

DEVELOPMENT MANAGEMENT COMMITTEE – 10 APRIL 2024

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

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

RECOMMENDATION

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

1.0 Summary of Proposal and Main Issues

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

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

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

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

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

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

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

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

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

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

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

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



1.19 The characteristics of these areas are summarised below:

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

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



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

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

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

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

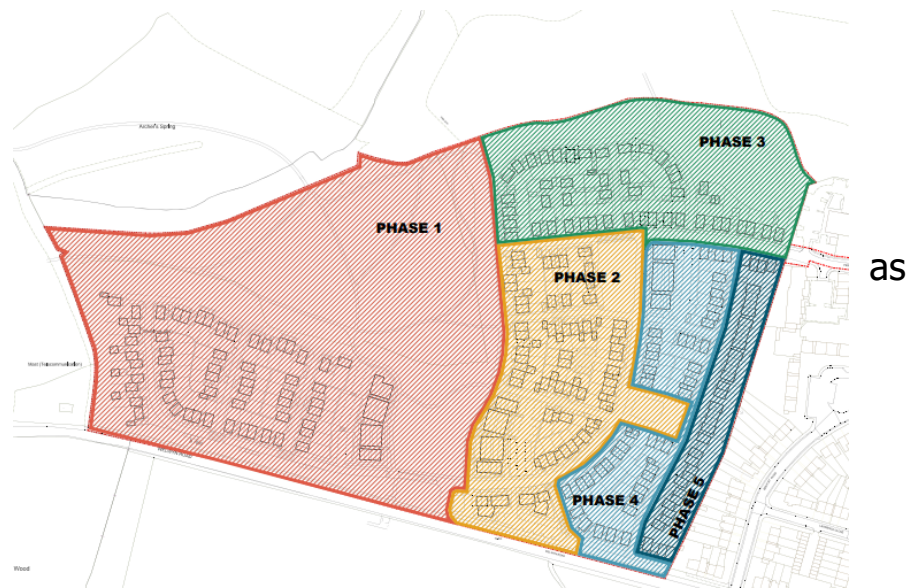
1.24 Whilst detailed layout plans and examples of house styles were submitted with the application, these are merely indicative as the layout appearance and landscaping are reserved for future consideration.

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

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

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

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



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

1.29 Supporting Documentation:

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

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

1.30 The main considerations for the proposed scheme are:

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

2.0 Site Description

2.1 The application site takes its name from "Archer's Spring" which is a geological woodland that lies in a semi-rural location at the edge of Hertford, adjacent to the site to the north west. The site itself is located towards the northwestern urban edge of Hertford with Welwyn Road (B1000) running along the southern boundary and the residential area of Sele Farm to the east. There is an expanse of woodland to the north and agricultural land to the west.

2.2 The site is visibly undulating in character with a complex topography. There is a raised vegetated bund along the southern boundary. To the eastern side there is a raised plateau mainly grassed with extensive areas of raised ground and some shrubs and small trees. There is a pedestrian access on the eastern boundary and another into the woodland on the northern boundary. A large earth mound of up to 4 metres in height lies to the east of a central area of woodland. This central woodland spur divides the site and is 2-3m above the eastern plateau and contains a mix of mature and semi mature trees. To the south west of the site is a plateau about 3m lower than the western plateau and it is generally rough grass and Scrub. The western boundary is comprised of immature trees on a raised embankment.

2.3 The Local Wildlife Site to the north west of the site is located at the base of a slope approximately 10m in height on undulating land. The area is characterised by open grassland with informal gravel pathways. There are immature trees within this part of the site,

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

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

3.0 Design Evolution

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

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

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

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

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

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

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

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

4.0 Relevant Planning History

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

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

5.0 Main Policy Issues

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

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

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

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

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

6.0 **Summary of Consultee Responses**

HCC Highway Authority

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

Lead Local Flood Authority (LLFA)

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

Environment Agency

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

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

Thames Water

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

EHDC Housing Development Advisor

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

EHDC Conservation and Urban Design Team

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

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

Historic England

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

HCC Historic Environment Unit

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

EHDC Landscape Advisor

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

Herts Ecology

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

Natural England

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

HCC Minerals and Waste

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

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

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

EHDC Environmental Health Advisor

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

EHDC Operational Services

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

Herts Police Crime Prevention Advisor

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

HCC Public Health

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

HCC Growth and Infrastructure Unit

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

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

Hertfordshire Fire and Rescue

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

Waste and Recycling

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

Welwyn Hatfield Borough Council

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

The Gardens Trust

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

Herts and Middlesex Wildlife Trust

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

Active Travel England

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

NHS

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

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

7.0 Town/Parish Council Representations

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

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

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

8.0 Statement of Community Involvement

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

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

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

9.0 Summary of Other Representations

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

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

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

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

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

<u>Charlton Avenue</u>

<u>Carde Close</u>

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

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

9.4 The Sele Ward Neighbouring Association concerns relate to:

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

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

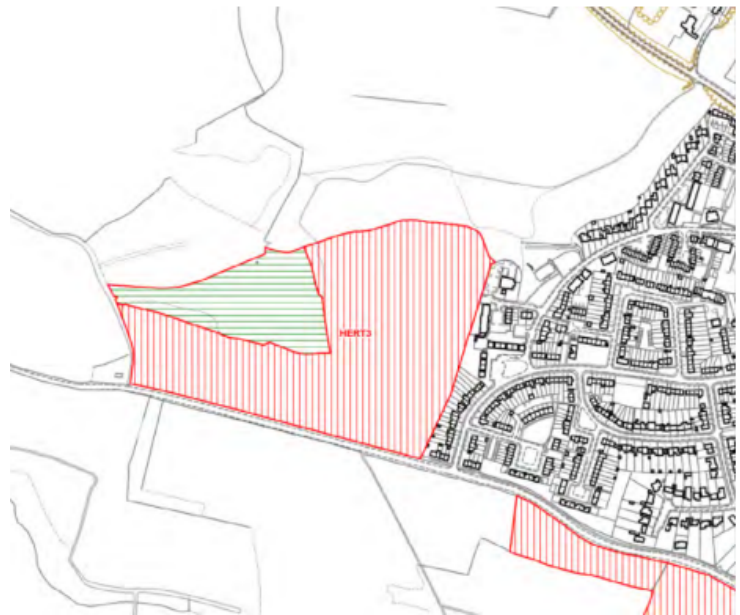
a significant benefit to these birds in the town and other birds that would also use them. This presents a real opportunity to help with the installation of swift and bat hollow bricks installed high on a building to give a cavity for wildlife to use.

10.0 CONSIDERATION OF ISSUES

Principle of Development

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

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



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

"Policy HERT3 West of Hertford

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

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

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

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

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

The Masterplan Framework

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





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

Housing Delivery

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

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

Viability and Infrastructure Delivery

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

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

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

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

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

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

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

Affordable Housing Provision and Mix of Housing

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

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

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

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

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

Overall Housing Mix

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

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

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

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



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

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

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

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

4 + Bed houses	45	14%
TOTAL	342	100%

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

Good design/Landscape character

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

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

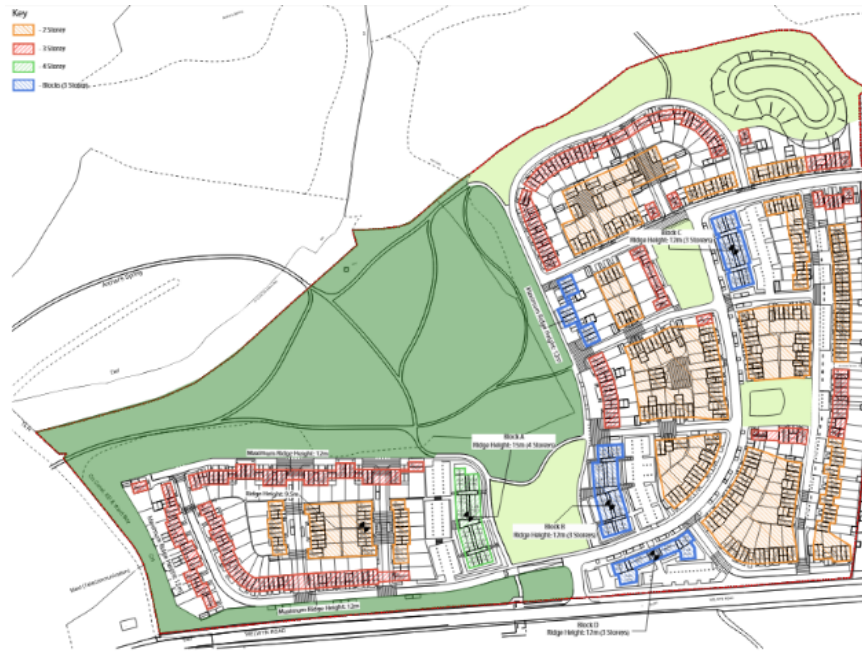
- 10.28 The proposed 'Access' is set out in the circulation parameter plans and detailed access drawings. It is considered in consultation with the HA that Access aligns with the aspirations of Policy HERT3 Masterplan of the DP. Turning to the matter of 'Scale', by virtue of acceptable density and intensification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

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

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

Overall design approach

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



- 10.33 Some indicative dwelling types feature adjacent garages and on plot car parking, whilst others have car parking within the streetscape in front of proposed dwellings. Areas of soft landscaping, and an expanse of open space bounds to the east and north of the site.
- 10.34 The Illustrative layout plan also shows that it is possible for the site to be developed with perimeter blocks of predominantly two storey housing. The southern edge of development comprises three x three storey blocks of flats with parking courts. Areas of soft landscaping and tree planting are also proposed along the eastern and western edges of this part of the site.
- 10.35 This design-led approach is considered in accordance with that identified in the Masterplan framework and is supported in principle by officers as it would provide natural surveillance of streets of open spaces, secure rear boundaries to dwellings and allow permeability through the site to provide pedestrian/cycle connections with the adjacent development to the east, and the town centre to the south.

Density / scale / massing / architecture:

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

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

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

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

Design conclusion:

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

Landscape:

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

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

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

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

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

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

5. Habitat replacement area - bare gravel with sporadic grassland and timber to provide replacement invertebrate habitat.
 6. Actively managed wildflower grassland habitat. The wildlife site will be brought back into active management to assist in diversifying and improving the existing habitats. Formal pathways will be created or in some cases mown through the grassland to enable organised pedestrian access while minimising disturbance to the grassland.
 7. Linked to the wider play space network, an informal play walk is proposed through the woodland spur, connecting the various play features across the site.
 8. Buffer planting - native shrubs and specimen trees to provide a mixed hedgerow. This will assist in screening the development from the Welwyn Road.
 9. New pedestrian footpath to the north side of Welwyn Road, linking to Hertford.
 10. Equestrian route and footpath re-alignment proposed
- 10.52 The Council's Landscape Officer accepts a woodland buffer planting along the eastern and western edges of the site. This would help to screen the proposals from housing to the east, and to provide a visual buffer between the development and the A10 to west. These edges can also include scrub planting and areas of wildflower grassland. As such the outline proposals have demonstrated that there would be sufficient space within the proposals to achieve a good level of landscaping and shall be secured at the detailed reserved matters stage.
- 10.53 Immediately adjacent to the site to the east is a landscaped buffer strip which is associated with the adjacent housing development. To ensure that residents can take advantage of this area and so that the development of this site and the site to the east is well coordinated, a condition is recommended to secure the details of any fences to be erected, and the removal of permitted development rights relating to means of enclosures more generally to prevent boundary treatments clashing with the landscaped approach.
- 10.54 The landscaped areas have the potential to accommodate children's play provision predominantly for younger age groups. The most suitable locations for this are an area of open space located in the southern portion adjacent to a pedestrian route for younger children and a larger area in the north-west corner of the site. Details of the

landscape design including play provision is secured by planning condition.

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

Impact on Heritage Assets

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

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

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

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

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

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

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

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

Access, Highway and Transport

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

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

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

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

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

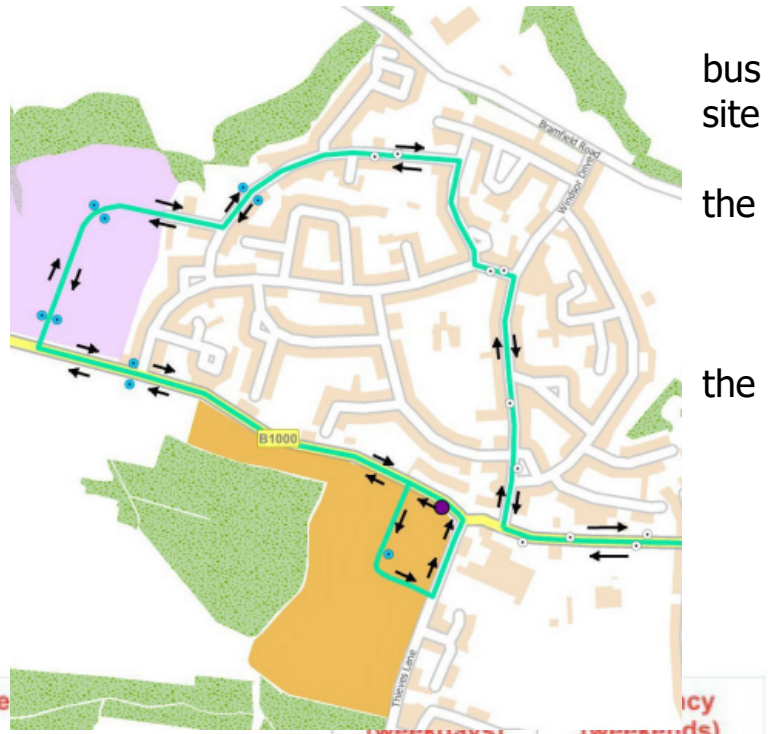
Illustrative car / cycle parking provision	
Allocated parking for dwellings	693
Visitor spaces	35
Disabled spaces	10% of total
Total car parking	728
Cycle parking	342 (min. 1 to 1 space)

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

10.102 This includes but is not limited to:

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

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

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

Sustainability/Water Management

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

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

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

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

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

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

Trees, Ecology and Biodiversity

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

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

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

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



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

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

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

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

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





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

Amenity/Pollution

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

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

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

- 10.131 Overall provision of open space would be likely to exceed standards as set out in County's "Open spaces and Assessment" calculations by some 800m². Not least, all parts of the site are within 250m or a 2-3 minute walk of proposed play facilities and open space. The total open space is 38% of site (4.8 ha, of which nature reserve is 2.6 ha). Whilst there would be no allotment provision on site there, **£60,484** would be secured by s.106 legal agreement for allotment delivery within the Herford.
- 10.132 As 'Layout' is not to be considered at Outline stage, it is considered that there would be likely to be sufficient separation distances between windows of habitable rooms to ensure quality of accommodation and impact on further and existing neighbouring amenity is protected. The intervening distances between the proposed dwellings to the east of the site and existing dwellinghouses in the Sele Farm Estate would ensure that there would be no undue loss of privacy as a result of the proposed scheme.
- 10.133 As such it has been demonstrated that at reserved matters stage, the scheme would be able to provide an acceptable standard of

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

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

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

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

Healthy and Safe Communities

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

Equality Act

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

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

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

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

Human Rights

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

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

Other Considerations

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

11.0 Planning Obligations

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

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

12.0 Planning Balance and Conclusion

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

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

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

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

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

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

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

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

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

13.0 RECOMMENDATION

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

HEADS OF TERMS

HCC Contributions

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

EHDC Contributions

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

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

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

Section 278 Highways Works:

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

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

Non-Financial

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

Planning Conditions

Time Limit

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

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

Approved plans

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

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

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

Reserved matters to be submitted

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

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

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

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

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

Contaminated Land

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

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

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

Verification Report

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

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

Monitoring and maintenance plan

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

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

Previously unidentified contamination

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

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

Infiltration of surface water

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

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

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

Piling

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

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

Decommissioning of investigative boreholes.

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

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

Accesses

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

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

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

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

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

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

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

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

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

Wider Highway Works:

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

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

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

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

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

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

Construction Traffic Management Plan

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

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

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

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

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

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

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

Contaminated land survey and remediation

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

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

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

Levels

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

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

Connectivity

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

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

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

Surface water drainage scheme

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

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

Landscape Environmental Management Plan (LEMP)

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

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

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

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

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

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

Car/cycle parking

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

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

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

Electric Vehicle Charging Points

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

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

SuDS Management Plan

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

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

Flooding

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

The scheme shall include:

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

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

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

The scheme shall include:

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

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

Building Sustainability Measures

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

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

Travel Plan Statement

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

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

Foul drainage capacity

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

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

Biodiversity enhancement measures

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

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

Waste and recycling storage details

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

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

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

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

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

Pedestrian footpath links

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

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

Phasing

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

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

Hours of construction

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

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

Reserved matters mix of unit sizes

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

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

Reserved matters to comply with National Space Standards

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

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

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

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

Sele Neighbourhood Plan Design Policies

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

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

M4(2) Dwellings

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

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

M4(3) Dwellings

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

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

Quantum and Mix of Dwellings

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

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

Reserved matters hard surface requirements

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

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

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

Noise levels

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

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

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

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

Best Practical Means for construction

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

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

Boundary walls and fences

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

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

Materials of construction

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

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

Sample Brickwork Panel

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

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

Hard surfacing

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

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

Landscape design proposals

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

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

Landscape works implementation

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

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

Trees

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

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

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

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

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

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

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

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

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

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

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

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

Fire Hydrant

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

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

INFORMATIVES

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

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

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

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

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

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

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

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