

## DEVELOPMENT MANAGEMENT COMMITTEE – 6 OCTOBER 2021

<b>Application Number</b>	3/20/0502/OUT
<b>Proposal</b>	Outline planning application with all matters reserved except for access for demolition of existing buildings and redevelopment of vacant employment site with a mixed use development comprised of B1 (business) floorspace and 20 dwellings, together with associated access, parking and landscaping.
<b>Location</b>	Land and Buildings To The East Of Netherfield Lane, Stanstead Abbots, Hertfordshire, SG12 8HE
<b>Parish</b>	Stanstead Abbots
<b>Ward</b>	Stanstead Abbots

<b>Date of Registration of Application</b>	13.03.20
<b>Target Determination Date</b>	31.05.21
<b>Reason for Committee Report</b>	Major Application
<b>Case Officer</b>	Jill Shingler

### **RECOMMENDATION**

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

That delegated authority be granted to the Head of Planning and Building Control to finalise the detail of the legal agreement and conditions.

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

1.1 The proposal seeks permission for the demolition of the existing employment building on the site and redevelopment as a mixed use site for 20 residential units and B1 Business use. The application is in outline with all matters reserved except access. The proposals also include improvements to Netherfield Lane.

- 1.2 It should be noted that the application was submitted prior to the first of September 2020 and therefore although Use Class B1(Business) no longer exists, and is now covered by the wider use Class E (Commercial Business and Service), transitional arrangements require that the application is determined by reference to the original Use Class.
- 1.3 Indicative plans have been provided which demonstrate how 20 dwellings could be provided within the site including a green area to the frontage, with the employment buildings located at the southern side of the site also fronting Netherfield Lane.
- 1.4 The main issues for Members consideration are:
- The principle of the development in the Green Belt
  - Loss of employment
  - Affordable Housing
  - Sustainability and climate change
  - Flood risk and sustainable drainage
  - Impact on Highway safety and accessibility
  - The natural environment
  - Impact on residential amenity
  - Infrastructure and Section 106 requirements

## **2.0 Site Description**

- 2.1 The red lined application site encompasses approximately 1.3 Hectares of land within the Green Belt and lies to the south of the main area of Stanstead Abbots, with access from Netherfield Lane. The site is a roughly rectangular area, which was last used for office and storage and distribution purposes and is occupied by a number of substantial 2 storey buildings. The remaining site area is predominantly hardstanding that has been used for parking and external storage.
- 2.2 Initially the red line encompassed a narrow strip which lies to the rear of the Grade II\* listed Alms-houses which front onto Roydon Road, with the intention of providing vehicular access to these

houses. Whilst there was reference in the submitted documents to provision of an access track, no details of what was intended were provided and the detailed highway plans submitted, did not include any access here, nor did it feature in the description of development. As a result, following discussion this element has been removed from the application, and the applicant's agent has confirmed that a separate application will be submitted in due course for those works, which are not directly related to the current application.

- 2.3 The employment use ceased in 2019 and the site has been left vacant since.
- 2.4 This part of Netherfield Lane is unadopted and is also a bridleway. It is narrow and poorly surfaced and there is no pavement or street lighting.
- 2.5 Opposite the site, on the other side of the lane there is access to Abbots Lake. The site is within the Lee Valley Regional Park.

### **Planning History**

The following planning history is of relevance to this proposal:

Application Number	Proposal	Decision	Date
3/09/0042/FP	Construction of a private service road to the rear of the Alms-houses 79-87 Roydon Road	Granted with conditions	17.06.09
3/12/0401/FN	Construction of a private service road to the rear of Alms-houses 79-87 Roydon Road (Renewal of 3/09/0042/FP)	Granted with conditions	12.06.12
3/16/2296/OUT	Redevelopment of existing offices and storage and distribution	Refused and Dismissed	26.07.2017 20.08.2018

	premises, to create residential development of 30 dwellings with associated access roads, vehicle parking and landscaping; creation of new publically accessible open space within development site and in adjacent woodland.	on Appeal	
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#### 4.0 **Main Policy Issues**

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

<b>Main Issue</b>	<b>NPPF 2021</b>	<b>DP 2018</b>
Principle of Development.	Section 13	GBR1 Vill1
Employment	Section 6	ED1, ED2
Housing requirements	Sections 5,11 and 12	HOU1, HOU2, HOU3, HOU7
Environmental Quality	Section 15	EQ1, EQ2, EQ3, EQ4
Highway and parking Implications	Section 9	TRA1, TRA2, TRA3
Flood risk and sustainable drainage	Section 14	WAT1, WAT3, WAT5, WAT6
Climate change and water resources.	Section 14	CC1, CC2, WAT4
Archaeology/Heritage Assets	Section 16	HA1, HA2, HA3, HA7
Natural Environment	Section 15	NE1, NE2, NE3

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

#### 5.0 **Summary of Consultee Responses**

- 5.1 Thames Water – Raise no objection and provide generalised advice relating to the need for a sequential approach surface water disposal and the need for permits.
- 5.2 HCC Highway Authority Does not wish to restrict the grant of planning permission, subject to conditions.
- 5.3 Lead Local Flood Authority Raise no objection subject to conditions.
- 5.4 Environment Agency advise that the previous site use suggests the potential presence of contamination and the site is situated in a vulnerable groundwater area within Source Protection Zone 2. Part of the site is also within Flood Zone 2. The advice within the NPPF should be followed and conditions applied to prevent contamination of groundwater.
- 5.5 HCC Historic Environment Unit advises that the development is unlikely to impact on heritage assets of archaeological importance.
- 5.6 Lee Valley Regional Park Authority does not object to the principle of the development subject to conditions and Section 106 contributions to mitigate increased visitor numbers.
- 5.7 Herts and Middlesex Wildlife Trust raise no objection subject to conditions relating to bat surveys and mitigation measures.
- 5.8 Hertfordshire Ecology Raise a number of concerns relating to the potential impact of the development on Bats and on the Lea Valley SPA, Ramsar sites and SSSI's.
- 5.9 EHDC Environmental Health Advisor raises no objection subject to conditions.
- 5.10 EHDC Landscape Officer Advises no objections subject to conditions.

- 5.11 EHDC Waste Services Provide standard advice on provision of appropriate bin storage and collection facilities for the reserved matters stage.
- 5.12 EHDC Conservation and Urban Design Raise no in principle objection and provide advice with regard to layout for the reserved matters stage.
- 5.13 (Note: EHDC, East Herts District Council; HCC, Hertfordshire County Council)

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

- 6.1 STANSTEAD ABBOTTS PARISH COUNCIL- the Parish Council does not object to this plan. We applaud the use of brownfield sites and recognise that the applicant wishes to continue to keep an employment facility. The community will benefit from the proposed improvement to the drainage in Netherfield Lane. The Parish Council supports the decontamination which is proposed and recognises again that this cost will result in the lack of affordable housing which we would always wish for. The Parish Council recognises that this quota of houses will make a helpful contribution to the number we are asked to accommodate before 2033. The Neighbourhood Plan is still in progress, so it is not possible to make a confirmed view at present.

## **7.0 Summary of Other Representations**

- 7.1 Five neighbour responses have been received raising the following comments:
- Concern at lack of affordable housing provision and lack of 1 bed units contrary to policy.
  - Contaminated land in flood area.
  - Existing buildings should be used for employment.
  - No need for additional dwellings.
  - Concern over safety of pedestrians at junction with Netherfield Lane and Roydon Road.

- Proposals still result in loss of employment and therefore needs to be fully justified.
- The employment element if approved needs to be protected from future change of use.
- Highway improvements welcomed.
- Concern that inappropriate street lighting would change nature of the lane.
- Concern that buildings have been left to fall into disrepair to make them unviable for re use.
- Green Belt issues.
- Object as there is lots of spare land which is ideal for Travellers and their Caravans, enough land for 4 families to live on. Nowhere on the plans have you mentioned travellers and you have not taken account of Travellers having nowhere to park up when not travelling.

## **8.0 Consideration of Issues**

### Principle of Development

- 8.1 The site lies within the Metropolitan Green Belt and outside of the identified built up area of Stanstead Abbots, however the whole of the site is previously developed land. Para 149 of the NPPF sets out types of development that are not inappropriate in the Green Belt and this includes, at 149(g) "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."
- 8.2 The existing buildings within the site have a footprint of approximately 2,792 square metres, and volume of approximately 9,814 cubic metres. It is considered that 20 dwellings and the proposed B2 use can be appropriately achieved within the site without exceeding the current overall volume of buildings and therefore the principle of redevelopment of this previously developed site is acceptable in Green Belt terms.

8.3 Loss of Employment

8.4 Policy ED1 seeks to retain existing employment sites in the District. A previous application for redevelopment of the site for 30 dwellings was refused and dismissed on appeal due to the loss of employment that it entailed. The appeal inspector's report took into account the then emerging policy of the Draft District Plan (eDP) which has subsequently been adopted.

8.5 The appeal decision letter states *"Criterion (a) of policy ED1 of the eDP is that before loss of an employment use is allowed the retention of the site or premises for use Classes B1, B2 and B8 should be fully explored without success, including consideration of whether improvements to the site/premises would make it more attractive to alternative B1, B2 or B8 uses. Although it also says that evidence of a period of marketing of at least 12 months must be provided, it also states that for a non-designated area a proportionate approach must be taken. Paragraph 15.2.2. of the justificatory text explicitly states that for non-designated sites this would normally be a minimum period of six months. Consequently, the appellants have demonstrated to my satisfaction that the marketing of the site and its buildings for re-use in their current or in an improved form would be unlikely to yield success. The development would thus comply with criterion iii, (a) of policy ED1 of the eDP. However, criterion iii, (b) of ED1 requires that retention of the B1, B2 or B8 use is unable to be facilitated by the partial conversion to a non-employment generating use. The appellants did not market the site as an opportunity for sale and wholesale or partial redevelopment. While I accept that their intention for the site is to develop it themselves, marketing it in this way would have yielded further information on its potential viability for continued employment use."*

8.6 Since that decision a further marketing exercise was undertaken and the report was submitted with the application. No offers were received as a result of this and pre application discussions took place to seek a way forward that would retain an employment use within the site. The current application is the result of those discussions. The proposal includes provision for replacement business floorspace of 745 square metres and as such



it is considered that the requirements of the now adopted policy ED1 are satisfied.

### Affordable Housing

- 8.7 Policy HOU3 of the adopted District Plan seeks to secure 40% affordable housing on sites proposing 15 or more, gross additional housing. However the policy allows for a lower provision where it is demonstrated that this cannot be achieved through viability reasons.
- 8.8 In addition, since the adoption of the District Plan, the Government has reinstated the requirement to apply a Vacant Buildings Credit (VBC) when calculating the need for affordable housing. The NPPF at para 64 provides an incentive for brownfield development on sites containing vacant buildings.
- 8.9 Where a vacant building is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution. Affordable housing contributions may therefore only be required for any increase in floorspace.
- 8.10 In this instance, whilst the overall residential floorspace proposed is not yet finalised, (as this will be dependent on the reserved matters details) the overall volume of the development is to be restricted on Green Belt grounds to no more than existing, and the proposals include the provision of significant employment floorspace as well as housing. As such the gross residential floorspace of the development will not exceed the current vacant floorspace within the site and as such no affordable housing contribution can be sought for this development.

### Sustainability and Climate Change

- 8.11 The District Plan and the Sustainability SPD 2021 seeks to ensure that new development is adaptable to climate change i.e. is designed to minimise overheating in summer and reduce the need for heating in winter, and can demonstrate how carbon dioxide emissions will be minimised across the development site. Achieving standards beyond the requirements of Building Regulations is encouraged.
- 8.12 The current application is in outline only with all matters except access reserved for future consideration. It is considered that the requirements with regard to sustainability and climate change can be fully addressed at the reserved matters stage and appropriate conditions are therefore proposed to ensure this. These include the requirement to provide cycle parking and electric vehicle charging points for both the residential and the employment site and to incorporate water saving and energy saving within the scheme in accordance with the guidance in the Councils recently adopted Sustainability SPD.

#### Flood Risk and Sustainable Drainage

- 8.13 The former employment site falls entirely within the Environment Agency's Flood Zone 1, being an area least likely to flood. The western part of Netherfield Lane falls within flood zone 2, but modelling suggests that access would still be possible even in the worst case flood events. The site is therefore considered appropriate in flood risk terms for the development of residential and employment uses.
- 8.14 In addition the applicant has provided significant further information to the Lead Local Flood Authority to demonstrate that the proposed development can be achieved with appropriate Sustainable Drainage with the use of attenuation ponds and permeable surfacing to prevent risk of increased flooding elsewhere.
- 8.15 Thames Water has confirmed that they have no objection to the discharge from the site into their drainage system and the red line

of the application site was amended in the course of the application to include land required to provide this link. Conditions are proposed to ensure that suitable drainage and ongoing maintenance of the drainage system are provided.

- 8.16 The Environment Agency confirmed that the site is situated in a vulnerable groundwater area within Source Protection Zone 2, and as such appropriate conditions are proposed to ensure that the works do not result in contamination of groundwater.

Highway Safety and Accessibility.

- 8.17 The Highway Authority has considered the proposals and advises that the proposed development would likely result in fewer traffic movements than the existing authorised use, but that it will result in potentially greater pedestrian movements. As such there is a requirement to improve pedestrian safety.
- 8.18 The plans now under consideration include the provision of a 2m wide footway from the junction of Netherfield Lane and Roydon Road to the north, along the eastern side of the lane to the furthest site boundary. Street lighting is also proposed and the road is to be maintained at 5.5 m width.
- 8.19 The site is proposed to have two accesses, one for the employment element and one for the residential development to keep domestic and business traffic separate. A raised table is proposed at each access to emphasise the primacy of pedestrians over traffic, and tactile surfacing is proposed at the crossing point from the eastern side of Netherfield Lane to the Western side at the Junction with Roydon Road.
- 8.20 Netherfield Lane is not an adopted Highway; it is identified as Stanstead Abbots Public Bridleway No 19. The public have a right to walk; to ride or lead a horse; and to ride pedal cycles along a public bridleway. It is however illegal to drive over a Public Bridleway without private vehicular rights or the landowner's permission. Therefore, it is the responsibility of any individual

wishing to drive motor vehicles over Stanstead Abbots Public Bridleway No 19 to prove they have a private vehicular right or the landowner's permission. As such, it is duly incumbent upon the applicant to ensure that prescriptive access rights may be transferred to the proposed new dwellings. This is not a planning consideration.

- 8.21 However, Stanstead Abbots Public Bridleway No 19 is maintainable at public expense to bridleway standards only. Discussions were held regarding a potential adoption of the bridleway, but this was not pursued by the applicant. This notwithstanding, given that the applicant is promoting a mixed-use development, the Highway Authority is seeking that Netherfield Lane, from the southern extents of the site frontage to Roydon Road is upgraded to adoptable standards.
- 8.22 As such, Netherfield Lane would remain as a bridleway; the Highway Authority could then still contribute up to 10% of reasonable maintenance costs, although agreement will need to be made to ensure that the remainder can be funded to ensure the requisite maintenance/improvements are secured; this can be secured through legal agreement.
- 8.23 With the inclusion of the footway and highway improvements the proposed scheme is considered to provide safe and appropriate vehicular and pedestrian access. In addition, the site, whilst outside the identified village boundary is in a relatively accessible location. The shops and facilities of Stanstead Abbots are within reasonable walking distance and there are bus stops on Roydon Road.

#### Natural Environment

- 8.24 District Plan policies require that developments result in a net increase in the ecological value of a site. At the moment the site is almost all hard surfaced and there is little ecological value. It is considered that the proposals open an opportunity to improve biodiversity, and there will be a significant increase in green space

and planting, together with scope for appropriate wetland planting as part of the necessary sustainable drainage scheme. These are matters that can be conditioned and will be addressed at the reserved matters stage through the Landscaping scheme.

- 8.25 Given that the proposals involve the demolition of existing buildings bat surveys were required to ensure that the development will not adversely impact on the protected species. Hertfordshire Ecology has advised that although at the time of survey no bat roosts were found, a condition should be imposed to ensure that a further up to date survey is carried out prior to any demolition. This can be required by condition.
- 8.26 In addition to ensuring that there is a net gain in biodiversity the Council is also required to ensure that any new development does not adversely impact on sites of importance for nature conservation. The application was supported by an Ecological Impact Assessment.
- 8.27 This identifies that the Lee Valley SPA is the closest statutory designated site at 680m away from the development site and Stanstead Abbots Gravel Pits, Local Wildlife Site is the closest non-statutory designated site to the site being only 10m south west.
- 8.28 Hertfordshire Ecology sought some additional clarification regarding potential impacts and is now satisfied that improvements in water quality are anticipated from the redevelopment and that as such the risk of the scheme resulting in an adverse likely significant effect on the SPA/Ramsar is implausible given the distance away, and that adverse impacts on the Local Wildlife Site are unlikely and can be controlled by conditions.
- 8.29 The Lee Valley Regional Park Authority has suggested conditions to ensure that the development maintains suitable habitats and has requested a contribution via Section 106 for access enhancements and habitat creation at Stanstead Innings to cater for the recreational needs of the new residents and to mitigate for

disturbance to habitats. Various costed works have been identified at a cost of £33 000.

### Impact on Residential Amenity

- 8.30 The site is not immediately adjacent to residential properties, but there are residences along the Netherfield Lane and on higher land to the rear (separated by an area of rough scrubland) that need to be considered. It is accepted that the proposed use will likely result in an overall net reduction in traffic movements and a significant reduction in movement of larger commercial vehicles. In addition the proposed replacement employment use is B1 business use, which is by definition a use that can be carried out in residential area without harm to residential amenity, from noise, fumes, dust, vibrations etc.
- 8.31 Given the distances involved it is not considered that the development of the site will result in any adverse loss of light, overshadowing or overlooking of any residential property, and in any case this can be fully considered at the reserved matters stage.
- 8.32 The site is considered to be of sufficient size and shape to be able to accommodate a well-designed mixed residential and business development that can achieve appropriate privacy, amenity space and living conditions for future residents, the details of which will be considered under the reserved matters application.

### Infrastructure and Section 106 requirements

- 8.33 Statutory tests set out in the Community Infrastructure Regulations (2010) Regulation 122, require that planning obligations must be:
- 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

- 8.34 These tests are echoed in DEL2 of the District Plan. Planning obligations are intended to make development acceptable which would otherwise be unacceptable in planning terms.
- 8.35 It has already been established that due to the Vacant Building Credit, affordable housing cannot be required here, but East Herts District Plan 2018 policies CFLR1, CFLR7, CFLR9, CFLR10 and DEL2 refer to the provision of open spaces, sport and recreation, community, health care and education facility requirements arising from new developments.
- 8.36 The Government Guidance on Viability states that it is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the planning application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case. In this case, the application is supported by a Viability Assessment Report.
- 8.37 The report concludes that factoring in Section 106 costs of £40,000, (which was based on the Council's previously requested contributions) the development as proposed (with no affordable housing) would yield a developers profit of just 10%, this is well below the normally expected level of profit (17 -20%) and insistence on the full level of contributions set out in the Councils Planning Obligations SPD and Sport and Recreation SPD would make the development completely unviable.
- 8.38 The applicant has despite the low predicted profit margin, expressed a willingness to still provide the £40,000 originally factored into their calculations
- 8.39 Given that viability was previously considered on the earlier application which was for 30 dwellings and the calculations accepted, it was not considered necessary or appropriate to require this assessment to be independently validated. However, given fluctuations in building costs and house prices it is considered appropriate to require a further review of viability once the

development is completed, such that should the profit margins have increased, an appropriate amount can be recouped towards sport and recreation and community facilities in accordance with the SPD. This can be secured through the Section 106 agreement.

- 8.40 It is the Local Planning Authority's decision as to the projects for any available planning obligation contributions to be spent on.
- 8.41 Hertfordshire County Council was consulted on the application and has not requested any contributions toward school and preschool provision. They do however seek contributions of £3, 746 toward Library facilities and £910 towards Youth Services (Ware Young Peoples Centre) – Index linked to Pubsec 175- in accordance with their Planning obligations Toolkit. It is considered that these requests meet the tests set out above.
- 8.42 The Lee Valley Regional Park Authority has in addition requested £33,000 toward various access and habitat enhancements.
- 8.43 The Councils adopted Sport and Recreation SPD identifies that for the development of 20 houses we would normally expect a contribution of £14,787 towards provision and maintenance of parks and open spaces and a further £8,300 to Natural Green Space. Given the proximity of the development to the LVPA run Stanstead Innings it is considered likely that the residents of the development will utilise this space for some of their recreational needs and that therefore this £23,087 should be allocated towards the works identified by the LVPA in their consultation response, although given the limited funds available it is not considered appropriate to allocate the full £33,000 requested.
- 8.44 With regard to built sports facilities the SPD identifies a need for a swimming pool contribution of £11,700, and contributions towards fitness gyms and Studio space of £5,088 and £2,002 respectively. It is considered therefore that the remaining money £12,257 would be best allocated towards the Hartham Leisure Centre Development, unless an appropriate more local project is identified before the Section 106 agreement is completed.



- 8.45 In addition to the contributions, the Section 106 agreement is needed to:
- Provide an appropriate mechanism to review the financial viability of the proposals to potentially secure further funding in accordance with the sport and recreation SPD.
  - To ensure that the proposed business floorspace, which is necessary for policy compliance, is provided before more than 50% of the dwellings are occupied.

### Other issues

- 8.46 Most issues raised by the public have been covered in the body of the report, however, one respondent raised concern that the despite space being available the proposals do not include any provision for Travellers and this needs to be addressed.
- 8.47 National Policy requires that local planning authorities make provision for Gypsies and travellers and Travelling Showpeople. Policy HOU 1 of the District Plan identifies that where appropriate provision of specialist accommodation will be expected for Gypsies and Travellers in accordance with policy HOU9.
- 8.48 Policy HOU9 identifies specific allocated sites which are sufficient to meet the current identified local need for Traveller Sites within the District. Whilst the policy does not prevent alternative or additional suitable sites being brought forward for consideration, there is no requirement for all new housing sites to include provision for Travellers and therefore the lack of such provision here, would not be grounds to refuse the application.

## **9.0 Planning Balance and Conclusion**

- 9.1 The existing site contains disused buildings of no architectural merit, and the remainder is virtually all hard standing. The redevelopment of the site, as proposed, offers an opportunity to significantly enhance the visual amenity of the site and the street scene and to provide enhanced landscaping and green

infrastructure, whilst providing modern employment floorspace and helping to meet the areas housing need.

- 9.2 The redevelopment of the site with like for like volume complies with Green Belt policy and whilst there will be an overall loss of employment floorspace, the provision of new modern flexible employment space is welcomed and it is considered that adequate justification has been made such that the proposals meet the requirements of policy ED1.
- 9.3 No affordable housing can be required at the site as the residential floorspace will not exceed the floorspace of the existing vacant buildings. In addition adequate information has been provided to demonstrate that the development is unlikely to be sufficiently viable to secure full levels of contributions towards sport, recreation and community facilities; however a further assessment can be required to be undertaken once the development is complete to secure further Section 106 funding if viability has improved.
- 9.4 Improvements to the highway are proposed to improve accessibility by sustainable means (to be secured by Section 278 agreement) and issues of sustainability, climate change, flood risk and biodiversity can be addressed through the reserved matters and conditions.
- 9.5 The application is therefore considered to accord with adopted policies and the NPPF and is recommended for approval.

### **RECOMMENDATION**

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

#### **Legal Agreement:**

HCC Library Contribution	£3,746	
HCC Youth Services	£910	Towards Ware Young

Contribution		People's Centre
Parks and Open Spaces (LVRPA)	£14,787	Towards access enhancements and habitat creation at Stanstead Innings
Natural Green Space	£8,300	Towards access enhancements and habitat creation at Stanstead Innings
EHDC Sports Provision	£12,257	Towards Hartham Leisure Centre development

- Viability review mechanism
- Completion of Business floorspace prior to occupation of more than 50% of residential units.
- EHDC Monitoring costs

### **Draft Conditions:**

1. 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).
2. 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 provisions of Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended). Details of Reserved Matters.

3. Any reserved matters application submitted pursuant to this outline approval shall be limited to the development of an overall volume of 9,814 cubic metres.

Reason- To ensure that the development is in accordance with policy GBR1 of the East Herts District Plan 2018 and the NPPF 2021.

4. The residential element of any reserved matters application submitted pursuant to this outline approval shall provide a mix of types and sizes of units appropriate to local character and taking into account the latest strategic Housing Market Assessment and accessible and adaptable housing, in accordance with Policies HOU1 and HOU7 of the District Plan 2018.

Reason: To ensure that the housing meets the local requirements in accordance with Policies HOU1 and HOU7 of the East Herts District Plan 2018.

5. The reserved matters details shall include a minimum of 745 square metres of B1 (Business) floorspace.

Reason: in accordance with the submitted outline application and to ensure that adequate replacement employment floorspace is provided within the site in accordance with Policy ED1 of the East Herts District Plan 2018.

6. Concurrent with the submission of reserved matters landscaping details, full details to demonstrate how a net gain in biodiversity is to be achieved and maintained across the site, in accordance with policy NE3 of the East Herts District Plan. The agreed details shall be implemented in full in accordance with an agreed timetable and retained and maintained thereafter.

Reason To secure and maintain a net gain in biodiversity in accordance with Policy NE3 of the East Herts District Plan 2018.

7. Concurrent with the first reserved matters application, full details of how carbon dioxide emissions will be minimised across the development in accordance with Policies CC1 and CC2 of the District Plan and the adopted Sustainability SPD or (any updated guidance at the time of the submission). The works shall then be completed in accordance with the approved details.  
Reason - To minimise carbon dioxide emissions in the interests of sustainability in accordance with policies CC1 and CC2 of the East Herts District Plan 2018.
8. Concurrent with the first reserved matters application, details of how the development will minimise the use of mains water, in accordance with Policy WAT4 of the East Herts District Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details.  
Reason – To minimise use of water as the Environment Agency has identified this area as being particularly water stressed and in accordance with Policy WAT 4 of the East Herts District Plan.
9. Prior to the commencement of any demolition works on site a further bat survey shall be carried out in accordance with the recommendations in the submitted Ecological Impact Assessment.  
Reason - To ensure that should the presence of Bats be discovered appropriate action can be taken to prevent harm in accordance with Policy NE3 of the East Herts District Plan 2018.
10. Before occupation of any part of the approved development, the new access serving the development shall be completed in accordance with the approved in principle plan (as shown on drawing number Netherfield Lane Upgrade KMC\_NLBF\_004 Rev J, KMC Netherfield Lane Upgrade and swept paths- KMC\_NLBF\_004\_SP Rev J and Netherfield Lane Upgrade Wide Scale KMC\_NLBF\_004 Rev J and constructed to the specification of the Highway Authority and Local Planning Authority's satisfaction.

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

11. Any existing access not incorporated in the approved plan shall be permanently closed prior to first occupation of any part of the approved development.

Reason: In the interest of highway safety and to avoid inconvenience to highway users in accordance with Policy TRA2 of the East Herts District Plan 2018

12. Before the development hereby approved is first occupied, all on site vehicular areas, including (but not limited to) internal access roads, forecourts, garages, carports and external parking spaces, shall be accessible, surfaced, marked out and fully completed in accordance with the approved plans. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: So as to ensure satisfactory parking of vehicles outside highway limits and to minimise danger, obstruction, and inconvenience to users of the highway and of the premises in accordance with Policy TRA3 of the East Herts District Plan 2018.

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

- Phasing for the development of the site, including all highway works;
- Methods for accessing the site, including construction vehicle numbers and routing;
- Location and details of wheel washing facilities; and
- Associated parking areas and storage of materials clear of the public highway.
- Details of hoarding.

- Details of consultation and complaint management with local businesses and neighbours.
- Waste management proposals.
- Mechanisms to deal with environmental impacts such as noise (including vibration), air quality (including dust), light and odour.

Reason: To ensure the impact of construction on the local road network and surrounding environment is minimised in accordance with Policies TRA2, DES4, EQ2 and EQ4 of the East Herts District Plan 2018.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Statement prepared by 3E Consulting Engineers reference P19-198-3E-00-XX-RP-C-9000 Issue 2, dated March 2021 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 2.0 l/s during the 1 in 100 year event plus 40% of climate change event.
  2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a minimum storage volume of 534m<sup>3</sup> in attenuation ponds and tanked permeable paving.
  3. Discharge of surface water from the private drainage network into Thames Water manhole 1502 via new pumped connection under Footpath 12.

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

Reason

1. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

In accordance with policy WAT1 of the East Herts District Plan 2018

15. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment and Drainage Statement prepared by 3E Consulting Engineers dated February 2021, reference P19-198-3E-00-XX-RP-C-9000 Issue 1.

The surface water drainage scheme should include;

1. Detailed, updated post-development network calculations in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change and half drain down times.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
4. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.

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

Reason-

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future users.

In accordance with Policy WAT1 of the East Herts District Plan 2018.

16. Upon completion of the drainage works for the site and in accordance with the timing/phasing arrangements, a management and maintenance plan for the SuDS features and drainage network



must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of a complete set of as built drawings for site drainage.
2. Confirmation of the installed system.
3. A photo record demonstrating the installation of the SuDS features.
4. Maintenance and operational activities.
5. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason -

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Policy WAT1 of the East Herts District Plan 2018.

17. The development hereby permitted shall not begin until a scheme to deal with contamination of land/ground gas/controlled waters has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  1. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The investigation shall be based on the proposed site layout and “Interpretive Report on Ground Investigation – Netherfield Lane” Project 562344, dated August 2016 by Structural Soils Ltd. The report shall include a detailed quantitative human health and environmental risk assessment.
  2. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.
  3. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the local planning authority.

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

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

18. No fixed plant and/or machinery shall come into operation until a noise assessment has been undertaken of the fixed plant and machinery serving the development hereby permitted, and details of any mitigation measures, are submitted to and approved in writing by the local planning authority. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:2014.

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

19. In connection with all site demolition, site preparation and construction works, no plant or machinery shall be operated on the premises before 07.30hrs Monday to Saturday, nor after 18.30hrs on weekdays and 13.00hrs on Saturdays, not at any time on Sundays or Bank Holidays.

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

20. Details of any external lighting proposed in connection with the development shall be submitted to and approved in writing by the

Local Planning Authority in consultation with Hertfordshire Ecology prior to the commencement of development, and no external lighting shall be provided without such written consent. The development shall then be carried out in accordance with the approved details.

Reason - In order to ensure an adequate level of amenity for residents in accordance with policy EQ3 of the adopted East Herts District Plan 2018 and to minimise impact on bats in accordance with Policy NE3 of the East Herts District Plan 2018.

21. 1 electric vehicle charging point per unit per dwelling (dwelling with dedicated parking) and 1 charging point per 10 spaces (unallocated parking) shall be provided. For commercial units 10% of parking spaces shall be designated for electric vehicle charging. Details of the siting, type and specification of Electric vehicle Charging Points, the energy sources and the strategy/management plan for supply and maintenance of the EVCPs shall be submitted concurrent with the reserved matters application and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details prior to occupation of the site and permanently maintained and retained.

Reason - In order to ensure an adequate level of air quality for residents of the new dwellings in accordance with policy EQ4 and to promote sustainable development in accordance with the East Herts District Plan 2018.

22. Prior to first occupation of the B1 development hereby permitted the applicant shall ensure the provision of disabled parking space in accordance with EHDC's parking policy (Individual spaces for each disabled employee plus 2 spaces or 5% of total capacity, whichever is greater) and maintained in perpetuity unless the Local Planning Authority otherwise agrees in writing.

Reason: To ensure the provision of disabled parking spaces in line with the Council's adopted standards contained in Policy 1 of the Hertfordshire's Local Transport Plan 4 and in accordance with the East Hertfordshire's parking standards.

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

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

24. Concurrent with the submission of the first reserved matters application, full details of the means of securing the long term management and maintenance of the all internal roads, pavements, open space, landscaping, parking, and communal areas, shall be submitted to the Local planning authority and agreed in writing. The agreed scheme shall thereafter be fully implemented for the lifetime of the development.

Reason - To ensure that the safety and visual amenity of the public realm is maintained in accordance with policy DES4 of the east Herts District Plan 2018.

## **Informatives**

1. Justification Grant (JG4)

2. Other Legislation (1OL1)

**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 (Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the East Herts District Plan, the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The balance of the considerations having regard to those policies is that permission should be granted.

**KEY DATA**

**Non-Residential Development**

<b>Use Type</b>	<b>Floorspace sq.m</b>
B1/B8	
Existing:	2,792
Proposed:	745

**Residential**

Existing      0  
Proposed    20 units