notice on a planning application. The new information is summarised below and then considered in more detail within this report.

#### Summary of New Matters

- 1.8 First, shortly after the November committee meeting officers were advised by the NHS Integrated Care Board (ICB) that a review of future medical centre provision in Buntingford and the surrounding area was being undertaken as part of an ‘options appraisal’ and that the application site was being carefully considered given the shortage of viable alternatives in the town and due to the urgency of the need for expansion of the existing services. Officers considered that the outcome of this review had potential to significantly alter the position in relation to the application proposals. Following the conclusion of this review, a new response was subsequently received from the ICB on 20<sup>th</sup> December 2024 which clarified and updated the ICB’s previous position on the application. Amongst other observations, this response states that the “*ICB considers there is a clear and urgent need to address primary healthcare provision in the town. As such the ICB has undertaken a detailed options appraisal of different potential sites and*

*confirms its support in principle for the relocation of the Buntingford Medical Centre to the application site”.*

- 1.9 Second, on 12<sup>th</sup> December 2024 the government published a revised National Planning Policy Framework (NPPF), following the election of a new UK government in July 2024. One of the main changes in the NPPF is an updated Standard Method for calculating local housing need, the application of which is now (once again) mandatory, and which – in many cases (including East Hertfordshire) increases the level of housing which local authorities must plan for and is applicable for decision making in areas without an up-to-date local plan. Various other changes to the NPPF are made together with National Planning Practice Guidance. At the same time the NPPF was published, Ministerial Statements were issued by the Secretary of State for Housing and Planning dated 12 December 2024 entitled ‘Building the homes we need’.
- 1.10 Third, the November 2024 committee report did not reference the Written Ministerial Statement (WMS) issued by the Secretary of State for Housing, Communities and Local Government on 30<sup>th</sup> July 2024 entitled “Building the Homes we need”. This WMS set out the government’s target to build 1.5 million homes in the next 5 years. To this end the WMS set out the government’s intention to adopt a new standard method for local planning authorities to assess housing need, resulting in increased housing targets for local plans.
- 1.11 Fourth, officers are aware of a Planning Inspectorate appeal decision (appeal refs: APP/P1940/W/22/3311477 and 3311479), in relation to a mixed housing and medical centre development in Sarratt, Hertfordshire. The appeal decision was not referenced within the November 2024 committee report but is referenced in in this report as it provides some degree of guidance for officers and decision makers regarding the weight to be attached to provision of new medical centres as part of developments.
- 1.12 In addition to the above, the applicant has issued a Technical Transport Note which seeks to address a number of the accessibility issues raised by members at the DMC. A further consideration of this note is set out in this report.
- 1.13 The November 2024 committee report is appended to this report. Officers position on the application remains as set out in the November 2024 report (and associated additional reps / updates report), unless

this is superseded by the new information outlined in this updated January 2025 report.

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

- 2.1 The application seeks a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval. b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans
- 2.2 The site is not specifically allocated for any use or development within the East Herts District Plan 2018 and is outside of but adjacent to the Buntingford Settlement Boundary. As such the site is within the 'rural area beyond the greenbelt'.
- 2.3 The application site measures circa 13.34 hectares in area and comprises undeveloped agricultural land to the north side of Hare Street Road and the south side of the Causeway, on the eastern edge of Buntingford. An earlier recent residential development adjoins the site to the west and agricultural land adjoins to the east.
- 2.4 The application as submitted comprised the following plans for approval:
- Site and parameter plans by Stantec: (RG-03-1-P; RG-M-11-B; RG-M-12-C; RG-M-13-B)
  - Detailed plans and elevations of the medical centre by BM3 Architects: (D001 RevA; D002 RevD; D003RevB; D004 RevA; D100 RevD; D101 RevD; D102; D200; D201RevA; D202 RevA; D300 RevA; D301; D400 RevA;
  - Detailed landscape plans for full planning application site area (P23-116-EM-0013-B-0001-HPP; P23-116-EM-0013-B-0001-PP; P23-116-EM-0013-B-0002-PP; P23-116-EM-0013-B-0003-PP; P23-116-EM-0013-B-0004-PP)

2.5 In addition, the following documents have also been submitted as supporting documents:

- Illustrative masterplan by Stantec (ref: RG-M-08-H)
- Design and Access Statement (whole site) by Stantec
- Design and Access Statement (medical centre) by BM3
- Planning Statement by Turley
- Statement of Community Involvement by Turley
- Transport Assessment by I Transport
- Flood Risk Assessment and Drainage Strategy by SLR
- Ecology and Biodiversity Assessment by Ecology Solutions
- Heritage Archaeology Assessment by CSA Environmental
- Air Quality Assessment by SLR
- Energy and Sustainability Statement by Stantec
- Noise Assessment by SLR
- Landscape Visual Impact Assessment (LVIA) by Pegasus
- Arboriculture Assessment by Keen
- Utilities Assessment by SLR
- Economic Benefits and Social Value Statement by Stantec.
- Site access plan by I Transport

2.6 Following receipt of neighbour / consultee comments during the first round of consultation, revisions / additional information in connection with the application were provided on the 9<sup>th</sup> August and included the following:

- Updated Flood Risk Assessment and drainage strategy by SLR dated 7<sup>th</sup> August to respond to LLFA comments.
- Updated Parameter Plan by Stantec (RG-M-14 RevB, to supersede RG-M-11-B), including more detail on different character areas across the site, location of key buildings, street types and street tree planting.
- Updated Biodiversity Metric, to respond to HCC ecology.
- Revised medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406). Design changes improve the appearance of the south elevation of the building facing Hare Street Road.
- Updated Design and Access Statement (RevC Medical Centre) by BM3 to explain design changes
- Transport Assessment Addendum by I Transport dated 7<sup>th</sup> August, submitted in response to HCC highways comments, and illustrating



improvements to walking cycling routes along Hare Street Road to the site.

- 2.7 All of the above plans and documents have been considered as part of the assessment of this planning application and preparation of this committee report.
- 2.8 The main issues for consideration as part of this report are the relevance and importance of the fresh material planning considerations and the extent to which these constitute a change in circumstances following the November 2024 planning committee and January 2025, being, most significantly:
- The publication in December 2024 of a substantially updated National Planning Policy Framework by the Department of Housing, Communities and Local Government, following the publication of a Written Ministerial Statement in July 2024.
  - New consultation response from the NHS Integrated Care Board, advocating support 'in-principle' for the proposed site to deliver the relocation of the medical practice serving Buntingford and the surrounding area.
  - Discussion of other appeal decisions by the Planning Inspectorate in relation to mixed medical and housing developments.
  - A New Technical Transport Note from the Applicant's Transport Consultant has been submitted to provide further information on the suitability of the site from a locational access perspective.
- 2.9 This report sets out the officer's assessment of the new material considerations and the extent to which these inform the planning judgement of the proposals. A further tilted balance is carried out in the conclusion of the report taking into account the fresh planning issues.
- 2.10 The planning application is being reported back to the Development Management Committee on 22<sup>nd</sup> January 2025 due to concerns regarding the wording of the draft reason for refusal as identified at the November Development Management Committee meeting on 13<sup>th</sup> November, and due also to the important material changes in circumstances which have arisen since that meeting.

### **3.0 Site Description**

- 3.1 A detailed site description is provided within the November 2024 committee report.

## 4.0 **Planning History**

- 4.1 The land has historically been in agricultural use with limited planning history. Planning permission was granted for 160 dwellings and allotments to the west of the site, which extended the settlement boundary eastwards, following an appeal to the Planning Inspectorate in January 2014 (ref: 3/13/1000/FP). This application included change of use of part of the current application site to a cemetery accessed from The Causeway. The housing and allotments have since been constructed by the same Applicant proposing this new development, but not the cemetery, which has since been provided on an alternative site.
- 4.2 Land East of the A10, Buntingford: In addition, an outline application on a nearby site (Land to the east of the A10 Buntingford) for development of 350 dwellings, with up to 4,400 sq m of commercial and services floorspace (Use Class E and B8) and up to 500 sq m of retail floorspace (Use Class E) and other associated works (ref/23/1447/OUT) was refused by the Council. The application was subject to an appeal to the Planning Inspectorate and considered at a recent public inquiry (appeal ref: APP/J1915/W/24/3340497). The Planning Inspectors decision letter was released on 22<sup>nd</sup> of August allowing the appeal. This appeal decision is significant in terms of providing advice from the Planning Inspectorate to the Council on the weight to be attached to various planning considerations for new housing development in Buntingford, and a snapshot of the Councils 5-year housing land supply position. The Inspectors decision considered that the Council could only demonstrate a supply of 4.2-4.49-year housing land supply at the time of the Inquiry.
- 4.3 Area 4, Land South of Hare Street Road, Buntingford: Planning permission was refused in December 2022 for residential development comprising 10 bungalows, associated car parking provision and ancillary works (ref: 3/22/0798/FUL). The reasons for refusal were as follows: lack of affordable housing; poor design; insufficient information to demonstrate Biodiversity Net Gain (BNG); lack of financial contributions towards public infrastructure; and unacceptable impact on highway safety.
- 4.4 The application was subject to an appeal to the Planning Inspectorate and the appeal was dismissed in October 2023. The Inspector noted the following in the appeal decision: "*The Council cannot currently*

*demonstrate a five-year housing land supply. In consequence, the provisions of Paragraph 11(d) of the Framework are engaged...the proposed development would generate limited to moderate benefits, which can be ascribed a moderate amount of weight. However, due to the significant harm that would arise from the granting of permission, in terms of the effects on biodiversity and the character and appearance of the surrounding area, I find that the adverse effects of granting planning permission significantly and demonstrably outweigh the benefits."*

- 4.5 Officers note that the above appeal decision is, in some degree, relevant to consideration of this application, as the appeal proposed housing on an unallocated site, in the absence of a 5-Year Housing Land Supply (5YHLS). However, there are number of major differences between the appeal and this current application, which mean that the planning balancing exercise undertaken by the Inspector resulted in a different decision than the officer recommendation at the application site.
- 4.6 The above appeal was for only 10 dwellings, and the contribution that this small number of dwellings towards the Councils 5YHLS is consequently much smaller and less beneficial. In addition, this appeal proposal did not include any public infrastructure such as the application proposal which also reduced its public benefit.

## **5.0 Main Policy Issues**

- 5.1 A detailed summary of the relevant planning policies within the adopted East Herts District Plan 2018 (DP), and the Buntingford Community Area Neighbourhood Plan (Adopted May 2017) (NP) has been provided as part of the 2024 committee report. In addition, as noted elsewhere in this report a revised NPPF was published on 12<sup>th</sup> December 2024. The implications of this revised NPPF in relation to the planning application are considered further below.

## **6.0 Summary of Consultee Responses**

- 6.1 Several consultation responses were received in relation to the application and were summarised and considered within the November 2024 committee report (and associated late reps / updates report). The below additional consultation response was received following the 13<sup>th</sup> of November 2024 planning committee. A copy has been placed on the Councils website since 2<sup>nd</sup> January 2025.

- 6.2 NHS Hertfordshire and West Essex Integrated Care Board (NHS HWE ICB): For Buntingford there is a clear and urgent need to address primary healthcare provision in the town and in its vicinity due to planned and unplanned growth in Buntingford. Further it is evident that the Buntingford and Puckeridge Practice is operating over capacity, hence their ability to accept new patients is limited.

Following the Planning Committee's decision to refuse planning permission on 13th November, the HWE ICB has undertaken a detailed options appraisal for the relocation of the Buntingford and Puckeridge Practice. In line with the HWE ICB's own scrutiny and due diligence processes, all options for the relocation of the GP Practice have been reviewed. This includes a detailed review and evaluation of the proposed new medical facility at Land North of Hare Street Road. In undertaking this options appraisal, there has been close dialogue with the GP Practice, Taylor Wimpey and the applicants/ site promoters of all other potential site locations in the town.

Further, all site options were assessed against viability, affordability, deliverability and the ability to be future proofed for any future housing growth, given that new medical facilities present a significant cost pressure to the NHS. The HWE ICB has now concluded the appraisal of site options.

In conclusion, the HWE ICB can confirm its support 'in principle' to the relocation of the Buntingford and Puckeridge Practice to Land North of Hare Street Road, Buntingford, subject to the approval of a full business case by the HWE ICB's Primary Care Commissioning Committee (PCCC).

In the new year the HWE ICB will continue to liaise closely with the GP practice and the applicant to ensure the prompt progression of the full business case to meet the next available PCCC committee date in 2025. Further, the HWE ICB requests our immediate engagement in the draft Section 106 Agreement.

This response, provided on 20<sup>th</sup> December 2024, comprises a material update from the previous consultation response, as summarised at paragraph 6.27 and following of the November Committee Report.

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

7.1 No further representations have been received following those summarised in the November 2024 committee report.

## **8.0 Summary of Other Representations**

8.1 No further representations have been received following those summarised in the November 2024 committee report.

## **9.0 Consideration of Issues**

### **Additional response from the NHS HWE ICB**

- 9.1 The November 2024 committee report stated the following regarding the principle of new medical facilities at the site: *"it is considered that the site will be sufficiently accessible for pedestrians / cyclists and public transport to accord with the accessibility requirements of policy CFLR9. The provision of a new medical centre alongside new housing, affordable housing, and custom build housing are significant public benefits of the proposals...Comments from the NHS ICB are also noted. The ICB have noted the need for expanded healthcare provision in Buntingford but have raised concern over the timing and engagement by the applicants as part of the development proposals, as well as concern regarding the size of the site and level of car parking.*
- 9.2 *In order to achieve NHS funding, it will be necessary for the proposals to receive the necessary approvals as part of the NHS ICBs own processes. However, NHS approval processes are based on a separate set of financial / operational considerations and are separate from the planning application process. In addition, officers are not clear at this stage whether NHS ICB concerns could be overcome by the applicants / Buntingford Medical Practice, following the determination of this planning application.*
- 9.3 *Officers consider that assessment of acceptability of the medical centre proposals as part of the planning application should be based on District Plan policies and other relevant planning policy including the NPPF. It is noted above that the proposals are in accordance with policy CFLR9 regarding healthcare provision and an assessment of the medical centre against relevant transport and design policies is provided below. As such officers do not consider that the NHS ICB comments would alter officers' assessment against relevant planning policies or represent a reason to refuse the application.*

- 9.4 *However, officers acknowledge that NHS ICB support for the proposals at this stage would increase the likelihood that the proposals can achieve any required approvals for NHS funding. This would increase the likelihood of future delivery and future operation of the proposed Medical Centre building. As such, the lack of NHS ICB support at this stage increases uncertainty around delivery and funding. This could be a factor in how much positive weight is attributed to the medical centre as part of the overall planning balance”.*
- 9.5 At the time of the November Committee meeting and, as set out in the officer report, Officers recommended that the weight that could be attached to this material consideration was reduced, by the uncertainty around delivery, given the ICB response to the application.
- 9.6 The position of the NHS ICB during the planning committee debate was the subject of discussion/debate during the November 2024 committee meeting. Some members commented that the ICB position on the application would represent a potential barrier to its future delivery. In addition, the recorded minutes of the Committee state the following: *“Councillor Copley asked about the possibility of a deferral pending further discussions with the Integrated Care Board (ICB) regarding whether the medical centre would go forward.”*
- 9.7 The revised ICB response represents a very significant change in position from its earlier position that the application was *“premature, advancing ahead of the NHS’ own business case assessments, scrutiny, and due diligence processes”*. The ICB now *“confirm its support ‘in principle’ to the relocation of the Buntingford and Puckeridge Practice to Land North of Hare Street Road, Buntingford, subject to the approval of a full business case by the HWE ICB’s Primary Care Commissioning Committee (PCCC)”*.
- 9.8 Whilst the recent NHS response is clear that a full business case approval is still required to be undertaken, the relocation of the medical practice from its existing town centre site to the application site is, in principle, supported by the ICB. Importantly, the ICB has now concluded its own due diligence in respect of all potential relocation options and has determined – on the basis of that analysis – ‘in principle’ support for the relocation of the GP Practice to the application site.

- 9.9 It is considered that following the most recent ICB response, the weight to be accorded to the medical centre can be increased from 'significant' to 'substantial' positive weight. This is expanded upon in the following sections.

### **Revised NPPF and WMS**

- 9.10 A revised version of the NPPF was published on 12th December 2024 and includes a number of updates to the version referenced within the November 2024 committee report (updated Sept 2023 and revised December 2023). The changes with greatest relevance to the application is the change is the adoption of a standard method for calculating housing need for local planning authority areas as part of local plans adoption process (which affects the weight given to the provision of new housing in the planning balance) and the need to give significant weight to the importance of new, expanded or upgraded public service infrastructure (such as health) when considering proposals for development (which affects the weight given to the provision of new housing and the medical centre).
- 9.11 The standard method uses a formula that incorporates a baseline of local housing stock which is then adjusted upwards to reflect local affordability pressures, to identify the minimum number of homes expected to be planned for. The implications for adoption of the standard method for calculating housing need in East Herts are currently being considered by officers, and the detail of the position as not yet been determined. However, it is anticipated that once that work has been completed, it will demonstrate that the Council has a more significant shortfall of housing delivery against housing need (when assessed using the standard method) than was the case at the time of the November Committee. That is, given the increased housing need figure that the Council will need to provide against, the Council's shortfall in 5 Year Housing Land Supply (5YHLS) is likely to worsen in comparison with the position previously reported to members at the November Committee meeting.
- 9.12 In this regard, officers note that the Planning Inspector chairing the public inquiry in respect of the appeal regarding land to the east of the A10 Buntingford noted that the Council was only able to demonstrate a housing land supply of 4.2 – 4.49 years. On the basis of the revised standard method now applied in national policy, officers expect that the Council's supply position will reduce below that spectrum.

- 9.13 Using the new standard methodology, the Council's housing requirements have increased from 1,041 new homes per annum to 1,265 homes per annum. For the purpose of calculating 5YHLS, it should be noted that, in addition to the new standard method figure (1,265), the NPPF requires a 5% buffer (moved forward from later in the plan period) to ensure choice and competition in the market. This means that the overall housing need requirement for 5YHLS purposes has increased to  $1,265 + 63 = 1,328$  new homes per annum. The consequence of this is a further supply deficit and the Council will need to grant planning permission for housing on new sites not currently allocated in the District Plan or face the prospect of sites being granted permission through appeal to Planning Inspectorate.
- 9.14 The significance of the new national housing policy is relevant to the application as officers consider the weight to be afforded to the provision of 200 new homes (in the planning balance), at a time when the LPA's supply has fallen and where the requirement has increased, is elevated, above the level afforded in November 2024. Even if the allocated sites are delivering the number of homes required by the District Plan, officers consider that the new NPPF places a further requirement to deliver upwards of the target. This is because the Local Plan is out-of-date, the new District Plan is at early stages in its preparation and as the new housing requirement set by the revised standard method in the new NPPF results in a 22% increase in the overall housing annual target. Officers consider that this increase will not be met by only approving development on the allocated sites. Further non-allocated housing sites are very likely to be needed in order to meet the increased housing requirement set by the national standard method.
- 9.15 In addition, the revised 2024 NPPF includes paragraph 101 which states the following: *"To ensure faster delivery of other public service infrastructure such as health, blue light, library, adult education, university and criminal justice facilities, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted. Significant weight should be placed on the importance of new, expanded or upgraded public service infrastructure when considering proposals for development"*.
- 9.16 This new text highlights the importance of securing new public infrastructure as part of development and the need for local planning



authorities to work positively with statutory bodies (the ICB in this instance) to plan for new facilities. The language adopted in the NPPF recognises the importance and need to 'ensure faster delivery' of such services.

### **Written Ministerial Statement (WMS)**

- 9.17 A WMS was published on 30<sup>th</sup> July 2024 entitled "*Building the Homes we need*", which set out the government's target to build 1.5 million homes in the next 5 years. To this end the WMS set out the government's intention to adopt a new standard method for local planning authorities to assess housing need, resulting in increased housing targets for local plans. The WMS set out the direction of travel for emerging national planning policy and was subsequently incorporated within the revised NPPF and National Planning Practice Guidance, published in December 2024. The WMS was a material planning consideration at the time of the November 2024 committee meeting but was not referenced in the November 2024 committee report. It is referenced here for completeness and to allow members to fully understand the Councils worsening position with regard to five-year housing land supply.

### **Other relevant appeal decisions**

- 9.18 There was some discussion during the November planning committee regarding weight to be afforded in the planning balance to the proposed medical centre. Officers are mindful of other appeal decisions involving mixed housing / medical centre developments, including the following decision from Sarratt, Three Rivers, Hertfordshire dated 3<sup>rd</sup> May 2024 (appeal refs: APP/P1940/W/22/3311477 and 3311479).
- 9.19 These appeals were in relation to two outline planning applications for 92 new homes and a new doctor's surgery to replace an existing surgery building within the village. The inspector noted that: "*It seems to me, as a matter of fact, it should be recorded that there are still various procedures and hurdles to go through, and conditions to satisfy, in order to deliver a new surgery. The first stage was a Project Initiation Document (PID) to the Clinical Commissioning Group. The PID was approved with conditions, meaning that the proposal can advance to 'Outline Business Case'. This stage has yet to be completed. In addition, I understand all projects are subject to 'Full Business Case' approval by the Clinical Commissioning Group and NHS England. I also understand that compliant design specification would have to be*

*agreed, and that any project would have to demonstrate value for money.*

- 9.20 *Ultimately, as things currently stand, its provision cannot be unequivocally guaranteed, given the various stages that still need to be completed that are beyond the control of the Appellant. Also, as the Appellant acknowledged when discussing the trigger point for occupation of the dwellings in Appeal A, it argued strongly for the 'completion' of the surgery, rather than its actual 'operation', precisely because the former is within the developer's control, and the latter is not.*
- 9.21 *On the other hand, and importantly, I acknowledge the very serious intent of those involved to urgently progress the project and provide the facility. Furthermore, the requirement in the UU specifying that an approved scheme for the surgery must be agreed before the housing development can begin, and that the facility must be completed before the housing can be occupied, greatly strengthens the likelihood the scheme for the surgery would come to fruition. All in all, there are very strong incentives for the surgery scheme to succeed...*
- 9.22 *Overall, taking the evidence on this matter broadly as a whole, and notwithstanding any caveats, it seems to me that the provision of a new expanded facility, with the ability to treat more patients, and to provide a much more comprehensive range of services to both existing and new patients, must undoubtedly be seen as a clear benefit for the scheme, notwithstanding its relatively unsustainable location. I consider that the benefits of the provision of a surgery can be given significant weight".*
- 9.23 *The inspector then went on to conclude in the planning balance section of the appeal decision that "Having carefully considered all the evidence, I find that 'other considerations' namely the substantial benefits of the scheme, comprising the provision of market and affordable housing, first homes, and custom and self-build housing, the provision of a doctors' surgery, as well as the various other benefits, including design quality, open space provision and economic benefits, clearly outweigh the harms that would be caused".*
- 9.24 *Officers have included reference to the above appeal decision for completeness and consider that the decision provides further guidance as to the level of positive weight which can be attributed to new medical centres within mixed housing developments. There are some*

similarities between this appeal and the application proposals, in terms of provision of a replacement surgery with expanded facilities in a location, with concerns around sustainability.

- 9.25 However, there are also several differences between the appeal and application proposals. The application proposals feature a significantly larger medical centre than the appeal scheme with capability to serve a larger number of patients. Buntingford is also a much larger settlement than Sarratt with a great range of services and amenities, and therefore a more sustainable settlement for new medical facilities. In addition, the application proposals are a hybrid application with full details submitted in relation to the design of the medical centre. This level of additional detail allows greater certainty as to how its design meets medical requirements, particularly given the updated NHS ICB response with support 'in principle' for development of the medical centre as proposed. In addition, the full details submitted with the application will allow for earlier delivery of the building. As such officers consider that these factors would allow the medical centre to be attributed greater positive weight in the planning balance and could now be considered to amount to a substantial positive benefit.

### **Additional Transport Note**

- 9.26 An additional Transport Note was also submitted by the applicant which responded to some of the questions and discussions. The note highlights that the entirety of the site is within 400m of the proposed bus stops on Hare Street Road at the site entrance. In addition, the note highlights a recent change in bus frequency since the Transport Statement submitted with the application was prepared: *"Since the submission of the original transport information, whereby only route 331 served Hare Street Road, this has very recently been supplemented by additional bus route 36/36A, which passes along Hare Street Road on journeys between Buntingford and Bishop Stortford. This provides a further hourly service which links the site to the centre of Buntingford as well as a higher order settlement. Furthermore, the timetable is specifically prepared to offer a "guaranteed connection" to route 37, which has also been extended to Buntingford and links the settlement with Baldock, Hitchin, Letchworth and Stevenage on a two-hourly basis. This route is also directly accessible from stops on London Road circa 600m from the site access"*.
- 9.27 Further detail has been provided with regard to the gradients along Hare Street Road which pedestrians would need to negotiate to access

the medical centre. Hertfordshire transport design guidance states for new roads and footpaths the maximum target gradient should be 1:20. The gradient of the route from the junction of Hare Street Road / London Road to the site entrance is 1:23 and there less than required by relevant design guidance. A small section of the route when considered in isolation would have a gradient of 1:17 (steeper than the guidance) although seating is also available at this point due to an existing bus stop.

- 9.28 Officers consider that this information provides further clarity with regard to sustainable transport options to the site and confirms the previous officer advice that the proposals would be acceptable in transport terms and be sufficiently accessible by a variety of sustainable transport modes in accordance with policy TRA1.

### **Other planning considerations**

- 9.29 As noted previously this report introduces new planning considerations which have come to light since the November 2024 committee decision. Officers position regarding other planning considerations not covered above, are considered to be same as set out in the November 2024 committee report, which forms the appendix to this report. This includes the officer assessments regarding landscape impact, urban design, transport (if not discussed in relation to the Transport Note above), sustainability, and ecology, which are all covered in detail within the November 2024 committee report.

## **10 Updated Planning Balance and Conclusion**

- 10.1 The November 2024 committee report provided a comprehensive officer consideration of the Outline planning application and its supporting documentation, including the further/additional information submitted and any representations received. The report 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.
- 10.2 In addition, the report had regard to the 'tilted balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision-making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means: (d) where there are no relevant development plan policies, or the policies which

are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 10.3 The NPPF explains that, due to the lack of a five-year housing land supply, the policies relating to the provision of housing should be viewed as out-of-date.
- 10.4 In terms of paragraph 11(d)(i), the NPPF defines 'areas or assets of particular importance' as: habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of these listed areas or assets would be adversely impacted by the development.
- 10.5 Paragraph 11(d)(ii) requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 10.6 It was noted in the November 2024 committee report that the proposals would give rise to several benefits, which ranged from limited to significant and when taken cumulatively, would attract significant positive weight in favour of the proposal. However, some adverse impacts and conflict with development plan policies were also noted (which ranged from limited to significant and cumulatively attract moderate adverse weight).
- 10.7 Officers consider that the information which has come to light following the November 2024 committee meeting, alters the planning balance further in support of the proposed development. The weight attributed to new housing and affordable housing is considered to have increased from 'significant' to 'very significant' because of the revised NPPF resulting in increased housing delivery requirements in the district. As such the application proposals contribution towards these requirements and meeting the 5YHLS has consequently increased in importance.
- 10.8 In addition, the weight to be attributed to the provision of a new medical centre has also increased from 'significant' to 'substantial' as a result of the new national policy guidance in the NPPF and the updated

comments received from the NHS ICB, which provides greater confidence and certainty around future delivery of the facility and due to the urgent need for improvement of health provisions in the Buntingford area. The Planning Inspectorate appeal decision in relation to the Sarratt appeal, and NPPF paragraph 101 provides further explanation and clarity around how the weight of the medical centre should be assessed.

- 10.9 The updated positive and negative impacts are set out in the table below. Planning considerations not listed in the table below are of neutral value:

<b>Planning issue</b>	<b>Positive weight</b>	<b>Negative weight</b>
Provision of around 200 new dwellings contributing towards the Councils 5YHLS.	Very significant positive weight ( <u>increased from significant in November 2024 report</u> )	
40% of new dwellings to be affordable (25% Affordable ownership / 75% rent)	Very significant positive weight ( <u>increased from significant in November 2024 report</u> )	
Provision of Self/Custom Build Housing x 5 plots	Significant positive weight	
Provision of new fit for purpose medical centre	Substantial positive weight ( <u>increased from significant in November 2024 report</u> )	
Financial contributions towards community and education infrastructure to meet the needs of the development	Limited positive weight	
Financial contributions towards bus services and sustainable transport initiatives in	Moderate positive weight	

the town, of benefit to the wider community		
Provision of new green space with a Biodiversity Net Gain of 13%	Limited positive weight	
Economic benefits of new employment during construction / operational phases, and increased local expenditure from local residents.	Moderate positive weight	
Conflict with development plan strategy, as they comprise large scale development in the Rural Area Beyond the Greenbelt.		Moderate negative weight (given parts of the development plan relevant to housing delivery should be considered out of date as required by para 11d).
Loss of agricultural land (grade II BMV)		Limited negative weight.
Adverse landscape visual impact		Significant negative weight, reducing to moderate by year 15.
Less than substantial harm to the setting of Alswick Hall (grade II listed)		Limited negative weight.
Reliance on motor vehicle and increased number of vehicle trips		Moderate negative weight

10.10 Given the above assessment officers consider that the public benefits of the proposal principally in terms of delivery of new housing, affordable housing, custom and self-build housing and a new medical centre are very significant and would outweigh the identified adverse impacts, on balance.

- 10.11 Officers have carefully weighed the benefits and adverse impacts for this development, based on the merits of the application whilst acknowledging the recent Appeal decisions (land east of the A10 Buntingford, and Sarratt, Three Rivers, Herts) and the approach undertaken by the Inspector in these cases.
- 10.12 Of particular significance is the weight applied to the District Plan and the most relevant policies DPS1, DPS2, GBR2, TRA1, DES1, DES2 and DES3. With regards to the DPS2 and GBR2 in particular, which are supply based policies and cover development within the Rural Area beyond the Green Belt, there are significant similarities which apply to both the Appeal schemes and the current application site. Therefore, Officers have applied the conflict with these policies moderate weight in the balance and this amounts to a moderate level of harm overall, on the basis which is consistent with the approach taken by the Inspector in the Appeal scheme.
- 10.13 The Inspector considered East Herts to have less than 5 years supply of housing and that the District Plan is over 5 years old. Therefore, only moderate weight is afforded to the most important policies in the Appeal, which is considered applicable in the case of the application site. Officers consider that the proposals will result in significant adverse landscape impacts (on Year 1) but this would reduce to moderate adverse by year 15 following the landscaping assimilating with the context over time. Notwithstanding these cumulative moderate adverse impacts, officers consider that these do not amount to a sufficient level of harm to 'significantly or demonstrably' outweigh the significant cumulative benefits to arise from the development.
- 10.14 Having regard to the Development Plan as a whole and considering all material considerations as set out in this report and the previous officer report and, in accordance with the requirements of NPPF paragraph 11d the grant of planning permission is recommended, subject to the required conditions and planning obligations.

## **11 RECOMMENDATION**

- 11.1 That planning permission is GRANTED subject to the conditions/reasons and the completion of a Section 106 agreement.

### **Heads of Terms to be secured by S106 legal agreement** **HCC Growth and Infrastructure**



- Contribution towards first school provision (£2,428,211 (which includes land costs of £192,448) index linked to BCIS 1Q2022)
- Contribution towards expansion of Edwinstree Middle School and/or provision serving the development (£1,461,829 index linked to BCIS 1Q2022)
- Contribution towards expansion of Freman College and/or provision serving the development (£1,823,505 index linked to BCIS 1Q2022)
- Childcare Contribution towards a new 0-2 childcare setting in Buntingford, or increasing the capacity at Buntings Nursery, and/or provision serving the development (£16,525 index linked to BCIS 1Q2022)
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Buntingford First School and/or provision serving the development (£2,987 index linked to BCIS 1Q2022)
- Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£258,244 index linked to BCIS 1Q2022)
- Library Service Contribution towards increasing the capacity of Buntingford Library and/or provision serving the development (£69,100 index linked to BCIS 1Q2022)
- Youth Service Contribution towards detached youth work in Buntingford and/or provision serving the development (£43,485 index linked to BCIS 1Q2022) Waste Service Transfer Station Contribution towards the new provision at Eastern Transfer Station and/or provision serving the development (£21,084 index linked to BCIS 3Q2022)

#### HCC Transport

- Travel Plan;
- financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford;
- £250,000 towards Herts Lynx on demand service;
- sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system;
- S278 agreement with regard to off site highway works.
- CAVAT assessment of highways trees to be undertaken with associated tree planting compensation or financial contribution.

#### EHDC contributions

- Recycling Contribution - financial contribution required per Dwelling and calculated £72 per individual dwelling and £76 per dwelling with communal facilities (PLUS INDEXATION from Oct 2008 to be added)

- Allotments contribution of £35,371.00, payable on identified Occupation triggers and RPI Indexed from May 2020.
- Buntingford Community Transport Scheme (BCAT) Contribution - financial contribution based on a maximum of 200 Dwellings = £100,000. Payable on identified Occupation triggers and RPI Indexed from date of resolution.
- Community Centres and Village Hall contribution - financial contribution based on a maximum of 200 Dwellings = £138,574.00 – “towards the provision of facilities, improvements, and maintenance of the Seth Ward Community Centre and/or other community centre
- facilities within Buntingford including Norfolk Road Sports Pavilion, payable on identified Occupation triggers and RPI Indexed from May 2020.
- Fitness Gyms Contribution - financial contribution based on a maximum of 200 Dwellings = £50,877.00 - for Fitness gym provision and improvements – “towards the costs of provision of facilities, improvements, and maintenance to the fitness gym space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor fitness gym facilities as used by the residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.
- Studio Space Contribution - financial contribution based on a maximum of 200 Dwellings = £21,017.00 – “towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor sports and fitness facilities as used by the residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.
- Swimming Pool Contribution - financial contribution based on a maximum of 200 Dwellings = £117,069.00 - “towards the provision of facilities, improvements, and maintenance of the swimming pool facilities Grange Paddocks Leisure Centre and/or at the Ward Freman Pool (if applicable) as used by the residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020
- Bowls Contribution - financial contribution based on a maximum of 200 Dwellings = £48,170.00 - “Towards the costs of provision, improvement and maintenance of Bowls Club facilities including bowling green and clubhouse at Buntingford Bowls Club and/ or any other local Bowls Club (including indoor bowls) as used by residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.

- Outdoor Tennis Contribution – financial contribution based on a maximum of 200 Dwellings = £33,000.00 – “Towards the costs of provision, improvement, and maintenance of the outdoor tennis courts facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields and/or other facilities as used by residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.
- Playing Pitches Contribution – financial contribution based on a maximum of 200 Dwellings = £104,719.00 (amount based on Sport England calculations for grass pitches) – “Towards the costs of provision of facilities, improvements, and maintenance of the playing pitches at Luyne Rise Recreation Area and/or towards proposed public playing pitches as outlined in the Buntingford Community Area Neighbourhood Plan 2014-2031 as used by the residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.
- Sports Hall Contribution - financial contribution based on a maximum of 200 Dwellings = £114,481.00 - “Towards the costs of provision of facilities, improvements, and maintenance of the Norfolk Road Sports Pavilion and/or other community sports halls including indoor sports provision at the Seth Ward Community Centre as used by the residents of the development.” Payable on identified Occupation triggers and RPI Indexed from May 2020.

#### NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development of £352,600.00 (may not be required if new medical centre delivered prior to housing).

#### Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Details of longer-term stewardship, maintenance and managements
- Off site highway improvement works (likely covered by separate S278 agreement with highway authority)
- Medical centre to be delivered in conjunction with first phase of residential development

#### Section 106 Monitoring fees

EHDC Monitoring fee: £4,200.00 (14 EHDC obligations x £300 + £300)

HCC Monitoring fee

## **Conditions**

### Time Limit (phase 1 medical centre)

1. Phase 1 (medical centre) of the development hereby permitted shall be begun before the expiration of 3 (three) years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### No commencement until reserved matters approved

2. No following phases (excluding phase 1) of the development (other than Preliminary Works) (as set out in the approved Phasing Plan) shall be begun until Reserved Matters approval for that Phase, Subphase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.

Reason: The application as submitted does not give particulars for some phases sufficient for consideration of the Reserved Matters.

### Submission of reserved matters

3. Applications for approval of Reserved Matters, namely details of layout, scale, appearance, and landscaping (hereinafter called "the Reserved Matters") for all following phases (excluding phase 1) shall be made to the Local Planning Authority no later than 3 years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Commencement within 2 years (reserved matters)

4. All following phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last Reserved Matters.

Reason: To comply with the requirements of Section 92(2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

### Approved Plans

5. The development hereby approved shall be carried out in accordance with the approved plans listed below:

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications: Location Plans and updated Parameter Plan by Stantec (RG-M-12-C; RG-M-13-B; RG-M-13-BRG-M-14 RevB); medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406); Tree Constraints / Protection Plans (2145-KC-XX-YTREE-TPP01RevO; 2145-KC-XX-YTREE-TCP01RevO); Drainage Plans (001B; 002B; 003B).

#### Scope of development

6. The outline element of the development hereby permitted is for around (not materially different to) 200 Residential Units (Use Class C3).

Reason: In order to comply with the provisions of the outline planning permission including the parameters assessed, considered, and established by this permission.

#### Delivery of medical centre

7. No residential dwellings within the development (excluding phase 1) hereby approved shall be occupied, until details of the fit out of the Medical centre within phase 1 have been submitted for approval to the local planning authority. The medical centre shall be constructed and fitted out in accordance with the approved details, prior to the later of i) occupation of any residential units within the development (excluding phase 1), or ii) such phasing as agreed in writing pursuant to condition 8 (phasing plan).

Reason: To ensure delivery of social infrastructure to meet the requirements of Buntingford, in advance of housing development, as envisaged by the planning application in accordance with District Plan policies DPS4 and CFLR9

#### Pre-commencement

#### Phasing plan

8. Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority prior to commencement of any part of the development. The Phasing Plan shall include the following: a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development; b) A timetable for the delivery of the development and associated infrastructure;

and, c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure. No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority.

Reason: To ensure that the development is delivered and developed in a manner which is coherent and compliant with Development Plan policies.

### Design Code

9. No Reserved matters shall be approved until a Design Code has been submitted and to and approved by the Local Planning Authority. The Design Code shall be produced in general accordance with the approved documents, DAS, and associated planning conditions. The Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village. As a minimum the code shall include principles for the following:

1. Design

- Block structure
  - Public Realm
  - Green and blue infrastructure including multifunctional SuDS
  - Routes and movement network, integrating with the wider movement network
  - All modes parking typologies
  - Street hierarchy and character types
  - Land uses
  - Density ranges
  - Building heights
  - Edges, nodes, and gateways
  - Frontage, access, and servicing
  - Built form
  - Identity
  - Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification
  - Indicative materials palette
  - Indicative Planting strategy
2. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.
3. Design Code Compliance Checklist.

All subsequent Reserved Matters shall accord with the approved Design Code and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.

Reason: In order to achieve a coordinated approach to development and high quality design outcomes in accordance with policies, DES1 and DES4 of the East Herts District Plan.

#### Construction Traffic Management Plan

10. Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall 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; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.

#### Phase II ground investigation report / remediation scheme

11. No development within in each phase of development shall commence until the following are submitted to and approved by the local planning authority: 1) 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. The relevant phase of development shall thereafter be undertaken in accordance with these approved details.

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 to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

#### Archaeology

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

Reason: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

#### Detailed design of surface water drainage scheme for Medical Centre

13. Prior to the commencement of development for the medical centre (phase 1), construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA and Drainage Strategy (dated August 2024, REF 410.065125.00001 UK.055150 04) and Technical Note (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF, Policies of East Herts Borough Council.

#### Detailed design of surface water drainage scheme (excluding phase 1 medical centre)

14. Prior to or in conjunction with the submission of each reserved matters application (excluding phase 1 medical centre), in accordance with the



submitted FRA and Technical Note (Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy, dated August 2024, REF 410.065125.00001 UK.055150 04) and (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) to show viability of soakaways and be undertaken along the length and proposed depth of any infiltration feature/s and representative geographical spread across the site.

or

A. Eastern Catchment: If infiltration is proven to be unfavourable, then Greenfield runoff rates and volumes for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

and

B. Western Catchment: If infiltration is proven to be unfavourable, runoff rates and volumes will be restricted to a total of 5 l/s for all development including the full application medical centre, to the spur in the development to the west.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).

III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.

- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.

- All supporting calculations will include the use of the CV value of 1 for impermeable areas, urban creep allowances and the most up to date rainfall parameters (FEH13 or FEH22).

IV. The design of the infiltration / attenuation / detention basin will incorporate an emergency spillway and any drainage structures include

appropriate freeboard allowances. Drawings to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

V. Finished ground floor levels of properties are a minimum of 300mm above expected design flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including the provision of source control, above ground green infrastructure and appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### SUDS phase plan

15. Prior to or in conjunction with the submission of each Reserved Matters application (excluding phase 1 medical centre) a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of

#### Interim drainage measures

16. Development shall not commence on any phase until details and a method statement for interim and temporary drainage measures during the

demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

#### Details of alteration to watercourses

17. Prior to or in conjunction with any reserved matters submission for any phase (excluding phase 1 medical centre), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes). Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that they are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans, prior to the first occupation of the development, and shall be retained and maintained in this condition thereafter.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

#### Broadband Connectivity

18. Prior to the commencement of each phase hereby approved, apart from enabling works, details of the measures required to facilitate the provision of high-speed broadband connections for that phase 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 Policies ED3 and DES4 of the East Herts District Plan 2018 and the NPPF.

#### Site Waste Management Plan

19. Prior to the commencement of each phase hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to, for that phase. The development shall be carried out in full accordance with the approved SWMP.

Reason: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

#### Construction Environmental Management Plan

20. Prior to the commencement of each phase of the development hereby approved, a Construction Environmental Management Plan (CEMP), detailing how emissions with the potential to adversely impact the local air quality are to be mitigated throughout construction works for that phase, shall be submitted to, and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved CEMP for the duration of the construction process for that phase.

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

#### Surface water drainage away from the highway

21. Prior to the commencement of any phase of the development hereby permitted, details for that phase of the arrangement for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway must be submitted to the Local Planning Authority.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

### Materials

22. Prior to the commencement of each phase of the development, with the exception of below ground construction works, details and specifications of all the external materials of construction and finishes for that phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

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

### Sustainable Design

23. Prior to the commencement of any above ground construction works for each phase, details of the sustainability measures to be incorporated within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall be based on the recommendations of the Energy Strategy Statement (Prepared by: Briary Energy, Dated: July 2023) and shall include details of:

- Energy efficient construction techniques;
- Energy efficient lighting and fittings;
- Services and controls;
- Efficient energy supply (including details of air source heat pumps);
- Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and
- Compliance with the Future Homes Standard (unless otherwise agreed)
- BREEAM rating (no less than 'excellent' unless otherwise agreed)

Thereafter, the development shall be implemented and maintained, in accordance with the approved details.

Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

### Off site highway works

24. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for

the offsite highway improvement works as indicated on drawings numbered (ITL19023-GA-011 Rev A, ITL19023-GA-012 Rev A) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements. Such scheme must include:

- A minimum 1.8m width footway on the northern side of Hare Street Road between the site and Pipkin Avenue.
  - Bus shelters, kessle kerbs and real time information boards at the proposed eastbound and westbound bus stops on Hare Street Road.
- (Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Rights of Way

25. A) Design Approval: Excluding phase 1 (medical centre), notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction Prior to the first occupation/use of the relevant part of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be installed, retained and maintained thereafter.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### On-Site Highway Design

26. No development shall commence until full details have been submitted to and approved in writing to the Local Planning Authority that the on-site highways will be design for a 20mph speed limit in-line with the HCC Highways Place and Movement Planning and Design Guide.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

Prior to Occupation / commencement of the use

Traffic Regulation Order

27. Prior to the first occupation / use of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on drawing number TL19023-GA-011 Rev A must be secured and implemented to the satisfaction of the HCC Speed Management Strategy Group.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

Maintenance and management of SUDS

28. No phase of development hereby approved shall be occupied until details of the maintenance and management of the sustainable drainage scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

SUDS verification report

29. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

External Lighting

30. Prior to the first occupation of each phase of the development hereby approved, details of any external lighting proposed in connection with each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

Ground contamination validation report

31. Prior to first occupation / use of each phase of development the following shall be submitted and approved by the local planning authority: 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 to and approved by the Local Planning Authority 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 to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

### Parking Spaces

32. Prior to first occupation use of each phase of the hereby approved development, details of car / cycle parking provision for each phase, which shall have regard to the Councils Vehicle Parking SPD shall be 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

33. Prior to the first occupation of each phase of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, for that phase shall be 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 thereafter. No dwelling shall be occupied / use commenced until the EVCP serving that dwelling / use has been installed.

Reason: In the interests of promoting use of electric vehicles, in accordance with Policies DES4 and TRA1 of the East Herts District Plan 2018.

### Refuse Stores

34. Prior to the first occupation / use of each phase of the development hereby approved, details of waste and recycling stores shall be submitted for approval to the local planning authority. Thereafter, the refuse stores shall be retained. Prior to first occupation / use of that phase.

Reason: To ensure adequate refuse storage is provided, in accordance with Policy DES4 of the East Herts District Plan 2018.

### Foul drainage capacity

35. No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. 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 3. 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.

### Play Spaces

36. Prior to the first occupation of the following phases of the development hereby approved (excluding phase 1), details of the proposed Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a site plan showing the detailed layout of the play spaces;
- scaled drawings of new play equipment and furniture;
- scaled drawings of any boundary treatments; and
- information on any surface coverings.

No dwelling within the phase hereby approved shall be occupied until the LEAP and LAP have been installed in accordance with the approved details.

Reason: To ensure the provision of high-quality play spaces, in accordance with Policies DES4 and CFLR1 of the East Herts District Plan 2018.

### Landscaping

37. Prior to the first occupation / use of each phase of the development hereby approved, full landscaping details for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Hard surfacing materials;
- Soft landscaping proposals;
- Retained landscape features;
- Planting plans detailing schedule of plants, species, planting sizes and density of planting.; and
- An implementation timetable.

Thereafter, the site covered by that phase shall be landscaped in full accordance with the approved details and implementation timetable.

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).

#### Landscape Maintenance

38. Prior to the first occupation / use of each phase of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years, following completion of that phase of the development, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

Reason: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

#### Biodiversity Net Gain Plan and Landscape Environmental Plan

39. Prior to the first occupation / use of each phase development hereby approved, a Biodiversity Net Gain Plan and Landscape Environmental Management Plan (LEMP), informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This Biodiversity Net Gain Plan and LEMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

- Descriptions and evaluations of features to be managed;
- Aims and objectives of management;
- Appropriate management options for achieving target condition for habitats as described in the metric;
- Details of management actions;
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- Details of species and mixes selected to achieve target habitat conditions as identified in the metric.

The phase of development shall be implemented and retained in full accordance with the approved Biodiversity Net Gain Plan and LEMP.

Reason: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

#### Ecological Enhancements

40. Prior to the first occupation / use of each phase of development hereby approved, details of the ecological enhancements on that phase of the site, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal, shall be submitted to, and approved in writing by the Local Planning Authority. No occupation / first use for that phase shall take place until the approved details have been implemented in full.

Reason: In order to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

#### Footpath connections

41. No phase of the hereby approved development which includes pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway for that phase shall be occupied / use commenced until details of any relevant pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway for that phase have been submitted for approval to the local planning authority. The relevant phase of development shall not be occupied / use commenced 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.

#### Reserved matters mix of unit sizes

42. Concurrent with the submission of reserved matters for each following phase (excluding phase 1), the housing mix for that 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

### Travel Plan Statement

43. At least two months before first occupation / use of each phase, a Travel Plan Statement 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.

### Fire Hydrants

44. Prior to occupation / use of each phase of development details of fire hydrant provision for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented, retained, and maintained in full prior to first occupation / use of the development.

Reason: In order to make adequate provision for fire hydrants and to ensure fire safety for future occupiers.

### BREEAM post construction stage assessment

45. Within 2 months of first use of phase 1 (medical centre) of the hereby approved development, a BREEAM post construction stage assessment shall be submitted to and approved in writing by the local planning authority demonstrating achievement of a minimum BREEAM 'excellent' rating.

Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

### Noise mitigation measures

46. Prior to first occupation / use of each phase of development closest to the southern boundary of the site, details of noise mitigation measures, to ensure internal noise levels within that part of development accord with relevant standards shall be submitted to and approved by the local planning authority. The hereby approved details shall thereafter be implemented, retained and maintained in perpetuity.

Reason: in order to safeguard the amenity of future occupiers.

#### Medical centre cycle parking

47. Prior to commencement of the use of medical centre (phase 1) a detailed scheme for the Cycle Parking including provision for mobility impaired / wider cycles and security measures are submitted to and approved in writing by the Local Planning Authority.

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

#### Compliance Conditions

##### Active travel route along southern site boundary

48. Any future Reserved Matters application must include a DfT LTN/120 compliant active travel route along the southern boundary of the site (parallel to Hare Street Road) and must link to the eastern boundary, alongside providing a transition at the south east corner of the site onto Hare Street Road.

Reason: To ensure the construction of a satisfactory and sustainable development in accordance with Policies 1 and 5 Hertfordshire's Local Transport Plan (adopted 2018).

##### Accessible and Adaptable Dwellings

49. 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.

##### Wheelchair User Dwellings

50. At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) '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.

#### NDSS

51. 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

#### Checklist against Buntingford Neighbourhood Plan Design Code

52. Reserved matters applications shall be accompanied by a checklist against the Buntingford Neighbourhood Plan Design Code.

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

#### Landscaping Implementation

53. 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 maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

#### Tree and Hedge Retention

54. 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 Policies DES3 and NE3 of the East Herts District Plan 2018.

#### Tree Protection Plan

55. The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan XXXXX.

Reason: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

#### Previously Unidentified Contamination

56. 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. Thereafter, the remediation strategy shall be implemented as approved.

Reason: To ensure that the development does result in risk of water pollution and in the interests of ensuring that the occupiers of the development are not at risk from unidentified contamination sources, in accordance with Policies WAT3 and EQ1 of the East Herts District Plan 2018.

#### Hours of construction

57. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs 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.

#### Residential Cycle Parking in accordance with HCC design Guide



58. The proposed cycle parking for the Outline element of the application must be designed in line with the best practices set out in HCC's Highways Place and Movement Planning and Design Guide and the DfT's LTN1/20.

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

## **Informatives**

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 Waters Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk) Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

AN1) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN2) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using

the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN3) 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.

AN4) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application [access to medical centre and active travel links] as maintainable at the public expense then 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. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's 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.

AN5) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed

and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available

on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any

engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

## DEVELOPMENT MANAGEMENT COMMITTEE – 13 NOVEMBER 2024

<b>Application Number</b>	3/24/0294/FUL
<b>Proposal</b>	<p>a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval.</p> <p>b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans</p>
<b>Location</b>	Land North of Hare Street Road Buntingford Hertfordshire
<b>Parish</b>	Buntingford Parish Council
<b>Ward</b>	Buntingford

<b>Date of Registration of Application</b>	27 <sup>th</sup> February 2024
<b>Target Determination Date</b>	31 <sup>st</sup> July 2024
<b>Case Officer</b>	Steve Fraser-Lim

### **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 a) Outline approval for a residential development for around 200 new market and affordable homes, including self-build and custom build homes, new public open space, new ecological areas and other public realm, new pedestrian, cycle and vehicular networks within the site, potential pedestrian connections to The Causeway and Aldridge Way, and associated drainage and SuDs infrastructure. With all matters reserved for later approval. b) Full planning approval for the construction of new Medical Centre, car parking area, related drainage, and SuDs infrastructure, with associated access to Hare Street Road

and enabling works to the existing highway, as defined on the Land Use Parameter and Detailed Access Plans

- 1.2 The site is not specifically allocated for any use or development within the East Herts District Plan 2018 and is outside of but adjacent to the Buntingford Settlement Boundary. As such the site is within the 'rural area beyond the greenbelt'.
- 1.3 The application site measures circa 13.34 hectares in area and comprises undeveloped agricultural land to the north side of Hare Street Road and the south side of the Causeway, on the eastern edge of Buntingford. An earlier recent residential development adjoins the site to the west and agricultural land adjoins to the east.
- 1.4 The application as submitted comprised the following plans for approval:
  - Site and parameter plans by Stantec: (RG-03-1-P; RG-M-11-B; RG-M-12-C; RG-M-13-B)
  - Detailed plans and elevations of the medical centre by BM3 Architects: (D001 RevA; D002 RevD; D003RevB; D004 RevA; D100 RevD; D101 RevD; D102; D200; D201RevA; D202 RevA; D300 RevA; D301; D400 RevA;
  - Detailed landscape plans for full planning application site area (P23-116-EM-0013-B-0001-HPP; P23-116-EM-0013-B-0001-PP; P23-116-EM-0013-B-0002-PP; P23-116-EM-0013-B-0003-PP; P23-116-EM-0013-B-0004-PP)
- 1.5 In addition, the following documents have also been submitted as supporting documents:
  - Illustrative masterplan by Stantec (ref: RG-M-08-H)
  - Design and Access Statement (whole site) by Stantec
  - Design and Access Statement (medical centre) by BM3
  - Planning Statement by Turley
  - Statement of Community Involvement by Turley
  - Transport Assessment by I Transport
  - Flood Risk Assessment and Drainage Strategy by SLR
  - Ecology and Biodiversity Assessment by Ecology Solutions
  - Heritage Archaeology Assessment by CSA Environmental
  - Air Quality Assessment by SLR
  - Energy and Sustainability Statement by Stantec
  - Noise Assessment by SLR

- Landscape Visual Impact Assessment (LVIA) by Pegasus
- Arboriculture Assessment by Keen
- Utilities Assessment by SLR
- Economic Benefits and Social Value Statement by Stantec.
- Site access plan by I Transport

1.6 Following receipt of neighbour / consultee comments during the first round of consultation, revisions / additional information in connection with the application were provided on the 9<sup>th</sup> August and included the following:

- Updated Flood Risk Assessment and drainage strategy by SLR dated 7<sup>th</sup> August to respond to LLFA comments.
- Updated Parameter Plan by Stantec (RG-M-14 RevB, to supersede RG-M-11-B), including more detail on different character areas across the site, location of key buildings, street types and street tree planting.
- Updated Biodiversity Metric, to respond to HCC ecology.
- Revised medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406). Design changes improve the appearance of the south elevation of the building facing Hare Street Road.
- Updated Design and Access Statement (RevC Medical Centre) by BM3 to explain design changes
- Transport Assessment Addendum by I Transport dated 7<sup>th</sup> August, submitted in response to HCC highways comments, and illustrating improvements to walking cycling routes along Hare Street Road to the site.

1.7 The main issues for consideration are:

- Principle of housing development
- Acceptability of the proposed medical centre in this location
- Transport
- Urban design / architecture / landscape
- Landscape impact
- Impact on heritage assets
- Drainage
- Ecology / Biodiversity
- Air / Ground pollution
- Sustainability

- Socio economic impacts
- Infrastructure requirements
- Planning Balance

1.8 All of the above plans and documents have been considered as part of the assessment of this planning application and committee report.

## **2.0 Site Description**

2.1 The site comprises agricultural fields, outside of but at the periphery of the eastern edge of Buntingford. Hare Street Road bounds the site to the south and The Causeway bounds the site's northern edge. Recent housing developments dating from circa 2017 adjoin the site to the west (Taylor Wimpey) and on the opposite side of Hare Street Road to the south (Wheatley). These sites comprise the current extent of the built-up area of the eastern side of Buntingford, as further agricultural fields adjoin to the east.

2.2 The northern part of the site is in proximity to Buntingford Conservation Area. The group of trees along the northern boundary of the site with The Causeway is protected by a Tree Preservation Order (TPO) (152-G4). The site is identified as an Area of Archaeological Significance. The site is outside of but adjacent to the Buntingford settlement boundary, within the East Herts District Plan 2018. The site is adjacent to designated open space (allotments). The site falls within the 'rural area beyond the green belt' within the East Herts District Plan 2018 and comprises grade 2 (Best Most Versatile) agricultural land. The site was included within the Strategic Land Availability Assessment (SLAA) as part of the evidence base for the 2018 District Plan.

## **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 site has not been allocated within the district plan and has not been subject to a formal masterplan process, and there is no adopted Masterplan Framework for the site. However, the design proposals have evolved through a staged process which has included pre-application engagement with the local planning authority, NHS Integrated Care Board, Hertfordshire County Council Highway Authority and other stakeholders. A pre-application public consultation event was also held prior to submission of the application.
- 3.3 A Hertfordshire Design Review (DR) was held on 26<sup>th</sup> January 2024, to discuss the emerging design of the proposed development, including the design of the medical centre and the overall masterplan for the site. The feedback from the DRP discussions has informed the design development of the proposals.
- 3.4 The applicants have submitted a Statement of Community Involvement, as well as information within the Design and Access Statements, which sets out the steps undertaken to engage with the local community and stakeholders, to ensure high quality design is embedded within emerging proposals.
- 3.5 In addition, the application was subject to a petition request that the proposals should be debated at a Development Management Forum (DMF) meeting. The DMF took place on 31<sup>st</sup> July 2024. The petitioner's main concerns which were raised at the meeting were as follows:
- The proposal should be looked at as part of the District Plan review, not as part of a premature planning application, and the application should therefore be determined against the current Neighbourhood Plan and District Plan;
  - Buntingford has limited infrastructure and the site is not in a sustainable location for new housing;
  - The location of the proposals would harm the Ribb Valley setting and landscape setting of this part of Buntingford;
  - There is insufficient Infrastructure in the town to support the development, in particular drainage, sewage and transport infrastructure.



3.6 In response the applicant team noted that:

- The key driver for the applicants and petitioners in favour is a sustainable Medical Centre capable of meeting demographic change;
- The proposed medical building has been altered to reflect local architecture and will be designed to be sustainable with a BREEAM 'excellent' rating;
- The proposals include active / public transport improvements including footpath to the site, pedestrian linkages and a bus stop;
- The current surgery is deemed not fit-for-purpose, with no opportunity to extend, other sites are not suitable and there is no plan b for an alternative site;
- The Buntingford Medical Practice is under time pressure to find alternative premises quickly and cannot wait to promote the site through the District Plan review process;
- Housing will help deliver East Herts housing target requirements and achieve 40% affordable housing.

3.7 The applicants have responded to the DMF debate through submission of additional information with regard to; surface water drainage, transport information with regard to active travel connections to the site, and changes to the parameter plan to introduce different density ranges across the site with a lower density in the eastern part of the site which was most visible from the rural area to the east.

#### **4.0 Planning History**

4.1 The land has historically been in agricultural use with limited planning history. Planning permission was granted for 160 dwellings and allotments to the west of the site, which extended the settlement boundary eastwards, following an appeal to the Planning Inspectorate in January 2014 (ref: 3/13/1000/FP). This application included change of use of part of the current application site to a cemetery accessed from The Causeway. The housing and allotments have since been constructed by the same Applicant proposing this new development, but not the cemetery, which has since been provided on an alternative site.

4.2 In addition, an outline application for development of 350 dwellings, with up to 4,400 sq m of commercial and services floorspace (Use Class E and B8) and up to 500 sq m of retail floorspace (Use Class E) and other associated works (ref/23/1447/OUT) was refused by the Council.

The application was subject to an appeal to the Planning Inspectorate and considered at a recent public inquiry (appeal ref: APP/J1915/W/24/3340497). The Planning Inspectors decision letter was released on 22<sup>nd</sup> of August allowing the appeal. This appeal decision is significant in terms of providing advice from the Planning Inspectorate to the Council on the weight to be attached to various planning considerations for new housing development in Buntingford, and a snapshot of the Councils 5-year housing land supply position. The Inspectors decision considered that the Council could only demonstrate a supply of 4.2-4.49-year housing land supply at the time of the Inquiry.

## 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 Buntingford Community Area Neighbourhood Plan (Adopted May 2017) (NP).

<b>Main Issue</b>	<b>NPPF</b>	<b>DP policy</b>	<b>NP policy</b>
Principle / type / mix / quality of Housing Development	Chapters 5, 11	INT1, DPS1, DPS2, DPS3, DPS4, DPS5, GBR2, BUNT1, HOU1, HOU2, HOU3, HOU7, HOU8	HD1, HD2, HD4 HD7,
Principle of medical centre / social infrastructure	Chapter 5	DPS4, DPS5, GBR2, CFLR9	INFRA1
Design / landscape	Chapters 8,11 and 12.	HERT3, DES1, DES2, DES3, DES4, DES5, HA1	ES1, HD2, ES8
Transport	Chapter 9	TRA1, TRA2, TRA3, CFLR3	T1, T2, T3, T4, T6,
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA4, HA7	HD6
Sustainability and Climate Change	Chapters 2, 14	CC1, CC2, WAT4	ES3, INFRA5
Trees / Ecology Biodiversity	Chapter 15	DES2, NE1, NE2, NE3, NE4	ES1; ES5, ES7, ES8
Open / green / amenity space / sports provision		CFLR1, CFLR9, NE4	ES5, ES8

Flood Risk and Drainage	Chapter 14	CC1, NE4, WAT1, WAT2, WAT3, WAT4, WAT5, WAT6	INFRA4
Environmental impacts (noise / air ground / light	Chapter 15	EQ1, EQ2, EQ3, EQ4	
Neighbour Amenity	Chapter 12	DES2, DES3, DES4, DES5, EQ2, EQ3, EQ4	LR3, ES5

## 5.2 Equality Act 2010

Section 149 of the Equality Act (2010) confirms that a Public Sector Equality Duty (PSED) came into force in April 2011 and requires the Council to consider the equality impacts on all protected groups when exercising its functions. In the case of planning, equalities considerations are factored into the planning process at various stages. The first stage relates to the adoption of planning policies (national, strategic, and local) and any relevant supplementary guidance. The policies and guidance referenced in the committee report and this updated report have all been subject to an equalities impact assessment (EqIA) therefore, the planning policy framework is considered to meet the first stage in the process. Officers have duly considered the equalities impacts on protected groups in the context of the development proposals, subject to this planning application which is set out in Section 8 of this report.

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

5.4 Other relevant Policy Considerations include the adopted, 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

6.1 The following consultee responses have been received and considered as part of the preparation of this report:

6.2 HCC Highway Authority: The DFT decarbonisation plan sets a target that 50% of journey's within towns and cities are walked or cycled. Given the limited scale and range of services available in Buntingford,

the applicant's Transport Assessment does not consider this to be achievable but sets a target for increase of trips by sustainable modes from one fifth to a third of journeys arising from the development. As such a range of sustainable transport measures in terms of improved footway / cycleway connections and improvements to bus services are required to achieve this vision.

- 6.3 Following submission of additional information to address initial concerns and subject to sustainable transport measures being secured by the following planning conditions / S106 obligations the Highway Authority raised no objection to the grant of planning permission.
- 6.4 Conditions regarding the following are requested: active travel connection to the east; Traffic Regulation Order change to speed limit; offsite highway works; public rights of way details; car and cycle parking details; construction management plan; on-site highway design.
- 6.5 In addition the following planning obligations as part of S106 agreement are also requested to mitigate transport impacts: travel plan; financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford; £250,000 towards Herts Lynx on demand service; sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system; S278 agreement with regard to off-site highway works.
- 6.6 HCC Historic Environment Unit The archaeological work to the north of the road has progressed further, and this area has undergone geophysical survey (Archaeological Services WYAS 2012), trial trenching (Northamptonshire Archaeology 2012, Oxford Archaeology East 2014) and subsequent open-area excavation (Oxford Archaeology East 2015). An area directly to the north of the road and west of the proposed development site, was subject to open area excavation, and this excavation revealed Middle and Late Iron Age ditches, pits, and a probable Middle Iron Age roundhouse, along with some Roman pits. The Middle Iron Age features are of high significance, as this period is poorly represented in Hertfordshire, and several of the ditches contained large quantities of pottery of this date, which is extremely rare in the county.

- 6.7 As such a planning condition is required to secure a programme of archaeological evaluation (in the form of trial trenches) of the proposed development site, prior to any development commencing.
- 6.8 HCC Ecology Application can be determined with no Ecology Objections. BNG information is sufficient for determination, showing a 13.02% Net Gain which exceeds requirements and there is no reason to believe that the Biodiversity Net Gain Condition will not be met.
- 6.9 HCC Minerals and Waste Authority – Recommend condition requiring preparation of Site Waste Management Plan for the construction period.
- 6.10 HCC Lead Local Flood Authority All drainage queries raised by the LLFA in relation to the medical centre have been addressed and this element of the application can be granted subject to conditions regarding: drainage system construction details; interim drainage measures; management and maintenance details; verification reports.
- 6.11 Unless there is sufficient evidence that the drainage network in the existing development to the west can accommodate greater than 5 l/s, the LLFA raise serious concerns over whether the rest of the outline application site can discharge to the western outfall at a total of 5 l/s (i.e. 3.7 l/s for the Medical Centre and 1.3 l/s for the dwellings).
- 6.12 If the LPA is minded to grant permission for the outline application, LLFA have serious concerns over achievability of a very low discharge rate for the western catchment. We strongly recommend more information is provided regarding the allowance for discharge into the neighbouring development before permission is granted, to ensure that flood risk is not increased by the building of this development. However, we do offer potential conditions if the LPA is minded to grant permission. These conditions include requiring evidence of the details of drainage design including restriction of not more than 5l/s discharge in drainage system of the adjacent site; SUDS phasing plan; interim drainage measures; maintenance and management; verification report; details of any proposed watercourse alteration;
- 6.13 HCC Growth and Infrastructure – Request the following contributions to meet the needs of the development, in accordance with adopted guidance: First Education Contribution (£2,428,211 (which includes land costs of £192,448); Nursery / middle school Education contribution (£1,461,829); Upper Education Contribution (£1,823,505); Childcare Contribution (£16,525); Childcare Contribution towards increasing the

capacity of 5-11 year old childcare facilities at Buntingford First School (£2,987); Special Educational Needs and Disabilities (SEND) Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) (£258,244); Library Service Contribution (£69,100); Youth Service Contribution (£43,485); Waste Service Transfer Station Contribution (£21,084); Monitoring Fees.

- 6.14 EHDC Landscape Advisor The proposals will impact on the context of the settlement edge of Buntingford and Hare Street Road due to the loss of the arable land and replacement of these areas with built development. The submitted assessment of impacts on landscape character has identified that the significance in its local landscape context would be 'moderate to major adverse' at completion (Year 1), falling to 'moderate adverse' at Year 15. The landscape strategy for mitigation includes provision of green infrastructure and open space and new landscape planting, that should visually help to contain the proposed development over time, as well as to deliver the fabric associated with BNG. However, the size and scale of change is large due to the extent and proportion of loss of existing landscape elements and the degree of alteration to aesthetic or perceptual aspects. Duration of impacts would be long term and reversal of the impact is not likely and in practical terms would not be achievable.
- 6.15 EHDC Environmental Health (Land / Air): Recommend conditions regarding contaminated land risk assessment, low emission boilers, EV charging provision, Construction Environmental Management Plan.
- 6.16 EHDC Conservation and Urban Design: The site is located to the east of Buntingford outside its settlement boundary. The topography is gently sloping east and west with a central ridge running north-south along the public bridleway (Buntingford 13) through the site. The landform of the site where it creates a west facing slope relates more strongly to the existing settlement edge to the east, and the design responds to this in terms of the placement of the medical centre and proposed density within the settlement blocks.
- 6.17 Given the scale of the site, it has been possible to incorporate generous areas of green infrastructure around the site, with the settlement contained well within this, allowing physical and visual containment of the proposed development. This is welcomed.
- 6.18 Designated heritage assets in the surroundings include Buntingford Conservation Area, the Grade II\* listed Former Church of St

Bartholomew, and Grade II listed buildings at Alswick Hall. However, the former is fairly distant from the site, and it is anticipated that no harm will be caused to its setting. With regards to the Grade II listed buildings at Alswick Hall, the existing and proposed landscape infrastructure and trees between this heritage asset and the development will provide mitigation, and any impact of the development on views towards these heritage assets would be at the lowest end of less than substantial level.

- 6.19 A parameter plan has been issued by the applicant which includes the principles of development block structure, landscape infrastructure extents, density, street hierarchy, primary frontages and landmark buildings and locations of SUDs features. The parameter plan subsequently issued by the applicant is considered acceptable for this outline application.
- 6.20 It is recommended that a design code should be submitted and approved as part of reserved matters stage. The Design code should be based on the structure in the parameters plan and design intent stated in the Design and Access Statement and other documents, and should provide further design principles as stated under recommended conditions below.
- 6.21 Amendments were also sought to the Medical centre design, the key ones being refinements to the roof pitch design and front gable to ensure an activated and interesting east façade fronting on to the open space, and an aesthetic presence when viewed from Hare Road. Subject to these changes the design of the Medical Centre is now acceptable.
- 6.22 EHDC S106 Contributions: Financial contributions sought in accordance with the Councils adopted SPD.
- 6.23 Environmental Services (Waste / Recycling). Recommend that planning permission is not granted at present as insufficient information has been provided with regard to the following: Vehicle tracking; waste provisions; No detailed plans of properties and access; No communal bin store locations; No information on pulling distances; Road surfacing/ paving.
- 6.24 Active Travel England: Development should be determined in accordance with ATE standing advice.

- 6.25 Thames Water: Regarding FOUL WATER sewerage network infrastructure capacity, have no objection to the above planning application, based on the information provided. The application indicates that SURFACE WATER 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.
- 6.26 Affinity Water: No comment received.
- 6.27 NHS Hertfordshire West Essex Integrated Care Board (HWE ICB): Express disappointment that this planning application has been submitted to East Herts District Council in the absence of any pre application engagement with the appropriate NHS body by the applicant. The HWE ICB fully recognises there is a need to address primary healthcare provision in Buntingford and its vicinity due to planned and unplanned growth in Buntingford. The HWE ICB is also fully supportive of the need for patient access to good health infrastructure for existing and new residents of Buntingford. Planned growth in Buntingford will result in additional demand for health services in Buntingford and its immediate vicinity, with the Buntingford Medical Centre impacted directly by an increase in patient numbers. The need to expand health facilities in the town has previously been identified. As such the HWE ICB has been in discussion with the Practice covering Buntingford, exploring options to increase primary care capacity, which could include extending or relocating the current practice to provide sufficient space to increase resources and clinical services. The HWE ICB is supportive in principle of the General Practice relocating its current practice, however, this is subject to a business appraisal of all options, including other possible relocation opportunities.
- 6.28 This planning application is therefore considered to be premature, advancing ahead of the NHS' own business case assessments, scrutiny, and due diligence processes. Therefore, the NHS needs to follow its own approval processes first, which can and should run alongside any pre application process, which in this case, for reasons unknown, did not happen. In reviewing the proposed medical centre design/specification plans and drawings, the HWE ICB's own assessment of the size of medical facility required for Buntingford, points to a need for a smaller facility/footprint, with less parking spaces. As such the size of the facility proposed is yet to be justified in a business case and supported by the HWE ICB.



- 6.29 Fire and Rescue: Have commented that a condition is required to secure hydrants and no cost to the council or fire and rescue.
- 6.30 CPRE - The land for this proposed development is identified as Rural Area Beyond the Green Belt in the adopted East Herts District Plan, which should be protected as a rural resource. The proposals would be inappropriate development within the Rural Area. The proposals are located outside of the settlement boundary in a location which previous inspectors considered unsuitable for development and would result in loss of grade 2 agricultural land. The town lacks a train station, and has limited public transport, and therefore the proposed housing and medical centre is unsustainable and will be dependent upon private car use.

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

- 7.1 Buntingford Town Council: Application was subject to public consultation and most respondents opposed the development. The proposed location for a new Health Centre is not considered suitable. The proposed location is at the top of a hill, outside of the settlement boundary of the town. Elderly residents, the disabled and parents with buggies would struggle to reach the location by foot, although the applicant and Herts County Council are promoting modal shift to walking and cycling. Alternative, sustainable sites have been suggested to the Partners and all have been dismissed.
- 7.2 The East Herts District Plan October 2018 states that the development of approximately 1,100 dwellings in Buntingford has been approved since 2011, therefore the development strategy for Buntingford is focused on seeking to ensure that the impact of development can be mitigated and managed within the overall infrastructure of the town. This application is contrary to policies in the NPPF, the East Herts District Plan October 2018 and the Buntingford Community Area Neighbourhood Plan.
- 7.3 Concerns are also raised regarding foul water sewage network infrastructure. The applicant is requesting permission to discharge foul water from the site into a local manhole in Hare Street Road. Thames Water has no objection to this, but foul water from the adjacent Taylor Wimpey site also discharges into this manhole. The submitted drainage plan shows that the foul water flows downhill east to west to a pumping station located in the western end of the site. When this pumping station is full the foul water is pumped back up the site, west

to east and into the manhole located on Hare Street Road. There is a smell of raw sewage around the area of the manhole and there is evidence of raw sewage flooding the bottom of Hare Street Road at its junction with Station Road to the west of the site.

- 7.4 It is noted from the drainage plan for this current application that a similar system is envisaged with a foul water pumping station being located to the east of this site. According to the drainage drawings submitted by the developer the foul water from this site will be pumped up hill from east to west and connect into the existing foul water network on the adjacent site, and then to the Sewage Treatment Works. The proposals will result in increased foul water discharge to a system which already struggles to cope with demand, particularly during rainfall events, resulting in discharges effluent into the River Rib which is a Chalk Stream, one of only 200 in the world, a valued environmental asset to the town.
- 7.5 Cllr David Woolcombe – The site lies outside of the Neighbourhood Plan settlement boundary, there are other more suitable sites for the medical centre. The inclusion of the medical centre in the development is a bribe not supported by residents.
- 7.6 Cllr Jeff Jones - The proposed development is outside the town development boundary and not a defined development site in the District and Neighbourhood plan for Buntingford. By allowing this application it would set a precedent for future development outside the town settlement boundary.
- 7.7 Cllr Sue Nicholls - The site falls outside of the Buntingford Community Area Neighbourhood Plan in a sensitive position on the eastern plateau above the Rib Valley. As such development in this location would adversely affect the landscape setting of the town. The proposals would also ignore requirements of the early planning permission for housing to the west, that there would be no further development to the east. Ridge heights on the approved development were limited to protect impacts on landscape in this area, which would be exacerbated by the development.
- 7.8 The application site is not a suitable location for the medical centre as it is located at the top of a hill outside of the town, and inaccessible for those wishing to walk to the surgery. Buntingford is also not a sustainable location for development as it lacks a train station, has limited public transport and a limited employment opportunities in the

town. As such these factors mean the proposals will result in increased unsustainable car journeys.

7.9 In addition, there is insufficient waste sewage capacity to meet the needs of recent housing development in the town, and this situation will be worsened by the proposals.

## **8.0 Summary of Other Representations**

8.1 In the first round of consultation many consultation responses have been received, including 731 objections, 6 comments and 33 in support of the application raising a wide number of issues, which are grouped in the following topics:

### **8.2 Principle of Development**

- The proposed development is contrary to the neighbourhood and district plans, outside the town boundary and on top of a hill. In addition, the council can demonstrate a 5-year Housing Land Supply so there is no justification for overriding the plan.
- Proposals will result in loss of agricultural land, which is needed to grow food.
- Buntingford has already been overdeveloped increasing congestion and this will worsen the situation.
- With an adequate plan for the area speculative developments of this type could be avoided.
- Buntingford is not a sustainable location for further new housing as it lacks a train station, has poor public transport and other health / education / leisure employment facilities are limited, resulting in car commuting.
- Buntingford has already received a lot of development, which affects community cohesion and needs to be absorbed and no more housing is required.
- There are other alternative sites in East Herts which are better suited to accommodate housing development as Buntingford has already delivered its quota.
- Housing such as this is not required.
- Proposals will result in harm to an area of outstanding natural beauty.
- Housing should be provided on the west side of the town where it will be more accessible from the bypass.

### Medical centre

- Redevelopment of the existing Medical Centre site or Nevetts would be preferable as these sites are more accessible.
- Locating the medical centre at the top of a hill, too far outside of the town centre will make it inaccessible, for young, old and those with health / mobility problems. As such the proposed location would increase car use.
- Using threat of medical centre closure and using the medical centre as leverage for housing is inappropriate.
- Public transport to take patients from the town centre to the site is inadequate.
- There are other more suitable sites in the town settlement boundary which can accommodate the medical centre.
- S106 financial healthcare contributions have been provided from other developments which should meet healthcare needs and therefore there shouldn't be a requirement for housing to fund a new medical centre.
- ICB should decide where medical centre is located not developers.
- There is no guarantee the new medical centre will be commissioned, fitted out and staffed.

### Transport

- The proposed cycle route will cross private drives.
- The footpath along Hare Street is unsuitable to meet the needs of the development.
- Speed limit changes / traffic calming is required along Hare Street Road.
- Proposals will result in excessive congestion on Hare Street Road, and the proposed junctions will result increased traffic accidents.
- Proposals will result in reduced accessibility for horses along the causeway and bridleways across the site.
- There will be increased vehicle traffic along the Causeway, in front of Layston Primary School from this and other housing developments.
- There will be increased congestion throughout the town, and connecting roads such as the A10, with increased risk of accidents.

### Drainage

- Drainage and sewerage infrastructure is struggling already and would be unable to cope with the additional demands of the development, resulting in increased sewage spills in the river Rib.
- Tankers already take away sewage twice a week and the proposals from the sewage works over the fragile Aspenden Bridge and the proposals would result in this increasing.
- The location of the proposed drainage basin will increase flood risk to neighbouring houses to the south, particularly as the existing basin in the Knights Walk development floods in heavy rain and is inadequately maintained.
- Proposals will result in further water demand, increasing pressure on the Chilton's / aquifers.

### Urban design / Landscape

- The proposed footpath on the south side of the southern drainage basin is adjacent to the back of neighbouring gardens and is a security risk.
- The proposals are in a position on the eastern plateau above the Rib Valley. It is of concern that the plan for a two-storey medical centre and around 200 houses would not 'respect the valley landscape' as noted in the Neighbourhood Plan.

### Environmental

- Proposals would increase vehicle journeys with associated noise and air pollution.
- The amenity of the area, and quality of life for existing residents will be reduced.
- Proposals will reduce accessibility of existing residents to green space / rural environment, with associated harms to health and wellbeing.
- Proposals will have an adverse impact on wildlife and result in habitat destruction.
- Construction will result in noise and pollution.
- Proposals will result in disruption to users of Layston Cemetery.
- Harm to below ground archaeology

### Social infrastructure

- Existing services such as police, schools, doctors and dentist surgeries, supermarkets and leisure uses such as the swimming

school are inadequate to meet the needs of the town and will be made worse by the development.

- The town is already overdeveloped, and the population has grown too much in recent years. Further development cannot be accommodated.
- Infrastructure in Buntingford should be improved first before new housing is built.

#### Other matters

- The proposals will lower house prices of adjacent houses.
- Developers should be bound to build the development they say they will build.
- Crime has risen as a result of all the housing development, and this will worsen as a result of the proposals

#### Support

- Land is currently neglected and proposals would help ease the housing crisis.

8.3 During the second round of consultation, 28 comments were received, raising similar issues to the first round of consultation as well as the following additional comments:

- Some of the proposed cycle route options will cross private drives.
- Additional cycling on the Causeway and Wyddial Road should not be encouraged.
- Revisions do not cover original objections.

### **9.0 Consideration of Issues**

#### **Principle of development**

9.1 *Principle of development overview and 5-year housing land supply considerations:* Several policies within the East Herts District Plan 2018, Buntingford Community Neighbourhood Plan and the National Planning Policy Framework are of relevance to the principle of the development. 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, which seeks sustainable housing development, within identified settlements or on allocated sites to accommodate sufficient housing to meet the district plan housing requirements.

- 9.2 The site comprises grade 2 Best Most Versatile agricultural land, located adjacent to the eastern edge of the Buntingford settlement boundary. As such the site falls within the 'rural area beyond the greenbelt' as part of the District Plan. As such the following policies are relevant to development in this location.
- 9.3 Policy BUNT1 of the district plan states that the strategy for the town is to focus on the delivery of existing sites with planning permission, with no new allocations, to reflect the fact that substantial housing development has taken place since 2011.
- 9.4 Policy GBR2 of the district plan states that I. In order to maintain the Rural Area Beyond the Green Belt as a valued countryside resource, the following types of development will be permitted, provided that they are compatible with the character and appearance of the rural area: (a) buildings for agriculture and forestry; (b) facilities for outdoor sport, outdoor recreation; (c) new employment generating uses; (d) the replacement, extension or alteration of a building, provided the size, scale, mass, form, siting, design and materials of construction are appropriate to the character, appearance and setting of the site and/or surrounding areas; (e) limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land); (f) Rural Exception Affordable Housing Sites; accommodation for Gypsies and Travellers and Travelling Showpeople; (h) development identified in an adopted Neighbourhood Plan.
- 9.5 The Buntingford Neighbourhood Plan considers the landscape around Buntingford as being one of the most highly valued in the district. The NP emphasises that proposals for housing should be focused within existing settlement boundaries. For development outside of settlement boundaries the NP also highlights the desirability of conserving and respecting the valley setting of Buntingford. The NP policies (ES1 and HD2) and supporting text recommend that future development of Buntingford is carried out in such a way that the landscape views across the Town are not adversely affected. This requires that building on higher ground is limited in height and that any further housing is developed within the valley setting.

- 9.6 In addition NPPF paragraph 11d is of relevance and states that "*where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes applications for housing where the local planning authority cannot demonstrate a 5-year housing land supply), granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed7; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*". The balancing exercise with a presumption in favour of housing development, identified above is termed the 'tilted balance' elsewhere in this report.
- 9.7 The proposals are considered to conflict with policy GBR2, as the proposals would result in large-scale urban development within the rural area, and they would not meet any of the exceptions within policy GBR2. The proposals would have an urbanising effect on the rural landscape at the eastern edge of Buntingford and there would therefore be conflict with Buntingford Neighbourhood Plan and district plan policies regarding landscape impact (landscape impacts are considered further below). In addition, the proposals would result in the loss of grade 2 agricultural land. These policy conflicts will be attributed weight in the overall planning balance.
- 9.8 However, the proposals would contribute towards the District Plan policies objectives regarding housing delivery. As noted in the recent appeal decision in relation to land to the east of the A10, the Council can only demonstrate a 4.2-to-4.49-year housing land supply. As such the 'tilted balance' within NPPF paragraph 11d is engaged. This requires that a balancing exercise is undertaken to weigh any adverse impacts against the benefits of housing delivery which are given greater weight in decision making. A full balancing exercise is undertaken at the end of this report following assessment of the proposals against all relevant policies.
- 9.9 Concerns are noted from Councillors and members of the public that Buntingford is not a sustainable location for new housing development as it lacks a train station, limited shops and services, and employment opportunities within the town. As such there are concerns that new housing would result in increased car journeys and out commuting from the town.



- 9.10 This issue was considered as part of the appeal in connection with land to the east of the A10, Buntingford (appeal ref: APP/J1915/W/24/3340497). In this case the inspector noted that *"The appeal site is located on the edge of but outside the urban area of Buntingford, one of the 5 market towns. Buntingford is not included in the list of settlements where urban extensions are supported and through policy BUNT1 of the District Plan it does not seek to allocate any additional development beyond that which already had planning permission at the time of adoption of the development plan in 2018. As the appeal site is located outside of the confines of Buntingford, for the purposes of the District Plan it is located within the Rural Area Beyond the Green Belt..."*
- 9.11 *Buntingford is identified as being a small town located at the centre of a large rural area in the northern half of the district. It functions as a rural service centre for outlying villages in the north of the district. The District Plan identifies that the town has an extensive range of services and facilities that serve the day to day needs of residents. The Council accepts that the development would be accessible to those services and facilities...*
- 9.12 *The development would conflict with Policies DPS2 and GRB2 of the District Plan because it would not be in a location that aligns with the spatial strategy of the District Plan in terms of accessibility. It would also conflict with the part of Policy TRA1 of the District Plan that identifies that development should primarily be located in places that enable sustainable journeys to be made to key services and facilities. However, the conflict is reduced because of the day to day services and facilities that are available in the town and because some economic and retail opportunities are proposed as part of the scheme and the proposed measures to improve public transport provision. For those reasons I give conflict with the policies moderate".*
- 9.13 As such the above appeal decision provides guidance to decision makers that the principle of additional housing development on unallocated sites adjacent to Buntingford would result in some policy conflict on sustainability grounds. However, this conflict can be mitigated by the range of services and amenities available in the town, as well as well as any infrastructure provided by the proposals. In this case, the housing development is preceded by the provision of the Medical Centre which would be used by residents in the development and existing residents within Buntingford and the wider area. Further assessment with regard to transport and accessibility is provided within

the transport section of the report, and any potential policy conflicts with regard to sustainability are taken into account as part of the balancing exercise at the end of this report.

- 9.14 *Housing:* As noted above the overall District Plan strategy seeks to deliver housing growth and policy DPS1 seeks to deliver 839 new homes per year, located within existing settlements or sustainably located urban extensions. Policy HOU1 (mix and type of housing) states that new housing developments should provide an appropriate mix of housing tenures, types and sizes, in order to create mixed and balanced communities, appropriate to local character and taking account of the latest Strategic Housing Market Assessment and other up to date evidence; should include provision of affordable housing in accordance with Policy HOU3 (Affordable Housing); specialist housing will be encouraged for older people and vulnerable groups; provision of accessible and adaptable dwellings to meet the changing needs of occupants over their lifetime; self-building housing in accordance with policy HOU8; Where appropriate, provision of specialist accommodation will be expected for Gypsies and Travellers and Travelling Showpeople and Non-Nomadic Gypsies and Travellers and Travelling Showpeople.
- 9.15 The application proposals comprise around 200 new dwellings submitted in outline with reserved matters to follow. However, an indicative housing mix has been included, to accompany the illustrative masterplan which shows how a mix of housing could be incorporated on the site. This includes a tenure split of 55% open market, 40% affordable (25% affordable ownership / affordable or social rent) and 5% custom build.
- 9.16 A mix of dwelling sizes is also suggested as part of the indicative mix:

Dwelling Type	Private	Affordable	Custom and Self-build	Total
1 Bed Apartment	6	4	0	5%
2 Bed Apartment	6	4	0	5%
2 Bed House	24	16	0	20%
3 Bed House	49	36	5	45%
4 Bed House	19	16	5	20%
5 Bed House	6	4	0	5%
<b>Total</b>	<b>110</b>	<b>80</b>	<b>10</b>	<b>200</b>

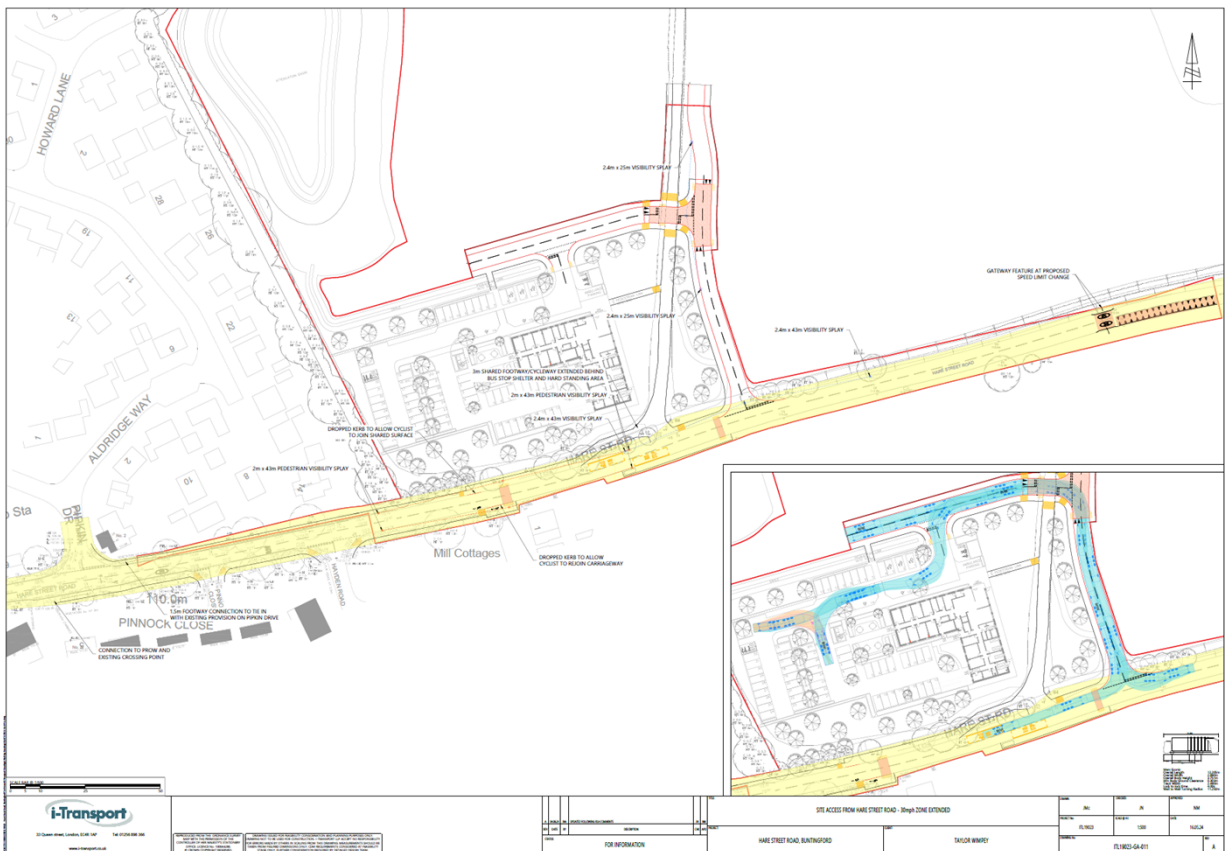
- 9.17 The above housing mix would make a significant contribution towards meeting housing need in the district. In particular provision of 40% affordable housing would help to meet affordable housing need in the district, where the Inspector in the appeal decision for land east of the A10 (ref: APP/J1915/W/24/3340497), noted that there had been previous under delivery. The tenure split of affordable ownership / social and affordable rent would also be similar split to that sought from previous developments. However, the precise housing mix, and tenure mix for each residential phase would be secured as part of future reserved matters submissions. A condition is proposed requiring future reserved matters submissions to have regard to up to date Councils Strategic Housing Market Assessments. As such the above indicative housing mix is broadly in accordance with policies HOU1 and HOU3.
- 9.18 Policy HOU8 states that to support prospective self-builders, on sites of more than 200 dwellings, developers will be expected to supply at least 1% of dwelling plots for sale to self-builders, having regard to the need identified on the Council's Self-Build and Custom Build Register. The application proposals comprise 10 self-build units within the indicative housing mix (5%) within the development. This provision would help to meet identified need for self-build accommodation in accordance with policy HOU8 and is a benefit of the proposals within the planning balance.
- 9.19 Policy HOU7 requires that new housing is adaptable for accessible needs in accordance with Building Regulations standard M4(2) and that a proportion of new housing designed to be suitable for potential future wheelchair occupiers in accordance with standard M4(3). No detail has been provided with regard to the design housing to meet accessibility

requirements as this is this would be subject to future reserved matters submissions. However, conditions are proposed to require that reserved matters submissions include 90% of housing is designed to M4(2) adaptable standards, and the remaining 10% to M4(3) wheelchair standards. This level of provision of wheelchair accessible units would be similar to the levels secured as part of other major developments. As such the proposals will ensure provision of housing to meet a range of accessibility requirements in accordance with policy HOU7.

- 9.20 *Principle of proposed medical centre:* Policy DPS4 considers the infrastructure required to meet the growth identified in the plan and states that: "*Infrastructure needed to support development must be phased appropriately with the delivery of residential and other development to ensure that capacity is provided and impacts are satisfactorily mitigated in a timely manner*". Healthcare facilities are noted to be required amongst other infrastructure.
- 9.21 Policy CFLR9 (Health and wellbeing) states that: "*All development shall be designed to maximise the impact it can make to promoting healthy communities and reducing health inequalities. In particular, regard shall be had to providing the necessary infrastructure to encourage physical exercise and health, including accessible open space, vegetation and landscaping, sport and recreation facilities, cultural facilities and safe, well promoted, walking, and cycling routes. II. Where new health facilities are planned, these should be located where there is a choice of sustainable travel options and should be accessible to all members of the community. III. Contributions towards new or enhanced health care facilities will be sought to ensure the health care requirements arising from new developments are met and to prevent a shortfall or worsening of provision*".
- 9.22 The application proposals comprise a new medical centre building to accommodate the relocated Buntingford Medical Centre Practice. Full details of the medical centre are submitted as part of the application, and the new building is proposed to be delivered at an early stage, prior to first occupation of any residential units (a condition is proposed to require this). The medical centre is required to be delivered at an early stage to meet the requirements of Buntingford Medical Centre Practice for a new premises by January 2026. The proposed building will provide a larger, fit for purpose medical centre building which will better meet the healthcare needs of existing Buntingford residents as well as potential future occupiers than the existing building. The expanded healthcare facility will allow for provision of a wider range of

medical services and clinics than can currently be provided within the existing buildings. As such the principle of provision of new medical facilities is supported by policy DPS4 and CFLR9.

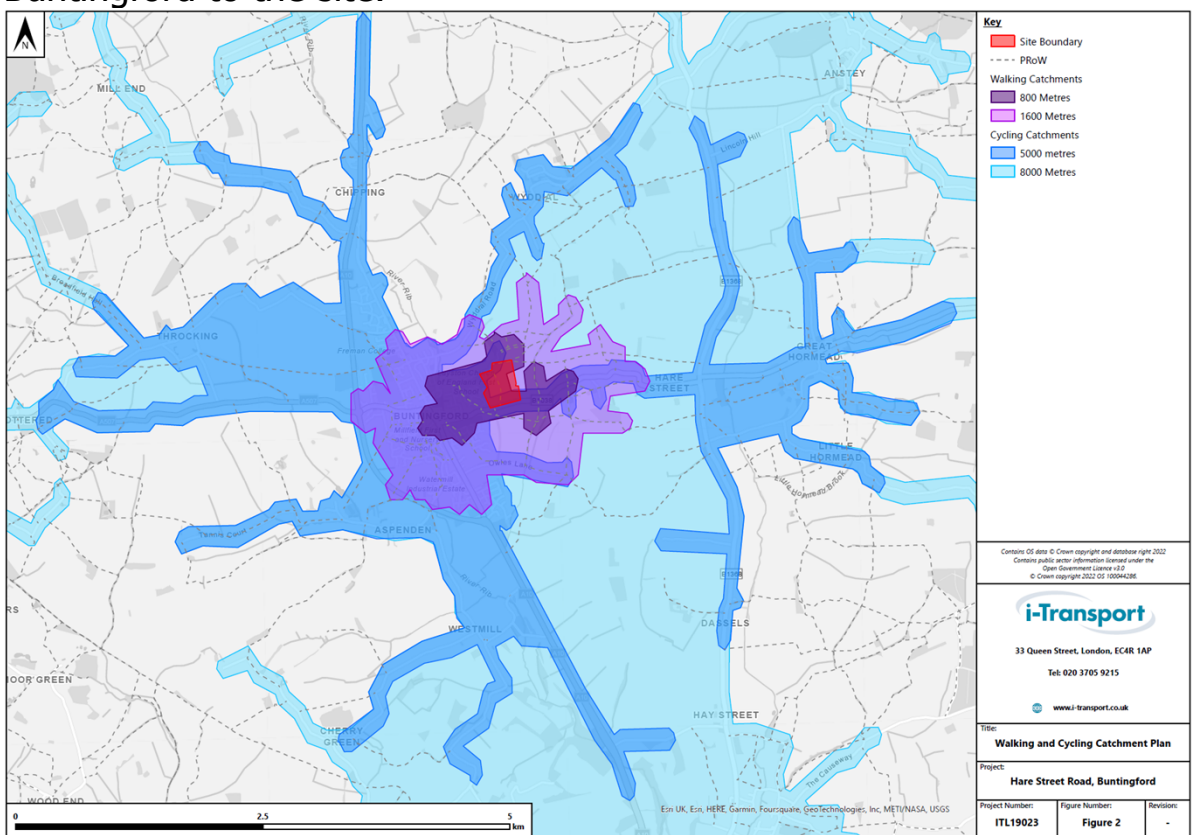
- 9.23 It is noted that the proposed medical centre is located beyond the eastern periphery of Buntingford and would replace the existing Medical Centre Practice building which is located within Buntingford Town Centre. Many public comments are noted which raise concerns with regard to the accessibility of the proposed medical centre by sustainable transport modes, in particular more vulnerable or mobility impaired patients such as elderly or young children.
- 9.24 Policy CFLR9 does not require that new medical facilities should be located within town centres but does require that they should be accessible by a variety of transport modes. It is noted that the that provision of an enhanced new footway along Hare Street Road to the site (illustrated in the plan below), along with a new pedestrian connection to Howard Lane within the existing residential development to the south, will ensure that the medical centre can be accessed by pedestrians and cyclists.



9.25 In addition, Buntingford has a linear form, on a north / south axis with the town centre located at the centre of this north / south axis. Whilst

the proposal site is located outside and to the east of Buntingford Town Centre, it would still be positioned in a relatively central position on the towns north / south axis. As such most of the town would be within the walking or cycling catchment of the proposed new medical centre (1600m walking or 8km cycling distance). In addition, the town centre is around a 10-minute walk to west of the site, as illustrated within the below extract from the submitted Transport Statement.

9.26 A financial contribution is also proposed towards the Buntingford Community Transport scheme which assists those in Buntingford with mobility constraints or lack of access to a car to travel from around Buntingford to the site.



9.27 In addition, Buntingford Medical Practice serves a wide area including Buntingford and surrounding rural area. As such a significant number of patients enrolled at the Medical Centre do not live within Buntingford but travel to the medical centre from the wider area. Provision of bus transport connections as well as suitable car parking would be of most benefit to these users.

9.28 The application proposals include provision of a bus stop adjacent to the medical centre, and associated financial contributions towards timetabled bus services, including route 386 which runs towards Bishops Stortford and a separate contribution to the on-demand Herts Lynx service provided by Herts County Council.

- 9.29 Given the above considerations, it is considered that the site will be sufficiently accessible for pedestrians / cyclists and public transport to accord with the accessibility requirements of policy CFLR9. The provision of a new medical centre alongside new housing, affordable housing, and custom build housing are significant public benefits of the proposals which are considered further within the planning balance section of this report.
- 9.30 Several submitted comments have also suggested that there are alternative sites for the proposed medical centre in more accessible locations within the town centre, such as the Nevetts site. As noted above policy CFLR9 does not require that medical facilities are located either in the town centre, or the sequentially most preferable site. Rather the policy requires that proposals are located sustainably and are accessible by a variety of transport modes. Officers consider that the submitted information demonstrates that this is the case with the application site.
- 9.31 In addition, the applicants have provided further information for background purposes which demonstrates that the Practitioners have undertaken a comprehensive review of alternative sites, before opting for the proposed site. Buntingford Fire Station, the Library, the Cricket Field, Edwinstree School, the Nevetts site as well as other parcels of privately owned land around Buntingford, including the turning circle on the Redrow estate have all been considered.
- 9.32 However, the sites considered are either not suitable, available or viable. In addition, the Practitioners considered that there would be significant doubts that these sites could be developed within a sufficient timescale to accommodate the medical practice requirements.
- 9.33 It is considered by officers that the Applicant has provided sufficient information (sourced from the Medical Practice) to evidence the reasons why these alternative sites have been discounted. Although it should be noted that officers attach only limited weight to this information as the Policy does not require a sequential form of assessment to demonstrate compliance with relevant policies.
- 9.34 Comments from the NHS ICB are also noted. The ICB have noted the need for expanded healthcare provision in Buntingford but have raised concern over the timing and engagement by the applicants as part of

the development proposals, as well as concern regarding the size of the site and level of car parking.

- 9.35 In order to achieve NHS funding, it will be necessary for the proposals to receive the necessary approvals as part of the NHS ICBs own processes. However, NHS approval processes are based on a separate set of financial / operational considerations and are separate from the planning application process. In addition, officers are not clear at this stage whether NHS ICB concerns could be overcome by the applicants / Buntingford Medical Practice, following the determination of this planning application.
- 9.36 Officers consider that assessment of acceptability of the medical centre proposals as part of the planning application should be based on District Plan policies and other relevant planning policy including the NPPF. It is noted above that the proposals are in accordance with policy CFLR9 with regard to healthcare provision and an assessment of the medical centre against relevant transport and design policies is provided below. As such officers do not consider that the NHS ICB comments would alter officers' assessment against relevant planning policies or represent a reason to refuse the application.
- 9.37 However, officers acknowledge that NHS ICB support for the proposals at this stage would increase the likelihood that the proposals can achieve any required approvals for NHS funding. This would increase the likelihood of future delivery and future operation of the proposed Medical Centre building. As such, the lack of NHS ICB support at this stage increases uncertainty around delivery and funding. This could be a factor in how much positive weight is attributed to the medical centre as part of the overall planning balance. This is discussed in the planning balance section below.

### **Transport**

- 9.38 Sustainability / accessibility: Policy TRA1 states that to achieve accessibility improvements and promotion of sustainable transport in the district, development proposals should: primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction; Ensure that a range of sustainable transport options are available to occupants, including improvement of pedestrian links, cycle paths, passenger transport network (including bus and/or rail facilities) and community transport initiatives; ensure that site layouts prioritise walking, cycling and, where



appropriate, passenger transport; allow for the early implementation of sustainable travel infrastructure; protect existing rights of way.

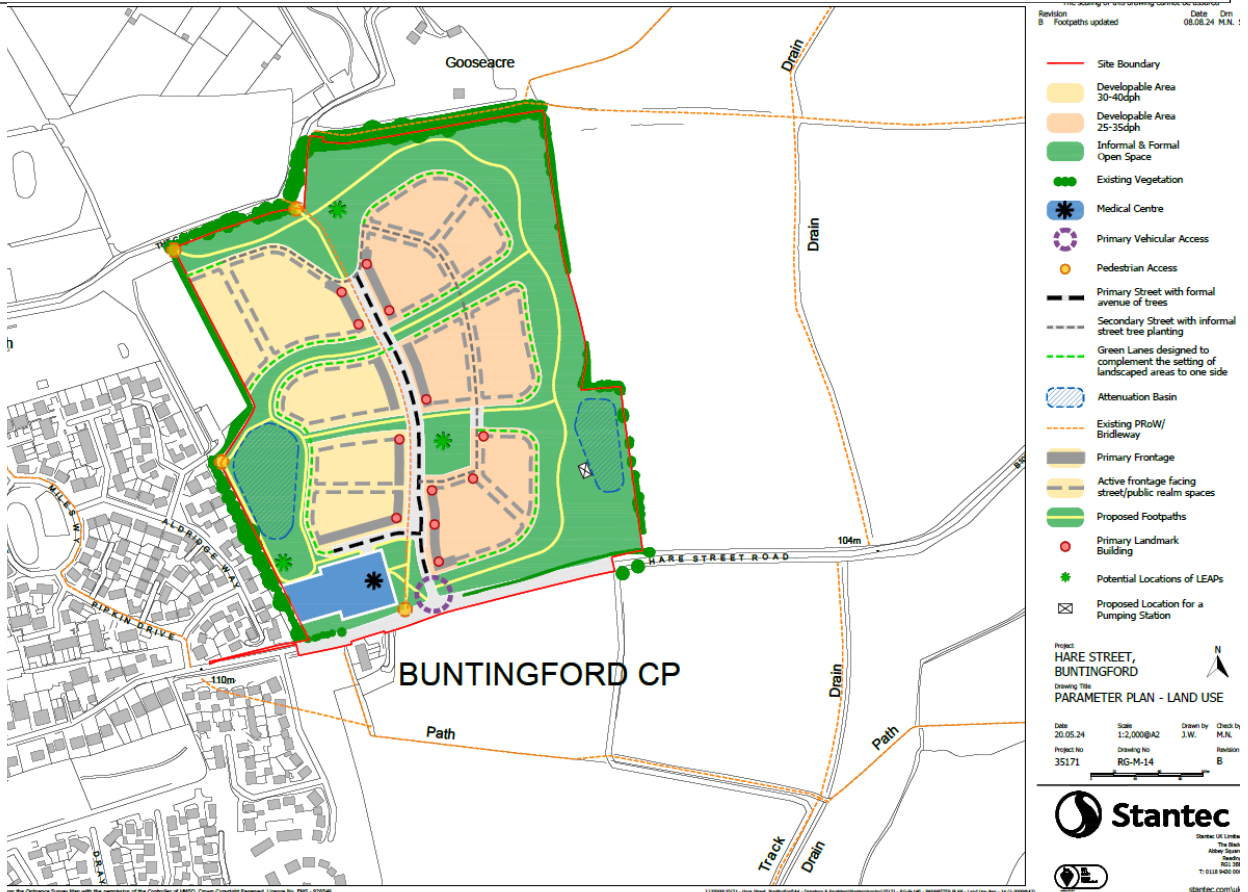
- 9.39 The applicant's transport Assessment (TA) adopts a 'vision and validate' approach as recommended by the Highway Authority in order to set targets for trips by sustainable modes, with a DfT target for 50% of journeys in towns and cities to be walked or cycled. The TA notes that although there are a range of shops and services within a walkable or cyclable distance from the site (1600m walking distance or 8km cycle distance), given the limited scale of Buntingford and services within the town, it is not reasonable to target a reduction in car journeys from 83% of trips (as currently surveyed in the recent adjacent development) to 50%. Instead, the TA sets a target for an increase in trips by sustainable modes from a fifth to a third.
- 9.40 In order to achieve the proposed increase in trips by sustainable modes a range of measures are proposed, including: off carriageway cycle lane adjacent to Hare Street Road, from Pipkin Drive heading westward to the site; provision of a 3m wide footway / cycleway within the site along Hare Street Road to connect to the medical centre and main site entrance; uncontrolled pedestrian crossing with refuge across Hare Street Road; new bus stops on north and south side Hare Street Road to serve the development with associated financial contributions towards bus improvements; new pedestrian / cycle connections to Howard Lane to the west and the Causeway to the north; new pedestrian and cycle routes within the development. It should be noted that additional information has been submitted during the application to demonstrate improved pedestrian connections along Hare Street Road, as well as the design of the main vehicle pedestrian entrance into the site.
- 9.41 The Highway Authority initially raised concerns regarding the design of pedestrian and cycle access to the site; the design of the site vehicle entrance and that insufficient information had been provided to consider potential improvements to wider connections into the town, and how high-quality pedestrian links could be provided. This was due to the fact that no footway was proposed along the northern site of Hare Street Road connecting from Pipkin Drive to the site entrance. However, following submission of additional information with an improved pedestrian / cycle access along Hare Street Road, their objections have been withdrawn. Although concerns remain that the proposed footpath, although predominantly 1.8m in width would reduce to 1.5m at one point outside of the application site. Full details of the design of this

footway would be secured as part of a S278 agreement between the applicant and the highway authority.

9.42 In addition, the highway authority has noted that cycle routes from the site to Buntingford Town Centre are via busy roads (Hare St Road) or unnecessarily long (The Causeway). As such financial contributions towards sustainable transport improvements (as specified in the Highways Officer comments) are necessary to improve provision in the town in the longer term.

9.43 A number of cycle pedestrian linkages are proposed through the application site. The existing Public Right of Way (Bridleway) which runs northwards from Hare Street Road to the Causeway is retained and will be located at the side of the main spine route within the development. A condition is requested by the highway authority to secure details of the bridleway within the development to ensure it is suitable for a full range of users including horse riders. A series of east west routes run through the site, as well as footpaths through the areas of open space with the eastern and northern edges of the development. The parameter plan below illustrates the routes within the site and connections to the wider area:

Above: Submitted parameter plan RG-M-14 RevB. Future reserved matters applications are required to comply with these parameters.



- 9.44 Officers are also mindful of Planning Inspector comments in relation to the appeal on the site at land east of the A10, Buntingford at paras 8-13 of the Decision Notice. Para 8 states: "*Buntingford is identified as being a small town located at the centre of a large rural area in the northern half of the district. It functions as a rural service centre for outlying villages in the north of the district. The District Plan identifies that the town has an extensive range of services and facilities that serve the day to day needs of residents. The Council accepts that the development would be accessible to those services and facilities.*
- 9.45 Para 9 states: "*Residents of the new development, along with existing residents of the town however would be required to travel to larger nearby towns for comparison shopping trips which is why Buntingford is regarded as a Minor Town Centre*".
- 9.46 Para 10 states: "*Buntingford is not served by a railway. Bus service connections to other settlements are limited and as such there is a reliance on the private car to access larger nearby settlements for employment and leisure. The Council identified that in the 2021 census 34% of residents travel over 10km to work. However, the extent to which the development of the proposed 350 dwellings would exacerbate the mis-match between housing, employment, retail, community facilities and infrastructure would be tempered to some extent by the proposed employment and retail elements of the scheme*".
- 9.47 Para 11 states: "*The scheme also proposes a financial contribution to the Highways Authority who has indicated that it would be used to upgrade an existing bus service serving the town and wider area. This would supplement an on-demand bus service introduced in 2021 and extend the options available to residents to travel via public transport to major towns and rail connections for onward journeys*".
- 9.48 Para 12 states: "*Interested parties have raised concerns about the ability of services and facilities such as doctors surgeries, dentists and schools to accommodate additional development. The concern raised by residents is noted but it is for the service providers to manage the provision and the scheme seeks to manage the impact through the planning obligations. I return to this matter later in my decision*".
- 9.49 Para 13 states: "*In conclusion, the development would conflict with Policies DPS2 and GRB2 of the District Plan because it would not be in a location that aligns with the spatial strategy of the District Plan in terms of accessibility. It would also conflict with the part of Policy TRA1 of the*

*District Plan that identifies that development should primarily be located in places that enable sustainable journeys to be made to key services and facilities. However, the conflict is reduced because of the day-to-day services and facilities that are available in the town and because some economic and retail opportunities are proposed as part of the scheme and the proposed measures to improve public transport provision. For those reasons I give conflict with the policies moderate weight”.*

- 9.50 Officers consider that the application site has significant similarities to the appeal application in terms of its distance from Buntingford Town centre and accessibility to associated shops and services. Refusal of the application on the grounds of sustainability / accessibility would therefore be unlikely to be defensible reason for refusal in the event of a planning appeal, particularly without credible and robust evidence of harm, verified by the Highways Authority and Active Travel England.
- 9.51 It is notable that the Highway Authority have stated that subject to the transport measures identified above, the proposals would be acceptable in transport terms and be sufficiently accessible by a variety of sustainable transport modes. Given the above, officers consider that the proposals would accord with the requirements of policy TRA1.
- 9.52 Transport Impact: 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.
- 9.53 The traffic impact of the development has also been assessed within the Transport Assessment submitted with the application. Potential trip generation has been assessed following surveys from Pipkin Drive within the adjacent development to the west. The proposed dwellings are forecast to generate 96 two-way vehicle movements in the am peak and 108 in the pm peak. The medical centre is forecast to generate 38 two-way vehicle movements in the am peak, and 30 in the pm peak. This is a worse case assessment as it assumes no connection / duplication between residential and medical centre trips. The 'vision' based measures identified above are anticipated to result in a reduction in forecast single occupancy vehicle trips of 17% although this is not taken into account in the traffic impact assessment.

- 9.54 The impact of these proposed additional trips upon nearby junctions including the site access, Hare Street Road / Station Road / High Street, and other junctions with the A10 has been assessed, taking into account other relevant consented developments. Junction modelling considers that all on and off-site junctions (with the exception of the Hare Street, Station Road, High Street junction) will operate within capacity with minimal queuing at peak times on and off-site junctions.
- 9.55 The Hare Street Road, Station Road, High Street junction is anticipated to experience greater pressure and moderate queuing at peak times (up to 8 vehicles) but would still operate within capacity, with impact on the junction not considered to be severe.
- 9.56 The proposed highway access from Hare Street Road has been subject to a Road Safety Audit and the entrance design revised as part of the package of additional information submitted. An additional 37 passengers from the development are anticipated to use bus services at peak times, which can be accommodated by additional services, with some financial contributions towards bus service improvements provided by the development.
- 9.57 The highway authority note that transport impacts are generally acceptable, although they note the Hare Street Road, Station Road, High Street junction would approach capacity. As such mitigation measures are noted of being of importance in achieving the reduction the 17% reduction in vehicle trips envisioned in the Transport Assessment. The following mitigation measures are sought by the highway authority: travel plan; financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford; £250,000 towards Herts Lynx on demand service; sustainable travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system.
- 9.58 Officers note that these contributions will be sought as part of the S106 and S278 legal agreements associated with the application. Subject to these legal agreements officers consider that the transport impacts of the proposals can be fully mitigated in accordance with policy TRA2.
- 9.59 Car / cycle parking: Policy TRA3 states that vehicle parking provision will be assessed on a site-specific basis and should consider the provisions of the District Council's currently adopted Supplementary

Planning Document on vehicle parking. This includes requirements for secure covered, cycle parking.

- 9.60 The Car parking SPD seeks a minimum of 3 spaces per consulting room and one space per employee for new medical facilities. The proposed medical centre comprises 7 consulting rooms and an estimated 42 employees (although they will not all be onsite simultaneously). Full details of car parking for medical centre have been submitted comprising 28 staff parking spaces, 32 patient car parking spaces and 2 visitor drop off spaces. This provision includes 2 disabled spaces and three parent and child spaces. With a total provision of 60 spaces this would be broadly in accordance with the requirements of the SPD.
- 9.61 The ICB comments which seek a lower level of car parking are noted. However, it is understood that this is due to NHS financial considerations, rather than a transport needs-based assessment of the proposals. Proposed car parking provision for the medical centre only just meets the requirements of the SPD and as such any further reduction in car parking would conflict with the Councils car parking SPD requirements.
- 9.62 11 cycle parking spaces are proposed in a secure, covered, and lit enclosure. It is noted that the location of the cycle enclosure has been revised so that it is better surveyed and more convenient for users. As such the proposed provision would accord with SPD requirements of 1 space per consulting room, and 1 space per 10 staff on duty at one time. A condition is proposed requiring details of the cycle enclosure to be submitted for approval to ensure its design is fit for purpose.
- 9.63 No details of car or cycle parking have been submitted for the proposed dwellings. However, this element of the proposals has been submitted in outline only and as such full details of these elements will be required to be submitted as reserved matters. In addition, the proposed Design Code which will be secured by condition (see design section below) will include information with regard to design principles for residential car and cycle parking. As such the proposed car parking provision is considered to accord with policy TRA3.

### **Urban Design / Architecture / Landscape proposals**

- 9.9 *Master planning process:* 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. The Masterplan should be prepared collaboratively with the Council, town and parish councils and other relevant stakeholders including a public consultation process.

- 9.10 As the application site is not allocated within district plan, a formal masterplan process, with establishment of a steering group and eventual adoption by the Council of a Masterplan Framework has not been undertaken. However, a number of the steps within this process have been undertaken by the applicant. The proposals have been subject to public consultation events at the pre-application stage. The proposals were also subject to a review process by the Hertfordshire Design Review Panel, at the pre-application stage. The design of the Medical Centre, the illustrative masterplan, and parameter plans have evolved because of this process. Most recently the application proposals were discussed at the Development Management Forum. As such officers consider that several of the key design development stages as envisaged by policy DES1 have been undertaken.
- 9.11 *Urban design (whole site):* Policy DES4 states that All development proposals, including extensions to existing buildings, must be of a high standard of design and layout to reflect and promote local distinctiveness. Proposals are expected to: (a) Make the best possible use of the available land by respecting or improving upon the character of the site and the surrounding area; (b) Incorporate homes, buildings and neighbourhoods that are flexible to future adaptation; (c) Avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land; (d) Incorporate high quality innovative design, new technologies and construction techniques, and make appropriate provision for high speed broadband connectivity, (e) Make provision for the storage of bins and ancillary household equipment, including electric vehicle charging points; (f) All new residential developments should meet the requirements of Policy HOU7, and ensure all internal rooms are of an appropriate size and dimensions; II. Proposals must not prejudice the development opportunities of surrounding sites; III. Development proposals which create new or have a significant impact on the public realm should: (a) Maximise legibility and accessibility of the public realm through the layout of buildings, landmarks, use of colour, landscaping, paving, high quality public art, street furniture and legible signposting, (b) Maximise opportunities for urban greening, (c) Avoid creating 'left-over' spaces with no clear purpose or function; (d) Ensure that long-term maintenance and

management arrangements are in place for the public realm as appropriate; (e) Engage the Hertfordshire Design Review Panel as part of the Pre-application stage and throughout the Development Management process.

- 9.12 The parameter plans and illustrative masterplan for the site comprise a main vehicle pedestrian entrance to the site from Hare Street Road. The medical centre as an important community building is located in a prominent position adjacent to Hare Street Road, and the site entrance. The medical centre has been designed to provide an attractive active frontage facing a public square at the frontage of the site. A main tree lined street runs in a northerly direction adjacent to the retained existing bridleway. A series of perimeter blocks are located to the east and west of this route, intersected by green corridors and a 'village green' open space at the centre of the development. Areas of open space are located at the northern and eastern periphery of the site adjacent to the surrounding agricultural fields.
- 9.13 The illustrative masterplan and the design of the medical centre has evolved following the Design Review Panel debate and is now considered to provide an appropriate design response to the site. The proposed public square at the site entrance would be framed by the active frontage of the medical centre and provide an attractive arrival experience into the development from the site entrance / bridleway. The proposed blocks and street types would retain a sense of informality and diversity of different character areas. The proposed perimeter blocks would provide a high degree of permeability with potential for more intimate, less car dominated streets away from the main route through the development. Pedestrian / cycle linkages would also be provided to the west (Aldridge Way) and north (Causeway). The proposed drainage basins on the east and west sides of the development are intended to be of shallow design with limited requirement for protective fencing, well integrated into the proposals and would provide attractive natural features. In addition, a series of green corridor spaces have been extended in an east west development linking the rural eastern edge of the site with the town edge to the west.





Above: Submitted Illustrative layout plan (this is illustrative only, as the layout is subject to future reserved matters applications).

- 9.14 The Design Review Panel raised several queries regarding the detailed design and character of the streets, spaces, footpaths / cycle routes, such as the village green, and the built edge of the eastern edge of the development, facing the proposed open spaces. Full details of these elements will be provided as part of a design code (secured by condition) and subsequent submission of reserved matters. Subject to these conditions the proposed parameter plans are considered to establish a high-quality design response for the site in accordance with policy DES4.
- 9.15 *Medical Centre Architectural approach:* The medical centre has been designed as an important community building which is visible at the entrance to the site and from Hare Street Road. The architectural concept for the building is as a contemporary interpretation of a large-scale agricultural barn type building, with pitched roof form, metal clad upper storey and a projecting lower height wing. A double height reception area and associated full height glazing would face the public square to the east helping to activate this space and create a welcoming entrance into the medical centre. The building is part single, part 2 storey in scale with reception area, consulting / treatment / phlebotomy

rooms at ground floor level. Some larger office / meeting / training rooms are located at first floor level.

- 9.16 The design of the building has evolved as part of the design review process. The panel supported the barn vernacular design approach, but questioned whether the building should be celebrated further as a community feature and have more prominence when viewed from Hare Street Road. As such the design has been revised with the projecting wing increased in height (although it would still be lower in height than the main part of the proposed building), and some glazing introduced to southern elevation. These changes have increased its prominence in street views from the south.
- 9.17 Officers consider that the proposed medical centre would provide a well-designed, fit for purpose medical centre building, which would also form an attractive, welcoming feature at the entrance to the site, and from street views, in accordance with policy DES4.
- 9.14 *Proposed landscaping; open / green space provision:* Policy DES3 states that development proposals must demonstrate how they will retain, protect, and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features. II. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site.
- 9.15 The Councils Planning Contributions SPD sets out requirements for provision of communal parks / gardens / amenity green space (14,000sqm per 1000 residents), children's play space (2500sqm per 1000 residents), natural / semi natural green space (32,000sqm per 1000 residents) and allotments (3000sqm per 1000 residents) as part of new development, based on average number of occupiers per dwelling (2.32).
- 9.16 The application proposals retain existing trees and hedgerows along the northern and eastern site boundaries, although some trees and hedgerows are proposed for removal near the site entrance and the southern boundary of the medical centre with Hare Street Road. The proposed parameter plan includes extensive areas of formal / informal open space on the northern and eastern sides of the development, along with green corridors through the site, village green and public square at the site entrance, and street tree planting along primary streets.

- 9.17 The illustrative landscape plan suggests that these spaces could accommodate a range of landscape features including children's play areas, wildflower meadows, bulb and shrub planting, and new tree planting. Details of landscaping in these parts of the site are subject to future reserved matters submissions, and detailed requirements within the Design Code required by condition.
- 9.18 In addition, detailed planting plans have been submitted for the areas of the site surrounding the medical centre, and the western drainage basin, which will be delivered alongside the medical centre. Details comprise a variety of planting, including reed bed / semi aquatic planting around the proposed drainage basin. New tree and hedge planting is also proposed surrounding the medical centre, including new trees and hedge planting along the southern boundary with Hare Street Road and the northern boundary of the medical centre car park. Tree planting is also proposed within the medical centre car park and lawn areas and tree planting in the public square at the entrance to the medical centre. However, it is noted that these landscape drawings have not been updated to take into account the change in design of the car park area to relocate the cycle storage. Further conditions are therefore proposed to secure updated landscaping details, delivery and ongoing management of this element of the proposals.
- 9.19 Subject to the above conditions and reserved matters the proposed landscaping is considered to respond to the site context, retain landscape features where possible and include new landscape features which would mitigate and enhance the appearance of the development in accordance with policy DES3.
- 9.20 The amount of the site comprising open space (inclusive of the drainage attenuation basins) is 6.17ha (61,700sqm), out of a total site area of 13.34ha. The Planning Contributions SPD requirements for children's play space, parks / gardens / amenity open space, natural / semi natural space, and allotments for a development of this size (200 dwellings / 464 occupiers) would be 23,896sqm. As such the proposals include enough space to meet the above requirements.
- 9.21 The precise areas of the site which are designed and provided to meet these different open space requirements will be established following submission of future reserved matters submissions, and it will be necessary at this point to ensure sufficient space is provided to meet separate requirements for the different types of space. However, given the above surplus of available open space within the development it is

considered that future reserved matters applications would be able to meet the standards within the Councils SPD.

### **Landscape / visual impacts**

- 9.22 Policy DES2 states that "*Development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape...Appropriate mitigation measures will be taken into account when considering the effect of development on landscape character/landscaping...Where relevant, development proposals will have regard to the District Council's currently adopted Landscape Character Assessment Supplementary Planning Document*".
- 9.23 Buntingford Community Area Neighbourhood Plan (BCANP) policy ES1 states that "*Development proposals should be appropriate to and maintain the Rib Valley setting of the BCA. Development on the fringes of Buntingford which extends on to the higher ground surrounding the Rib Valley could have a harmful effect on the landscape of this area and parts of the Cherry Green Arable and Wyddial Plateaux*".
- 9.24 BCANP policy HD2 states that "*All new housing developments should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. All development proposals should demonstrate how they conserve, enhance or strengthen the character and distinctive features of the BCA landscape. Where appropriate, a Landscape and Visual Impact Assessment should be provided to ensure that impacts, mitigation and enhancement opportunities are appropriately addressed*".
- 9.25 A landscape Visual Impact Assessment (LVIA) has been submitted with the application which assesses the landscape context of the site as well as the visual impact of the proposals in the shorter to longer term. The LVIA notes the areas characterisation within the East Herts Landscape Character SPD as being within the Wyddial Plateau Character Area: "*The character area comprises an elevated arable landscape with extensive views over a gently undulating plateau. There is a moderately strong historic character to the north resulting from the winding lanes, retained field patterns, and scattered woodland cover while to the south the character is more open. Settlement typically comprises isolated farms and occasional cottage groups. The most distinctive areas are located near the larger houses including Alswick and at Wyddial where the hall and core of the village retain an important focus. The major detractors*

*are the high voltage electricity cables and pylons that dwarf local features on the plateau and the Sainsbury's warehouse at Buntingford".*

- 9.26 The LVIA identifies a number of potential viewpoints of the site from public footpaths and public highway, for which the proposals would have an adverse visual impact, particularly in some closer range views from Hare Street Road to the south and further to the east. Impacts from these viewpoints range from 'major' or 'moderate' to major adverse' in the worst case at year 1. However, the LVIA considers that visual impacts would reduce by year 15 of the development to 'minor' or minor to moderate adverse. This is due to several mitigation measures within the proposals. The developable areas within the parameter plan are pulled away from the eastern boundary of the site, with areas of higher density development located on the western side of the site adjacent to the existing built-up edge of Buntingford. Lower density development is proposed on the eastern side of the site closer to the adjacent agricultural fields. In addition, the eastern part of the site will feature new landscaping and tree planting which will soften the visual impact of the proposals over time.
- 9.27 The Councils landscape officer considers that the conclusions of the LVIA are sound and considers that there would be some adverse visual impact upon the landscape from the proposals, particularly in the short term. As such the proposals would result in some conflict with policy DES2, albeit this would be mitigated to some extent by the design of the development and the proposed landscaping strategy. This adverse visual impact and conflict with District Plan policy DES2, and BCANP policies ES1 and HD2 will need to be considered as part of the proposals overall planning balance.

### **Impact on heritage assets / Archaeology**

- 9.28 *Impact on above ground heritage assets:* District Plan Policy HA1 states that development proposals should preserve and where appropriate enhance the historic environment...proposals that would lead to substantial harm to the significance of a designated heritage asset will not be permitted unless it can be demonstrated that the harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Less than substantial harm should be weighed against the public benefits of the proposal.
- 9.29 A heritage Statement has been submitted with the application which identifies the heritage assets potentially affected by the proposals to be

the grade II\* listed Church of St Bartholomew located around 200m to the north of the site, and grade II listed Alswick Hall, located around 500m to the south east. The submitted statement considers that there would be no harm to the Church of St Bartholomew given the intervening landscaping and limited change to views of the Church Spire from the site. However, there would be some intervisibility between Alswick Hall and the application site, and an alteration in the view from the around the hall. This would arise in winter months when there would be less screening from trees. Views would be possible from upper floors of the development / Alswick Hall. This is considered to result in less than substantial harm (at the very lowest end of the harm spectrum) to this heritage asset.

- 9.30 As noted in within conservation / design officer comments, officers accept the conclusions of the Heritage Statement that there would be some less than substantial harm (at the lowest end of the harm spectrum) to Alswick Hall as a result of the proposals. A full balancing exercise regarding public benefits which could outweigh this harm (as noted in policy HA1) is undertaken towards the end of this committee report.
- 9.31 *Archaeology:* District Plan policy HA3 states that where a site has the potential to include heritage assets with archaeological interest (whether scheduled or unscheduled), applicants should submit an appropriate desk based assessment and, where necessary, the results of a field evaluation...where development is permitted on sites containing archaeological remains, planning permission will be subject to conditions and/or formal agreements requiring appropriate excavation and recording in advance of development and the subsequent storage and display of material.
- 9.32 A desk-based Archaeology Assessment has been submitted with the application, which noted that neolithic, iron age and roman period activity on the adjoining site to the west, with potential for this activity to have continued into the application site. As such further survey and evaluation of the site is recommended to establish if this is the case. HCC's Archaeology advisor has recommended that a planning condition is attached securing a scheme of further evaluation. Subject to recommended conditions the proposals would accord with policy HA3.

## **Drainage**

- 9.33 Policy WAT1 of the District Plan states that development proposals should neither increase the likelihood or intensity of any form of flooding, nor increase the risk to people or property on site and to neighbouring land or further downstream. Policy WAT3 of the District Plan states that development proposals will be required to preserve or enhance the water environment.
- 9.34 *Surface Water Drainage*: Some areas of the site have low to medium risk of flooding within the Environment Agency surface water flooding mapping system, where they form drainage channels to the east and west. The submitted drainage strategy includes measures for dealing with surface water drainage. The site comprises two drainage catchment areas with the west side of the site draining downhill to the west towards the River Rib, and the eastern part of the site draining eastwards towards existing watercourses. The proposed drainage strategy proposes that the two parts of the site will be drained to two onsite drainage basins, with sufficient storage capacity to manage a 1 in 100-year rainfall event. The western basin will then drain into the existing drainage network within the recent housing development to west before discharging to the River Rib. The eastern basin will connect beneath adjacent agricultural fields (which are within the applicant's control), before discharging into a watercourse.
- 9.35 The submitted details have been reviewed by the LLFA who initially raised concerns around the lack of information available to demonstrate that the existing drainage network to the west had capacity to accommodate surface water discharge from the development, and that a connection from the eastern basin to the nearest watercourse was achievable. The applicants have submitted additional information to address these concerns, and an updated response from the LLFA has confirmed that their initial objection has been removed.
- 9.36 However, the LLFA response raises a concern that there around the limited information available with regard to the capacity within the drainage system within the adjacent development to the west to accommodate the potential drainage flow rates from the western drainage catchment from the site. Several conditions are recommended in the LLFA response which could address these concerns. Subject to these measures being secured, officers consider that surface water drainage proposals would adequately manage flood risk and would accord with policy WAT1.



- 9.37 *Foul water drainage:* Foul water drainage from the proposed medical centre and dwellings will be discharged to existing public network and from there to existing Thames Water treatment facilities. Concerns are noted, including from Buntingford Town Council regarding capacity of wastewater treatment facilities to manage any increased demand. However, Thames Water have commented that they have no objection to the application proposals, and in separate correspondence Thames Water have confirmed to the applicants that there is currently sufficient wastewater drainage capacity to serve the development.
- 9.38 In addition, separate legislation requires that water companies such as Thames Water have a duty to accept connections from new developments to the wastewater drainage network, but water companies can require developers to make contributions to increase capacity if required. A condition is proposed requiring liaison between the applicant and Thames Water regarding any mitigation measures if required. As such officers do not consider that foul drainage strategy is acceptable and that there are any grounds for refusal of the planning application in relation to this issue.

### **Ecology / biodiversity**

- 9.39 Policies NE1 and NE3 of the District Plan state that proposals should not result in detrimental impacts to biodiversity and should 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 (BNG). The Environment Act 2021 requires that new developments achieve a minimum BNG of 10%.
- 9.40 The applicants submitted Ecology Report states that the existing site baseline conditions comprise arable land of limited ecological value. The proposed development would retain most existing features of value such as trees and hedgerows. In addition, the proposals will comprise areas of open green space which provide new habitats, such as grassland, wetland, tree and shrub planting.
- 9.41 The HCC ecology team initially raised some queries with regard to the submitted information but have now confirmed that the submitted Ecology Report and BNG metric are supported and will be secured by the Standard BNG condition demonstrating a 13% BNG. A further condition is proposed to secure biodiversity enhancements such as bird and bat boxes to the proposed buildings. As such the proposals would accord with policies NE1, NE2 and NE3 of the District Plan. Provision of areas of



open / green space alongside a BNG of 13% are considered to a benefit of limited positive weight within the planning balance.

### **Sustainability**

- 9.42 Policies CC1 and CC2 of the District Plan state that all proposals must demonstrate how the design, materials, construction, and operation of the development would minimise overheating, reduce the need for heating, integrate green infrastructure and minimise carbon dioxide emissions. Policy WAT4 of the District Plan states that development must minimise the use of mains water through water saving measures, the recycling of grey water, and reducing mains water consumption.
- 9.43 The submitted Sustainability Statements for the medical centre and residential elements of the application outline a range of sustainability measures. The medical centre is designed to achieve BREEAM 'excellent' accreditation. The BREEAM assessment requires the design of the medical centre to meet a wide range of sustainability requirements including energy efficiency and reduction of embodied carbon emissions from construction materials.
- 9.44 In addition, the proposed dwellings will be designed to be capable of meeting forthcoming 'Future Homes' Building Regulations requirements. This includes regard to the energy hierarchy with measures in the first instance to reduce carbon emissions through building fabric measures such improved insulation and air tightness. In addition, Future Homes requirements are likely to include further measures such as all electric supply of heating and hot water through Air Source Heat Pumps, smart heating controls and incorporation of photovoltaic (PV) panels to some dwellings.
- 9.45 The applicant is undertaking research on the performance of new dwellings at an alternative site, which incorporate a range of measures including PV panels, high levels of insulation, triple glazing, infrared panel heating, wastewater heat recovery, battery storage, Mechanical Ventilation Heat Recovery (MVHR), in order to establish which techniques would most effectively meet new housing performance standards. There is potential that some of the measures trialled within this project could be incorporated into the development, in order to achieve Future Homes Standards although this is uncertain at present. Further details of sustainability measures are required to be submitted at reserved matters stage.

- 9.46 Given the above measures the proposals are considered to demonstrate an acceptable response to climate change and have been developed in accordance with sustainable design principles in accordance with the requirements of policy CC1 and CC2.

### **Socio economic impacts**

- 9.47 A Health Impact Assessment (HIA) Economic Benefit Statement has been submitted with the application. The HIA considers that the proposals will have a neutral to positive health effect, through provision of new housing, healthcare facilities, and measures within the development to promote accessibility, active travel and access to nature.
- 9.48 The Economic Benefits Statement considers that during the construction phase the proposals would result in around 51 new construction jobs in connection with the medical centre, and 120 construction jobs in connection with the residential element of the proposals, with around 50% of these jobs taken by East Herts residents. An Employment Skills Plan and Social Value Strategy have also been submitted which suggest some measures the developer will incorporate to promote local employment within construction.
- 9.49 In the operational phase around 42 new employment posts could be created at the medical centre (although some posts may be relocated from the existing Medical Centre), along with new commercial expenditure from residents of the new dwellings. The economic benefits of the proposals are considered to comprise moderate positive weight within the overall planning balance.

### **Ground / air pollution**

- 9.50 *Noise:* Policy EQ2 states that development should be designed and operated in a way that minimises the direct and cumulative impact of noise on the surrounding environment. Consideration should be given to the proximity of noise sensitive uses. A Noise report has been submitted with the application which states that both the proposed medical centre and dwellings would be capable of meeting internal and external noise standards.
- 9.51 However, some mitigation measures would be required to the most southerly residential dwellings facing Hare Street Road, such as higher performing windows, with Mechanical Ventilation Heat Recovery (MVHR). Subject to a condition requiring details of mitigation measures,

the proposals are considered to provide an acceptable noise environment for future users / occupiers, in accordance with policy EQ2.

- 9.52 *Air Quality:* Policy EQ4 states that the effect of development upon air quality is a material consideration. All applications should take account of the Council's Air Quality Planning Guidance Document.
- 9.53 The applicants Air Quality Assessment considers the air quality impacts arising from the development. Construction phase air quality impacts such as dust from construction vehicles are considered medium risk. However, this issue is mitigated through a condition requiring submission of construction and logistics management plans which can ensure measures reduce dust are implemented.
- 9.54 The occupiers of the development are not considered to be at risk of adverse air quality. In addition, the proposed buildings would be air quality neutral. Whilst there would be some adverse emissions from transport arising from the development, this will be mitigated by increasing use of electric vehicles. As such the proposals are considered to accord with policy EQ4.
- 9.55 *Light pollution:* Policy EQ3 requires that external lighting schemes must not have an unacceptable adverse impact on neighbouring uses or the wider landscape. A planning condition is proposed requiring submission of lighting details and subject to these measures the proposals would not result in undue light pollution in accordance with policy EQ3.
- 9.56 *Ground contamination:* Policy EQ1 states that the remediation of contaminated land to ensure that land is brought back into use is encouraged. The Council will require evidence, as part of any application, to show that unacceptable risks from contamination and land instability will be successfully addressed through remediation without undue environmental impact.
- 9.57 The ground contamination risk assessment submitted with the application considers that the ground conditions at the site would result in a low risk to human health and controlled waters as no potential sources of significant contamination were identified. A watching brief is recommended during construction phase, so that if contamination is discovered, appropriate investigation and if required remediation is carried out. As such conditions are proposed requiring that appropriate investigation reports are undertaken for each phase. Subject to these

conditions the proposals the proposals are considered to accord with policy EQ1.

### **Infrastructure Requirements**

- 9.58 Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable using conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 9.59 A range of contributions have been requested by this Council and HCC to ensure that the infrastructure in the town can support the additional residents arising from the proposals:

#### **HCC Growth and Infrastructure**

- Contribution towards first school provision (£2,428,211 (which includes land costs of £192,448) index linked to BCIS 1Q2022)
- Contribution towards expansion of Edwinstree Middle School and/or provision serving the development (£1,461,829 index linked to BCIS 1Q2022)
- Contribution towards expansion of Freman College and/or provision serving the development (£1,823,505 index linked to BCIS 1Q2022)
- Childcare Contribution towards a new 0-2 childcare setting in Buntingford, or increasing the capacity at Buntings Nursery, and/or provision serving the development (£16,525 index linked to BCIS 1Q2022)
- Childcare Contribution towards increasing the capacity of 5-11 year old childcare facilities at Buntingford First School and/or provision serving the development (£2,987 index linked to BCIS 1Q2022)
- Contribution towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development (£258,244 index linked to BCIS 1Q2022)
- Library Service Contribution towards increasing the capacity of Buntingford Library and/or provision serving the development (£69,100 index linked to BCIS 1Q2022)

- Youth Service Contribution towards detached youth work in Buntingford and/or provision serving the development (£43,485 index linked to BCIS 1Q2022) Waste Service Transfer Station Contribution towards the new provision at Eastern Transfer Station and/or provision serving the development (£21,084 index linked to BCIS 3Q2022)

### HCC Transport

- Travel Plan;
- Financial contribution of £800,000 (over 5 years) towards improvements to bus service 386 to Bishop Stortford;
- £250,000 towards Herts Lynx on demand service;
- Sustainable Travel contribution of £1,365,000 towards measures such as Project Phoenix shared space, 20mph zones, A10 roundabout improvement, town centre one way system;
- S278 agreement with regard to off site highway works.

### EHDC contributions

- Recycling Contribution - financial contribution required per Dwelling and calculated £72 per individual dwelling and £76 per dwelling with communal facilities (PLUS INDEXATION from Oct 2008 to be added)
- Allotments contribution of £35,371.00, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Buntingford Community Transport Scheme (BCAT) Contribution - financial contribution based on a maximum of 200 Dwellings = £100,000 payable on identified Occupation triggers & RPI Indexed from date of resolution.
- Community Centres & Village Hall contribution - financial contribution based on a maximum of 200 Dwellings = £138,574.00 – “towards the provision of facilities, improvements, and maintenance of the Seth Ward Community Centre and/or other community centre, facilities within Buntingford including Norfolk Road Sports Pavilion, payable on identified Occupation triggers & RPI Indexed from May 2020.
- Fitness Gyms Contribution - financial contribution based on a maximum of 200 Dwellings = £50,877.00 - for Fitness gym provision & improvements – “towards the costs of provision of facilities, improvements, and maintenance to the fitness gym space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor

- fitness gym facilities as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
- Studio Space Contribution - financial contribution based on a maximum of 200 Dwellings = £21,017.00 – "towards the costs of provision of facilities, improvements, and maintenance to the studio space(s) at Grange Paddocks Leisure Centre and/or other community halls in the vicinity of Buntingford providing indoor sports and fitness facilities as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
  - Swimming Pool Contribution - financial contribution based on a maximum of 200 Dwellings = £117,069.00 - "towards the provision of facilities, improvements, and maintenance of the swimming pool facilities Grange Paddocks Leisure Centre and/or at the Ward Freman Pool (if applicable) as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020
  - Bowls Contribution - financial contribution based on a maximum of 200 Dwellings = £48,170.00 - "Towards the costs of provision, improvement and maintenance of Bowls Club facilities including bowling green and clubhouse at Buntingford Bowls Club and/ or any other local Bowls Club (including indoor bowls) as used by residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
  - Outdoor Tennis Contribution – financial contribution based on a maximum of 200 Dwellings = £33,000.00 – "Towards the costs of provision, improvement, and maintenance of the outdoor tennis courts facilities at Ward Freman pool and/or the MUGA at Norfolk Road Playing Fields and/or other facilities as used by residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
  - Playing Pitches Contribution – financial contribution based on a maximum of 200 Dwellings = £104,719.00 (amount based on Sport England calculations for grass pitches) – "Towards the costs of provision of facilities, improvements, and maintenance of the playing pitches at Luyne Rise Recreation Area and/or towards proposed public playing pitches as outlined in the Buntingford Community Area Neighbourhood Plan 2014-2031 as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.
  - Sports Hall Contribution - financial contribution based on a maximum of 200 Dwellings = £114,481.00 - "Towards the costs

of provision of facilities, improvements, and maintenance of the Norfolk Road Sports Pavilion and/or other community sports halls including indoor sports provision at the Seth Ward Community Centre as used by the residents of the development." Payable on identified Occupation triggers & RPI Indexed from May 2020.

#### NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development of £352,600.00 (would be required only in the event that medical centre not delivered prior to housing).

#### Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Provision of a minimum of 5 self-build dwellings.
- Details of longer-term stewardship, maintenance and managements
- Off site highway improvement works (likely covered by separate S278 agreement with highway authority)

#### S106 Monitoring fees

EHDC Monitoring fee: £4,200.00 (14 EHDC obligations x £300 + £300)

HCC Monitoring fee

9.60 All the above contributions are proposed to be secured by heads of terms within the legal agreement. In accordance with policies DEL1, DEL2 and DEL3 of the East Herts Local Plan (2018)

#### **Other Matters**

9.61 Some public comments raising some concerns, not addressed within the sections above are considered below:

9.62 Potential increase in crime: Some comments are noted that the new housing development would increase crime rates within Buntingford. The Planning Inspector considered this issue within the appeal decision on the site at land on the east side of the A10, Buntingford, and noted that there was no evidence to suggest that new housing development would increase incidents of crime within the town.

- 9.63 The submitted parameter plan and design principles within the design and access statement indicate the proposals will incorporate a series of connected streets, with new housing fronting onto these spaces providing natural surveillance, and clear and attractively designed boundaries between public and private spaces. These design principles would help to reduce potential for crime and can be further secured through the design code condition, and future reserved matters submissions. Separate conditions are also proposed with regard to lighting, and the design of pedestrian linkages into the site. Subject to these measures the proposals are not considered likely to result in increased crime, in accordance with policy DES5.
- 9.64 Reduction in house prices: Concerns are noted that the proposals could reduce local house prices. The impact of the application on local house prices is not a material planning consideration, although the impact of the proposals upon the amenity of neighbouring properties in terms of issues such as daylight, sunlight and overlooking are relevant.
- 9.65 In this case the development parcels within the parameter plan, as well as the footprint of the medical centre are set well away from the boundary with the nearest dwellings to the west. As such the proposals would not result in any undue adverse impacts upon the amenity of neighbouring properties in accordance with policy DES4.
- 9.66 Increased demand for water supply from new housing: Concerns are noted that the proposals would result in increased demand for water supply, and increased pressure on the Chilton Aquifer. The relevant water company for the area (Affinity Water) has a legal duty under separate legislation to supply water to new housing development and is required to prepare and submit a Water resources Management Plan (WRMP) to the governments water regulator (ofwat) to show how water can be provided for existing and new development, without resulting in undue adverse environmental impacts. WRMPs are required to consider forecast housing growth as part of development plans of local planning authorities in their area.
- 9.67 As such issues around water supply are predominantly considered as part of separate legislation and at the strategic plan making level. The principle of the proposed development in relation to the District Plan, and its housing supply aspirations are discussed above. If any water supply infrastructure upgrades are required to supply the development, these can be requested by Affinity Water, in separate discussions with the applicant.



## **10 Planning Balance and Conclusion**

- 10.1 The report provides a comprehensive officer 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.
- 10.2 In addition, regard needs to be given to the 'titled balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision-making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means: (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 10.3 The NPPF explains that, due to the lack of a five-year housing land supply, the policies relating to the provision of housing should be viewed as out-of-date.
- 10.4 In terms of paragraph 11(d)(i), the NPPF defines 'areas or assets of particular importance' as: habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of these listed areas or assets would be adversely impacted by the development.
- 10.5 Paragraph 11(d)(ii) requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
- 10.6 As noted above the proposed scheme would give rise to a number of benefits, which range from limited to significant and when taken cumulatively, would attract significant positive weight in favour of the

proposal. However, some adverse impacts and conflict with development plan policies have also been noted (which range from limited to significant and cumulatively attract moderate adverse weight). Both these positive and negative impacts are set out in the table below. Planning considerations not listed in the table below are of neutral value:

<b>Planning issue</b>	<b>Positive weight</b>	<b>Negative weight</b>
Provision of around 200 new dwellings contributing towards the Councils 5YHLS.	Significant positive weight	
40% of new dwellings to be affordable (25% Affordable ownership / 75% rent)	Significant positive weight	
Provision of Self/Custom Build Housing x 5 plots	Significant positive weight	
Provision of new fit for purpose medical centre	Significant positive weight	
Financial contributions towards community and education infrastructure to meet the needs of the development	Limited positive weight	
Financial contributions towards bus services and sustainable transport initiatives in the town, of benefit to the wider community	Moderate positive weight	
Provision of new green space with a Biodiversity Net Gain of 13%	Limited positive weight	
Economic benefits of new employment during construction / operational phases, and increased local	Moderate positive weight	

expenditure from local residents.		
Conflict with development plan strategy, as they comprise large scale development in the Rural Area Beyond the Greenbelt.		Moderate negative weight (given parts of the development plan relevant to housing delivery should be considered out of date as required by para 11d).
Loss of agricultural land (grade II BMV)		Limited negative weight.
Adverse landscape visual impact		Significant negative weight, reducing to moderate by year 15.
Less than substantial harm to the setting of Alswick Hall (grade II listed)		Limited negative weight.
Reliance on motor vehicle and increased number of vehicle trips		Moderate negative weight

- 10.7 Given the above assessment officers consider that public benefits of the proposal principally in terms of delivery of new housing, affordable housing, custom and self-build housing and a new medical centre are significant and would outweigh the identified adverse impacts, on balance.
- 10.8 Officers have carefully weighted the benefits and adverse impacts for this development, on the basis of the merits of the application whilst acknowledging the recent Appeal decision and the approach undertaken by the Inspector in that instance. Of particular significance is the weight applied to the District Plan and the most relevant policies DPS1, DPS2, GBR2, TRA1, DES1, DES2 and DES3. With regards to the DPS2 and GBR2 in particular, which are supply based policies and cover development within the Rural Area beyond the Green Belt, there are significant similarities which apply to both the Appeal scheme and the current application site. Therefore, Officers have applied the conflict with these policies moderate weight in the balance and this amounts to

a moderate level of harm overall, on the basis which is consistent with the approach taken by the Inspector in the Appeal scheme.

- 10.9 The Inspector considered East Herts to have less than 5 years supply of housing and that the District Plan is over 5 years old. Therefore, only moderate weight is afforded to the most important policies in the Appeal, which is considered applicable in the case of the application site. Officers consider that the proposals will result in significant adverse landscape impacts (on Year 1) but this would reduce to moderate adverse by year 15 following the landscaping assimilating with the context over time. Notwithstanding these cumulative moderate adverse impacts, officers consider that these do not amount to a sufficient level of harm to 'significantly or demonstrably' outweigh the significant cumulative benefits to arise from the development.
- 10.10 As such in accordance with the requirements of NPPF paragraph 11d the grant of planning permission is recommended, subject to the required conditions and planning obligations.

## **11 RECOMMENDATION**

- 11.1 That planning permission is GRANTED subject to the conditions/reasons and the completion of a Section 106 agreement.

### **Heads of Terms to be secured by S106 legal agreement**

#### HCC Growth and Infrastructure

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- Contribution towards expansion of Edwinstree Middle School and/or provision serving the development (£1,461,829 index linked to BCIS 1Q2022)
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- facilities within Buntingford including Norfolk Road Sports Pavilion, payable on identified Occupation triggers & RPI Indexed from May 2020.
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- Sports Hall Contribution - financial contribution based on a maximum of 200 Dwellings = £114,481.00 - “Towards the costs of provision of facilities, improvements, and maintenance of the Norfolk Road Sports Pavilion and/or other community sports halls including indoor sports provision at the Seth Ward Community Centre as used by the residents of the development.” Payable on identified Occupation triggers & RPI Indexed from May 2020.

NHS Healthcare

- Financial contribution to mitigate the primary health care impacts arising from new housing development of £352,600.00 (may not be required if new medical centre delivered prior to housing).

#### Non Financial obligations

- Affordable Housing: Provision of affordable housing comprising 40% of total residential units, in accordance with unit mix for each phase secured by condition.
- Details of longer term stewardship, maintenance and managements
- Off site highway improvement works (likely covered by separate S278 agreement with highway authority)

#### S106 Monitoring fees

EHDC Monitoring fee: £4,200.00 (14 EHDC obligations x £300 + £300)

HCC Monitoring fee

### **Conditions**

#### Time Limit (phase 1 medical centre)

1. Phase 1 (medical centre) of the development hereby permitted shall be begun before the expiration of 3 (three) years from the date of this permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### No commencement until reserved matters approved

2. No following phases (excluding phase 1) of the development (other than Preliminary Works) (as set out in the approved Phasing Plan) shall be begun until Reserved Matters approval for that Phase, Subphase or Development plot has been obtained from the local planning authority in writing. The development shall be carried out fully in accordance with the details as approved.

Reason: The application as submitted does not give particulars for some phases sufficient for consideration of the Reserved Matters.

#### Submission of reserved matters

3. Applications for approval of Reserved Matters, namely details of layout, scale, appearance, and landscaping (hereinafter called "the Reserved Matters") for all following phases (excluding phase 1) shall be made to the Local Planning Authority no later than 3 years from the date of this

permission.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Commencement within 2 years (reserved matters)

4. All following phases of the development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last Reserved Matters.

Reason: To comply with the requirements of Section 92(2) of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

5. The development hereby approved shall be carried out in accordance with the approved plans listed below:

Reason: To ensure the development is carried out in accordance with the approved plans, drawings and specifications: Location Plans and updated Parameter Plan by Stantec (RG-M-12-C; RG-M-13-B; RG-M-13-BRG-M-14 RevB); medical centre plans / elevations (D001 RevB; D002 RevJ; D003RevD; D004 RevB; D100 RevF; D101 RevG; D102 RevC; D200 RevD; D201RevE; D202 RevC; D300 RevC; D301 RevC; D400 RevE; D401; D402; D403; D404; D405; D406); Tree Constraints / Protection Plans (2145-KC-XX-YTREE-TPP01RevO; 2145-KC-XX-YTREE-TCP01RevO); Drainage Plans (001B; 002B; 003B).

Scope of development

6. The outline element of the development hereby permitted is for around (not materially different to) 200 Residential Units (Use Class C3).

Reason: In order to comply with the provisions of the outline planning permission including the parameters assessed, considered, and established by this permission.

Delivery of medical centre

7. No residential dwellings within the following phases of the development hereby approved shall be occupied, until details of the fit out of the Medical centre within phase 1 have been submitted for approval to the local planning authority. No residential dwellings shall be occupied until the medical centre is



constructed and fitted out in accordance with the approved details.

Reason: To ensure delivery of social infrastructure to meet the requirements of Buntingford, in advance of housing development, as envisaged by the planning application in accordance with District Plan policies DPS4 and CFLR9

### Pre-commencement

#### Phasing plan

8. Site-wide phasing proposals (hereinafter called the "Phasing Plan") for the development shall be submitted for approval by the local planning authority prior to commencement of any part of the development. The Phasing Plan shall include the following: a) A plan of the site showing the extent of each proposed Phase and Sub-Phase of the development; b) A timetable for the delivery of the development and associated infrastructure; and, c) Mechanisms for monitoring the implementation of and delivery of the development and its associated infrastructure. No development (except Preliminary Works) shall be begun until the Phasing Plan has been approved in writing by the local planning authority.

Reason: To ensure that the development is delivered and developed in a manner which is coherent and compliant with Development Plan policies.

#### Design Code

9. No Reserved matters shall be approved until a Design Code has been submitted and to and approved by the Local Planning Authority. The Design Code shall be produced in general accordance with the approved documents, DAS, and associated planning conditions. The Design Code will provide a set of simple, concise, illustrated design requirements to provide specific, detailed parameters for the physical development of the village. As a minimum the code shall include principles for the following:

1. Design

- Block structure
- Public Realm
- Green and blue infrastructure including multifunctional SuDS
- Routes and movement network, integrating with the wider movement network
- All modes parking typologies
- Street hierarchy and character types
- Land uses
- Density ranges
- Building heights

- Edges, nodes, and gateways
  - Frontage, access, and servicing
  - Built form
  - Identity
  - Areas that will be publicly lit, including streets, recreation areas and other public spaces in accordance with the lighting design principles in the Development Specification
  - Indicative materials palette
  - Indicative Planting strategy
2. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.
  3. Design Code Compliance Checklist.

All subsequent Reserved Matters shall accord with the approved Design Code and shall be accompanied by a completed Compliance Checklist which demonstrates compliance with the Code.

Reason: In order to achieve a coordinated approach to development and high-quality design outcomes in accordance with policies, DES1 and DES4 of the East Herts District Plan.

#### Construction Traffic Management Plan

10. Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall 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; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of highways safety, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Phase II ground investigation report / remediation scheme

11. No development within in each phase of development shall commence until the following are submitted to and approved by the local planning authority: 1) 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. The relevant phase of development shall thereafter be undertaken in accordance with these approved details.

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 to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Archaeology

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

Reason: To secure the protection of, and proper provision for, any archaeological remains, in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018.

Detailed design of surface water drainage scheme for Medical Centre

13. Prior to the commencement of development for the medical centre (phase 1), construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and

a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings, method statement, FRA & Drainage Strategy (dated August 2024, REF 410.065125.00001 UK.055150 04) and Technical Note (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001) and remaining in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF, Policies of East Herts Borough Council.

Detailed design of surface water drainage scheme (excluding phase 1 medical centre)

14. Prior to or in conjunction with the submission of each reserved matters application (excluding phase 1 medical centre), in accordance with the submitted FRA and Technical Note (Flood Risk Assessment, Surface Water Drainage Strategy and Foul Water Drainage Strategy, dated August 2024, REF 410.065125.00001 UK.055150 04) and (Drainage Note in Response to LLFA Comments, dated 04 October 2024, REF 410.065125.00001), detailed designs of a surface water drainage scheme incorporating the following measures shall be submitted to and agreed with the Local Planning Authority. The approved scheme will be implemented prior to the first occupation of the development. The scheme shall address the following matters:

I. Detailed infiltration testing in accordance with BRE Digest 365 (or equivalent) to show viability of soakaways and be undertaken along the length and proposed depth of any infiltration feature/s and representative geographical spread across the site.

or

A. Eastern Catchment: If infiltration is proven to be unfavourable, then Greenfield runoff rates and volumes for the site shall be agreed with the Lead Local Flood Authority. The post development runoff rates will be attenuated to the equivalent Greenfield rate for all rainfall events up to and including the 1% Annual Exceedance Probability (AEP). The discharge location for surface water runoff will be confirmed to connect with the wider watercourse network.

and

B. Western Catchment: If infiltration is proven to be unfavourable, runoff rates and volumes will be restricted to a total of 5 l/s for all development including the full application medical centre, to the spur in the development to the west.

II. Provision of surface water attenuation storage, sized and designed to accommodate the volume of water generated in all rainfall events up to and

including the critical storm duration for the 3.33% AEP (1 in 30 year) and 1% AEP (1 in 100) rainfall events (both including allowances for climate change).  
III. Detailed designs, modelling calculations and plans of the of the drainage conveyance network in the:

- 3.33% AEP (1 in 30 year) critical rainfall event plus climate change to show no flooding outside the drainage features on any part of the site.
- 1% AEP (1 in 100 year) critical rainfall plus climate change event to show, if any, the depth, volume and storage location of any flooding outside the drainage features, ensuring that flooding does not occur in any part of a building or any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development. It will also show that no runoff during this event will leave the site uncontrolled.
- All supporting calculations will include the use of the CV value of 1 for impermeable areas, urban creep allowances and the most up to date rainfall parameters (FEH13 or FEH22).

IV. The design of the infiltration / attenuation / detention basin will incorporate an emergency spillway and any drainage structures include appropriate freeboard allowances. Drawings to be submitted showing the routes for the management of exceedance surface water flow routes that minimise the risk to people and property during rainfall events in excess of 1% AEP (1 in 100) rainfall event plus climate change allowance.

V. Finished ground floor levels of properties are a minimum of 300mm above expected design flood levels of all sources of flooding (including the ordinary watercourses, SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary.

VI. Details of how all surface water management features to be designed in accordance with The SuDS Manual (CIRIA C753, 2015), including the provision of source control, above ground green infrastructure and appropriate treatment stages for water quality prior to discharge.

Reason: To prevent flooding in accordance with National Planning Policy Framework paragraphs 173,175 and 180 by ensuring the satisfactory management of local sources of flooding surface water flow paths, storage and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

#### SUDS phase plan

15. Prior to or in conjunction with the submission of each Reserved Matters application (excluding phase 1 medical centre) a detailed Site SuDS Phase plan which aligns with the site phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This SuDS Phasing plan shall ensure that each phase does not exceed the agreed discharge rates for that phase

and that source control measures are installed within each phase to adequately address the phases own surface water runoff. The plan shall ensure that each SuDS component is adequately protected throughout the development of the scheme. The plan shall show all exceedance routes throughout the site clearance and construction of the scheme ensuring flood risk is not increased elsewhere or to the site itself and that the site remains safe for all exceedance event flow routes for the lifetime of the development during rainfall (i.e. greater than design events or during blockage) and how property on and off site will be protected.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of

#### Interim drainage measures

16. Development shall not commence on any phase until details and a method statement for interim and temporary drainage measures during the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. This information shall provide full details of who will be responsible for maintaining such temporary systems and demonstrate how the site will be drained to ensure there is no increase in the off-site flows, nor any pollution, debris and sediment to any receiving watercourse or sewer system. The site works and construction phase shall thereafter be carried out in accordance with approved method statement, unless alternative measures have been subsequently approved by the Planning Authority.

Reason: To prevent flooding and pollution offsite in accordance with the NPPF

#### Details of alteration to watercourses

17. Prior to or in conjunction with any reserved matters submission for any phase (excluding phase 1 medical centre), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes). Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that that they are easily maintainable and accessible. The details shall include long sections and cross sections of the proposed watercourses

including details of any proposed crossings. The development shall be constructed in accordance with the approved plans. Prior to the first occupation of the development, a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

#### Broadband Connectivity

18. Prior to the commencement of each phase hereby approved, apart from enabling works, details of the measures required to facilitate the provision of high-speed broadband connections for that phase 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 Policies ED3 and DES4 of the East Herts District Plan 2018 and the NPPF.

#### Site Waste Management Plan

19. Prior to the commencement of each phase hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to, for that phase. The development shall be carried out in full accordance with the approved SWMP.

Reason: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

#### Construction Environmental Management Plan

20. Prior to the commencement of each phase of the development hereby approved, a Construction Environmental Management Plan (CEMP), detailing how emissions with the potential to adversely impact the local air quality are to be mitigated throughout construction works for that phase, shall be submitted to, and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved CEMP for the duration of the construction process for that phase.

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

Surface water drainage away from the highway

21. Prior to the commencement of any phase of the development hereby permitted, details for that phase of the arrangement for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway must be submitted to the Local Planning Authority.

Reason: To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Materials

22. Prior to the commencement of each phase of the development, with the exception of below ground construction works, details and specifications of all the external materials of construction and finishes for that phase of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

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

Sustainable Design

23. Prior to the commencement of any above ground construction works for each phase, details of the sustainability measures to be incorporated within each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. These sustainability measures shall be based on the recommendations of the Energy Strategy Statement (Prepared by: Briary Energy, Dated: July 2023) and shall include details of:

- Energy efficient construction techniques;
- Energy efficient lighting and fittings;



- Services and controls;
- Efficient energy supply (including details of air source heat pumps);
- Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and
- Compliance with the Future Homes Standard (unless otherwise agreed)
- BREEAM rating (no less than 'excellent' unless otherwise agreed)

Thereafter, the development shall be implemented and maintained, in accordance with the approved details.

Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

#### Off site highway works

24. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (ITL19023-GA-011 Rev A, ITL19023-GA-012 Rev A) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements. Such scheme must include:

- A minimum 1.8m width footway on the northern side of Hare Street Road between the site and Pipkin Avenue.
- Bus shelters, kessle kerbs and real time information boards at the proposed eastbound and westbound bus stops on Hare Street Road.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

#### Rights of Way

25. A) Design Approval Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.

B) Implementation / Construction Prior to the first occupation/use of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

On-Site Highway Design

26. No development shall commence until full details have been submitted to and approved in writing to the Local Planning Authority that the on-site highways will be design for a 20mph speed limit in-line with the HCC Highways Place and Movement Planning and Design Guide.

Reason: To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018). HCC as Highway Authority recommends inclusion of the following Advisory Note (AN) / highway informative to ensure that any works within the highway are carried out in accordance with the provisions of the Highway Act 1980:

Prior to Occupation / commencement of the use

Traffic Regulation Order

27. Prior to the first occupation of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on drawing number TL19023-GA-011 Rev A must be secured in place and implemented. Such scheme will need to be submitted to and approved in writing to the HCC Speed Management Strategy Group.

Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire's Local Transport Plan (adopted 2018).

Maintenance and management of SUDS

28. No phase of development hereby approved shall be occupied until details of the maintenance and management of the sustainable drainage scheme for that phase have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter

managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

- I. a timetable for its implementation.
- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
- III. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Hertfordshire District Council.

#### SUDS verification report

29. Prior to first use of each phase of the development a detailed verification report, (appended with substantiating evidence demonstrating the approved construction details and specifications have been implemented in accordance with the surface water drainage scheme), shall be submitted to and approved (in writing) by the Local Planning Authority. The verification report shall include a full set of "as built" drawings plus photographs of excavations (including soil profiles/horizons), any installation of any surface water drainage structures and control mechanisms.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.

#### External Lighting

30. Prior to the first occupation of each phase of the development hereby approved, details of any external lighting proposed in connection with each phase of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details.

Reason: In order to ensure inappropriate light pollution does not occur, in line with Policy EQ3 of the East Herts District Plan 2018.

Ground contamination validation report

31. Prior to first occupation / use of each phase of development the following shall be submitted and approved by the local planning authority: 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 to and approved by the Local Planning Authority 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 to protect human health and the environment in accordance with policy EQ1 of the adopted East Herts District Plan 2018.

Parking Spaces

32. Prior to first occupation use of each phase of the hereby approved development, details of car / cycle parking provision for each phase, which shall have regard to the Councils Vehicle Parking SPD shall be 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

33. Prior to the first occupation of each phase of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, for that phase shall be 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 thereafter. No dwelling shall be

occupied / use commenced until the EVCP serving that dwelling / use has been installed.

Reason: In the interests of promoting use of electric vehicles, in accordance with Policies DES4 and TRA1 of the East Herts District Plan 2018.

#### Refuse Stores

34. Prior to the first occupation / use of each phase of the development hereby approved, details of waste and recycling stores shall be submitted for approval to the local planning authority. Thereafter, the refuse stores shall be retained. Prior to first occupation / use of that phase.

Reason: To ensure adequate refuse storage is provided, in accordance with Policy DES4 of the East Herts District Plan 2018.

#### Foul drainage capacity

35. No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. 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 3. 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.

#### Play Spaces

36. Prior to the first occupation of the following phases of the development hereby approved (excluding phase 1), details of the proposed Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP) for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- a site plan showing the detailed layout of the play spaces;
- scaled drawings of new play equipment and furniture;
- scaled drawings of any boundary treatments; and
- information on any surface coverings.

No dwelling within the phase hereby approved shall be occupied until the LEAP and LAP have been installed in accordance with the approved details.

Reason: To ensure the provision of high-quality play spaces, in accordance with Policies DES4 and CFLR1 of the East Herts District Plan 2018.

### Landscaping

37. Prior to the first occupation / use of each phase of the development hereby approved, full landscaping details for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Hard surfacing materials;
- Soft landscaping proposals;
- Retained landscape features;
- Planting plans detailing schedule of plants, species, planting sizes and density of planting.; and
- An implementation timetable.

Thereafter, the site covered by that phase shall be landscaped in full accordance with the approved details and implementation timetable.

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).

### Landscape Maintenance

38. Prior to the first occupation / use of each phase of the development hereby approved, a schedule of landscape maintenance for a minimum period of five years, following completion of that phase of the development, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the landscaping shall be maintained, in accordance with the approved schedule.

Reason: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

### Biodiversity Net Gain Plan and Landscape Environmental Plan

39. Prior to the first occupation / use of each phase development hereby approved, a Biodiversity Net Gain Plan and Landscape Environmental Management Plan (LEMP), informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning Authority for that phase. This Biodiversity Net Gain Plan and LEMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

- Descriptions and evaluations of features to be managed;
- Aims and objectives of management;

- Appropriate management options for achieving target condition for habitats as described in the metric;
- Details of management actions;
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring plan and remedial measures to ensure habitat condition targets are met;
- Details of species and mixes selected to achieve target habitat conditions as identified in the metric.

The phase of development shall be implemented and retained in full accordance with the approved Biodiversity Net Gain Plan and LEMP.

Reason: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

#### Ecological Enhancements

40. Prior to the first occupation / use of each phase of development hereby approved, details of the ecological enhancements on that phase of the site, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in the submitted Ecological Appraisal, shall be submitted to, and approved in writing by the Local Planning Authority. No occupation / first use for that phase shall take place until the approved details have been implemented in full.

Reason: In order to create opportunities for wildlife, in accordance with Policy NE3 of the East Herts District Plan 2018.

#### Footpath connections

41. No phase of the hereby approved development shall be occupied / use commenced until details of any relevant pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway are submitted for approval to the local planning authority. The relevant phase of development shall not be occupied / use commenced 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.

#### Reserved matters mix of unit sizes

42. Concurrent with the submission of reserved matters for each following phase (excluding phase 1), the housing mix for that 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

#### Travel Plan Statement

43. At least two months before first occupation / use of each phase, a Travel Plan Statement 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.

#### Fire Hydrants

44. Prior to occupation / use of each phase of development details of fire hydrant provision for that phase shall be submitted to and approved in writing by the local planning authority. The approved details shall thereafter be implemented, retained, and maintained in full prior to first occupation / use of the development.

Reason: In order to make adequate provision for fire hydrants and to ensure fire safety for future occupiers.

#### BREEAM post construction stage assessment

45. Within 2 months of first use of phase 1 (medical centre) of the hereby approved development, a BREEAM post construction stage assessment shall be submitted to and approved in writing by the local planning authority demonstrating achievement of a minimum BREEAM 'excellent' rating.



Reason: In the interests of minimising carbon emissions and promoting the principles of sustainable construction, in accordance with Policies CC1 and WAT4 of the East Herts District Plan 2018.

#### Noise mitigation measures

46. Prior to first occupation / use of each phase of development closest to the southern boundary of the site, details of noise mitigation measures, to ensure internal noise levels within that part of development accord with relevant standards shall be submitted to and approved by the local planning authority. The hereby approved details shall thereafter be implemented, retained and maintained in perpetuity.

Reason: in order to safeguard the amenity of future occupiers.

#### Medical centre cycle parking

47. Prior to commencement of the use of medical centre (phase 1) a detailed scheme for the Cycle Parking including provision for mobility impaired / wider cycles and security measures are submitted to and approved in writing by the Local Planning Authority.

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

#### Compliance Conditions

##### Active travel route along southern site boundary

48. Any future Reserved Matters application must include a DfT LTN/120 compliant active travel route along the southern boundary of the site (parallel to Hare Street Road) and must link to the eastern boundary, alongside providing a transition at the south east corner of the site onto Hare Street Road.

Reason: To ensure the construction of a satisfactory and sustainable development in accordance with Policies 1 and 5 Hertfordshire's Local Transport Plan (adopted 2018).

##### Accessible and Adaptable Dwellings

49. 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.

#### Wheelchair User Dwellings

50. At least 10% of all dwellings within the development hereby approved shall be completed in compliance with Building Regulations Optional Requirement Part M4 (3) '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.

#### NDSS

51. 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

#### Checklist against Buntingford Neighbourhood Plan Design Code

52. Reserved matters applications shall be accompanied by a checklist against the Buntingford Neighbourhood Plan Design Code.

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

#### Landscaping Implementation

53. 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 maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

### Tree and Hedge Retention

54. 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 Policies DES3 and NE3 of the East Herts District Plan 2018.

### Tree Protection Plan

55. The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan XXXXX.

Reason: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

### Previously Unidentified Contamination

56. 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. Thereafter, the remediation strategy shall be implemented as approved.

Reason: To ensure that the development does result in risk of water pollution and in the interests of ensuring that the occupiers of the development are not at risk from unidentified contamination sources, in accordance with Policies WAT3 and EQ1 of the East Herts District Plan 2018.

### Hours of construction

57. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs 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.

Residential Cycle Parking in accordance with HCC design Guide

58. The proposed cycle parking for the Outline element of the application must be designed in line with the best practices set out in HCC's Highways Place and Movement Planning and Design Guide and the DfT's LTN1/20.

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

**Informatives**

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 Waters Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk) Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk) Please refer to the Wholesale; Business customers; Groundwater discharges section.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

AN1) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. 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 and use thereafter are in a condition such as

not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

AN2) Avoidance of surface water discharge onto the highway: The applicant is advised that the Highway Authority has powers under section 163 of the Highways Act 1980, to take appropriate steps where deemed necessary (serving notice to the occupier of premises adjoining a highway) to prevent water from the roof or other part of the premises falling upon persons using the highway, or to prevent so far as is reasonably practicable, surface water from the premises flowing on to, or over the footway of the highway.

AN3) 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.

AN4) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application [access to medical centre and active travel links] as maintainable at the public expense then 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. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development->

[management/highways-development-management.aspx](https://www.hertfordshire.gov.uk/services/highways-development-management.aspx) or by telephoning 0300 1234047.

AN5) Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available

on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

AN6) Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing [travelplans@hertfordshire.gov.uk](mailto:travelplans@hertfordshire.gov.uk)

**East Herts Council: Development Management Committee****Date: 13 November 2024****Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.**

<b>Agenda No</b>	<b>Summary of representations</b>	<b>Officer comments</b>
<b>5a</b> <b>3/24/0294/OU</b> <b>T – Land north</b> <b>of Hare Street</b> <b>Road,</b> <b>Buntingford</b>	<p>Comment received from CPRE (Hertfordshire) raising objections to the application which are summarised as follows:</p> <ul style="list-style-type: none"> <li>• The Hare Street Road application and its context are very different from the Vistry application, and this appeal decision does not represent a precedent for determination of the current application.</li> <li>• 5-year housing land supply shortfall is relatively small and will be met by other windfall sites. As such this issue would not outweigh adverse impacts of encroachment beyond the settlement boundary.</li> <li>• Encroachment beyond the settlement boundary is clearly a material consideration</li> </ul>	<p>Officers position with regard to the 5YHLS, the relevance of the appeal decision on land east of the A10, Buntingford, and the planning balance with regard the benefits / harms of the proposals are as set out in the committee report.</p> <p>For the reasons outlined in the committee report Officers do not agree with the weighting attributed by CPRE to the planning considerations discussed in their comments.</p> <p>Other concerns raised with regard to the location of the medical centre, loss of agricultural land and concerns over drainage</p>

	<p>as the proposals would be contrary to policy GBR2.</p> <ul style="list-style-type: none"> <li>• Landscape impacts and intrusion upon the Ribb Valley setting are greater at this site in comparison with the Vistry application, resulting in moderate adverse harm in the longer term, which cannot be fully mitigated.</li> <li>• Loss of Best Most Versatile agricultural land.</li> <li>• The medical centre should be located in an alternative location better served by public transport.</li> <li>• Significant concerns with regard to sewerage / drainage</li> </ul>	<p>are also addressed within the committee report.</p>
<p><b>5a</b> <b>3/24/0294/OU</b> <b>T – Land north of Hare Street Road, Buntingford</b></p>	<p>A Further comment has been received from Sawbridgeworth Swifts Group that condition 40 (biodiversity enhancements) should be amended to require submission of details of swift boxes prior to commencement to ensure they can be integrated into the development.</p>	<p>Government guidance to Local Planning Authorities is that use of pre-commencement conditions should be minimised and only required if necessary. The current wording of condition 40 requires submission of details 'prior to occupation' which would allow for a range of construction works to take place before the condition should be discharged but would still allow for detailed to be secured of</p>



		integrated biodiversity features. As such changing the trigger point to 'prior to commencement' is not considered justified.
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**Table of errata and updates to reports submitted to Committee.**

<b>Agenda No</b>	<b>Paragraph No</b>	<b>Updates</b>
<b>5a</b> <b>3/24/0294/OU</b> <b>T – Land north of Hare Street Road, Buntingford</b>	<b>6.7</b>	Paragraph 6.7 amended as follows due to error: <i>"Application can be determined with no Ecology Objections. BNG information is sufficient for determination, showing a 13.02% <b>Hedgerow</b> Net Gain which exceeds requirements and there is no reason to believe that the Biodiversity Net Gain Condition will not be met".</i>
<b>5a</b>	<b>9.36</b>	Paragraph 9.36 amended as follows due to error:

<b>3/24/0294/OU T – Land north of Hare Street Road, Buntingford</b>		<p><i>In addition separate legislation requires that water companies such as Thames Water have a duty to accept connections from new developments to the wastewater drainage network, but water companies can require developers to make contributions to increase capacity if required. A condition is proposed requiring liaison between the applicant and Thames Water regarding any mitigation measures if required. As such officers do not consider that <b>the</b> foul drainage strategy is acceptable and that there are <b>no</b> any grounds for refusal of the planning application in relation to this issue.</i></p>
<b>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</b>	<b>9.39</b>	<p>Paragraph 9.39 amended as follows due to error:  <i>"The HCC ecology team initially raised some queries with regard to the submitted information but have now confirmed that the submitted Ecology Report and BNG metric are supported and will be secured by the Standard BNG condition securing a <b>2013%</b> BNG. A further condition is proposed to secure biodiversity enhancements such as bird and bat boxes to the proposed buildings. As such the proposals would accord with policies NE1, NE2 and N3 of the District Plan. Provision of areas of open / green space alongside a BNG of <b>2013%</b> are considered to a benefit of limited positive weight within the planning balance".</i></p>
<b>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</b>	<b>Table following para 10.6</b>	<p>Planning Balance table row on BNG amended as follows due to error:  <i>"Provision of new green space with a Biodiversity Net Gain of <b>2013%</b>".</i></p>

<p><b>5a</b> <b>3/24/0294/OU</b> <b>T – Land north</b> <b>of Hare Street</b> <b>Road,</b> <b>Buntingford</b></p>	<p><b>Condition 7</b></p>	<p>Condition 7 amended to read as follows: No residential dwellings within the development (excluding phase 1) hereby approved shall be occupied, until details of the fit out of the Medical centre within phase 1 have been submitted for approval to the local planning authority. The medical centre shall be constructed and fitted out in accordance with the approved details, prior to the later of i) occupation of any residential units within the development (excluding phase 1), <b>or ii) such phasing as agreed in writing pursuant to condition 8 (phasing plan)</b>. Reason: To ensure delivery of social infrastructure to meet the requirements of Buntingford, in advance of housing development, as envisaged by the planning application in accordance with District Plan policies DPS4 and CFLR9.</p>
<p><b>5a</b> <b>3/24/0294/OU</b> <b>T – Land north</b> <b>of Hare Street</b> <b>Road,</b> <b>Buntingford</b></p>	<p><b>Condition 17</b></p>	<p>Condition 17 amended as follows: <i>Prior to or in conjunction with any reserved matters submission for any phase (excluding phase 1 medical centre), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority for any proposed watercourse alteration that demonstrates the design is in strict accordance with the Land Drainage Act 1991 (culverting shall only be acceptable for access purposes). Details submitted for any proposed watercourse alteration must demonstrate there is adequate space for each watercourse to be naturalised and enhanced, that flood risk is suitably managed for all storms up to and include the 1% Annual Exceedance Probability (AEP) (1 in 100 year) plus climate change, that exceedance events of the channels do not impact the proposed development and that that they are easily maintainable and accessible. The details shall include long sections and cross sections of the</i></p>

		<p><i>proposed watercourses including details of any proposed crossings. The development shall be constructed in accordance with the approved plans, prior to the first occupation of the development, <b>and shall be retained and maintained in this condition thereafter.</b> <del>a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.</del></i></p> <p><i>Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policies of East Herts Borough Council.</i></p>
	<p><b>Condition 25</b></p>	<p>Condition 25 wording amended as follows:</p> <p><i>A) Design Approval: <b>Excluding phase 1 (medical centre)</b>, notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence on site unless otherwise agreed in writing until a Rights of Way Improvement Plan for the off-site and on-site Rights of Way improvement works has/have been submitted to and approved in writing by the Local Planning Authority.</i></p> <p><i>B) Implementation / Construction Prior to the first occupation/use of <b>the relevant</b> part of the development hereby permitted the off-site and on-site Rights of Way improvement plan works (including any associated highway works) referred to in Part A of this condition shall be <b>installed, retained and maintained thereafter.</b> <del>to the written satisfaction of the Local Planning Authority.</del></i></p>

		<p><i>Reason: To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 5, 13 and 21 of Hertfordshire’s Local Transport Plan (adopted 2018).</i></p>
	<p><b>Condition 27</b></p>	<p>Condition 27 amended as follows:  <i>Prior to the first occupation / use of the development hereby permitted the Traffic Regulation Orders (TROs) as indicated on drawing number TL19023-GA-011 Rev A must be secured and implemented. <del>Such scheme will need to be submitted to and approved in writing</del> to the satisfaction of the HCC Speed Management Strategy Group.</i>  <i>Reason: In the interests of highway safety, amenity and capacity to ensure free and safe flow of traffic and to be in accordance with Policies 4, 5, 12, 15 and 17 of Hertfordshire’s Local Transport Plan (adopted 2018).</i></p>
	<p><b>Condition 41</b></p>	<p>Condition 41 amended as follows:  <i>No phase of the hereby approved development which includes pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway shall be occupied / use commenced until details of any relevant pedestrian footpath / cycleway connections from the site to the adjacent housing development / causeway / PROWs / adopted highway for that phase have been submitted for approval to the local planning authority. The relevant phase of development shall not be occupied / use commenced until the approved details are implemented in full</i></p>

		<i>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.</i>
<b>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</b>	<b>11.1</b>	Additional head of term to S106 agreement: <i>"CAVAT assessment of highways trees to be undertaken with associated tree planting compensation or financial contribution".</i>
<b>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</b>	<b>11.1</b>	Additional head of term to S106 agreement: <i>"Medical centre to be delivered in conjunction with first phase of residential development".</i>

# Agenda Item 6

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

<b>Application Number</b>	3/23/0018/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Saxons Thorley StreetThorleyBishops Stortford CM23 4AS
<b>Appellant</b>	
<b>Proposal</b>	Demolition of Saxons and all associated buildings and the construction of 9 dwellinghouses with associated landscaping, car parking, widened site access and other works.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/0981/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land Off Poles LaneThundridge
<b>Appellant</b>	Mr Norman Sheldrake
<b>Proposal</b>	Change of use from stables and paddock to C3 residential. Erection of 1 detached 5 bedroom dwelling with detached triple garage. Associated landscaping and parking.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/1233/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Ash Tree Barn 1-6Monks Green FarmMangrove LaneBrickendon SG13 8QL
<b>Appellant</b>	Mr William Ashley
<b>Proposal</b>	Retrospective change of use of 1-6 Ash Tree Barn from Class E (formerly B1) to C3 residential dwellings (resubmission)
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/23/1348/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Brookfield LaneAston
<b>Appellant</b>	Mr Ronan Murray
<b>Proposal</b>	Continued use of land for dog walking activity (Sui Generis), with proposed longer daily hours of operation (07:00 - 19:00), also to be used at weekends, the maximum number of dogs on site to be increased to 20, the private rental of the site for a maximum of 2 members of the public to exercise their dogs, the designation of a portion of the site to agricultural use, and car parking to take place within the site
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/1396/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	8 Pole Hole Farm Pye CornerGilston CM20 2RP
<b>Appellant</b>	Magri Builders Ltd
<b>Proposal</b>	Change of use of agricultural building to C3 use class for 1 residential unit, insert rooflight windows, replacement doors and windows. Construction of bike store.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/1557/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Little GobionsStaplefordHertford SG14 2BF
<b>Appellant</b>	Mr Daniel Shipton
<b>Proposal</b>	Demolition of stables and garage building. Construction of replacement new studio, changing facilities, garage and garden store plus adjoining swimming pool.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/1750/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Flat 329C North StreetBishops Stortford CM23 2LD
<b>Appellant</b>	Mr & Mrs A & P Norris
<b>Proposal</b>	Raising the roof height and proposed second floor extension to enlarge and create duplex to the existing front flat, with new second floor front and rear windows. New cycle rack in rear garden.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/1857/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land East Of London RoadSpellbrook CM23 4AU
<b>Appellant</b>	Mr James Laird
<b>Proposal</b>	Erection of stables with tack room and associated landscaping works and hardstanding
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/23/2190/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	8 Pole Hole Farm Pye CornerGilston CM20 2RP
<b>Appellant</b>	Magri Builders Ltd
<b>Proposal</b>	Change of use and conversion of agricultural building to C3 use class for 1 residential unit, insert rooflight windows, replacement doors and windows, new EV charging point. Construction of bike store.
<b>Appeal Decision</b>	Allowed

<b>Application Number</b>	3/24/0018/OUT
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Land At Orchard RoadTewin
<b>Appellant</b>	Mr And Mrs Morrisroe
<b>Proposal</b>	Outline planning application for the erection of a detached dwelling. Creation of vehicle entrance/crossover. All matters reserved except access, layout and scale
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/24/0059/FUL
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	A120 Veterinary Hospital Standon RoadLittle Hadham SG11 2DF
<b>Appellant</b>	Mr And Mrs Ali
<b>Proposal</b>	Demolition of redundant storage buildings, timber apex shed and concrete walls. Erection of new single storey buildings containing workshops (use class E(g)), together with the creation of parking spaces, the provision of charging points and the extension of existing hardstanding.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/24/0216/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	Rumballs Barn Rumballs CourtBishops Stortford CM23 4DQ
<b>Appellant</b>	Mrs Tamsin Joiner
<b>Proposal</b>	Two storey and part single storey rear extension to garage / annex and insert side facing rooflight windows.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/24/0344/ADV
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	110 High StreetWare SG12 9AP
<b>Appellant</b>	Mrs Angela Holtam
<b>Proposal</b>	Retrospective application for an internally illuminated window LCD display
<b>Appeal Decision</b>	Dismissed



<b>Application Number</b>	3/24/0351/ADV
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	34 Amwell EndWare SG12 9HW
<b>Appellant</b>	Betting Shop Operations Limited
<b>Proposal</b>	Retention of 2 externally illuminated fascia signs.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/24/0568/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	97 Datchworth GreenDatchworth SG3 6TL
<b>Appellant</b>	Mr And Mrs Balchin
<b>Proposal</b>	Erection of single storey rear extension and alterations to rear fenestration.
<b>Appeal Decision</b>	Dismissed

<b>Application Number</b>	3/24/1138/HH
<b>Decsn</b>	Refused
<b>Level of Decision</b>	Delegated
<b>Address</b>	60 The WickHertford SG14 3HR
<b>Appellant</b>	Mr Karl Graham
<b>Proposal</b>	Erection of part single, part two storey rear extension. Single storey front extension. Relocation of first floor rear balcony. Insertion of 4 rooflight windows. Addition of pitched roof to front. Alterations to fenestration
<b>Appeal Decision</b>	Allowed



# Appeal Decision

Site visit made on 30 September 2024

**by J Pearce MSc MRTPI**

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

**Decision date: 14 November 2024**

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**Appeal Ref: APP/J1915/W/24/3338323**

**Saxons, Thorley Street, Thorley, Bishop's Stortford, Hertfordshire  
CM23 4AS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Saxons Fine Homes Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/0018/FUL.
  - The development proposed is demolition of Saxons and all associated buildings and the construction of 9no. dwellinghouses with associated landscaping, car parking, widened site access and other works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The appellant submitted a Heritage Statement dated February 2024 with the appeal. The Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the Heritage Statement. I have proceeded with the appeal on this basis.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposal would preserve or enhance the setting of the nearby listed buildings;
  - the effect of the proposal on the living conditions of the occupants of neighbouring properties, with regard to outlook, privacy and noise and disturbance; and
  - whether the proposal would provide a suitable provision of parking.

## Reasons

### *Character and appearance*

4. The appeal site comprises an existing two-storey dwelling, set back from Thorley Street within extensive grounds. Development in the area typically fronts Thorley Street and while there are rows of dwellings perpendicular to the road, there is a primarily linear pattern of development in the area. The dwellings in the area are typically on spacious plots at a low density with limited development to the rear of the frontage buildings. The land levels rise from Thorley Street, including at the site where the existing dwelling is on land elevated above the neighbouring properties.
5. The proposal is for nine two-storey dwellings, following the demolition of the existing dwelling and outbuildings. Plots 1 to 7 would be oriented towards Thorley Street with plots 8 and 9 perpendicular to the road. The dwellings would be to the rear of development fronting the road in an uncharacteristic position within this part of Thorley Street. Given the elevated position of the site and the removal of the existing hedge to the front of the site, the dwellings would be clearly visible from Thorley Street, highlighting the discordant position of the development.
6. The existing dwelling occupies the raised position to the rear of the neighbouring properties. However, the proposal consists of considerable built form, which would spread across the site to the rear of the neighbouring dwellings. The scale and massing of the dwellings would reflect that of the surrounding development. Nonetheless, the higher density, reflected in the tight grain of the layout, and the position of the dwellings on elevated land to the rear of the frontage dwellings would be at wholly odds with the general pattern of development in the area.
7. The proposed layout would make efficient use of the site, informed by its size and shape. Nonetheless, it does not take into account the prevailing characteristics of Thorley Street, including the linear pattern of development, which fronts onto the road. While higher density development is present to the rear of the site, it is set back away from Thorley Street and does not form part of the character of the street scene. While the density of development adjacent to Elm Trees as well as at Thorley High, Hill Cottages and The Cottages, would be comparable in qualitative terms to the proposal, these dwellings directly address Thorley Street and, in the case of development at Elm Trees, respect the general layout of development in the road.
8. The excessive scale and quantum of development, which is emphasised by the considerable change in land levels would harm the character and appearance of the area. The scheme would include landscaping, including new and replacement tree and hedge planting, which would assist in limiting the visual effect of the development, particularly following the removal of the considerable hedge to the front of the site. The provision of these soft landscaping features would soften the visual effect of the hardstanding and car parking to the front of the dwellings from both Thorley Street and within the site.
9. Nonetheless, given the height of the dwellings and their position on elevated land, the provision of trees and hedges would not provide substantial

screening of the development, particularly if the vegetation is not in leaf. Moreover, the long-term retention and maintenance of the landscaping cannot be effectively controlled. Consequently, it cannot be relied upon to obscure development that would otherwise be unacceptable.

10. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES4 and HOU2 of the East Herts District Plan 2018 (DP) and the National Planning Policy Framework (the Framework), which collectively require proposals to be of a high standard of design and layout to reflect and promote local distinctiveness, demonstrate how the density has been informed by the character of the local area and add to the overall quality of the area.

#### *Listed buildings*

11. The Coach and Horses is a public house on the opposite side of Thorley Street. Glen View and Moorlands are a pair of semi-detached dwellings positioned beyond the rear garden of Rainbow Cottage, which abuts the site. The Coach and Horses and Glen View and Moorlands are Grade II listed buildings. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to pay special regard to the desirability of preserving listed buildings and their setting.
12. The Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.
13. The Coach and Horses is of fifteenth century origin and its significance is derived partly from its historic interest based on its use as a public house and coaching inn. The public house occupies a prominent position adjacent to Thorley Street and has extensive grounds to the side and rear, including the car park. The heritage asset is primarily appreciated along Thorley Street, particularly on the approach towards Bishops Stortford and from within the car park and garden area of the public house. The existing development on either side of Thornley Street contributes to the primarily urban setting of the building.
14. The appeal site is separated from the Coach and Horses by the road and the buildings and gardens forming the dwellings at Rainbow Cottage, Old Police Cottage and Hillside Cottage. The intervening features, and the separating distance between the site and the listed building minimises the contribution that the site makes to the setting of the Coach and Horses. Development at the site would be more prominent when viewed from the public house. However, whilst visible from the public house, the proposal would not lead to the further erosion of the special interest of the building, particularly given the presence of the intervening features, including neighbouring properties and the road.
15. Glen View and Moorlands is a building of seventeenth century origin. Its significance is derived from its architectural and historic interest. The building is partly to the rear of Rainbow Cottage and, with the new development adjacent to the Glen View, is largely obscured in views from Thorley Street. The heritage asset is primarily appreciated from immediately in front of the building and from glimpsed views from the front of the new development at

Elm Trees. The appeal site is separated from the listed building by the rear garden of Rainbow Cottage and there is limited intervisibility between the site and Glen View and Moorlands.

16. The development would be set away from the listed building and would be separated by intervening features that would considerably limit intervisibility. Moreover, the proposal would not impact on the views of the heritage asset that would primarily allow the buildings architectural and historic interest to be appreciated. Accordingly, the proposal would not harm the significance of Glen View and Moorlands.
17. I conclude that the proposal would preserve the special interest of the listed buildings. The development therefore accords with Policies HA1 and HA7 of the DP and the Framework, which collectively require proposals to preserve the historic environment and require that great weight should be given to the asset's conservation.

#### *Living conditions*

18. The site is adjacent to a pair of semi-detached dwellings, known as Old Police Cottage and Hillside Cottage. To the rear of Old Police Cottage and Hillside Cottage, the land rises considerably with a substantial hedge forming the boundary with the appeal site. While the slope and existing hedge provide a high level of privacy, including within the gardens to the side of the dwellings, the outlook to the rear for occupants of the neighbouring properties is limited.
19. Plots 1 to 7 include first floor windows that would face towards the dwelling and side garden of Old Police House. The dwellings would be sited away from the shared boundary limiting the visual impact of the development on the outlook of the occupants of the neighbouring property. The raised position of the dwellings could allow for overlooking of the private garden area of Old Police Cottage. However, given the position of the dwellings and the difference in land levels, the angle of views from the windows would not result in a significant level of overlooking that would result in a harmful loss of privacy for occupants of Old Police Cottage. Furthermore, while the retained and proposed soft landscaping may not always be in leaf and provide effective screening, it would further limit views towards Old Police.
20. The site is adjacent to the rear garden of Rainbow Cottage. Plots 8 and 9 would be close to the boundary with Rainbow Cottage and would include first floor windows within the rear elevation. The windows would not provide direct views towards the dwelling at Rainbow Cottage and given the separation between Plot 9 and neighbouring property, the proposal would not harm the outlook for occupants of the dwelling. Moreover, while part of the garden would be overlooked, the private area immediately adjacent to Rainbow Cottage would be distant from the proposed dwelling and consequently there would not be a harmful loss in the level of privacy enjoyed by the occupants of Rainbow Cottage.
21. The dwellings at Plots 8 and 9 would be at right angles to Plots 1 to 7. Given the orientation and layout of windows at Plot 9, the proposal would not result in direct overlooking of Hillside Cottage. Moreover, the position of the dwelling away from the shared boundary would limit the effect of the proposal on the

outlook of the occupants of Hillside Cottage such that it would not appear overbearing.

22. The development would include an access road close to the boundary to the rear of Old Police Cottage and Hillside Cottage. This would increase the activity to the rear of these properties due to the vehicle movements associated with the proposed dwellings. Nevertheless, the modest number of dwellings would not lead to a significant number of vehicle movements at the site. Furthermore, the layout of the site would restrict vehicle speeds, while the noise generated would be unlikely to exceed that of Thorley Street to the front of the site. Accordingly, the proposal would not result in a harmful increase in noise and disturbance for occupants of neighbouring properties.
23. I conclude that the proposal would not harm the living conditions of the occupants of neighbouring properties with regard to outlook, privacy and noise and disturbance. The development therefore accords with Policy DES4 of the DP and the Framework, which collectively require proposals to avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land and create places with a high standard of amenity for all existing and future users.

#### *Parking*

24. Policy TRA3 of the DP requires vehicle parking provision associated with development proposals to be assessed on a site-specific basis and should take into account the provisions of the Vehicle Parking Provision at New Development Supplementary Planning Document (SPD). The car parking standards within the SPD require 2.5 car parking spaces for three-bedroom dwellings, and the SPD requires that this should be rounded up.
25. I recognise that the proposal would result in a deficit of 3 car parking spaces according to the guidance within the SPD. However, Policy TRA3 of the DP states that the necessary parking provision should be assessed on a site-specific basis. The SPD uses a zonal system to reflect that certain areas are likely to be more accessible to key services or facilities and provide opportunities for public transport.
26. Whilst there is no information before me concerning the appeal site's relationship with those SPD zones recognised as being more accessible, the evidence before me, including observations I made on my site visit, indicates that the site within walking distance of bus stops with frequent services to higher order settlements, while there is a pedestrian footway with street lighting leading towards the centre of Bishop's Stortford. Consequently, given the specific circumstances of the site, a reduction in the amount of on-site parking would be justified.
27. Whilst the Council do not detail precisely how parking deficiencies in this case would result in harm, I recognise that no objections were raised by Highways. Therefore, I am satisfied that no highway safety impacts would arise.
28. In any event, I find that the proposal would make adequate provision for parking. The development therefore accords with Policy TRA3 of the DP as set out above.

### **Other Matters**

29. The Council has provided its Annual Monitoring Report dated March 2024, which concludes that the Council are able to demonstrate a five year supply of deliverable housing sites. The appellant has not provided any substantive evidence to the contrary. Therefore, there are no grounds for me to disagree with the Council's position.
30. The proposal would make a positive contribution to housing supply and delivery within walking and cycling distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. Moreover, the proposal would preserve the living conditions of the occupants of neighbouring properties and would preserve the special interest of the listed buildings.
31. The proposal would have suitable access arrangements, would provide ecological enhancements and would not result in the increase of flood risk. In addition, the proposal would incorporate measures to minimise energy use and limit carbon emissions. However, these associated benefits are limited by the scale of the development proposed and would not outweigh the harm identified.
32. Taking the stated benefits together, collectively there would be limited benefits associated with the appeal scheme. However, the harm to the character and appearance of the area and the conflict with the development plan would be of greater significance.

### **Conclusion**

33. The proposal does not accord with the development plan as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR





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# Appeal Decision

Site visit made on 13 November 2024

**by K Lancaster BA (hons) MSc MRTPI**

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

**Decision date: 9 December 2024**

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**Appeal Ref: APP/J1915/W/24/3340841**

**Stables and land adjoining Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire SG12 0SQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Norman Sheldrake against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/0981/FUL.
  - The development proposed is the change of use from stables and paddock and construction of 1 new, 2 storey house, triple garage, landscape, parking with amended access.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr Norman Sheldrake against East Hertfordshire District Council. That application is the subject of a separate decision.

## Preliminary Matters

3. The appeal site is the subject of a previous appeal decision<sup>1</sup>, which was dismissed in 2012. This appeal also sought planning permission for a single detached dwelling with a garden and detached garage. I will return to this later in my decision.
4. The appeal is accompanied by a Sustainability, Energy and Water Report, an updated Tree Survey & Arboricultural Assessment and Biodiversity Net Gain evidence. It is also supported by a series of amended plans, which include some minor changes to the design of the proposed dwelling.
5. Although the additional reports and plans have not been subject to formal public consultation, the Council were given an opportunity to comment on them as part of this appeal. In light of this, and given my findings below, I am satisfied that no party would be prejudiced by my acceptance of the information. Therefore, having regard to the principles of *Holborn*<sup>2</sup>, acceptance of the further information would not be procedurally unfair and as a result I have considered it in determining this appeal.

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<sup>1</sup> Appeal Ref: APP/J1915/A/12/2177766

<sup>2</sup> *Holborn Studies Ltd v Hackney LBC* [2017] EWHC 2823 Admin



## Main Issues

6. The main issues of the appeal are:
- whether or not the proposal would be inappropriate development in the Green Belt, for the purposes of the Framework and any relevant development plan policies, including the effect upon the openness of the Green Belt;
  - whether the proposal would demonstrate high standards in sustainable design and construction;
  - the effect of the proposed development on protected species;
  - whether the proposed development would deliver biodiversity net gain;
  - the effect of the proposed development on existing landscape features and trees;
  - if the development is inappropriate, whether 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 the development.

## Reasons

### *Whether Inappropriate Development in the Green Belt*

7. The appeal site sits within a generous plot to the north of Poles Lane. The site currently contains a small, single storey stable building and is enclosed by mature trees, hedgerows and fencing. There is a cluster of residential properties on this side of the lane and close to the junction with Cambridge Road. However, the appeal site is largely surrounded by open land and countryside which includes golf courses and grounds associated with the nearby Hanbury Manor Hotel. There are some residential properties located further along Poles Lane. However, the development pattern becomes more sporadic as you travel away from Cambridge Road. The site is located within the Green Belt.
8. Paragraph 142 of the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. 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.
9. Paragraph 154 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless one of the listed exceptions applies. These include Paragraph 154(e) which relates to limited infilling in villages and Paragraph 154(g) which relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use

previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

10. Policy GBR1 of the East Herts District Plan, adopted October 2018 (the EHDP) states that planning applications within the Green Belt, as defined on the Policies Map, will be considered in line with the provisions of the National Planning Policy Framework.
11. Policy DPS2 of the EHDP sets out the approach to development and the settlement hierarchy, and Policy VILL2 identifies Thundridge and Wadesmill as a Group 2 Village. The extent of the village is shown on the accompanying Policies Map, and the appeal site is located beyond the defined settlement boundary. However, although a settlement boundary, as defined in the Local Plan, may be a relevant consideration, it would not necessarily be determinative as to whether a site is located within a village for the purposes of Paragraph 154(e) of the Framework. In this respect, a decision as to whether or not a site is within a village is a matter of planning judgement taking the site's context into account.
12. The main part of the village of Thundridge lies some distance to the northeast of the appeal site along Cambridge Road. Therefore, whilst I acknowledge that the appeal site is located within a ribbon of development, which, in some cases, has a frontage onto Poles Lane, the character and appearance of the appeal site is such that it represents a clear transition between the dense, more built-up pattern of development which is found within the village of Thundridge and the more rural character evident as you travel along Poles Lane. Accordingly, the character of the appeal site and its surrounding area is distinctly different to that which exists within the village of Thundridge. For these reasons, I find that the appeal site is not within the village of Thundridge.
13. In respect of whether the proposal would constitute limited infilling, there is no formal definition of what constitutes limited infilling within the Framework, and the Council do not provide a definition in the development plan. It is therefore a matter of fact and planning judgement for the decision maker. It is reasonable to consider that limited infilling would be the infilling of a modest gap in an otherwise continuous built-up frontage. With this in mind, I have had regard to the nature and size of the development proposed, the location of the appeal site and its relationship to existing adjoining development.
14. It is not disputed that there are residential properties to either side of the appeal site. However, Thundridge House is set back a considerable distance from Poles Lane, and to the other side of the appeal site is a small cluster of properties, which are distanced from the site by a field access and their gardens. Furthermore, the appeal site forms a substantial gap and there is no built development immediately opposite the appeal site. For these reasons, by virtue of the orientation, siting and rural nature of the development found in this part of Poles Lane, the presence of development on either side of the appeal site does not lead me to conclude that this part of Poles Lane comprises a built-up frontage.
15. Therefore, whilst I accept that the proposed development would follow a similar development pattern to other properties in this location, taking the above matters together, even if I had concluded that the appeal site was within a village, I find that the proposed development would not constitute

limited infilling in that it would not infill a modest gap within a continuous built frontage.

16. Turning to Paragraph 154(g) of the Framework which permits limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development, or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
17. The proposed development is for a substantial market dwelling; therefore, the second part of this exception does not apply. However, it is not disputed that the appeal site is previously developed land and therefore it falls to consider whether the proposed development would have a greater impact on openness than the existing development.
18. In this particular case, the proposal is for a substantial house, with a detached triple garage. The proposed development would replace a modest single-storey stable building, which is situated at the front of the site and due to existing trees and hedges is barely visible within the rural landscape. By contrast, the proposed development would introduce a substantial building, which would by virtue of its siting result in the encroachment of development into the open countryside, which is contrary to the aims of the framework. The proposed development would lead to an unacceptable reduction, both spatially and visually to the openness of the Green Belt. For these reasons, the proposal would have a moderately harmful effect on the openness of the Green Belt.
19. Whilst the appellant disputes the findings of the previous appeal decision, I have not been presented with any substantive evidence to contradict the findings of the previous Inspector. Nevertheless, as this was determined in 2012 and under a different local plan, I can only afford it very limited weight. Nonetheless, it does not alter my above findings.
20. My attention has been drawn to two appeal decisions within different local authority areas. The first in Basildon<sup>3</sup> relates to a much larger scheme for 43 dwellings, and as such it is not considered comparable to the appeal proposal. The second decision relates to a scheme in Milton Keynes<sup>4</sup> for 14 dwellings, which again is of a much larger scale than the appeal proposal and as such is also not comparable to the appeal proposal. These appeal decisions also relate to different locations, planning policy context and circumstances. I therefore attach very little weight to their findings.
21. For the reasons stated above, I conclude that the proposal would not represent limited infilling in a village, nor would it comprise the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. It would comprise inappropriate development in the Green Belt that would, by definition, be harmful to the Green Belt. Thus, it

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<sup>3</sup> Appeal Ref: APP/V1505/W/22/3296116

<sup>4</sup> Appeal Ref: APP/Y0435/W/17/3178790

would be contrary to the Framework and Policy GBR1 of the EHDP which, amongst other things, requires that planning applications within the Green Belt are considered in line with the provisions of the Framework.

### *Sustainable Design*

22. Policy DES4(I)(d) of the EHDP states that all development proposals will be expected to incorporate high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.
23. Policies CC1 and CC2 of the EHDP also require all new development to demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in winter and demonstrate how carbon dioxide emissions will be minimised across the development site, taking account of all levels of the energy hierarchy. Policy CC2 of the EHDP further states that achieving standards above and beyond the requirements of Building Regulations is encouraged and that Carbon reduction should be met on-site unless it can be demonstrated that this is not feasible or viable.
24. Policy WAT4 of the EHDP relates to the efficient use of water resources. This policy outlines that development must minimise the use of mains water by incorporating water saving measures and equipment.
25. The Sustainability, Energy and Water Report<sup>5</sup> submitted with this appeal indicates that a fabric first approach to design has been taken, and the proposal will incorporate renewable energy technologies including an air source heat pump, ground source heat pump and solar panels. However, whilst the report is supported by quotations, these aspects of the proposed development are not shown on the originally submitted plans, nor the amended plans submitted with the appeal. As these measures are likely to affect the overall design and appearance of the proposed dwelling, it would not be appropriate to require further details to be submitted through the imposition of planning conditions.
26. For these reasons, I find that it has not been demonstrated that the proposed development would deliver sustainable design that would be adaptable to climate change. Thus, it would be contrary to Policies DES4, CC1, CC2 and WAT4 of the EHDP. These policies require, amongst other things, that new development incorporates high quality innovative design, new technologies and construction techniques, including zero or low carbon energy and water efficient, design and sustainable construction methods.

### Protected Species

27. Policy NE1 of the EDHP states that evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application. The type of evidence required will be commensurate to the scale and location of the development and the likely impact on biodiversity, the legal protection or other status of a site. Where insufficient data is provided, permission will be refused.

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<sup>5</sup> Detailed Sustainable Construction, Energy and Water Statement prepared by AAD Architects (dated 13 March 2024)

28. Policy NE3 of the EDHP states that development should always seek to enhance biodiversity and to create opportunities for wildlife. Proposals must demonstrate how the development improves the biodiversity value of the site and surrounding environment. Evidence will be required in the form of up-to-date ecological surveys undertaken by a competent ecologist prior to the submission of an application.
29. The Ecological Appraisal relies upon information collected during a site visit which took place in June 2021, as such it is out-of-date. The report concluded that the proposed development has the potential to impact foraging and roosting bats and recommended that further survey work is undertaken. However, based on the evidence before me, no further surveys or inspections have been carried out.
30. The Conservation of Habitats and Species Regulations 2017 imposes a duty to consider whether there is a reasonable likelihood of European Protected Species (EPS) being present and affected by the proposal. Bats are listed as an EPS under these regulations.
31. Natural England's (NE) standing advice indicates that survey work should be undertaken if a development proposal is likely to negatively affect bats or their roost, foraging or commuting habitats. Circular 06/20056 also states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development is established before planning permission is granted. The Circular states that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. I am not convinced that any such circumstances exist in this case.
32. Therefore, I find that insufficient information has been provided to demonstrate that the proposed development would not have an unacceptable adverse effect on protected species. Furthermore, if protected species were affected, I cannot be certain as to what mitigation, if appropriate, may be required. Thus, the proposed development would be contrary to Policies NE1 and NE3 of the EDHP which require, amongst other things, up-to-date ecological surveys to be submitted and requires that proposals seek to enhance biodiversity and to create opportunities for wildlife.

#### *Biodiversity Net Gain*

33. The application pre-dates the introduction of a statutory requirement for biodiversity net gain on small sites. However, Policy NE2 of the EDHP 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.
34. The Biodiversity Net Gain<sup>6</sup> report submitted with the appeal sets out that the proposed development scheme would achieve biodiversity net gain of greater than 10% in respect of both habitat units and hedgerow units.
35. The report also concludes that Trading Rules have not be satisfied with insufficient trees planted within the area of grassland within the retained field. However, the report goes on to state that the trading rules can be satisfied

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<sup>6</sup> Biodiversity Net Gain Report – Issued by Wychwood Environmental Ltd (Dated March 2024)

through the planting of seven small native trees within the grassland at a distance to each other so that they form a continuous canopy as they mature.

36. Policy NE2 does not specify an amount of biodiversity net gain that is expected to be achieved, nor does it specify that it requires trading rules to be satisfied. Furthermore, the Council has provided little evidence to show that biodiversity net gain could not be achieved on the site or that this matter could not be dealt with by way of a condition.
37. On this basis, subject to the imposition of an appropriate pre-commencement condition, I am satisfied that the proposed development could deliver biodiversity net gain and thus it would comply with Policy NE2 of the EHDP.

#### *Landscaping & Tree Protection Measures*

38. Policy DES3 of the EHDP states that (I) development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value, in order to ensure that there is no net loss of such features, and (II) where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought either within or outside the development site. It further states that replacement planting schemes should comprise mature, native species appropriate to the local conditions and landscape character, supported by a monitoring and replacement programme.
39. As noted above, the appeal site is surrounded by mature vegetation and trees. A Tree Survey was submitted with the planning application, which was dated 29 January 2021 and therefore by the time the application was determined deemed to be out-of-date. This led the Council to conclude that there was insufficient information to fully assess the effects of the proposed development on trees with and adjoining the site.
40. An amended Tree Survey and Arboricultural Report<sup>7</sup> has been submitted with this appeal. This confirms the removal of a Cypress Hedgerow (H1005) and sets out the proposals for additional tree and hedgerow planting. It also sets out measures for the protection of retained trees and hedgerows. On this basis, subject to the imposition of suitably worded planning conditions relating to the landscape proposals and tree protection measures, the proposed development would not result in any adverse effects on trees within or adjoining the site.
41. For these reasons, I am satisfied that the proposed development will retain, protect and enhance existing landscape features, and where losses will occur, these will be offset by the creation of additional planting within the wider proposals. Thus, the proposal would comply with Policy DES3 of the Local Plan, which aims amongst other things, to ensure proposals protect existing landscaping features.

#### *Other Considerations*

42. The Framework seeks to significantly boost the supply of housing and recognises that small sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.

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<sup>7</sup> BS5837:2012: Tree Survey, Tree Constraints Plan and Arboricultural Implications Assessment prepared by Wilson Tree Surveys (dated 13 March 2024)



However, in providing for one additional dwelling, the proposal would only make a small contribution towards housing supply, and therefore I can only attribute this moderate weight.

43. Whilst the appellant states that the proposed development would be for self-build or custom build housing, there is no substantive evidence to support this. Furthermore, I have not been presented with any mechanism by which to secure this. As such, I attribute this very little weight.
44. The Council found that the proposed development would be acceptable in terms of its effect on the living conditions of neighbours, highway safety, noise, waste, contamination, lighting and air quality. The Council also found that the design of the proposed dwelling to be acceptable. However, these are neutral matters which neither weigh for or against the proposal.

### **Green Belt Balance**

45. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
46. In this case, I have found harm to the Green Belt by reason of the proposed development's inappropriateness, and harm to the openness of the Green Belt.
47. Balanced against that are the other considerations discussed above. However, for the reasons given, I find that the other considerations in this case, taken cumulatively, do not clearly outweigh the totality of the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposed development would be contrary to the Framework and Policy GBR1 of the EHDP which seek to protect the Green Belt.

### **Other Matters**

48. The proposed development would involve the loss of an equestrian facility. Policy CFLR6 of the EHDP states that proposals that result in the loss of equestrian facilities should be accompanied by an Equestrian Needs Assessment which demonstrates that the facilities are no longer needed. The Equestrian Needs Assessment sets out that the use of the site ceased in around 2013 and the stables are redundant. On this basis, the Council found that the loss of the equestrian facility would accord with Policy CLFR6. Based on the evidence before me I see no reason to disagree.
49. Thundridge House and adjoining Stable Block is a Grade II Listed Building<sup>8</sup>. The listing description notes that the house was built in 1855, with later additions. It was formerly a vicarage but now a private dwelling. It is described in the listing description as being a balanced asymmetrical Tudor style 2-storeys house with 2 barge boarded gables of different size on front with Tudor arched door to left and main entrance porch, with stone gable coping and finial, set diagonally in the re-entrant angle on the right where a set-back range was extended in matching style.

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<sup>8</sup> List Entry Number: 1077954

50. The Garden Wall at Thundridge House is also a Grade II listed building<sup>9</sup>. The listing description describes this as a sub-rectangular walled garden between house and road, enclosed on 4 sides by shoulder height wall with triangular buttresses at intervals, and square gate piers in middle of side nearest house. Of special interest for the exclusive use of several different types of the large bricks patented by Caleb Hitch of Ware in 1828, roughly 12" x 6" x 6", each brick having flanges and cavities interlocking to economise in mortar and increase structural strength.
51. The statutory duty contained within section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. The Council concluded that the proposed development, by virtue of its distance and heavy vegetation, would not cause harm to the significance or setting of the listed buildings. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.

### **Conclusion**

52. For the reasons given, the proposal would therefore not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

*K Lancaster*

INSPECTOR

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<sup>9</sup> List Entry Number: 1077955





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## Costs Decision

Site visit made on 13 November 2024

**by K Lancaster BA (hons) MSc MRTPI**

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

**Decision date: 9 December 2024**

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### **Costs application in relation to Appeal Ref: APP/J1915/W/24/3340841 Stables and land adjoining Thundridge House, Poles Lane, Thundridge, Ware, Hertfordshire SG12 0SQ**

- 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 Norman Sheldrake for a full award of costs against East Hertfordshire District Council.
  - The appeal was against the refusal of planning permission for the change of use from stables and paddock and construction of 1 new, 2 storey house, triple garage, landscape, parking with amended access.
- 

### **Decision**

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

### **Reasons**

2. 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. The type of behaviour that can lead to a costs award includes both substantive and procedural matters relating to issues arising from the planning merits of the appeal or relating to process.
3. The applicant contends that the Local Planning Authority (the LPA) has acted unreasonably in failing to justify their reasons for refusing the application. The applicant also states that the LPA has made inaccurate statements in their officer report and omitted other relevant information, which had been brought to their attention but not addressed. The LPA disputes this stating that the report contains no omissions or falsehoods and state that they have clearly set out their position for each of the reasons for refusal.
4. Whilst it is clear from the evidence submitted with the appeal that there is a difference of opinion in relation to the mains issues and in particular whether or not the proposed development lies within the village of Thundridge, these are matters of planning judgment. It is not unusual for parties to reach different conclusions and although I appreciate that the applicant is frustrated by the lack of opportunity to discuss this with the LPA whilst the application was being considered, based on my findings in my appeal decision, I am not persuaded that this would have resulted in a different outcome.
5. The applicant also contends that the LPA has failed to include the detailed benefit of Paragraph 154(e) of the National Planning Policy Framework (the

Framework) and that the LPA has referred to wording within Paragraph 154(g) of the Framework which is not relevant to this matter. The LPA in response states that they assessed the proposal based on national and local policies relevant to the case.

6. I note that the applicant has sought to justify the proposal on the basis of Paragraph 154(e) of the Framework, which I have considered within my appeal decision. However, it is not uncommon for a proposed development to fall into more than one of the exceptions listed in Paragraph 154 or 155 of the Framework.
7. Paragraph 154(g) of the Framework relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would either not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In this particular case, it is not disputed that the appeal site forms previously developed land, and therefore I find that Paragraph 154(g) is a relevant consideration.
8. I acknowledge that the LPA's reason for refusal does not set out conflict with a specific paragraph of the Framework. Nevertheless, it is clear that they found that the proposal did not meet the exceptions outlined in either Paragraph 154(e) or 154(g) of the Framework. Therefore, I find that the LPA has not acted unreasonably in considering whether or not the proposal would meet the exception set out in Paragraph 154(g) of the Framework.
9. The applicant also suggests that the LPA failed to be proactive and constructive. Paragraph 38 of the Framework states that local planning authorities should approach decisions on proposed development in a positive and creative way. Whilst there is some evidence provided by the appellant, which indicates that some of the concerns regarding missing or inaccurate information were addressed to the LPA in various email exchanges, I have not been provided with any evidence of specific points which were brought to the attention of the LPA, and which were not addressed.
10. Furthermore, whilst the appellant claims that there has been a lack of communication from the LPA dating back to June 2022, I note that the application to which this appeal relates was not submitted until July 2023. Both the appellant and the LPA has provided copies of some email correspondence which took place after the application was submitted, and the application was determined shortly after. Therefore, whilst I understand the appellant's frustrations with the overall process of trying to obtain planning permission on this site, I have not been presented with any compelling evidence that the LPA failed to act in a reasonable manner.
11. Furthermore, as the LPA's first reason for refusal relates to a matter of principle, I also find that it was not unreasonable of the LPA to determine the application based on the information as submitted. It is not the responsibility of the LPA to ensure a proposal complies with all relevant policy requirements.
12. Therefore, I consider that there is no compelling evidence that the LPA acted unreasonably by failing to behave proactively during the planning application

process. In any case, I have no firm evidence that more positive engagement from the LPA would have resulted in the appeal being avoided.

**Conclusion**

13. For the above reasons, I conclude unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*K Lancaster*

INSPECTOR



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# Appeal Decision

Site visit made on 2 October 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 27 November 2024**

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**Appeal Ref: APP/J1915/W/24/3340054**

**Monks Green Farm, Ash Tree Barn 1, Mangrove Lane, Brickendon, Hertfordshire SG13 8QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr William Ashley, Monks Green Farm LTD against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1233/FUL.
  - The development is change of use of 1-6 Ash Tree Barn from Class E (formerly B1) to C3 residential dwellings.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class E (formerly B1) to C3 residential dwellings at Ash Tree Barn 1-6, Monks Green Farm, Mangrove Lane, Brickendon, Hertfordshire SG13 8QL in accordance with the terms of the application, Ref 3/23/1233/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The address in the banner heading above is taken from the planning application form. I have used the address from the Council's decision notice in my formal decision as it is more accurate. I have removed the terms "retrospective" and "resubmission" from the development description as these are not acts of development. I have also removed the reference to 1-6 Ash Tree Barn in the description as this is included in the address.
3. The appeal site is part of a larger building which forms Ash Tree Barn. Planning permission was previously granted to convert, extend and alter Ash Tree Barn to provide six live/work units<sup>1</sup>. There is a dispute between the parties as to whether this permission has been implemented. However, this and the enforcement of condition 11 of that consent is a matter between the parties. I have determined the appeal in accordance with the description of development set out on the application form and in the formal decision of the Council and in respect of that part of Ash Tree Barn which is identified on the submitted plans.
4. It was apparent from my site visit that the change of use has occurred. For clarity, I have based my decision on the submitted plans.

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<sup>1</sup> Council Ref: 3/11/1808/FP

5. Following the submission of final comments, the appellant submitted an appeal decision<sup>2</sup> which concluded that the Council could not demonstrate a five-year housing land supply. The appeal decision is dated 22 August 2024. Consequently, it could not have been submitted in accordance with the appeal timetable. In the interests of natural justice, both main parties have had the opportunity to make representations on this evidence. I have taken this evidence and the comments received in response into account.
6. The appeal site is within the Metropolitan Green Belt. The main parties have agreed that the development would not represent inappropriate development in the Green Belt as defined in Policy GBR1 of the East Herts District Plan 2018 (the District Plan) and the National Planning Policy Framework (the Framework). Based on the evidence before me, I have no reason to reach a contrary view.

### **Main Issues**

7. The main issues are:
  - the effect of the development on employment land supply and the rural economy; and,
  - whether the development provides acceptable living conditions for the occupiers of units 2-5, with regard to the provision of private amenity space.

### **Reasons**

#### *Employment uses*

8. Policy ED1 of the District Plan seeks to protect employment uses and sets out the criteria where the loss of an existing site/premises which is currently, or was last, in employment use (Classes B1, B2, B8 or related Sui Generis), will be permitted. This includes where the retention of the site or premises for Use Classes B1, B2 and B8 has been fully explored without success. This should also consider whether improvements to the existing site/premises would make it more attractive to alternative B1, B2 or B8 uses and evidence of a period of marketing of at least 12 months must be provided.
9. Policy ED1 is supported by Policy ED2 of the District Plan. Policy ED2 sets out the evidence which will be required where the proposal results in the loss of an employment use in a rural area or a change of use to a non-employment generating use. Amongst other things, the evidence is required to demonstrate that the current employment use is no longer needed or viable, that improvements to the site/premises would not make alternative employment generating uses viable and the retention of the employment generating use is unable to be facilitated by the partial conversion to a non-employment generating use.
10. The appellant asserts that marketing was undertaken and began in 2012. Several estate agents were engaged, however, limited details regarding the times and durations of this marketing exercise in which these estate agents marketed the development have been provided.

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<sup>2</sup> Appeal Ref: APP/J1915/W/24/3340497

11. Marketing evidence submitted with the application includes copies of a generic marketing brochure which advertises Ash Tree Barn as a commercial (B1 Use). The appellant states that this advertisement example covers various months and years, but these marketing brochures are not dated. Another marketing brochure advertising live-work opportunities at the site includes the first release date of October 2012 but does not include the dates on which this brochure was used for marketing.
12. A letter from the company that marketed the development explains that marketing in the form of local press, the internet and distribution via a mailing list was carried out. However, no specific evidence of this marketing has been provided and the length of time the marketing was carried out is unclear.
13. Email exchanges between the applicant and The Live Work Network demonstrate that an advert was placed to market the development for an intended period of 12 months. A copy of this newsletter advertising the development has been provided but it is dated November 2012 and no further copies of this newsletter have been provided to show that the marketing did cover 12 months or the results.
14. Reference is made to the attempts to improve the units to make them more attractive which included various financial incentives and that the site could not be improved to address the feedback received from prospective tenants which included the need for more internal space and parking. Whilst I recognise the constraints of the appeal site, no substantive evidence of interest from prospective tenants and these discussions have been provided to support these assertions.
15. Comments are made in another letter from the company who marketed the development regarding the current market and whether the concept of live/work units still exist but there is little information to demonstrate that the employment use is no longer needed or viable. As it is not clear what the financial implications would have been for pop-up businesses and short-term contracts to be discounted, this does not robustly show that alternative employment uses were not viable.
16. Whilst some marketing evidence has been submitted, it is unclear whether this covered a period of at least 12 months. It has also not been sufficiently demonstrated that improvements to the appeal site could not be carried out to make an alternative employment generating use operating from the appeal site viable. The loss of an employment use has therefore not been fully justified.
17. For these reasons, I conclude that it has not been demonstrated that the loss of the employment use is not harmful to employment land supply and the rural economy. The development therefore conflicts with Policies ED1 and ED2 of the District Plan.

#### *Private amenity space*

18. The amenity space for units 2 – 5 consists of open grassed areas to the front of the building that are adjacent to the car park and intersected by the path to each unit. The units are located along a cul-de-sac which only leads to the appeal site. The paths also provide a degree of segregation between the areas. Bearing in mind the limited space around the appeal building and that the

development is for one-bedroom units which have a sizeable internal living environment, the grassed areas do provide occupants with some outdoor space that is conducive to use as amenity space, despite the lack of enclosure.

19. Although the amenity spaces are not strictly private, outdoor space that is screened from view is not an express requirement of Policy DES4 of the District Plan which is identified in the reason for refusal. I am therefore unable to identify any conflict with this policy.
20. I therefore conclude that the development provides acceptable living conditions for the occupiers of units 2-5, with regard to the provision of private amenity space. The development complies with the Framework, which amongst other things, states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

### **Other Matters**

21. Both main parties refer to an appeal decision at land off Old Turnpike Road<sup>3</sup> which is within a different local authority. The main issue in this case related to the definition of a live/work unit as defined by the development plan and the location of the appeal site. Reference is also made to a Court case<sup>4</sup> which also relates to the definition of live/work and breach of covenant. This appeal decision and judgement neither weigh in support or against the appeal scheme given the main issues that are in dispute.

### **Other Considerations**

22. Set against the harm, the development provides six homes, each of which has a good standard of accommodation, and would re-use a brownfield site. Occupants of the development are also likely to bring some trade to nearby shops and services which would support the rural economy. Given the quantum of development under consideration, I give these benefits moderate weight.
23. It is proposed to install electric charging points, air source heat pumps and rainwater harvesting systems. I give these environmental benefits limited weight on account of the scale of the development.
24. The appellant advises that the units are insulated, have double glazing, energy saving appliances and recycling facilities are available. However, this would be expected in order to provide suitable living accommodation.
25. The Council confirm that a lawful development certificate for operational development has previously been granted which relates solely to building operations at the appeal building<sup>5</sup>. The appellant highlights a fallback position where an application for a lawful development certificate for the existing use of the units as residential could be submitted. However, it is not for me within the context of this appeal to determine lawfulness.
26. The payment of Council Tax would be required anyway under the relevant legislation and requirements. The Highway Authority raised no objection to the development, and the appellant asserts that no accidents have been recorded. However, compliance with relevant national and local planning policies on

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<sup>3</sup> Appeal Ref: APP/H1840/W/19/3230487

<sup>4</sup> AHGR Limited v Kane-Laverack (2023) EWCA Civ 428

<sup>5</sup> Council Ref: 3/23/1950/CLEO



transport grounds would be required in any case. These are therefore neutral matters and neither weigh in favour nor against the development.

### **Planning Balance**

27. It has not been demonstrated that the loss of the employment use is not harmful to employment land supply and the rural economy. The development conflicts with Policies ED1 and ED2 of the District Plan. This conflict means that the development conflicts with the development plan as a whole.
28. The Council has confirmed that they are currently unable to demonstrate a five-year supply of deliverable housing sites. With a supply of around 4.5 years, the shortfall is judged to be moderate in this instance. Consequently, because of the provisions of footnote 8, paragraph 11 d) (ii) of the Framework should be applied. The policies which are most important for determining the application are deemed out-of-date and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. Policies ED1 and ED2 are consistent with the Framework in supporting economic growth and a prosperous rural economy. Therefore, the level of conflict between the development and Policies ED1 and ED2 should be given significant weight in this appeal.
30. The Framework states that significant weight should be placed on the need to support economic growth and decisions should enable the sustainable growth of all types of businesses in rural areas and the development and diversification of other land-based rural businesses. However, it also refers to how small and medium sized sites can make an important contribution to meeting the housing requirements of an area, advises support should be given to the development of windfall sites and a positive approach should be adopted for alternative uses of developed land. This includes the use of employment land for homes in areas of high housing demand, provided that this would not undermine key economic sectors.
31. The development results in a loss of an employment use which harms the supply of employment land. I have concluded that the loss of the employment use in this case has not been fully justified. In that context, I attach moderate weight to this harm.
32. In respect of the impact on the rural economy, the current residential use would have a positive effect. Consequently, in the absence of any evidence to the contrary, I consider the current use and the previous employment use would have similar effects on the rural economy. Similarly, the site is brownfield land and either its use as employment land or a residential use would be beneficial. Consequently, these matters have a neutral effect in the planning balance.
33. The development provides additional homes which make a modest but not insignificant contribution to the supply of housing. This would be in accordance with the Government's objective of significantly boosting the supply of homes. Furthermore, the use of employment land for housing, where the demand is high accords with national policy. These considerations each attract moderate weight in favour of the appeal.



34. On balance, taking all of the above into account, the adverse impacts of the loss of an employment use would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does apply.

### **Conditions**

35. The Council has supplied a list of conditions that it considers would be appropriate. I have considered these in light of the tests within the Framework and Planning Practice Guidance (PPG). Where appropriate, I have adjusted the wording of the conditions to improve relevance, precision and enforceability. The parties have been invited to comment on the conditions.
36. In the interests of clarity and precision it is necessary to impose a condition specifying the approved plans [1].
37. To protect the character and appearance of the area, it is necessary to require details of all boundary treatments and hard and soft landscaping to be submitted. In the same regard and to protect the living conditions of residents, it is necessary to require details of the refuse facilities.
38. Details of the measures to reduce the need for cooling in the summer, heating in the winter, carbon emissions and water consumption are necessary to comply with Policies CC1, CC2 and WAT4 of the District Plan.
39. To provide ecological and biodiversity enhancements to comply with Policy EN2 and NE3 of the District Plan, it is necessary to require bat and bird boxes to be installed and a landscape and ecological management plan to be secured and implemented. As Policy NE2 of the District Plan also requires proposals to achieve a net gain in biodiversity, it is necessary to require this to be demonstrated. The Council has suggested this includes a completed small site biodiversity net gain metric in accordance with Natural England guidance. However, this is not required by the policy and the submission of the application pre-dates the statutory biodiversity net gain requirements.
40. In the interests of air quality, details of electric vehicle charging provision and installation are necessary. To promote sustainable transport modes, it is necessary to require details of the cycle parking facilities.
41. The above listed details have been merged into one condition [2]. This condition is imposed to ensure that the required details of the scheme are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively worded condition to secure the approval and implementation of these before the development takes place.
42. The condition will ensure that the development can be enforced against if the required details of the scheme are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

43. To protect against light pollution, it is necessary to impose a condition preventing external lighting from being installed without prior agreement from the Council [3].
44. The Council has suggested a condition removing various permitted development rights. As set out in the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. I consider that removing permitted development rights under Class B would be reasonable, necessary and justified to protect the openness of the Green Belt [4].
45. To ensure adequate parking provision, it is necessary to impose a condition to require the parking areas to be used for this purpose only [5].
46. The limitations and conditions of permitted development restrict the area of ground covered, the size and position of development allowed and provide some restrictions to protect neighbour's amenity. The site circumstances do not justify the removal of the other permitted development rights as suggested by the Council. Removing these permitted development rights would therefore not be necessary or reasonable.

### **Conclusion**

47. The development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

*L Reid*

INSPECTOR

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with drawing nos:

Site Plan – Prepared by: W Ashley 01-09-2022,  
Location Plan – Prepared by: W Ashley 01-09-2022,  
PLANS AS EXISTING & PROPOSED: ASH TREE BARN – ATB01,  
FIRST FLOOR LAYOUT UNITS R1 & R2 - 11/MGF/SC/15,  
FIRST FLOOR LAYOUT UNITS R1 & R2 - 11/MGF/SC/16,  
ELEVATIONS SHEET 2 – 11/MGF/SC/25,  
GROUND FLOOR LAYOUT UNITS 3, 4, 5 & 6 – 11/MGF/SC/11 Rev C,  
GROUND FLOOR LAYOUT UNITS 7, 8, 9 & 10 – 11/MGF/SC/12 Rev B.

- 2) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 3 months of the date of this decision a Detailed Design Scheme shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation. The scheme shall include the following details of:
- a) existing and proposed boundary walls, fences or other means of enclosure
  - b) bin storage facilities
  - c) measures to reduce the need for cooling in the summer, heating in the winter and to reduce carbon dioxide emissions and water consumption across the development
  - d) bat and bird boxes to be implemented
  - e) electric vehicle charging provision
  - f) cycle parking facilities
  - g) hard and soft landscaping, finished levels or contours, hard surfacing materials, retained landscape features, planting plans, schedules of plants, species, planting sizes, density of planting
  - h) a landscape and ecological management plan including demonstration of biodiversity net gain on the site with a non-mandatory target of providing a net gain in biodiversity of 10%
- ii) If within 11 months of the date of this decision the local planning authority refuse to approve the Detailed Design Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Detailed Design Scheme shall have been approved by the Secretary of State.

- iv) The approved Detailed Design Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Detailed Design Scheme specified in this condition, that scheme shall thereafter be retained. Any trees or plants that, within a period of five years after planting, are removed, die or become, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) No external lighting shall be installed unless a scheme for such lighting has been submitted to and approved in writing by the local planning authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class B of Part 1 of Schedule 2 to the Order shall be undertaken.
- 5) The parking area shown on the Site Plan – Prepared by: W Ashley 01-09-2022 shall be kept available at all times for the parking of vehicles by the occupants of the development and their visitors and for no other purpose.

**END OF SCHEDULE**



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## Appeal Decision

Site visit made on 13 November 2024

**by A Knight BA PG Dip MRTPI**

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

**Decision date: 02 December 2024**

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**Appeal Ref: APP/J1915/W/24/3342715**

**Land at Orchard Road, Tewin, Hertfordshire AL6 0HN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs Morrisroe against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0018/OUT.
  - The development proposed is erection of a detached dwelling with a new vehicle entrance/crossover.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access, layout, and scale to be considered at this stage, and with appearance and landscaping reserved for future consideration. I have determined the appeal accordingly. A plan has been submitted as part of the appeal which shows the proposed dwelling on the site. Other than in respect of access, layout, and scale, I have taken this plan into account for indicative purposes only.

### Main Issues

3. The main issues are:
  - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy; and
  - whether the proposal conflicts with the policy that controls the loss of equestrian facilities.

### Reasons

#### *Location*

4. Policies DSP2 and VILL3 of the East Hertfordshire District Plan 2018 (the District Plan) prioritise sustainable development at brownfield sites, then urban areas, then urban extensions, allowing for limited development in villages if, in the case of Group 3 villages, in accordance with an adopted Neighbourhood Plan. The appeal site is in a Group 3 village without a Neighbourhood Plan and, as such, the appeal proposal does not have the support of these strategic policies. District Plan Policy TRA1 seeks, amongst other things, to promote sustainable transport by focusing development in places which enable

sustainable journeys to be made to key services and facilities, to help aid carbon emission reduction.

5. The National Planning Policy Framework (the Framework) describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 159 of the Framework requires new development to avoid increased vulnerability to the range of impacts arising from climate change. As such, there is a high degree of correlation between the cited District Plan policies and the aims of the Framework.
6. The appeal site is within walking distance of Burnham Green, but I have no evidence that any services and facilities beyond a public house and beauty salon exist there. My attention has been drawn to the settlements of Tewin, Knebworth, and Welwyn Garden City. Tewin is classified as a Group 2 village in recognition of its limited range of services and facilities, but it is over a mile from the appeal site. Knebworth and Welwyn Garden City are over two and three miles from the appeal site respectively. Significant parts of the roads leading to all of these settlements from the appeal site are unlit and without pavements.
7. The characteristics described above would discourage future occupiers of the proposed dwelling from walking or cycling, particularly in hours of darkness or poor weather. The appeal site is close to a bus stop, but the service is extremely limited. I have no evidence that occupants of the proposed dwelling would have access to any other forms of public transport nearby. Overall, it is highly likely that occupants of the proposed dwelling would rely heavily on the private car for access to services and facilities.
8. Paragraph 83 of the National Planning Policy Framework (the Framework) states that rural housing should be located where it will enhance or maintain the vitality of rural communities, and that where there are groups of smaller settlements, development in one village may support services in a village nearby.
9. Whilst occupants of the proposed dwelling might use services and facilities in nearby villages, I have no evidence that nearby villages contain all of the services and facilities required. Moreover, given the far greater range of offerings in Knebworth and Welwyn Garden City, it is likely that occupants of the proposed dwelling would rely at least in part on those larger settlements for services and facilities rather than nearby villages. As such, the appeal proposal is not development of the type paragraph 83 of the Framework seeks to support.
10. For the reasons set out above, the appeal site would be an unsuitable location for the proposed development, having regard to local and national policy, as it would encourage dependence on the private motor car and undermine a planned approach to housing development. As such, the proposal conflicts with Policies DPS2, VILL3 and TRA1 of the District Plan, as well as with the similar aims of the Framework.

### *Equestrian facilities*

11. Policy CLFR6 of the District Plan requires that proposals resulting in the loss of equestrian facilities be accompanied by an Equestrian Needs Assessment, to demonstrate that the facilities are no longer needed. In assessing the ecological implications of the proposed development, the County Council have described the site as being previously utilized as a horse paddock. The reason for this assertion is not provided. The appellant states that the site was used for some eight years to graze and shelter alpacas and is now unused. No Equestrian Needs Assessment has been provided.
12. I have no evidence to support the assertion that the site was an equestrian facility. As such, I have no evidence that Policy CLFR6 is applicable to the appeal proposal. I can find no conflict with that policy, therefore.

### **Planning Balance**

13. The Council could not demonstrate a five-year supply of deliverable housing sites at the time of the decision. That is no longer the case and, as such, the provisions of paragraph 11(d) of the Framework do not apply.
14. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of one new house towards the Government's aim of significantly boosting supply, and it could be built quickly. The prompt delivery of new housing carries significant weight but is tempered in this case by the modest scale of the scheme.
15. Vehicular access to the site could be arranged safely, and the proposed dwelling would adhere to the prevailing local character in respect of layout, and scale. These are policy expectations rather than benefits and, as such, carry very limited weight. There would be temporary economic benefits associated with the construction phase as well as the prospect of work-related training for site operatives. Thereafter, there would be ongoing local economic activity relating to the occupation of the site, to the benefit of the nearest facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor.
16. Overall, the significant harms resulting from high dependency on car travel, and from undermining a plan-led approach to housing, would outweigh the benefits.

### **Conclusion**

17. Whilst I have found no evidence of conflict with Policy CLFR6 of the District Plan, the proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR



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## Appeal Decision

Site visit made on 2 December 2024

**by J Pearce MSc MRTPI**

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

**Decision date: 19<sup>th</sup> December 2024**

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**Appeal Ref: APP/J1915/W/24/3343318**

**A120 Veterinary Hospital, Standon Road, Little Hadham, Hertfordshire  
SG11 2DF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Ali against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0059/FUL.
  - The development proposed is the demolition of redundant storage buildings, timber apex shed and concrete walls. Erection of new single storey buildings containing workshops (use class E(g)), together with the provision of new parking spaces and 4 EV charging points.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

### Main Issue

4. The main issue is whether the site is suitable for the proposed development having regard to development plan policy and the accessibility of the site.

### Reasons

5. The appeal site comprises a group of buildings accessed from the A120. The buildings at the site include those used for a veterinary centre and dog groomers with further buildings the side of the veterinary centre. The site is



outside of the settlement of Little Hadham and is designated by the East Herts District Plan 2018 (DP) as being within the Rural Area Beyond the Green Belt.

6. The proposal is for the erection of two buildings to accommodate four units to be used for workshop purposes following the demolition of the existing buildings. Policy GBR2 of the DP seeks to maintain the Rural Area as a valued countryside resource and sets out the type of development that will be permitted. This includes new employment generating uses where they are sustainably located, in accordance with Policy ED2.
7. Policy ED2 of the DP supports proposals that create new employment generating uses where they are appropriately and sustainably located. In addition, Policy ED1 provision of new employment uses will be supported in principle, where they are in a suitable location where access can be achieved by a choice of sustainable transport. Furthermore, Policy TRA1 requires that development proposals should primarily be located in places which enable sustainable journeys to be made to key services and facilities to help aid carbon emission reduction.
8. The site is detached from the nearest settlement of Little Hadham, which is accessed from the site via the A120. The appellant states that the closest bus stops to the site are located 1200 metres away from the site within Little Hadham. The bus stops are provided with relatively infrequent services to larger settlements, including Hertford and Bishop's Stortford. The A120 is heavily trafficked and is subject to a 60mph speed limit. Moreover, the A120 has no dedicated footpath or cycleway and there is no street lighting. Consequently, given the distance to the bus stops from the site, the inconvenience of the walking and cycling route and the infrequent services, it is not realistic to expect that users of the appeal site would travel by bus whilst the walking and cycling routes would not offer attractive alternatives to the private car.
9. The submitted Transport Technical Note<sup>1</sup> (TTN) forecasts that the proposal would be likely to generate 19 trips per day. While this is a limited amount of vehicle movements, it does not demonstrate that the site is a suitable location for the proposal having regard to the need to locate development at sites that offer a choice of transport options. Moreover, a wide range of users could potentially occupy the buildings if this development were permitted, and different types of businesses or enterprises would likely result in varying levels of associated traffic generation. Given that eight car parking spaces are proposed, I cannot conclude that the proposal would not result in a significant number of vehicle movements to and from the site.
10. The Framework expects planning decisions to enable the sustainable growth and expansion of businesses in rural areas. Paragraph 89 of the Framework recognises that sites to meet local business needs in rural areas may have to be found in locations that are not well served by public transport. However, there is no substantive evidence before me to demonstrate that there is a local need for workshop floorspace to be located on the appeal site that cannot be met in locations which are well served by public transport.
11. My attention has been drawn to the planning permission granted under application reference 3/23/1985/FUL for the demolition of an agricultural barn

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<sup>1</sup> Dated November 2023, prepared by EAS.

and erection of a replacement building to be used for use Class B8 at the site. While I have been presented with only limited details of this scheme, I note that that development was for a specified business where the Council could consider the precise nature of the proposal, including the number of vehicle movements and employment benefits.

12. The appellant has suggested that a condition could be included that requires the Council to agree to any future occupiers or requires future business occupiers to provide a Travel Plan. However, such a condition would not alter the accessibility of the site and would not make the proposal acceptable in planning terms. Accordingly, it would not meet the tests set out in Paragraph 57 of the Framework.
13. I conclude that the site would not be a suitable location for the proposed development, having regard to development plan policy and the accessibility of the site. The development therefore conflicts with Policies GBR2, ED1, ED2 and TRA1 of the DP, as set out above.

### **Other Matters**

14. The proposal would contribute to the rural economy through the potential for employment creation. However, there is no definitive evidence before me that demonstrates the level of employment that would be created by the proposal. Given that the proposal is for a small number of workshops, the economic benefits of the scheme would be unlikely to be significant.
15. The proposal would not harm the character and appearance of the area and would have an unacceptable impact on highway safety. In addition, the proposal could provide increase biodiversity and the buildings may encourage energy efficiency. Nevertheless, these would not outweigh the harm that I have identified.

### **Conclusion**

16. The proposal conflicts with the development plan as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



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## Appeal Decision

Site visit made on 5 December 2024

**by J Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

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

**Decision date: 16 December 2024**

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**Appeal Ref: APP/J1915/D/24/3344600**

**Rumballs Barn, Rumballs Court, Bishop's Stortford, Hertfordshire, CM23 4DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mrs Tamsin Joiner against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0216/HH.
  - The development proposed is two storey and part single storey rear extension to garage /annex.
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### Decision

1. The appeal is allowed and planning permission is granted for a two storey and part single storey rear extension to garage/annex at Rumballs Barn, Rumballs Court, Bishop's Stortford, Hertfordshire CM23 4DQ in accordance with the terms of the application, Ref 3/24/0216/HH, 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 drawing nos; RB/001; RB/002; RB/003; RB/004; RB/005 and RB/006.
  - 3) The external materials of the extension hereby permitted shall match those used in the existing building.
  - 4) The garage/annexe extension shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rumballs Barn.

### Preliminary Matters

2. For the purposes of accuracy, the Council's description of the proposal has been used instead of the appellants. However, the reference to the rooflights has been omitted as this does not require planning permission. Consultation responses on the justification for the extended garage/annexe have been considered in my reasoning in this decision.

### Main Issues

3. The main issues are (a) the effect of the proposal on the character and appearance of the area, (b) whether the proposal would result in ancillary accommodation to the main dwelling and (c) the effects of the proposal on the setting of a Grade II listed building, known as Rumballs Barn.

## Reasons

### *Character and appearance*

4. The appeal site comprises a dwelling, the converted listed building, and a detached double garage to the side in a residential cul-de-sac, known as Rumballs Court. This cul-de-sac comprises family sized dwellings of traditional design which date to the late 20th century. On one side of the entrance into the cul-de-sac, there is a small scaled thatched building and the much larger listed Rumballs Farmhouse. The residential development of the area has resulted in a tight-knit and dense urban quality.
5. The extensions would also be discretely located to the rear of the existing garage. Lack of public view is not the sole determinant of judging acceptable visual and character impact. However, the extended garage would be smaller in footprint and floorspace, and it would be no higher than the main barn. It would be externally finished in materials that match the existing garage. As a result, the scale and design of the extension would be subservient and not dominate the main dwelling, the converted barn.
6. For all these reasons, the extensions would not harm the character and appearance of the area in accordance with Policies HOU11 and DES4 of the East Herts District Local Plan (EHDLP) 2018, which amongst other matters, require development to be of a size, scale, mass, form, siting, design and materials of construction that are appropriate to the character, appearance and setting of the existing dwelling and surrounding area, extensions to generally appear as a subservient addition, with a high standard of design and layout reflecting local distinctiveness.

### *Ancillary accommodation*

7. The extended garage would comprise two bedrooms, bathroom and WC at the first floor, and kitchen, WC and entrance at the ground floor, as well as the garage and associated store. The accommodation entrance would be to the side facing the entrance to the main dwelling which is located to the rear of the listed converted barn. There is an access path separating the entrances which leads to the rear garden of the dwelling.
8. The extension would primarily be for an ill close family member in need of supervisory medicinal support by the appellant and provide a home for that member enabling independent living, stability and enhanced well-being compared to a residential home. Additionally, it would provide living space for the appellant's growing family. By reason of its siting and entrance relationship, the extended building would be close to and well related to the main dwelling. It would have a clear functional link to the main dwelling due to the identified family connections and given the range of family requirements, it would be the minimum level of accommodation required to support the appellant's needs.
9. For all these reasons, the extended annex would be justifiably used in connection with the main dwelling in accordance with Policies HOU13 and HOU11 of the EHDLP, which collectively and amongst other matters, require accommodation to form an extension to the main dwelling, capable of being used as an integral part of the dwelling or form a separate outbuilding which is close-well related and having a clear functional link to the main dwelling.

### *Setting of the listed building*

10. The timber barn dates back to the late 17th century to early 18th century with later bay addition and outshots. The statutory list entry (list entry number 1271528) detailed the barn as timber framed with weatherboard exterior, thickly tarred, corrugated metal roof, four bays with brick outshots, cart entrance in original central bay and an open end from the removal of a later addition. There are double cart doors at the north side, brick outshot at the south side with rounded corner and decorative ventilation holes in brickwork and plank door to outshot with similar hinges to east door and cart doors. There are also significant timber joinery features within the building further identifying the barn's age and character.
11. The barn was granted planning permission to a residential property in 2001. The corrugated roof has been replaced with clay tiles, windows in the form of dark timber casements and larger openings have been infilled, including the entrance opposite the garage, with glazing. New exterior boarding is heavily stained in a dark colour. Whilst there has been a domestication of the barn's character and appearance, the conversion has retained agrarian qualities, its overall form, evidential fabric and historic integrity, relevant to its historical and architectural significance and special interest.
12. However, the appreciation of the barn's agricultural qualities has been significantly reduced with the surrounding estate-like housing, in place of former open fields, and its boundary separation from the 19th century farmhouse, Rumballs Farmhouse, including its thatched barn and cartshed. As a result, understanding the barn's agricultural past is largely confined to close-to and immediate views of the barn itself. Within its context, the garage provides very little contribution to the appreciation of the Barn's significance and special interest by reason of its domestic nature and features, for instance the car doors.
13. The proposed extensions would be to the rear of the garage facing the rear end of the Barn. They would not be visible from the main public frontage where the architectural and historical significance and special interest of the listed Barn is mainly appreciated. Public views of setting areas are not sole determining factors in understanding a listed building but, in this case, the extensions to the side and rear would be to a building that contributes little to setting. The extended building would also appear subservient with a high standard of design.
14. The Councils Conservation and Urban Design Officer has requested a reduction in depth of the extension but states that the proposal has a neutral effect on the setting of the listed building. For all these reasons, the setting of the listed Barn would not be harmed, and the proposal would comply with Policies HA7, HOU11 and DES4 of the EHDLP, which collectively and amongst other matters, requires extended buildings to be subservient and a high standard of design.

### *Other matters*

15. To the rear, the occupiers of neighbouring properties on Salters have objected on grounds of loss of privacy and lighting pollution/glare. However, there would be a substantial separating distance between the extended garage and the houses of the residents which would prevent significant loss of privacy and light pollution/glare.

### **Conditions**

16. Suggested conditions have been considered in light of the advice contained in Planning Practice Guidance. Some have been amended, shortened and amalgamated in the interests of clarity and precision taking into account the guidance. A condition requiring the development to be carried out in accordance with the details shown on the plans is necessary in the interests of proper planning and for the avoidance of doubt. In the interests of the character and appearance of the area, a condition is necessary to ensure matching materials to the existing garage. A condition is necessary to ensure the outbuilding would be ancillary to the main dwelling, the Barn.

### **Conclusion**

17. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be granted. For the reasons given above the appeal should be allowed.

*J Parsons*

INSPECTOR



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## Appeal Decision

Site visit made on 9 October 2024

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 5 November 2024**

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### **Appeal Ref: APP/J1915/Z/24/3348053**

### **110 High Street, Ware, SG12 9AP**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mrs Angela Holtam, Thickbroom Chartered Accountants, against the decision of East Herts District Council.
  - The application Ref 3/24/0344/ADV, dated 21 February 2024, was refused by notice dated 17 June 2024.
  - The advertisement proposed is an internally illuminated window LCD display.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the Ware Conservation Area (CA).

### **Reasons**

3. The appeal relates to the ground floor of the appellant's business premises, which are situated in terrace, within the town centre and the CA. Commercial uses predominate in the vicinity of the appeal site and, consequently, advertising, both illuminated and non-illuminated are common. There is also a mix of external and internal illumination.
4. The proposal is to retain an illuminated LCD display within the main office window facing the High Street. The display would serve a number of functions in addition to advertising the business. For example, it would also display community notices and local events.
5. The Council considers that the proposed display would detract from the character of the streetscene and would fail to preserve or enhance the character of the CA. It cites policies HA1, HA4 and HA6 of the East Herts District Plan 2018 (DP). Policies HA1 and HA4 generally seek to ensure that proposals preserve or enhance the character or appearance of the CA, whilst Policy H6 lists criteria for determining advertisement proposals in the CA. These include a preference for non-illuminated signage or discreet external illumination if necessary.
6. The DP policies are not determinative when considering proposals for advertisement consent, which should be considered solely with regard to



- amenity and public safety. Nevertheless, the policies help to guide decision makers, when assessing a proposal.
7. The appeal property is part of an attractive terrace at the end of the High Street, which has retained several original features. It appears to have both some architectural and historic merit. In my opinion, some of the shopfronts and existing signage in the locality detract from the character and appearance of the CA and the existence of other displays should not act as a precedent for this appeal proposal.
  8. I consider that the proposed LCD display would detract from the character and appearance of the premises and this part of the CA, due to its prominent position within the front of the building and the contemporary means of display. It would appear alien and out of context with the property, given the age and appearance of the building.
  9. In reaching my decision, I have noted both the local support for the proposal and that the previous tenant may have displayed a similar/larger advertisement. I also recognise that the matters such as display timings and a restriction on moving images could be controlled by conditions. Furthermore, I accept that there are other illuminated window displays in the locality. Notwithstanding, I have determined the proposal on its individual merits and I find it to be unacceptably harmful for the reasons given above.
  10. Finally, the harm that I have identified is not outweighed by any public benefits that can be attributed to the display, including the possibility of advertising public and community events.

### **Conclusion**

11. It is concluded that the appeal be dismissed.

*Ian McHugh*

INSPECTOR





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## Appeal Decision

Site visit made on 9 October 2024

**by Ian McHugh DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 25 November 2024**

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### **Appeal Ref: APP/J1915/Z/24/3348015**

### **34 Amwell End, Ware, SG12 9HW**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Peter Jowett, Betting Shop Operations Ltd against the decision of East Herts Council.
  - The application Ref 3/24/0351/ADV, dated 19 February 2024, was refused by notice dated 21 May 2024.
  - The advertisement proposed is two externally illuminated fascia signs.
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### **Decision**

1. The appeal is dismissed.

### **Main Issue**

2. The main issue is the effect of the proposal on the amenity of the area, including the effect on the character and appearance of the Ware Conservation Area (CA).

### **Reasons**

3. The appeal relates to the appellant's business premises, which is a betting office situated within both the town centre and the CA. Commercial uses predominate in the vicinity of the appeal site and, consequently, advertising, both illuminated and non-illuminated are common. There is also a mix of external and internally illuminated signs in the locality.
4. The CA covers much of the town centre and its historic core. The ages, scale, and design of buildings within the CA vary. The appeal property itself is a relatively modern building, which is of no particular architectural merit. However, it is situated in a prominent corner position at the edge of the CA and, as a result, it impacts on the appearance of the streetscene.
5. The current appeal proposal is effectively a resubmission following an earlier refusal and appeal dismissal (APP/J1915/Z/23/3319994) for internally illuminated fascia signs. In reaching my decision, I have considered the relevant history and I have also taken into account that the proposal is similar to the fascia signage that previously existed on the building.
6. The proposal is now to retain two externally illuminated fascia signs, which have been installed on the front and on part of the side elevations. They were not illuminated at the time of my site visit, but the proposal is for illumination

- by trough lighting. The lettering and symbol on the signs are green, white, and red, set against a black background.
7. The Council considers that the proposed display would detract from the character of the streetscene and would fail to preserve or enhance the character of the CA. It cites policies HA1, HA4, HA6, DES4 and DES6 of the East Herts District Plan 2018 (DP). Policies HA1 and HA4 generally seek to ensure that proposals preserve or enhance the character or appearance of the CA, whilst Policy HA6 lists criteria for determining advertisement proposals in the CA. These include a preference for non-illuminated signage or discreet external illumination if necessary. Policies DE4 and DE6 seek to ensure good design and for adverts to respect the character and appearance of the environment.
  8. The DP policies are not determinative when considering proposals for advertisement consent, which should be considered solely with regard to amenity and public safety. Nevertheless, the policies help to guide decision makers, when assessing a proposal. I note that the Council has no concerns about public safety and I have no reason to depart from that view.
  9. Whilst the building is of little architectural merit, its position on the corner of Amwell End and Broadmeads means that it is a prominent feature in the streetscene. It is a location in which I observed large numbers of pedestrians and vehicular traffic entering the town centre from, amongst other places, a college, the town's railway station and Hertford Road.
  10. Although the appellant has sought to address the concerns of the earlier appeal inspector, by proposing external illumination, I consider that the form, depth, and extent of the signage to be unduly dominant on the building and it detracts from the amenity of the area.
  11. In reaching my decision, I have considered the nature and form of other signage in the vicinity of the appeal site and the comparable types of illumination. Notwithstanding, it is the prominent position of the appeal building that primarily sets it apart from others.
  12. I have also considered the possible benefits of increased public safety, due to the external lighting and the benefits of advertising to the appellant's business. However, these could be achieved in other ways, or by a different form of signage.

### **Conclusion**

13. It is concluded that the proposal is harmful to the amenity of the area and to the character and appearance of the CA. The harm is not outweighed by any public benefits and accordingly, the appeal is dismissed.

*Ian McHugh*

INSPECTOR



## Appeal Decision

Site visit made on 13 November 2024

by **A Knight BA PG Dip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> December 2024

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**Appeal Ref: APP/J1915/D/24/3345265**

**97 Datchworth Green, Datchworth, Hertfordshire SG3 6TL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs Balchin against the decision of East Hertfordshire District Council.
  - The application Ref is 3/24/0568/HH.
  - The development proposed is single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposal on the openness of the Green Belt, and;
  - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

### Reasons

*Whether inappropriate development*

3. The appeal site (the site) includes a detached dwelling. The land behind the site is largely undeveloped, and includes residential garden land, agricultural fields and sports pitches, all of which are on higher ground than the appeal site dwelling.
4. Policy GBR1 of the East Herts District Plan 2018 (the Local Plan) states that planning applications in the Green Belt will be considered in line with the provisions of the Framework. As such, the former is consistent with the latter.
5. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to exceptions set out in paragraph 154. One such exception is 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. The Framework does not define 'disproportionate additions' and therefore an assessment of whether a proposal would amount to a disproportionate addition over and above the size of the original building is a matter of planning judgement.
7. The appeal site dwelling has been extended previously. Figures provided by the Council and not contested by the appellant show the proposal, taken alongside the previous extensions, would result in a total of some 115m<sup>2</sup> of floorspace added to a building originally containing around 157m<sup>2</sup>; an addition of some 73%. The footprint of the dwelling would be increased from around 127m<sup>2</sup> originally to over 182m<sup>2</sup>, an increase of some 43%.
8. The Council cites an approach in which increases are limited to 50% of the original. It is not clear which metric this threshold is applied to, and I have no evidence that the approach is supported by policy. Nevertheless, the Framework prohibits disproportionate additions over and above the *size* of the original building [my emphasis] without specifying a metric. Even if assessed on footprint alone, when taken together the existing and proposed extensions amount to a substantial addition which I find to be disproportionate over and above the size of the original building. Whether the proposed addition is disproportionate to its setting is not a factor in whether it constitutes inappropriate development in the Green Belt.
9. For these reasons, the appeal proposal would be inappropriate development in the Green Belt which is, by definition, harmful. It would therefore conflict with Policy GBR1 of the Local Plan, and with the Framework.

#### *Openness*

10. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed extension would comprise a building where one did not previously exist and, as such would have a spatial effect on openness. Though not visible from the road, the extension would be visible from neighbouring homes and gardens, as well as from the land behind the site and so has a visual effect on openness. Given the above, the proposal would result in a harmful loss of openness, albeit one which would be limited given the scale of the proposal.

#### *Other considerations*

11. The appellants state that had they had the opportunity to revise the appeal scheme they would have amended it so that it was within the limits of permitted development. On this basis there is a greater than theoretical possibility that if the appeal does not succeed, an alternative form of extension will be carried out. In order to attract weight in favour of the development such a fallback would need to be shown to be significantly more harmful than the appeal scheme.
12. The parties are agreed that an extension of the same dimensions could be erected on a slightly different part of the rear elevation as permitted development. However, such an extension would have the same impact on the openness of the Green Belt as the appeal scheme.

13. The appellants argue that a larger extension of up to two storeys could be erected as permitted development. However, there is no evidence before me of this alternative in the form of plans or other details. Therefore, I am unable to conclude with any certainty what impact this alternative would have on the openness.
14. To conclude on the matter of fallback I do not find that any of the options before me have been shown to be more harmful to openness than the appeal scheme. Thus, the potential fallback attracts limited weight in favour of the appeal.
15. The Council refers to the potential for a larger extension with a greater impact on openness to be erected as a prior approval application. There is no evidence before me to suggest that the appellants would pursue this option. Consequently, it also attracts limited weight in favour of the appeal.

### **The Green Belt Balance and Conclusion**

16. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. The development is contrary to Policy GBR1 of the Local Plan, and with the Framework, which seeks to protect the Green Belt.
17. I have considered all other matters raised but none outweigh the conclusions I have reached. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

*A Knight*

INSPECTOR



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## Appeal Decision

Site visit made on 29 October 2024

**by Sarah Colebourne MA, MRTPI**

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

**Decision date: 8 November 2024**

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**Appeal Ref: APP/J1915/D/24/3350241**

**60 The Wick, Hertford, SG14 3HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Karl Graham against the decision of East Herts Council.
  - The application Ref is 3/24/1138/HH.
  - The development proposed is described as 'Erection of part single storey, part two storey rear extension. Single storey front extension. Relocation of first floor rear balcony. Insertion of 4 rooflight windows. Addition of pitched roof to front of house. New first floor side window and alterations to fenestration.'
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single storey, part two storey rear extension, single storey front extension, relocation of first floor rear balcony, insertion of 4 rooflight windows, addition of pitched roof to front of house, new first floor side window and alterations to fenestration at 60 The Wick, Hertford, SG14 3HR in accordance with the terms of the application, Ref 3/24/1138/HH, 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: 337-01, 337-02, 337-03A, 337-04A, 337-05A, 337-06B, 337-07B, 337-08B.
  - 3) Prior to the commencement of any above ground construction works, the external materials 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.

### Reasons

2. The appeal dwelling is a 1960's-built detached two storey house located within an estate of dwellings built in the same period. It is one of four similar dwellings within this part of the road that were built to a similar style with a staggered siting. Like others in the area, some have been extended or altered over the years resulting in some variation but each one has a main gabled front elevation and a consistency in external materials that contributes to the character of the area. The appeal dwelling and its neighbour at no 62 each have a pitched roof two storey side extension set back from the front elevation.

- At the appeal dwelling, there is also a first floor balcony across some two thirds of the rear elevation.
3. The rear elevation of the appeal dwelling is set back significantly from no 62 with the long flank wall of that dwelling alongside the side boundary. The rear elevation is set forward of the property on the other side at no 58. The proposed rear extension would maintain this staggered siting and would remain set back from no 62.
  4. As it would have a hipped roof that would sit well below the height of the main ridge and the two storey part would not occupy the whole of the rear elevation, it would be sufficiently subservient in size and scale to the main part of the dwelling.
  5. A flat roofed rear element would project beyond that with a balcony above together with a screen and a green wall for privacy. A further element with a lean-to roof would sit to the side of the two storey extension adjacent to the boundary with no 58. However, those elements would be subservient to both the two storey extension and to the dwelling as a whole.
  6. Whilst the proposed rear extension would add a sizeable volume to the dwelling, it would not be clearly seen if at all from the street and the hipped roof would reduce its bulk and massing to an acceptable degree when seen from the rear of the site and from the rear of the neighbouring properties. The proposal would retain a good sized area of rear garden and given my findings in regards to size, scale, mass and bulk, it would not result in overdevelopment of the site.
  7. The Council has raised no objection to the front extensions and alterations or the window alterations and as those would be compatible with the extensions and alterations at the neighbouring dwellings, those are also acceptable.
  8. I conclude then that this is a carefully designed proposal that would not result in significant harm to the character or appearance of the area. It accords, therefore, with development plan policies DES4 and HOU11 of the East Herts District Plan (2018) which together require that extensions should be of a high standard of design and should generally appear as a subservient addition to the dwelling.

### **Other matters**

9. Whilst the Council has not objected to the proposal in terms of its effect on the living conditions of neighbouring occupiers, I have had careful regard to the representations made to the planning application.
10. I agree with the Council that the proposed screen and green wall would provide sufficient screening of no 62 from the proposed balcony which is not a new element and there is already some overlooking of no 58 from the existing balcony as acknowledged by the Council. As the new balcony would be positioned further in to the garden of the appeal site than the existing, any overlooking would be of the lower part of the garden of no 58 rather than across its patio area as at present and this would be an improvement in terms of privacy.
11. Given the 2.5m distance of the two-storey extension from the side boundary with no 58 and the limited height of the single storey extension, there would

not be any significant impact in terms of light or outlook to that property either.

12. I conclude then that the proposal would not cause significant harm to the living conditions of the neighbouring occupiers and would accord with development plan policy HOU11 that also seeks to ensure that proposals do not significantly affect the amenity of neighbours.

### **Conditions**

13. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition is also necessary for the approval of external materials as the application does not provide full details of those and in the interests of the character and appearance of the area.

### **Conclusion**

14. For the reasons given above, I conclude that the proposal is in accordance with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

*Sarah Colebourne*

Inspector





# Appeal Decision

Site visit made on 11 November 2024

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11<sup>th</sup> December 2024

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**Appeal Ref: APP/J1915/W/24/3341758**

**Land At Brookfield Lane, Aston End SG2 7HG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Ronan Murray against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1348/FUL.
  - The development is described as the continued use of land for dog walking activity (Sui Generis), with proposed longer daily hours of operation (07:00 - 19:00), also to be used at weekends, the maximum number of dogs on site to be increased to 20, the private rental of the site for a maximum of 2 members of the public to exercise their dogs, the designation of a portion of the site to agricultural use, and car parking to take place within the site.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application form and appeal form state that the appeal site address is '1 Brookfield Lane', whereas the decision notice refers to the site as 'Land at Brookfield Lane. I have taken the address from the decision notice as this is sufficiently precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The application form states that the development has already taken place. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively for the change of use.

## Main Issue

4. The main issue is effect of the proposed development on highway safety, with regard to access and the provision of parking.

## Reasons

5. The appeal site comprises part of a large field accessed from Brookfield Lane. The existing access is set back from the edge of the carriageway beyond an informal layby. An area of land covered by protective matting provides access to the dog walking area. Planning permission has been granted under reference 3/22/0378/FUL for the use of the site for dog walking purposes. The permission limits the number of dogs to 10 accompanied by two members of staff using one vehicle.

6. The development is for the increase in the maximum number of dogs to 20, the extending of operating hours to 0700 to 1900 and the additional use of the dog walking area by private clients when not in use by the appellant's business. The appellant states that the dog walking area is used by up to two households at any one time and that appointments are separated by a 10-minute buffer.
7. The use of the field by members of the public increases the vehicle movements at the access. The submitted plans do not provide a layout of the site, including the position of the access, including the gates, and whether vehicles would not overhang the highway if the gates are closed. There is no indication of the number or position of the parking spaces to accommodate the additional visitors at the site. Moreover, the plans do not include a layout of the manoeuvring area that demonstrates that vehicles can enter and exit the site in a forward gear.
8. The Council has suggested, in the event that the appeal is allowed, a condition requiring the submission of a plan detailing the size and siting of the parking and manoeuvring arrangements in relation to the existing access. However, the submitted details do not provide sufficient information regarding the potential number of vehicles that would visit the site and do not demonstrate that vehicles could enter and exit the site in a forward gear without obstruction. Given that there is no substantive evidence before me in respect of the levels of use associated with the development, I cannot be certain that safe and suitable access can be achieved for all users.
9. I conclude that it has not been demonstrated that the proposal does not have an unacceptable effect on highway safety. The development therefore conflicts Policy TRA2 of the East Herts District Plan 2018, which requires that development proposals should ensure that safe and suitable access can be achieved for all users.

### **Other Matter**

10. The Council have not raised concerns in respect of the number of dogs or the hours of operation. Based on the evidence before me, I see no reason to disagree. Nevertheless, the absence of harm is a neutral factor and does not outweigh the unacceptable effect on highway safety.

### **Conclusion**

11. The development conflicts with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



## Appeal Decisions

Site visit made on 24 October 2024

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 November 2024**

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### **Appeal A Ref: APP/J1915/W/23/3332238**

#### **8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Magri Builders Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1396/FUL.
  - The development proposed is conversion of existing agricultural building to a residential unit.
- 

### **Appeal B Ref: APP/J1915/W/24/3339561**

#### **8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Magri Builders Ltd against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/2190/FUL.
  - The development proposed is conversion of existing agricultural building to a residential unit.
- 

### **Decisions**

1. Appeal A is dismissed.
2. Appeal B is allowed, and planning permission is granted for conversion of existing agricultural building to a residential unit, at 8 Pole Hole Farm, Pye Corner, Gilston, Hertfordshire CM20 2RP, in accordance with the terms of the application, Ref 3/23/2190/FUL, subject to the conditions in the attached schedule.

### **Preliminary Matters**

3. This decision letter addresses two appeals at the same site, as set out in the banner headings above. Both appeals concern similar proposals with some minor differences. While I have determined each appeal on its own merits, I have addressed the common issues together to ensure conciseness and avoid duplication.
4. The application under Appeal A was determined before the application under Appeal B was submitted. The Appeal B application included additional evidence, which the Council's officer report confirms addressed the reason for refusal of the Appeal A application concerning the loss of an agricultural building. Given the similarities between the two proposals, I am satisfied that this conclusion can be applied to both appeals, and this issue is no longer in dispute between the main parties.

## **Main Issues**

5. The main issues in the case of both appeals are:
  - whether the appeal site is a suitable location for housing, having regard to access to services and sustainable transport; and
  - whether the proposal would be inappropriate development in the Green Belt, and if so, whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations that would amount to the very special circumstances required to justify the proposal.
6. Additional main issues in the case of Appeal A only are:
  - whether the proposal would have an acceptable effect on the character and appearance of the area; and
  - whether the proposal would make adequate provision for biodiversity.

## **Reasons**

### *Suitability of location*

7. The appeal site consists of a detached single-storey building within a gated complex comprised predominantly of residential units. The complex occupies the site of a former dairy farm, and the appeal building itself remains designated for agricultural use.
8. The site is located outside of a settlement and lies within the countryside. However, it is situated within a cluster of existing residential properties and is reasonably close to the nearby settlements of Gilston and High Wych, which have a range of local services and facilities. The larger settlement of Harlow, which provides a broader selection of amenities and public transport links, is located further to the south.
9. Despite the site's reasonable proximity to settlements, I observed during my visit that accessing them without a private car would be challenging. The site is adjacent to the main road linking High Wych, Gilston and Harlow. However, this road has a 60mph speed limit, is unlit, and lacks a footpath. The grass verges on either side were muddy and slippery during my visit and appeared unsuitable for individuals with pushchairs, wheelchairs or other mobility aids. The road itself is busy, relatively narrow, winding and undulating, with some vehicles travelling high speeds. I also observed conflicts between cyclists and vehicles, and these issues would likely worsen after dark, further deterring cyclists.
10. The appellant has highlighted that the road is served by bus routes providing access to larger settlements such as Harlow. However, reaching the nearest bus stops would still involve walking along unlit, footpath-free roads. While there are public rights of way connecting the site to nearby settlements, these routes appear largely unpaved, unlit, and in some places across challenging terrain.
11. The appellant also points to a development plan allocation and undetermined planning applications for several thousand dwellings and associated infrastructure on land to the opposite side of the adjacent road, known as

Gilston Garden Village. While this development may improve accessibility to the appeal site in the future, I am provided with limited detail of the proposal, its certainty, or its delivery timeline. As such, I can give limited weight to this matter and must base my observations on the current conditions and my observations during my visit.

12. Policy DPS2 of the East Herts District Plan, October 2018 (the DP) summarily seeks to deliver sustainable development by directing development towards – in hierarchical order – sustainable brownfield sites, sites in urban areas, urban extensions, and limited development in villages.
13. The appellant contends that the site is brownfield land. However, the National Planning Policy Framework (the Framework) explicitly excludes land that is or was last occupied by agricultural or forestry buildings from its definition of brownfield land. Accordingly, I do not find the site to be brownfield land, and it does not sit within the hierarchy defined by Policy DPS2.
14. Policy TRA1 of the DP summarily seeks to locate development in places which enable sustainable journeys to be made to key services and facilities, and to ensure that a range of sustainable transport options are available to occupants or users.
15. In light of the above considerations, I conclude that private car travel would likely be the default mode of transport for future occupiers of the proposed development. Accordingly, the development proposals subject to both appeals would not be suitably located in terms of access to services and sustainable transport, resulting in conflict with Policies DPS1 and TRA1 of the DP, the aims of which have previously been set out.

*Whether inappropriate development in the Green Belt*

16. The site is located within the Green Belt. Paragraph 152 of the Framework establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
17. Paragraph 155 of the Framework identifies certain forms of development that are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One such form of development is the re-use of buildings, provided they are of permanent and substantial construction. In this case, both parties agree that the proposals qualify as such development. Therefore, the question of inappropriateness rests on the respective effects of the proposals on the openness of the Green Belt.
18. Both appeals propose timber enclosures for the storage of bicycles and refuse bins. During my visit, I observed that the refuse enclosure was in position adjacent to the front of the building. It was modest in scale, constructed of materials closely matching the building it served, and was similar to structures found at neighbouring dwellings. Although the proposed bicycle storage was not yet in place, it too would be modest in scale and materiality, and would blend in with the adjacent tall brick wall forming part of the wider gated complex. Given their modest scale, compatibility with the existing built environment, and integration into the wider surroundings, these structures would preserve the openness of the Green Belt in both spatial and visual

terms. They would also not conflict with any of the five purposes of including land within it, as outlined in the Framework.

19. The Council has raised concerns about the potential addition of other domestic paraphernalia, such as play equipment or washing lines. However, these hypothetical scenarios are not part of the proposals before me. Furthermore, if the building were returned to its lawful agricultural use, similar paraphernalia associated with that use could have comparable effects on the openness of the Green Belt.
20. The primary distinction between the two appeal proposals lies in the proposed boundary treatments for the garden area. The Appeal A scheme includes close-boarded fencing, while the Appeal B scheme proposes a hedgerow.
21. The garden area is situated to the front and side of the existing building. It is currently partly enclosed between the side wall of the building and a brick wall adjacent to the entrance to the complex. Under the Appeal B scheme, the proposed hedgerow would provide a natural and verdant enclosure that would complement the existing surroundings without adversely affecting the openness of the Green Belt. In contrast, the close-boarded fencing proposed in Appeal A would introduce a solid, visually imposing boundary that would create an undue sense of enclosure. This would appear as a dominant physical feature, detracting from the visual and spatial openness of the Green Belt.
22. As such, the boundary treatment in Appeal A would fail to preserve the openness of the Green Belt and would constitute inappropriate development. This would conflict with Policy GBR1 of the DP, which requires development proposals within the Green Belt to be considered in line with the provisions of the Framework, which have previously been set out.
23. Conversely, the Appeal B proposal would preserve the openness of the Green Belt. For the reasons set out previously, I conclude that it would not be inappropriate development in the Green Belt and would accord with Policy GBR1 of the DP.

#### *Character and appearance*

24. The neighbouring dwellings within the complex feature frontages that are largely open, blending seamlessly into their front gardens and the communal areas beyond. Soft landscaped elements, such as hedges and lawns, contribute to the green and spacious character that defines the complex.
25. The solid boundary treatments proposed in Appeal A would introduce a prominent and uncharacteristically enclosed feature around the front garden. This would disrupt the open and spacious character of the complex, creating a stark contrast with the prevailing sense of openness and greenery in the surrounding area.
26. For these reasons, I conclude that the Appeal A proposal would harm the character and appearance of the area. It would therefore conflict with Policy DES4 of the DP, which summarily requires all development proposals to be of a high standard of design and layout to reflect and promote local distinctiveness.



### *Biodiversity*

27. Policies NE2 and NE3 of the DP require all proposals to achieve a net gain in biodiversity, where it is feasible and proportionate to do so. While the Council is satisfied that the additional soft landscaping included in the Appeal B proposal would meet these policies, it considers that the Appeal A proposal falls short of compliance.
28. The appellant notes that the site previously had minimal biodiversity value. I acknowledge that the building has recently been renovated, with previous planning permission allowing for landscaping enhancements that may have improved its biodiversity value. However, my assessment must focus on the current proposal, which provides limited evidence of additional biodiversity enhancement.
29. Although the appellant suggests that biodiversity improvements could be secured through a planning condition, the lack of detail in the current proposal makes it uncertain whether such enhancements could be delivered without requiring alterations to other aspects of the scheme. Imposing such a condition would not meet the tests set out at paragraph 56 of the Framework, which requires planning conditions to be reasonable and enforceable.
30. For these reasons, I conclude that the Appeal A proposal fails to provide sufficient evidence to demonstrate a net gain in biodiversity. As such, it would conflict with Policies NE2 and NE3 of the DP, the aims of which have previously been set out.

### **Planning Balance**

31. The Council confirms it cannot demonstrate a five-year supply of deliverable housing sites. While the full extent of the shortfall has not been provided, footnote 8 of the Framework makes clear that in such circumstances, the tilted balance set out at paragraph 11 d) of the Framework is engaged. This requires that development proposals be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole.
32. The appeal site lies within an existing predominantly residential complex, and the building's external appearance is consistent with the neighbouring residential properties. Given the viability challenges associated with reusing the building for agricultural purposes or alternative employment-generating uses, its reuse for residential purposes would align with its surroundings and make effective use of the land, reflecting a key objective of the Framework.
33. The proposals would also contribute positively to the supply of housing in an area with an identified shortfall, which supports the Government's objective to significantly boost the supply of homes. While this contribution would be modest in scale, it nonetheless carries significant weight in the context of the paragraph 11 d) balance.
34. In terms of Appeal A, the proposal would conflict with the policies of the development plan and the Framework in several respects including its location, its effects on biodiversity and the character and appearance of the area. Furthermore, the proposal would constitute inappropriate development in the Green Belt, which the Framework directs must be given substantial weight. I have identified no specific considerations that would amount to the very

special circumstances required to justify the proposal. Taking these issues cumulatively, I conclude that the adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

35. Turning to Appeal B, and the harm arising from this proposal is limited to its location, with specific regard to access to services and sustainable transport. While this does conflict with the development plan, I give significant weight to the benefits of the proposal set out above. Moreover, using the building for its lawful purpose or a similar alternative use would likely face similar challenges in terms of accessibility and sustainable transport. Therefore, I find that the adverse impacts of the Appeal B proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal can be supported as sustainable development under paragraph 11 d) of the Framework.

### **Conditions**

36. The Council has provided a list of suggested conditions that I have considered against the tests set out in the Framework and the Planning Practice Guidance (the PPG). To ensure compliance with the tests I have amended, and in some cases omitted, certain conditions.
37. Conditions relating to the standard time limit for the commencement of development and to specify approved plans are necessary in the interests of certainty. It is not necessary to add a separate condition relating to the construction of the external areas, as these details are secured through the plans condition.
38. A condition requiring the submission and approval of a scheme of landscaping is necessary in the interests of biodiversity and the character and appearance of the area. Given the building subject to the development is already in situ and limited physical changes are proposed, it is not necessary for this to be a pre-commencement condition. These details can therefore be secured prior to occupation.
39. A condition requiring the installation of an electric vehicle charging point prior to the occupation of the development is necessary in the interests of promoting sustainable transport and technology.
40. The appellant considers that the Council's suggested condition relating to water consumption is not necessary because this matter can adequately be dealt with under the Building Regulations. However, Policy WAT4 of the DP specifically requires residential development to be designed so that mains water consumption meets a target of 110 litres or less per head per day. As this is a requirement of the adopted development plan, it is not appropriate to rely on its requirements being delivered through Building Regulations. Subject to some minor revisions, I therefore find the suggested condition reasonable and necessary in the interests of minimising water consumption.

### **Conclusions**

41. In the case of Appeal A, I have identified conflict with the development plan and there are no other considerations that would lead me to a decision other



than in accordance with the development plan. I therefore conclude that Appeal A should be dismissed.

42. In the case of Appeal B, although there is conflict with the development plan, the material considerations I have identified are sufficient to lead me to a decision other than in accordance with the development plan. Therefore, having regard to all matters, including the provisions of the Framework, I conclude that Appeal B should be allowed subject to the conditions listed in the attached schedule.

*P Storey*

INSPECTOR

### **Schedule of 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:  
PHF5/OS Rev C – Location Plan Building 5  
PHF5/P/31 Rev A – Proposed Plans Building 5  
PHF5/P/32 Rev B – Proposed Elevations Building 5
- 3) Prior to first occupation of the development hereby approved, details of landscaping shall be submitted to and approved in writing by the local planning authority. This shall include full details of soft and hard landscape proposals, planting plans, schedules of plants, species, planting sizes, density of planting, and a timetable for implementation and maintenance. The scheme shall thereafter be implemented and maintained in accordance with the approved details.
- 4) Prior to first occupation of the development hereby approved, a scheme of measures to ensure the development meets a mains water consumption target of 110 litres or less per person per day shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the first occupation of the development and retained as such thereafter.
- 5) Prior to first occupation of the development hereby approved, one electric vehicle charging point shall be provided and thereafter retained for the use of occupiers.

\*\*\*\* End of conditions \*\*\*\*

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# Appeal Decision

Site visit made on 2 September 2024

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

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

**Decision date: 20 November 2024**

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## **Appeal Reference: APP/J1915/D/24/3342301**

### **Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr. D. Shipton against the decision of East Herts Council.
  - The application reference is 3/23/1557/HH.
  - The development proposed is described in the application form as "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
- 

### **Decision**

1. The appeal is dismissed.

### **Application for costs**

2. An application for costs was made by Mr D. Shipton (the Appellant) against East Herts Council. This application is the subject of a separate Decision.

### **Preliminary points**

3. A Written Ministerial Statement entitled "Building the homes we need" was published on 30 July 2024, together with a consultation on "Proposed reforms to the NPPF and other changes to the planning system". In this case, however, I am satisfied that they do not materially affect the considerations that have led me to my decision. I am convinced, therefore, that there is no requirement to seek further submissions on these publications and that no party would be disadvantaged by such a course of action.

### **Main issues**

4. The first main issue to be determined in this appeal is whether the proposal is "inappropriate development" having regard to the 'National Planning Policy Framework' and any relevant development plan policies. If so, in this case, it is necessary to consider the effect of the proposed development on the openness of the Green Belt as well as the impact of the proposed development on the surroundings. It is then necessary to determine whether the harm by reason of inappropriateness and any other harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances that are required to justify inappropriate development in the Green Belt.

5. If the proposed development is to be categorised as “not inappropriate”, it is nonetheless necessary, in this case, to consider the impact of the proposed development on the character and appearance of the surroundings.

## **Reasons**

### *Background*

6. The appeal site is located in the countryside, some distance to the north of Hertford. It lies to the west of the A119, between the villages of Waterford and Stapleford, and is reached by way of a driveway from the main road through an area of woodland. The driveway serves two residential properties and provides access to adjoining farmland as well as to the woodland itself. ‘Little Gobions’ has a side boundary with another residential property at ‘Hubbards’ but is otherwise surrounded by agricultural land in a rural landscape. The area lies within the Green Belt.
7. The existing dwelling at ‘Little Gobions’ is a substantial bungalow with rendered walls under a slate roof. Prior approval has been granted for certain extensions and alterations to it, although these had not been carried out at the time of the site visit. The bungalow is located towards the rear of its large plot, with a garden that is mainly laid to grass, with trees and shrubs. The land rises gently towards the rear (southern) boundary, adjacent to which there is a separate single-storey outbuilding. This is constructed as a double garage together with stables for several horses but it is now in use primarily for domestic uses ancillary to the residential use of the site, including as a dance studio. The outbuilding is also largely rendered, with a pitched slate roof.
8. It is now proposed to demolish the existing stables and garage building and to clear away the building from this part of the site. A new detached outbuilding would be constructed elsewhere, to include a new studio, changing facilities, garage and garden store. The new building would be sited in front of the bungalow, alongside the western side boundary of the property and adjoining agricultural land. A new swimming pool would be created near to the front boundary. The site drawing included with the planning application also includes a garden landscaping design.

### *Policy context*

9. The ‘National Planning Policy Framework’ makes it plain, at paragraphs 152-156, that the construction of new buildings is not normally acceptable in the Green Belt and that they should only be permitted in “very special circumstances”, subject to certain exceptions. Nevertheless, the replacement of an existing building in the Green Belt can be acceptable, as one such exception, “provided the new building is in the same use and not materially larger than the one it replaces”. Moreover, the partial or complete redevelopment of previously developed land may also be acceptable, if it would “not have a greater impact on the openness of the Green Belt than the existing development”.
10. More generally, 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 (while not preventing or discouraging appropriate innovation or change).

11. The 'East Herts District Plan October 2018' confirms, at Policy GBR1 that planning applications within the Green Belt "will be considered in line with the provisions of the 'National Planning Policy Framework'". Other policies focus on broader design issues. Policy DES4 is concerned with "Design of Development" in broad terms, promoting a "high standard of design and layout", while Policy HOU11 specifically addresses "Extensions and Alterations to Dwellings, Residential Outbuildings and Works Within Residential Curtilages", with the aim that such development should be "appropriate to the character, appearance and setting of the existing dwelling and/or the surrounding area", among other things.

*Green Belt considerations*

12. The proposed new outbuilding would be clearly separate from the existing dwelling at 'Little Gobions', as is the existing outbuilding. I acknowledge that, in some cases, it may be appropriate to treat a domestic outbuilding as an extension to its host building, but in this case, bearing in mind the scale, nature and layout of the different buildings, I have treated the proposed new outbuilding in this case as a replacement building rather than as an extension to the dwelling.
13. The new outbuilding would be used for purposes ancillary to the residential use of the property as a whole, as is the existing outbuilding. Its gross external area ("GEA") is given as 161 square metres, whereas the gross external area of the existing stables and garages, "as currently built", is given as 127 square metres. The proposed and existing outbuildings would have similar ridge heights, however.
14. In this case, it is necessary to consider whether the proposed building would be materially larger than the existing building that it would replace. That assessment does not take account of potential additional construction which may already have been permitted, although the circumstances may well be important as a material consideration in the overall planning analysis. In this case, I have concluded that the proposed new outbuilding would be "materially larger" than the existing garage and stables and that, therefore, the exception relating to replacement buildings (referred to above) does not apply.
15. I have also considered whether the proposal could be considered to be a partial redevelopment scheme that would not have a greater impact on the openness of the Green Belt than the existing development. The new outbuilding would be larger than the existing building and it would be more prominent visually, being located on the front part of the site. The proposed new swimming pool would also have a visual impact on openness, by comparison with the existing appearance of the site. An assessment of openness, in the Green Belt context, includes both a spatial element and a visual element and I have concluded that the finished scheme would have a greater impact on openness than the existing development. Again, therefore, it cannot benefit from the relevant exception that I have cited above.

16. In short, I have formed the opinion that the proposed development must be described as “inappropriate development” within the Green Belt, in the terms of the policies that are expressed in the ‘National Planning Policy Framework’ and the ‘East Herts District Plan October 2018’ (notably Policy GBR1), and considered on that basis.
17. In addition, the scheme as a whole would reduce the openness of the Green Belt in both a spatial and a visual sense.

*Character and appearance*

18. It is necessary, then, to consider the impact of the proposed development on the character and appearance of the surroundings. The new construction would be simple in form and detailing, making use of traditional materials and having the character of an agricultural style building. I accept that it would be a well designed building and that it would replace an existing outbuilding that serves a similar ancillary domestic purpose.
19. Nevertheless, it would be located in a more prominent part of the site, even taking account of the potential for additional screen planting on the boundaries. It would be relatively bulky, by comparison with the bungalow. Moreover, the closeness of the proposed pool to the front boundary, and the associated extensive hard surfacing would combine to suburbanise the site and detract from the rural character of the location. Hence, the proposed development would have an adverse effect on the character and appearance of the surroundings and it would fail to accord with both local and national planning policies that are intended to promote good design and respect local character (including, specifically, Policies DES4 and HOU11 of the ‘East Herts District Plan October 2018’).

*Very special circumstances*

20. It has been argued that substantial additional construction could be undertaken on the appeal site, without the need for further planning permission. Such considerations do not alter my earlier conclusions on the question whether the proposed development is to be considered to be “inappropriate” or “not inappropriate” for the purposes of applying Green Belt policies, but they may be capable of amounting “very special circumstances”.
21. Particular attention has been drawn to the permission that was granted previously for a changing room and greenhouse with a swimming pool and stables extension (under reference 3/795-74, dated 19 June 1974). That grant of permission is a material consideration (whether implemented or not) but it is an old permission and the evidence for implementation is by no means clear-cut. No application has been made for a formal Certificate of Lawfulness, which might have clarified the position.
22. It is not the purpose of this Decision to formally determine the lawfulness of a proposal to complete that earlier scheme and, in the light of the evidence submitted, I attach only limited weight to the prospect of its completion. Notwithstanding the arguments that have been presented, I am not persuaded that very special circumstances apply in this case, to justify the grant of planning permission.

*Conclusions*

23. As the proposed development is to be considered as “inappropriate development” in the Green Belt, planning harm would arise by reason of that inappropriateness. Moreover, the scheme would have an adverse effect on the openness of the surroundings and it would dominate the front of the appeal site, unduly suburbanising the setting and causing additional harm to the character and appearance of the surroundings.
24. Evidently, the proposed development would make a useful addition to the existing house and it is submitted that the potential for alternative development to be carried out would justify the proposals. Even so, I am not persuaded that other planning considerations in this case clearly outweigh the harm that has been identified (in combination), so as to amount to the very special circumstances that are required to justify inappropriate development in the Green Belt.
25. I have therefore concluded that the appeal must fail and, 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



## Costs Decision

Site visit made on 2 September 2024

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

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

**Decision date: 20 November 2024**

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### **Costs Application in relation to Appeal Ref: APP/J1915/D/24/3342301 Land at 'Little Gobions', Stapleford, Hertfordshire SG14 2BF**

- 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. D. Shipton for a full award of costs against East Herts Council.
  - The appeal was made against the refusal of planning permission for "*the demolition of the existing stables and garage building and its replacement with a new studio, changing facilities, garage and garden store plus adjoining swimming pool*".
- 

### **Formal Decision**

1. I refuse the application for an award of costs against East Herts Council.

### **Submissions on behalf of Mr. D. Shipton (the Appellant)**

2. The appellant argues that the Council delayed the planning application and failed to explain and justify themselves. In particular, in the context of the planning appeal, it is asserted that the Council "declined to justify why the extant permission to extend the stables is not valid despite clear evidence being presented" and applied irrelevant area calculations in their analysis of the proposed development.
3. It is therefore claimed that the Council behaved unreasonably and that the Appellant's costs of the appeal should be met by the Council.

### **Submissions by East Herts Council**

4. The Council state that additional time was needed, in continuing discussions with the Appellant, researching the history, and awaiting consultee responses. Moreover, they argue that their concerns are clearly explained in the wording of the formal reasons for refusal. They argue that they have explained both their initial concerns and the subsequent reasons for refusal and that they have defended their refusal of planning permission based on policies in the 'National Planning Policy Framework' and the Development Plan.
5. The Council submits that the application for an award of costs should be rejected.



## Reasons

6. The 'Planning Practice Guidance' 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.
7. I note that the Council's responses to points raised by the applicant during the application process were inadequate in some respects and that consultation during the planning application process appears to have been difficult. Nevertheless, I am aware that the application for costs relates to unnecessary or wasted expense in the appeal proceeding, as distinct from the application process. Thus, the way in which the Council dealt with the planning application does not affect my conclusions on the application for the costs of the subsequent appeal.
8. The application of Green Belt Policy can be complex and its interpretation may not always be easy. The Council have considered the proposed outbuilding as if it were an extension to the existing dwelling but I have not adopted this approach. Nevertheless, the Council's approach to this complex area cannot be described as unreasonable.
9. Reference has also been made to an old planning permission and evidence has been submitted as to its relevance, although no application has been made for a Certificate of Lawfulness and, in the circumstances, I have not been able to attach great weight to that planning history.
10. In conclusion, while the Appeal Decision does not accept the Council's detailed reasoning, I have supported their overall approach and the appeal has been dismissed.
11. Therefore, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the 'Planning Practice Guidance', has not been demonstrated and I hereby refuse the application for costs against East Herts Council.

*Roger C Shrimplin*

INSPECTOR



# Appeal Decision

Site visit made on 30 September 2024

by **J Pearce MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

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**Appeal Ref: APP/J1915/W/24/3337986**

**Flat 3 29C, North Street, Bishop's Stortford, Hertfordshire CM23 2LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs A & P Norris against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1750/FUL.
  - The development proposed is a second floor extension to create duplex to existing flat at front.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application states that the site address is 29c Flat 3, whereas the decision notice and appeal form refer to the site as Flat 3 29C. I have taken the address from the decision notice and appeal form as this is more precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The description of development within the application form refers to the proposal being a resubmission of an earlier application. The resubmission of a proposal is not an act of development under s55 of the Town and Country Planning Act 1990 and so I have not included this within the description above.
4. This appeal relates to an unlisted property. However, one of the disputed issues is with regard to the potential effect of the proposal on the adjacent Grade II listed building. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act). Section 66 (1) requires that I have special regard to the desirability of preserving the building or any features of special architectural or historic interest which it possesses where development which affects a listed building. I have proceeded with the appeal on this basis.

## Main Issues

5. The main issues are:
  - whether the proposed development would preserve or enhance the special architectural or historic interest of the Grade II listed building, No 31 North Street (No 31)<sup>1</sup>;

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<sup>1</sup> 1307818

- whether suitable living conditions would be provided for future occupants of the proposed development, with regard to the provision of internal space; and
- whether the proposed development would deliver biodiversity net gain.

## **Reasons**

### *Listed building*

6. The appeal site comprises a two-storey property within a terrace of buildings to one side of North Street. The property is adjacent to No 31, a Grade II listed building, which is in use as a public house and dates from the 17<sup>th</sup> Century with later 19<sup>th</sup> Century alterations. Its façade displays a jettied first floor, a steep pitched roof constructed of red tile and various elements of decoration all of which contribute to the building's traditional appearance. Given the above, I find that the significance of the listed building, insofar as it relates to this appeal, to be primarily with its historic form, traditional materials and architectural interest.
7. The existing roof and upstand associated with the host property would be altered, and part of the affected roof slope and upstand is attached to both the host building and the listed building. There would potentially therefore need to be a change to the fabric of the listed building to facilitate the works. Given the historic materials and architectural significance associated with the adjacent listed building's roof form, I would expect detailed analysis in this regard. However, there is no substantive evidence before me in this regard and insufficient information has been provided to determine any potential harm to the listed building.
8. I cannot therefore be certain that the proposal would not harm the listed building, for example with regard to loss of historic fabric, or its breathability or stability. Given the potential adverse consequences of allowing the proposed works before these matters have been addressed, and my duty under S66 of the Act, I consider that it would not be appropriate to leave such detail to be controlled by conditions. Consequently, I am unable to conclude that the proposal would preserve the special interest of the Grade II listed building.
9. I conclude that it has not been satisfactorily demonstrated that the proposal would preserve or enhance the special architectural or historic interest of the listed building. The development therefore conflicts with Policies HA1 and HA7 of the East Herts District Plan 2018 (DP) and the Framework, which collectively require proposals to preserve the historic environment and requires that great weight should be given to the asset's conservation.
10. The Council has referred to Policy DES4 of the DP in its reason for refusal. This policy relates to the design of development and does not relate directly the considerations within this issue.

### *Living conditions*

11. The site includes a first floor flat consisting of a bedroom, bathroom and a combined living, kitchen and dining room. The existing accommodation is constrained and provides limited space for occupants. While the living, kitchen

and dining room provides is particularly confined, the level of existing harm is limited by the lower number of occupants.

12. The proposal would add a second bedroom and a small study area at second floor level. The Council has suggested that the proposal would provide a floor area of 63.8 square metres, which is below the minimum standards of 70 square metres set out in the Nationally Described Space Standards 2015. The appellant has not disputed this figure and there is no substantive evidence before me to find against this figure.
13. The proposed Bedroom 2 would provide a good standard of accommodation for future occupants given its size and layout. Nonetheless, the proposal would allow for an increase in the capacity of the flat with limited additional shared spaces. The living, kitchen and dining room would be particularly cramped with limited communal space for future occupants to dine or socialise within a private setting. Consequently, the proposal would provide a poor standard of accommodation for future occupants of the flat.
14. I conclude that the proposal would not provide suitable living conditions for future occupants of the development in respect of internal space. The development therefore conflicts with Policy DES4 of the DP, which requires that all internal rooms are of an appropriate size and dimension so that the intended function of each room can be satisfactorily achieved.

#### *Biodiversity*

15. Policy NE2 of the DP states that all proposals should achieve a net gain in biodiversity where it is feasible and proportionate to do so. The proposal is for an additional storey to a building within an urban setting to create further living accommodation. Consequently, and given the confined size of the site, it would not be feasible to create opportunities for wildlife and achieve a net gain in biodiversity. The proposal would therefore accord with Policies NE2 and NE3 of the DP.

#### **Other Matters**

16. The site is within the Bishop's Stortford Conservation Area (CA). As required by Section 72 (1) of the Act, I have paid special regard to preserving or enhancing the character or appearance of a conservation area. The CA is focussed on the town centre of Bishop's Stortford, with its street pattern associated with its market town function.
17. Development in North Street is varied in scale and in terms of the design and age of buildings. There is a mix of two and three-storey buildings in the area with stepped ridge lines following the gradient of the land. The roof pitches and heights also vary, particularly within the row of buildings including the site where the rooflines step down with the gradual decline of the land level.
18. The proposal would retain the roof pitch and utilise similar materials to that used in the existing building. Moreover, the proposal would maintain the stepped roofline on this side of North Street. Bearing in mind the extent, nature and location of the proposed development, the character and appearance of the CA as a whole would be preserved. I note that the Council has raised no objection in this regard, nevertheless the lack of harm weighs neutrally and does not alter my overall conclusions on the main issues.

19. I have had regard to concerns raised by the appellant about the way that the Council handled the planning application, including the Council's pre-application service. These issues are procedural points between the main parties, which are not relevant to my consideration of the case before me.

**Conclusion**

20. Paragraph 208 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. The proposal would increase the size of an existing dwelling. However, the accommodation would not provide suitable living conditions for future occupants of the property. Consequently, the limited public benefits of the proposal would not outweigh the harm identified to the listed building.
21. The proposal conflicts with the development plan when considered as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR



# Appeal Decision

Site visit made on 11 November 2024

**by J Pearce MSc MRTPI**

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

**Decision date: 6<sup>th</sup> December 2024**

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**Appeal Ref: APP/J1915/W/24/3341694**

**Land east of London Road, Spellbrook, Hertfordshire CM23 4AU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr James Laird against the decision of East Hertfordshire District Council.
  - The application Ref is 3/23/1857/FUL.
  - The development proposed is the erection of stables and associated native species planting.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

## Main Issues

3. The main issues are:
  - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework);
  - the effect of the proposed development on the character and appearance of the area;
  - whether suitable external space would be provided for the welfare of horses; and
  - if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *Whether the proposal is inappropriate development*

4. The Framework explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
5. The appeal site comprises a large field, primarily to the rear of a row of dwellings fronting London Road. The site extends to the rear of the frontage properties with a railway line forming the rear boundary. The site is predominantly undeveloped, other than small sheds and building materials close to the access point. The proposal is for a stables building positioned parallel to the side boundary of the site.
6. Policy GBR1 of the East Herts District Plan 2018 (DP) states that proposals within the Green Belt will be considered in line with the provisions of the Framework. Paragraph 154 of the Framework regards the construction of new buildings as inappropriate in the Green Belt. An exception to this is the provision of appropriate facilities) in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. In addition, Paragraph 155 of the Framework sets out certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes material changes of use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).
8. There is no dispute between the parties that the proposal would relate to the use of the site for outdoor recreation given the equine purposes of the proposed building. While there are buildings and piles of building materials within the site, these are limited in size and discreetly positioned close to the access track and development at the neighbouring properties such that they have a minimal effect on the openness of the site. The site is otherwise largely devoid of permanent buildings and structures.
9. The proposed building would include two stables and a tack room with hay storage space. The building would significantly increase built development where none currently exists. There would be a material, albeit limited, degree of encroachment of built development, beyond the built-up area of the settlement. In spatial terms, this would amount to a loss of openness and would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.
10. The building would be partly obscured in views from London Road by the dwellings fronting the road. The proposed boundary hedge planting would, over time, limit the visual effect of the proposal on the area. However, the building would be visible from the public right of way adjacent to the site and would be detached from the existing development fronting London Road. Accordingly, the development would adversely affect the visual openness of the Green Belt and would appear as an encroachment of development in the countryside.

11. For these reasons, I find that the proposal would fail to preserve the openness of the Green Belt and would conflict with the purposes of including land within it. The proposal fails to meet the requirements of Policy GBR1 of the DP and Paragraph 154 b) of the Framework. Therefore, the proposal would be inappropriate development which is, by definition, harmful to the Green Belt.

#### *Character and appearance*

12. The site comprises a large field to the rear of dwellings fronting London Road and extends to the railway line. Beyond the rear gardens of the properties facing London Road, the area is typically open and is partly used for grazing.
13. The proposal is for a building close to the side boundary of the site. The building would have a simple rectangular form and its design and external finish would respect the rural location of the site. However, the building would have a significant height and would be visible within the area, particularly from the public footpath close to the site. The incongruous position of the building would erode the open character of the area to the rear of the properties fronting London Road.
14. The proposal would include hedge planting to the boundaries of the site. While the hedge would soften the visual impact of the development, it would not obscure the building in views from public vantage points. Moreover, while a hedgerow would be an appropriate feature within a rural area, the building and associated hedge planting would enclose the site and reduce the overall open character of the area.
15. I conclude that the proposal would harm the character and appearance of the area. The development therefore conflicts with Policies DES3, DES4 and CFLR6 of the DP, which collectively require proposals to retain, protect and enhance existing landscape features, be of a high standard of design and layout to reflect and promote local distinctiveness and be sited or landscaped to minimise visual intrusion.

#### *Welfare of horses*

16. The proposal would include two stables within the building, indicating that there would be a maximum of two horses at the site. Policy CLFR6 of the DP requires adequate pasture to support horses. The supporting text states that regard will be had to the British Horse Society (BHS) standards for grazing.
17. Neither party has presented the BHS standards, however the parties agree that the BHS recommends between 0.4 and 0.6 hectares of grazing land per horse. The application form states that the appeal site comprises an area of 0.8 hectares, which would meet the minimum area of grazing land within the standards. Nevertheless, the appeal site includes the access from London Road and the usable area would be reduced due to the proposed development, including the parking spaces, and the hedge planting. Moreover, although the proposal includes an area for hay storage to provide additional feed, I cannot be certain that sufficient additional feed would offset the reduced area for grazing.
18. I conclude that it has not been satisfactorily demonstrated that the proposal would provide a suitable external space for the welfare of horses. The development therefore conflicts with Policy CFLR6 of the DP, requires adequate pasture to support horses.



### *Other considerations*

19. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to harm to the Green Belt and “very special circumstances” will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
20. The proposal would provide two stables for the personal use. While the site is within a countryside location where equine activity is typically suitable, the proposal for the stables building would lead to a harmful reduction in the openness of the Green Belt. Accordingly, I attribute limited weight to this consideration.
21. The proposal would not result in significant vehicle movements and would not harm the living conditions of the occupants of neighbouring properties. Moreover, the design and material finish of the building would be appropriate. Nonetheless, the absence of harm is a neutral factor that does not weigh significantly in favour of the proposal.
22. The proposed hedge planting to the site boundaries would provide an enhancement to biodiversity at the site. However, there is no substantive evidence setting out the potential for, and extent of, biodiversity net gain at the site. Accordingly, the weight I can attribute to this consideration is limited.
23. For these reasons, I find that the other considerations in this case, as set out above, do not clearly outweigh the totality of the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.

### **Conclusion**

24. The proposal conflicts with the development plan. The other considerations in this case do not indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

*J Pearce*

INSPECTOR

NEW PLANNING APPEALS LODGED NOVEMBER-DECEMBER 2024  
Head of Planning and Building Control

Application Number	Proposal	Address	Decision	Appeal Start Date	Appeal Procedure
3/23/1996/CLXU	The use of 'The Garage Annex' as a separate residential dwellinghouse (C3).	The Oaks Wellpond GreenStandon SG11 1NN	Refused Delegated	27/11/2024	Written Representation
3/24/0085/FUL	Construction of new residential dwelling with associated landscaping and access	Woodland At Thorley Lane EastBishops Stortford	Refused Delegated	12/11/2024	Written Representation
3/24/0500/FUL	Change of use of agricultural building to create 1, 4 bedroomed dwelling. Erection of side and rear extensions, external alterations, erection of air source heat pump and widening and alterations of entrance to create 3 parking bays and removal of existing eastern access.	Barn To North Of Redricks LaneOpp Redricks FarmSawbridgeworth CM21 0RL	Refused Delegated	20/11/2024	Written Representation
3/24/0610/FUL	Construction of 2 new semi-detached dwellings with car parking, EV chargers, air source heat pumps, sheds, bin stores, fencing and associated landscaping on land adjacent to 4 Pump Hill, Brent Pelham.	4 Pump HillBrent Pelham SG9 0HG	Refused Delegated	03/12/2024	Written Representation
3/24/0646/FUL	Demolition of dwelling. Creation of 1, 3 bedroomed dwelling with basement level, creation of external steps and patio with insertion of air source heat pump, and associated landscaping and parking.	Rock CottageBlyth FarmGipsy LaneHazel End CM23 1HA	Refused Delegated	13/11/2024	Written Representation
3/24/0894/FUL	Construction of carbon neutral, self-build dwelling, together with erection of a detached garage building, creation of a new vehicular access, provision of a new driveway and associated landscaping works.	Borley Green Barn Conduit LaneBrent Pelham SG9 0AJ	Refused Delegated	04/11/2024	Written Representation
3/24/0921/FUL	Change of use of the land for the siting of 2 glamping cabins. Hard surfacing for parking areas (retrospective).	Land East Of Wakeley Farm Cherry GreenWest MillBuntingford	Refused Delegated	18/11/2024	Written Representation
3/24/1088/FUL	Retention of containers ground and first floor with associated external stair access	Skeleton Green Buntingford RoadPuckeridge SG11 1RT	Refused Delegated	19/11/2024	Written Representation
3/24/1114/FUL	Demolition of dilapidated barn and development of 1 two-storey new self-build dwelling with an air source heat pump	Land Adjoining Arcadia Ermine StreetBuntingford SG9 9RT	Refused Delegated	05/11/2024	Written Representation
3/24/1130/CLPO	Single storey outbuilding to form ancillary gym to the host dwelling	2 Churchfield RoadTewin AL6 0JW	Refused Delegated	12/12/2024	Written Representation
3/24/1178/HH	Removal of 1 front facing dormer. Construction of two storey side extension with a partial two storey front extension. Demolition and rebuilding of front porch. New first floor rear facing Juliet balcony. Changes to the external materials of the house.	The Dormers Bonks HillsSawbridgeworth CM21 9HU	Refused Delegated	25/11/2024	Fast Track
3/24/1206/HH	Erection of single storey detached garage consisting of 2 open car ports and an enclosed garden store	High Trees Barkway RoadAnstey SG9 0BE	Refused Delegated	19/11/2024	Fast Track
3/24/1621/HH	Loft extension with front and rear dormer windows and rear roof light.	Wheatcroft Widford RoadMuch Hadham SG10 6AP	Refused Delegated	05/11/2024	Fast Track

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

Application	Case Officer	Address	Proposal	Appeal Status	Procedure Type	Appeal Date
3/21/1014/FUL	Diane Verona	Field Farm Levens Green Old Hall Green Hertfordshire	Change of use of land to extend Gypsy and Traveller caravan site, to provide a total of 12 pitches (an increase of 6), including construction of access road, laying of hardstanding, demolition of existing barn and erection of 6no. utility buildings	LODGED	Hearing	
3/23/1390/FUL	David Lamb	Land Off London Road And Owles Lane Buntingford Hertfordshire	Demolition of no. 16 London Road and alterations to no. 18, including demolition of garage and amendment to parking arrangements and access. Erection of 68 dwellings with associated parking, landscaping, refuse and ancillary works.	LODGED	Public Enquiry	

**DEVELOPMENT CONTROL**

**Major, Minor and Other Planning Applications**

**Cumulative Performance**  
( calculated from April 2023 )

	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25		
<i>Total Applications Received</i>	181	324	496	661	817	979	1129	1307	1451					
<i>Percentage achieved against Local and National Targets</i>	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	<b>National Designation Targets (set by Government)</b>	
<b>Major %</b>	100%	75%	80%	80%	83%	83%	87%	91%	93%				<b>Major %</b>	<b>60%</b>
<b>Minor and Other %</b>	88%	90%	91%	91%	91%	91%	91%	92%	93%				<b>Minor %</b>	<b>70%</b>
	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25		
Total number of appeal decisions (Monthly)	6	5	15	13	11	16	8	9	7					
Number Allowed against our refusal (Monthly)	2	1	2	1	4	7	1	3	1					
	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25		
Total number of appeal decisions (Cumulative)	6	11	26	39	50	66	74	83	90					
Number Allowed against our refusal (Cumulative)	2	3	5	6	10	17	18	21	22					

**AGENDA ITEM NO. 6D**