

DEVELOPMENT MANAGEMENT COMMITTEE – 15 JULY 2020

Application Number	3/18/2764/OUT
Proposal	Outline application for the erection of 14 residential units and 26 proposed car parking spaces (all matters reserved except access)
Location	Hertfordshire County Council Depot, Station Road, Watton At Stone, SG14 3SH
Parish	Watton-at-Stone
Ward	Watton-at-Stone

Date of Registration of Application	8 th January 2019
Target Determination Date	9th April 2019
Reason for Committee Report	Major application
Case Officer	Eilis Edmonds

RECOMMENDATION

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

Delegated authority be granted to the Head of Planning and Building Control to finalise the Section 106 Agreement and conditions.

1.0 Summary of Proposal and Main Issues

- 1.1 This application seeks outline planning permission, with all matters reserved except access, for the erection of 14 dwellings on a former Hertfordshire County Council (HCC) Depot site in Watton-at-Stone. The proposal includes the provision of a new access from Moorymead Close, whilst also seeking to retain the existing access for a single dwelling from Station Road.
- 1.2 The main issue for consideration is whether the proposed development is acceptable in-principle and meets the aims of Policy

VILL1, with regard to development in Group 1 villages within the District. Other matters for consideration relate to surface water flooding and the provision of housing.

2.0 Site Description

- 2.1 The site lies within the village boundary of the Group 1 Village of Watton-at-Stone and comprises a former HCC highway maintenance depot site. The site was used for the storage of road materials and winter maintenance materials, and was then, according the planning statement, used for the storage, maintenance and repair of portacabins by a private company. The site is currently covered in hardstanding, and there are a number of single storey buildings on the site in a poor state of repair.
- 2.2 There is existing vegetation on the boundaries of the site, and the land levels are slightly lower than the surrounding land, with low embankments and retaining walls. The existing access to the site lies on the southern side of the site, with a bell-mouth from Station Road. There is also an existing culvert which runs centrally underneath the site from south-west to north-east.
- 2.3 The site area is approximately 0.48 hectares and it is bounded by existing residential development.

3.0 Planning History

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

Application Number	Proposal	Decision	Date
3/91/0731/OP	Outline application: Residential development together with provision for increased car parking (totalling 40 car spaces) to serve railway commuters	Granted with Conditions	11 th September 1991

3/94/0058/FP	Residential development to provide 34 houses and 44 apartments, together with an access road, commuters car park (20 places), amenity areas, landscaping and ancillary works (amended scheme)	Granted with Conditions	4 th November 1994
3/94/0059/FP	Residential development to provide 34 houses and 44 apartments, together with an access road, commuters car park (20 places), amenity areas, landscaping and ancillary works (amended scheme)	Withdrawn	24 th June 1994

4.0 **Main Policy Issues**

- 4.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF) and the adopted East Herts District Plan 2018 (DP).

Main Issue	NPPF	DP policy
Principle of housing development	Chapter 2	DPS1, DPS2, VILL1
Loss of employment	Chapter 6	ED1
Quality of design and landscaping	Chapter 12	DES2, DES3, DES4, DES5
Delivery of housing	Chapter 5	HOU1, HOU2, HOU3, HOU7
Neighbour amenity and amenities of future occupiers	Chapter 12	DES4, EQ2, EQ3 and EQ4
Highways and parking	Chapter 9	TRA1, TRA2, TRA3
Flood risk, drainage and	Chapter 12	WAT1, WAT2, WAT3,

climate change		WAT4, WAT5, WAT6, CC1
Delivery of Infrastructure		DEL2

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

5.0 **Summary of Consultee Responses**

- 5.1 HCC Highway Authority does not wish to restrict the grant of planning permission, subject to conditions. The Highway Authority are content with the principle of narrowing the existing access from Station Road in order to provide access to a single residential dwelling. With regard to the proposed access for the remaining 13 dwellings from Moorymead Close, Highways require changes to the geometry of the proposed access to accommodate junction radii of 8m, and the internal site access road to have a minimum width of 5m, whilst also recommending that a 12.2m refuse vehicle should be able to be used within the site. They also state that a Section 278 agreement will be required for the proposed accesses, and the footway extension should be implemented in accordance with the submitted drawing. These matters can be conditioned upon the grant of permission.
- 5.2 Lead Local Flood Authority commented that concerns were previously raised regarding the condition of the disputed private culvert which crosses the site and continues down Hazeldell towards the High Street. The culvert has significant blockages and is not a suitable surface water discharge point for the site. As such, following discussions with Thames Water, an alternative discharge location was proposed to manhole MH6306, at Great Innings North. A connection to manhole MH7250 was also considered by the applicant, but is deemed to be unacceptable. The drainage strategy therefore needed to illustrate that the discharge location is to be to manhole MH6306. Otherwise, it is deemed that surface water run-off rates should not exceed 2.5l/s including the 1 in 100 year+

climate change event, that attenuation to ensure no increase beyond this should be provided, and that the drainage strategy should utilise lined permeable paving, geocellular attenuation tank and a flow control, with discharge into manhole MH6306.

- 5.3 Environment Agency commented that the all risks to groundwater and surface waters from contamination need to be identified so that appropriate remedial action can be taken. In order to protect groundwater quality from further deterioration, no infiltration-based drainage systems should be constructed on land affected by contamination; piling, or any other foundation designs using penetrative methods, should not cause preferential pathways for contaminants to migrate to groundwater and cause pollution; decommission of investigative boreholes to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies.
- 5.4 Thames Water commented that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Where the developed proposed to discharge to a public sewer, then prior approval from Thames Water will be required. They also would expect the developed to demonstrate what measures they will undertake to minimise groundwater discharged into the public sewer. Groundwater discharges typically result from construction, and any discharge made without a permitted is deemed illegal, and therefore they recommend the inclusion of an informative. They also note that there are public sewers crossing or adjacent to the site, and that it is important that the developer minimises the risk of damage, and Thames Water will need to check that the development does not reduce capacity, limit repairs or maintenance, or inhibit their services. They raise no objection to the waste water network and waste water process infrastructure capacity based on the information provided.
- 5.5 EHDC Housing Development Advisor commented that the scheme proposed 14 units which required an affordable housing contribution of 35% (5 units) and the tenure split should be 84% rent and 16% shared ownership.

- 5.6 HCC Historic Environment Unit commented that the proposed development is located adjacent to two Areas of Archaeological Significance, nos 189 and 230, the latter of which is likely to be of more relevance to the archaeological potential of the site. A number of ring-ditches, linear trackways and possible boundary/enclosure ditches are apparent in the field to the west, and archaeological excavation works took place between 2008 and 2011 on a site to the south of the site which revealed multi-phase archaeological remains, including Neolithic and Early Iron Age pits, a prehistoric structure, a curvilinear ditch complex containing Early to Middle Saxon pottery, and some Romano-British ditches. It is not considered that the potential to harm is high enough to recommend pre-determination investigation, however, it is considered that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a pre-commencement condition is therefore recommended if permission is to be granted.
- 5.7 Herts Ecology commented that the Hertfordshire Environmental Records Centre does not have any habitat or species data for the application site. They note that an Ecological Appraisal has been submitted with the application, which outlines that the habitats are considered to be of negligible to limited ecological value, and the main interest is the boundary trees and shrubs, which are generally proposed for retention. Protected species are not considered to be at risk, however an informative is recommended for any pruning of trees and shrubs to be avoided during the nesting bird season and that any external lighting should be designed to minimise lightspill. Otherwise, Ecology raise no objections, and welcome the simple biodiversity enhancements outlined, and suggest that any new landscaping is native and a Landscape and Biodiversity Plan should be submitted showing the location of habitat boxes and tree species.
- 5.8 EHDC Environmental Health Advisor does not wish to restrict the grant of permission, but advises that any permission which the Planning Authority may give shall include conditions with regard to

the submission of contamination surveys, remediation and validation reports; noise attenuation for protecting the proposed development from noise and rail traffic; and the submission of a Construction Management Plan to ensure an adequate level of amenity for nearby residents.

5.9 Herts Police Crime Prevention Advisor commented that they support this application. They note that the application is at the outline stage, however they have no concerns with the application but would advise that prior to submitting any further application the agent should contact the Police Crime Prevention Design Service with a view to achieving the Police preferred minimum security standard that is Secured by Design, to satisfy the requirements of both Building Regulations and National and Local Planning Policy and Guidance.

5.10 HCC Growth and Infrastructure Unit comment that based on the information for the development they would be seeking financial contributions towards Ware Library (£2,654) and towards the New Young People's Centre in Hertford (£628) based on Table 2 of HCC's planning obligations toolkit Table 2, based off the number of bedrooms proposed. An obligation to provide fire hydrants is also requested.

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

6.0 Parish Council Representations

6.1 Watton-at-Stone Parish Council support the application, stating that they consider that this brownfield site is very suitable for redevelopment, having been left unused for some considerable time. They note that this is the only large brownfield site within the village boundary which could be used for residential development, and they therefore welcome the material contribution which it would make to the housing development targets allocated to the village by the East Herts District Plan.

7.0 Summary of Other Representations

- 7.1 2 responses have been received objecting to the proposals on the following grounds:
- Traffic coming out of the site would make the area very busy
 - An entrance onto Station Road with a roundabout would be more suitable and would allow all traffic to slow down
 - The proposed development would result in a loss of sunlight to No 117 Hazeldell if the dwellings are 2.5 storeys; No 117 is at a lower land level than the application site, and therefore a 2.5 storey dwelling will present as a 3.5 storey building, contrary to Policy VILL1
- 7.2 1 response has been received supporting the proposals, however no comments were provided.
- 7.3 1 response has been received neither objecting to nor supporting the proposals on the following grounds:
- Vehicles are usually parked the length of the border of Moorymead Close, which are mainly users of the train services, when restrictions concluded parking on now unrestricted side roads has led to difficult navigating in and out of Moorymead
 - An additional 26 vehicles using this road would impact on the safety of road users
 - The difference in land levels suggests some kind of ramp into Moorymead, which could result in increased vehicle speeds and therefore risk
 - An entrance onto Station Road would be more suitable

8.0 Consideration of Issues

Principle of development

- 8.1 Policy DPS2 sets out that the strategy of the District Plan is to deliver sustainable development in accordance with a hierarchy, which seeks to direct development towards sustainable brownfield sites, sites within and extensions to the towns and limited development within the villages. The application site is a brownfield site which lies within the designated village boundary of the Group 1 Village of Watton-at-Stone. The District Plan development strategy outlines that Group 1 villages are the most sustainable villages in the district and that Watton-at-Stone will need to accommodate at least a 10% increase in housing stock prior to March 2033 amounting to 92 dwellings. Prior to the adoption of a Neighbourhood Plan, development within Group 1 villages will be limited to the built-up area as defined on the policies map, and should accord with the criteria as outlined in VII. of Policy VILL1.
- 8.2 As the application is an Outline application, it is not possible to fully assess the application against the criteria of VII, however, the application site is previously developed and lies within the boundary of a Group 1 village, and therefore residential development in this location is acceptable in principle, and it will assist in the delivery of housing required as set out in Policy VILL1. Furthermore, the site is considered to be highly sustainable, with Watton-at-Stone train station within 150m walking distance of the main access of the site, and within walking distance of services and facilities, including the village primary school.

Loss of Employment

- 8.3 As previously noted, the site is previously developed land. The Planning Statement sets out that the site was used as the HCC highway maintenance depot site prior to 1996, and for the storage, maintenance and repair of portacabins by a private company between 1996 and 2011. The site is currently vacant.

- 8.4 Policy ED1 outlines that development which would cause the loss of an existing site which is currently or was last in employment use will only be permitted where the retention of the site has been fully explored without success. However, the Policy sets out that for non-designated employment sites, a proportionate approach should be taken.
- 8.5 A market report was submitted with the application outlining that whilst there is a short supply of storage sites across Hertfordshire, the existing site is not well located, with the road network in the locality considered to be poor. To keep the site in storage use would not result in high employment levels, whereby a site of this size is likely to employ 3/4 people. If the site was to be converted to another commercial use, it could provide greater employment, however it would result in greater vehicle movements, including lorries and light vans, and would require 50/60 parking spaces. Whilst there may be a greater demand for B1, B2 and B8 spaces, it is considered likely that investors would raise concerns as to neighbouring residential uses.
- 8.6 Whilst it is considered that the proposed development would result in the loss of an employment site, the current use provides low employment levels, and changes to more intensive uses could result in harmful impacts upon the neighbouring residential properties. Therefore, it is considered that very limited weight should be attributed to the loss of this employment site.

Quality of Design

- 8.7 As the application is submitted in outline, whereby all matters are reserved except for access, it is not possible to assess the acceptability of the proposed development in terms of its quality of design, with reference to Policies VILL1 and DES4 at this stage of the planning process.
- 8.8 The surrounding area is mainly residential. Moorymead Close, which will provide the main access for the proposed development, is a 90s housing development which was built following permission

being granted in 1994. Moorymead Close consists of semi-detached and terraced dwellings and a number of apartments. Hazeldell and Great Innings lie to the east and north of the site, respectively, and are of various designs, size and building years. A more recent residential development lies to the south (granted in 2011 under LPA ref 3/11/0872/RP), on the opposite side of Station Road, is more densely populated.

- 8.9 An indicative layout (plan ref 211 Rev F) has been submitted and it is considered that the site is capable of accommodating a density of development which is reflective of the surrounding residential area, having regard to the types and sizes of dwellings on the neighbouring roads, as set out above. The proposed formation of a cul-de-sac is also consistent with developments in the surrounding area. Plot 14, whilst not reflective of the orientation of the dwellings on Hazeldell to the east of this plot, is considered to be consistent with the design principles of other residential development in the locality, including the dwellings on the opposite side of Station Road, which, whilst not having individual drives, do provide a principle elevation which fronts onto this road. That said, it is considered that the building line illustrated should have greater regard to that of the rear elevations of Nos 11-15 Hazeldell at the Reserved Matters submissions stage.
- 8.10 Policy DES3 sets out that development proposals must demonstrate how they will retain, protect and enhance existing landscape features which are of amenity and/or biodiversity value. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creating will be sought.
- 8.11 The existing site has mature vegetation on the boundaries, and it is considered that it provides some amenity value to the surrounding area and street scene. That said, it is noted that the tree report submitted with the application advises that most of this vegetation is of poor or moderate quality, and the conclusion of the tree survey is that existing planting is generally of limited value. There are no protected trees on or adjacent to the site.

8.12 The indicative layout illustrates that much of the existing vegetation is to be retained, with a section removed for the proposed access from Moorymead Close. With reference to Policy DES3, the indicative layout plan also suggests that further trees are proposed to be planted on the boundaries of the site, including adjacent to the proposed access, where vegetation will be required to be removed. Whilst landscaping is a reserved matter, this approach is welcomed.

Delivery of Housing

8.13 The proposal will provide 14 residential dwellings. As previously noted, Policy VILL1 outlines that there is a requirement for Group 1 Villages to accommodate at least a 10% increase of housing prior to March 2033. With regard to Watton-at-Stone, there is a need to increase housing stock by 92 dwellings. As such, the proposed dwellings will assist in delivering housing in the village. This carries significant positive weight.

8.14 Developments which seek to provide 5 or more gross additional dwelling will be expected to provide an appropriate mix of housing tenures, types and sizes, in order to create mixed and balanced communities, in accordance with Policy HOU1, having regard to the latest Strategic Housing Market Assessment, and any other up-to-date evidence.

8.15 Policy HOU3 sets out the Council's affordable Housing policy, whereby applications for dwellings which provide 11 to 14 dwellings should seek to provide 35% units of affordable housing. The planning statement submitted with the application sets out that the acknowledgement that affordable housing of 35% of the total number of units will need to be included through a Section 106 agreement.

8.16 The indicative layout plan illustrates the provision of 4No 2 bedroom homes, 8No 3 bedroom homes, and 2No 4 bedroom homes. However, as the proposal is submitted in outline planning

details as to the size and types of housing are not required at this stage.

Neighbour amenity and amenities of future occupiers

- 8.17 Having regard to the indicative layout provided, it is considered that sufficient distances can be obtained to ensure that the proposed development would not result in unacceptable levels of loss of light, overbearing impacts, or loss of privacy. This matter can be assessed in full at Reserved Matters stage, to ensure that the development accords with Policy DES4 (c).
- 8.18 Due to the adjacent neighbouring properties, Environmental Health have recommended the inclusion of a pre-commencement Construction Management Plan condition, whereby details should be provided on construction phasing; hours of operation; mechanisms to deal with environmental impacts such as noise, vibration, air quality and dust, light and odour; and any details on piling operations; amongst other matters.
- 8.19 With regard to the amenities of any future occupants, it is noted that the application site lies some 70m east of the existing railway line which runs between Stevenage and Hertford. Policy EQ2 sets out that noise sensitive development should be located away from existing noise generating sources to prevent prejudicing the continued existing operations; otherwise, the use of design, layout, landscaping tools and construction methods should be employed to reduce impacts. Noise source is not considered to be a barrier to the proposed development of the site for residential purposes, but it is important to ensure that noise from the railway line is properly considered in the design, layout and orientation of the dwellings, as well as physical noise mitigation measures, to ensure that a good standard of internal and external acoustic environment can be enjoyed by future occupiers of the development. A pre-occupation condition is therefore recommended, whereby dwellings should not be occupied until a scheme for protecting the proposed dwellings from noise from rail traffic has been implemented.

Highways and parking

- 8.20 This application does not seek to include access as a reserved matter, with the proposal setting out to provide a new access to 13 of the 14 proposed dwellings from Moorymead Close, and to amend the existing access from Station Road for the 14th dwelling, narrowing the access.
- 8.21 Policy TRA2 sets out that development proposals should ensure that safe and suitable access can be achieved for all users, whilst Policy TRA3 outlines the parking requirements for new developments.
- 8.22 The Highways Authority have outlined that Station Road, whereby the existing access is proposed to remain, is an unnumbered C classified road, a local distributor road in the Hertfordshire roads hierarchy, and Moorymead Close is an unclassified road and is designated as a local access road.
- 8.23 The Highway Authority are content with the principle of narrowing the existing access from Station Road in order to provide access for a single residential dwelling, and raise no further comments on this part of the proposal. The proposed access is considered to be acceptable in principle in this location, however the Authority state that they would require some changes to the geometry of the access to accommodate junction radii of 8m and an internal site minimum width of 5m. They also recommend that the future layout at reserved matters stage is tested with a refuse vehicle tracking. The Authority also consider that the footway extension and pedestrian crossing points should be implemented in accordance with the submitted plan, and incorporate a total footway width of 2m.
- 8.24 Subject to conditions, it is considered that the proposed development provides safe and suitable accesses, and the proposal therefore accords with Policy TRA2.

- 8.25 With reference to parking provision, the proposed development seeks to provide 4No 2 bedroom homes, 8No 3 bedroom homes, and 2No 4 bedroom homes. The parking SPD advises that 2 bedroom homes should provide 2 parking spaces, 3 bedroom homes should provide 2.5 spaces (rounded up) and 4 bedroom dwellings should provide 3 parking spaces. The proposed development should seek to provide a maximum of 34 parking spaces. But regard may be had to a 25% Zone 4 reduction. Details of parking provision fall to be considered under reserve matters but having regard to the development density and indicative layout there is no reason to conclude that the required car and cycle parking provision cannot be provided.
- 8.26 The highway impact and parking aspects of the proposal are in accordance with policy requirements and therefore carry neutral weight.

Flood risk, drainage and climate change

- 8.27 The application site lies within Flood Zone 1 and therefore is not at risk of fluvial flooding. The proposal is supported by a drainage strategy, and subject to conditions, the Lead Local Flood Authority (LLFA), the Environment Agency and Thames Water have no objection to the grant of permission.
- 8.28 The LLFA previously raised concerns regarding the condition of the disputed private culvert which crosses the site and continues down Hazeldell towards the High Street. Following the comments from the LLFA during the course of the application, whereby the culvert was considered to have significant blockages, and therefore was not suitable for surface water drainage, it was considered, following discussions with Thames Water, that the most suitable option for drainage is from manhole MH6306, as shown as Option A on plan ref ST-2281-11-B. A condition has been recommended by the LLFA that no development should take place until a surface water drainage scheme for the site has been submitted and approved, and should demonstrate that surface water run-off rates should not exceed 2.5l/s including the 1 in 100 year+ climate change event, that

attenuation to ensure no increase beyond this should be provided, and that the drainage strategy should utilise lined permeable paving, geocellular attenuation tank and a flow control, with discharge into manhole MH6306.

- 8.29 In terms of foul water, it is proposed that a pumped connection be established to the existing public foul water sewer network in Moorymead Close. Thames Water commented that they will need to check that the development does not reduce capacity, limit repairs or maintenance, or inhibit their services. However, they raise no objection to the waste water network and waste water process infrastructure capacity based on the information provided.
- 8.30 In terms of water efficiency, Policy WAT4 of the District Plan requires that developments achieve a target consumption rate of 110 litres per person per day and should minimise the use of mains water. No information has been provided with this application, however the statement advises that water saving measures can be introduced at the reserved matters stage.
- 8.31 Policies CC1 and CC2 refer to climate change, and set out how development should demonstrate how the design, materials, construction and operation of the development would minimise overheating in summer and reduce the need for heating in summer, that green infrastructure should be integrated, and that carbon dioxide emissions should be minimised. Again, the planning statement advises that these matters will be addressed at the reserved matters stage.

Other Matters

- 8.32 Whilst the application site does not lie within an Area of Archaeological Significance, as set out by Hertfordshire County Council's Historic Environment Unit, the proposed development is located adjacent to two Areas of Archaeological Significance, nos 189 and 230, the latter of which is likely to be of more relevance to the archaeological potential of the site. Whilst it is not considered that the potential to harm heritage assets of archaeological interest

is high enough to recommend pre-determination investigation, it is considered that the proposed development should be regarded as likely to have an impact on heritage assets of archaeological interest, and a pre-commencement condition for archaeological works will be included.

- 8.33 The application included the submission of an Ecological Appraisal. As set out by Hertfordshire Ecology, the application site was found to be of low biodiversity value, and any common bird nesting habitat is generally located amongst the scrub on the south-western side of the site, and it is proposed that most of this scrub will be retained. The bat surveys indicate that there is very limited bat activity on the site, and no roosting in the buildings on the site. The removal of any scrub in order to provide the proposed access from Moorymead is not considered to be significant, and Ecology recommend that this should occur outside of the bird breeding season. The NPPF and Policy NE3 outline that development should seek to enhance biodiversity. The submitted appraisal states that whilst the site is considered to be of low biodiversity value, it is considered appropriate to recommend a number of biodiversity enhancement measures, and the appraisal recommends the inclusion of bat boxes and hedgehog domes. Policy NE3 sets out that integrated bird and bat boxes will be expected in all development bordering public green space and beneficial habitat. As such, having regard to the comments provided by Ecology, and the recommendations of the Ecology Appraisal, a condition will be included for the submission of details on the siting of bird and bat boxes and hedgehog domes prior to the occupation of dwellings.
- 8.34 Due to the site being previously developed, as Phase 1 Desk Study was submitted as part of the application, which makes recommendations for further intrusive site investigations to be undertaken. Environmental Health therefore advise that prior to development a Phase 2 investigation report should be submitted, and where found to be necessary, a remediation strategy to deal with risk associated with contamination of the site shall also be submitted to and approved by the LPA. Furthermore, Environment Health advise that prior to occupation, a validation report shall be

submitted to demonstrate the effectiveness of any agreed remediation strategy. These matters will therefore be conditioned.

9.0 Planning Obligations

- 9.1 With regard to the provision of financial support for the delivery of services and infrastructure, as the application is for the provision of 14 residential units, the need for financial contributions is required under Policy DEL2.
- 9.2 Hertfordshire County Council has confirmed that they will require contributions based on Table 2 of HCC's Planning Obligations toolkit:
- 9.3 Youth Services - £628 (to be indexed linked to PUBSEC175)
Library Services - £2,654 (to be indexed linked to PUBSEC175)
- 9.4 On considering the comments from the County Council, the contributions requested are considered to be necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in Section 122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 9.5 However, as the application is an Outline application, whereby the size of the proposed dwellings could be subject to change, it is noted that Table 2 of the obligation's toolkit allows for flexibility to amend a dwelling mix at a later stage and the financial contribution to be calculated accordingly, which allows the contributions to remain appropriate to the development and thereby meet the third test of regulation 122 of the CIL Regulations 2010.

10.0 Planning Balance and Conclusion

- 10.1 The proposed development is acceptable in principle, as it would result in the redeveloped of a brownfield site in the built up area of a Group 1 Village, and as such would be in accordance with the Council's strategic hierarchy as set out in Policy DPS2, and Policy

VILL1. The provision of housing on this sustainable brownfield village site carries significant positive weight.

- 10.2 Whilst the proposed development would result in the loss of a non-designated employment site, contrary to Policy ED1, the evidence submitted outlines the unsuitability of the site. It is therefore considered that the negative attributable to this matter is limited.
- 10.3 As the application is an outline application, all matters are reserved except for access. The proposed accesses from Moorymead Close and Station Road are considered to be acceptable, subject to conditions, and will provide safe and suitable accesses, in accordance with Policy TRA2. The highway impact is therefore neutral.
- 10.4 Other considerations including contamination, ecological impact and drainage are addressed by recommended conditions.
- 10.5 The remaining reserved matters will need to be assessed in full at the Reserved Matters stage.
- 10.6 On the balance of considerations the application is recommended for approval.

RECOMMENDATION

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

Legal Agreement

- The provision of 5 units of affordable housing (84% affordable rent and 16% shared ownership)
- Youth Services - £628 (to be indexed linked to PUBSEC175)
- Library Services - £2,654 (to be indexed linked to PUBSEC175)

- The provision of fire hydrants

Conditions

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended) and to ensure timely housing delivery.

2. (a) Application for approval in respect of all matters reserved in this permission shall be made to the Local Planning Authority within a period of 3 years commencing on the date of this notice. (b) The development to which this permission relates shall be begun by not later than the expiration of a period of 2 years commencing on the date upon which final approval is given by the Local Planning Authority or by the Secretary of State, or in the case of approval given on different dates, the final approval of the last such matter to be approved by the Local Planning Authority or by the Secretary of State.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (As Amended).

3. No development or groundworks shall take place 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. The development shall thereafter be carried out in accordance with the approved scheme, and this condition will only be discharged when the required archaeological reports are

submitted to and approved in writing by the Local Planning Authority.

Reason: The programme is required to be undertaken prior to the commencement of the development to secure the protection of and proper provision for any archaeological remains in accordance with Policies HA1 and HA3 of the East Herts District Plan 2018 and the National Planning Policy Framework.

4. No development shall commence until a Phase 2 investigation report, as recommended by the previously submitted Brown2Green Consultants Phase 1 Geo-Environmental Desk Study Report dated June 2016 Ref: 1646/Rpt 1v1), has been submitted to and approved in writing by the Local Planning Authority. Where found to be necessary by the Phase 2 report a remediation strategy to deal with the risks associated with contamination of the site shall also be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include an options appraisal giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to complete and arrangements for contingency action.

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 NPPF and in order to protect human health and the environment in accordance with Policy EQ1 of the East Herts District Plan 2018.

5. Prior to the commencement of the development, a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction of the development shall only be carried out in accordance with the approved plan. The Construction Management Statement shall identify details of: Phasing for the development of the site; Methods for accessing the site; Working hours; Dust suppression and wheel washing; Associated parking areas and storage of materials clear of the public highway; Details of hoarding; Details of consultation and

complain management with local businesses and neighbours; Waste management proposals; Mechanisms to deal with environmental impacts such as noise and vibration, air quality and dust, light and odour; and Details of any proposed piling operations, including justification for the proposed piling strategy, a vibration impact assessment and proposed control and mitigation measures.

Reason: To ensure the impact of construction vehicles on the local road network is minimised and to ensure an adequate level of amenity for nearby residents in accordance with Policies EQ2, EQ3 and EQ4 of the East Herts District Plan 2018

6. Prior to commencement of the development hereby permitted, the vehicular access shall be provided and thereafter retained at the position shown on the approved in principle drawing number ST-2281-3-B. The kerb radii shall be 8 metres at the site entrance. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway, in accordance with Policy TRA2 of the East Herts District Plan 2018.

7. No development shall commence until full details (in the form of scaled plans and/or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following: Roads, footways, cycleways, foul and on-site water drainage; Foul and surface water drainage; visibility splays; access arrangements; parking provision in accordance with adopted standards; loading areas; and turning areas.

Reason: To ensure that adequate vehicular and pedestrian access and parking is provided to serve the development in accordance with Policies TRA2 and TRA3 of the East Herts District Plan 2018.

8. Prior to occupation details of the location of bird and bat boxes and hedgehog domes within the site shall be submitted and agreed in writing by the Local Planning Authority, and shall be carried out in accordance with those details.

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

9. Prior to any permitted dwelling being occupied a validation report shall be submitted to an approved in writing by the Local Planning Authority to demonstrate the effectiveness of any agreed remediation strategy. Any such validation shall include responses to any unexpected contamination discovered during works.

Reason: To minimise and prevent pollution of the land and the water environment in accordance with National Planning Policy Guidance set out in Section 11 of the NPPF and in order to protect human health and the environment in accordance with Policies EQ1 and WAT3 of the East Herts District Plan 2018.

10. No occupation of the development shall take place until a scheme for protecting the proposed dwellings from noise from all rail traffic has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such a scheme has been implemented in accordance with the approved details, and shown to be effective, and shall be retained in accordance with those details thereafter.

Reason: In order to ensure an adequate level of amenity for residents of the new dwellings in accordance with Policies DES4 and EQ2 of the District Plan 2018

11. No occupation of the development shall be commenced until the vehicle parking has been laid out, surface and drained in accordance with details first submitted to, and approved in writing, by the Local Planning Authority and shall be maintained thereafter to the Authority's satisfaction.

Reason: To ensure that adequate and satisfactory provision is made for parking of vehicle within the curtilage of the site, in accordance with Policy TRA3 of the East Herts District Plan 2018.

12. The gradient of the access way shall not be steeper than 1:10 for the first 5 metres from the edge of the carriageway.

Reason: So that vehicles may enter and leave the site within the minimum of interference to the free flow and safety of other traffic on the highway, in accordance with Policy TRA2 of the East Herts District Plan 2018

Informatives

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The applicant is advised that any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the Local Planning Authority and appropriate mitigation measures agreed.
3. The applicant is advised that nesting birds are protected under the Wildlife and Countryside Act 1981 and care should be taken in vegetation clearance works between 1st March and 30th September.
4. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

The development should demonstrate what measures they will undertake to minimise groundwater discharged into the public sewer. Public enquiries should be directed to Thames Water's Risk Management Team 02035779483 or by emailing www.riskmanagement@thameswater.co.uk

5. Section 278 Agreement: The applicant will be required to enter into a Section 278 to agree any alternations or improvements to the public highway. This includes the proposed new access arrangements and any off site works.
6. East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan and any relevant material considerations. The balance of the considerations is that permission should be granted.

Summary of Reasons for Decision

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

KEY DATA**Residential Development**

Residential density	28 units/Ha	
	Bed spaces	Number of units
Number of existing units demolished		0
Number of new flat units	1	0
	2	0
	3	0
Number of new house units	1	0
	2	4
	3	8
	4+	2
Total		14

Affordable Housing

Number of units	Percentage
5	35%

Parking

Parking Zone		
Residential unit size (bed spaces)	Spaces per unit	Spaces required
1	1.50	0
2	2.00	8
3	2.50	20
4+	3.00	6
Total required		34
Accessibility reduction	Zone 4 25%	
Resulting requirement		26
Proposed provision		26