

DEVELOPMENT MANAGEMENT COMMITTEE

Application Number	3/23/1642/FUL
Proposal	Erection of 118 dwellings, including access roads, cycle and pedestrian routes, cycle and car parking, public open space, landscaping, tree protection measures, sustainable urban drainage system (SuDS) and associated ancillary structures
Location	Land West Of Wadesmill Road (HERT4), Hertford
Parish	Hertford
Ward	Hertford Bengo

Date of Registration of Application	5 September 2023
Reason for Committee Report	Major Application
Case Officer	Steve Fraser-Lim

RECOMMENDATION

That planning permission be **GRANTED**, subject to a Section 106 legal agreement and subject to the conditions set out at the end of this report.

1.0 Summary of Proposal and Main Issues

- 1.1** This application seeks full planning permission for a residential development, comprising the erection of 118 dwellings, together with a new vehicular access, internal access roads, parking areas, pedestrian/cycle routes, public open spaces, amenity spaces, play spaces, soft landscaping and sustainable drainage systems.
- 1.2** The site comprises part of an allocated site HERT4 which, alongside the other site allocations, form part of the development strategy in the East Herts District Plan 2018, as detailed in Policies DPS1, DPS2, DPS3 and HERT4. Policy HERT4 of the East Herts District Plan allocates the site and adjoining land for residential development of around 150 homes. As part of the site allocation process, the site was removed

from the Green Belt, with the exception of the northern landscaped buffer.

- 1.3** The HERT4 strategic site allocation is split into two separate parcels of land. The southern part of the site allocation was designated for the delivery of around 50 homes by 2022. This land was formerly a garden nursery, containing a large glasshouse building, parking areas and other associated land. However, planning permission was granted in 2020 (reference number: 3/19/1826/FUL) for the erection of 52 dwellings on the site (including 40% affordable homes). This development has been built out and is now occupied. In the local area, this development is known as 'The Stiles'.
- 1.4** This current application site is to the north of The Stiles and is the second phase of the HERT4 site allocation. The site is made up of undeveloped agricultural land on the northern edge of Hertford. The site allocation identifies this land for the provision of around 100 homes, between 2022 and 2027. Policy HERT4 (I) indicates that the delivery of these 100 homes in the second phase would be subject to the satisfactory previous phased extraction of mineral deposits on neighbouring land to the north. To date, no extraction has occurred on the neighbouring land to enable the housing to be delivered by 2027 on this part of the site allocation. The Local Planning Authority understands that extraction of minerals on the neighbouring land (the southern fields) is no longer planned (as part of the emerging Hertfordshire County Council (HCC) Minerals and Waste Plan) and will not take place in the short to medium term following on from recently refused applications and appeals to extract minerals from this site.
- 1.5** In accordance with Policy HERT4, a Masterplan Framework for the site was formulated in consultation with relevant parties and informed by public consultation. This Masterplan Framework was agreed as a material consideration for Development Management purposes in 2022.
- 1.6** As already noted, the current application site consists of mainly undeveloped agricultural land. A restricted byway (Hertford 001) runs roughly through the centre of the site, splitting the site into two

parcels (the eastern parcel and the western parcel). The land levels of the site generally drop away from west to east. This is particularly noticeable on the eastern parcel, where the land levels drop away sharply. The site is located between two main roads with Sacombe Road to the west and Wadesmill Road to the east.

- 1.7** The scheme proposes to create a new vehicular access from Wadesmill Road. A second planning application solely for this new vehicular access is also before members (reference number: 3/23/1643/FUL). The primary internal access road would then run into the site, before diverting north and west. This would be the main east-west route within the site.
- 1.8** On the eastern parcel, it is proposed to deliver two apartment blocks close to the vehicular access from Wadesmill Road. Further into the site, four curved lines of houses are proposed, which would be accessed via secondary routes that run southwards off the primary internal access road. The development on the eastern parcel would generally follow the existing contours of the site, meaning that the dwellings on the eastern side of the site would sit at a reduced land level, when compared with houses to the west. Throughout the eastern parcel, a variety of semi-detached and detached houses are proposed to be provided.
- 1.9** In the central part of the site, an area of green space, adjacent to the byway, is intended to be created. Directly to the west of this green space and the byway, it is proposed to deliver a line of terraced houses and one apartment block. Beyond these dwellings, the western parcel would be made up houses predominantly arranged in lines along the primary internal access road and secondary roads. The development on this western parcel would be constructed on land of gentler gradient. Across the western parcel, a mixture of terraced, semi-detached and detached houses are proposed to be delivered.
- 1.10** The majority of the proposed houses within the site would be of two storey height, with a small number of houses being two storey, with second floor accommodation available in the roof space. The

apartment blocks, adjacent to Wadesmill Road, would sit at the lowest point of the site and would be of three storey height. Whereas, the block of flats in the central area of the site would be of two storey height. The density of the development across the whole site (excluding northern landscape buffer) would be relatively low at approximately 22.5 dwellings, per hectare.

- 1.11** The overall housing mix would include 100 houses and 18 flats, with a range of one-bedroom to five-bedroom dwellings delivered. The exact housing mix is shown below:

Dwelling Type	No. of Units	Percentage Split
1-bedroom flats	4	3%
2-bedroom flats	14	12%
2-bedroom houses	12	10%
3-bedroom houses	53	45%
4-bedroom houses	27	23%
5-bedroom houses	8	7%
Total	118	100%

- 1.12** The scheme would deliver 40% affordable housing, which equates to 47 affordable homes. 33 dwellings would be provided for affordable rent, while 14 dwellings would be shared ownership units. This represents a 70% and 30% tenure split, in favour of affordable rent. In terms of the type of affordable units provided, the proposal would supply 74% houses and 26% flats. The exact affordable housing mix is shown below:

Dwelling Type	Affordable Rent	Shared Ownership	Percentage Split
1-bedroom flats	4	0	9%
2-bedroom flats	8	0	17%
2-bedroom houses	2	4	13%
3-bedroom houses	17	10	57%
4-bedroom houses	2	0	4%
Total	33	14	100%

- 1.13** In regard to connectivity, the existing byway is intended to be the main pedestrian and cycle route into and out of the site. However, additional pedestrian linkages would also be provided onto Sacombe Road and into the adjacent Stiles development.
- 1.14** On the northern side of the site, a public open space is proposed to be created. A local equipped area for play (LEAP) would be provided within this open space, while a further local area of play (LAP) is also proposed close to the southern boundary of the site. SUDs features are intended to be constructed within the public open space in the form of attenuation ponds and a swale. Planting and soft landscaping is proposed across the site, including a native tree and shrub buffer along the northern site boundary to provide a visual barrier to the development.
- 1.15** The overall layout of the site is shown in the image below. This plan illustrates the eastern and western parcels of the proposed development, either side of the byway, as well as the access roads within the site and the area of public open space to the north.



1.16 The application documents submitted for approval include:

- 21/001/010 REV PL02
- 21/001/011 REV PL13
- 21/001/012 REV PL11
- 21/001/080 REV PL06
- 21/001/014 REV PL03
- 21/001/015 REV PL05
- 21/001/016 REV PL05
- 21/001/091 REV PL03
- 21-001 V001
- 21_001_V004
- 21/001/020 REV PL05
- 21/001/021 REV PL04
- 21/001/022 REV PL06
- 21/001/023 REV PL06
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- 21/001/051 REV PL02
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- 21/001/060 REV PL05
- 21/001/061 REV PL05
- 21/001/063 REV PL04
- 21/001/070 REV PL02
- 21/001/071 REV PL02
- 21/001/072 REV PL02
- 21/001/073 REV PL01
- 21/001/074 REV PL03
- DUR1280-10 Rev C
- DUR1280-21
- 1870-KC-XX-YTREE-TPP01Rev H
- 1870-KC-XX-YTREE-TCP01Rev A
- 1126-05-101 Rev P08
- 1126-07-102 Rev P10
- 1126-07-104 Rev P08
- 1126-07-105 Rev P02
- 1126-07-106 Rev P05
- 1126-07-107 Rev P3
- 2023-16339-001
- 2023-16339-002
- 2023-16339-003
- 2023-16339-004
- 2023-16339-005
- 2023-16339-006
- 7083-MJA-SW-XX-DR-S-1000 Rev P2
- 7083-MJA-SW-XX-DR-S-1001 Rev P2
- 7083-MJA-SW-XX-DR-S-1002 Rev P1
- 7083-MJA-SW-XX-DR-S-1005 Rev P1
- SK02 Revision H
- SK05
- SK09.1 Revision E
- 21-0458 SK18 Revision A
- 21-0458 SK19 Revision A

1.17 The documents provided in support of this application include:

- Design & Access Document (Dated: July 2023)
- Planning Statement (Prepared by PPML Consulting, Dated: August 2023)
- Affordable Housing Statement (Prepared by: Pioneer Property Services Limited, Dated: 20 July 2023)
- Air Quality Assessment – Revision C (Prepared by: Create Consulting Engineers LTD, Dated: February 2023)
- Archaeological Desk-Based Assessment (Prepared by: RPS, Dated: September 2023)
- Biodiversity Net Gain Assessment (Prepared by: Aspect Ecology, Dated: May 2024)
- Construction Traffic Management Plan (Prepared by: Durkan Homes, Dated: July 2023)
- Controlled Waters Risk Assessment (Prepared by: LEAP Environmental, Dated: 21 December 2023)
- Designer’s Response to Stage 1 Road Safety Audit (Prepared by: Rappor, Dated: July 2024)
- Drainage Strategy Report (Prepared by: ID LTD, Dated: July 2023)
- Drainage Strategy Report Rev A (Prepared by: ID LTD, Dated: 15 January 2024)
- Ecological Appraisal (Prepared by: Aspect Ecology, Dated: May 2023)
- Energy Strategy Statement (Prepared by: Briary Energy, Dated: July 2023)
- Flood Risk Assessment (Prepared by: Amazi, Dated: July 2023)
- Groundwater Summary (Prepared by: LEAP Environmental, Dated: 17 January 2024)
- Habitat Condition Assessment Survey and Biodiversity Net Gain Assessment (Prepared by: Aspect Ecology, Dated: January 2024)
- Health Impact Assessment (Prepared by: Planning Potential, Dated: December 2023)
- Hydrogeological Risk Assessment (Prepared by: LEAP Environmental, Dated: 30 November 2023)
- Landscape and Visual Impact Assessment (Prepared by: LVIA LTD, Dated: October 2022)
- Mineral Resource Assessment (Prepared by: LEAP Environmental, Dated: 5 January 2023)

- Noise Impact Assessment (Prepared by Cass Allen, Dated: 11 July 2023)
- Overheating Assessment (Prepared by: Briary Energy, Dated: July 2023)
- Phase 1 and Phase 2 – Site Investigation (Prepared by: Geosphere Environmental, Dated: 5 November 2019)
- Road Safety Audit Stage 1 (Prepared by: TMS, Dated: 25 July 2024)
- Statement of Community Involvement (Dated: December 2022)
- Surface Water Management Plan (Prepared by: ID LTD, Dated: January 2024)
- Sustainability Checklist (Prepared by: Durkan Homes)
- Technical Submission (Pumping Station) (Prepared by: PDAS, Dated: 31 August 2023)
- The Biodiversity Metric 4.0 (Prepared by: Aspect Ecology, Dated: 5 January 2024)
- Transport Statement (Prepared by: Rappor, Dated: July 2023)
- Travel Plan (Prepared by: Rappor, Dated: April 2024)
- Tree Survey and Impact Assessment (Prepared by: Keen Consultants, Dated: April 2024)

1.18 The main issues for consideration are:

- Principle of Development
- Affordable Housing and Housing Mix
- Design Quality and Landscape Character
- Impacts on Heritage Assets
- Access, Highways and Transport
- Sustainability and Water Management
- Trees, Ecology and Biodiversity
- Amenity and Pollution
- Healthy and Safe Communities

2.0 **Site Description**

2.1 The application site encompasses a parcel of agricultural land, measuring approximately 5.82 hectares in area. The site is located close to the Bengo area of Hertford, on the northern urban edge of this town. The land sits between two roads, with Sacombe Road to

the west and Wadesmill Road (B158) to the east. The junction of these two routes, with Bengo Street, is a short distance to the south.

- 2.2** The site itself is located at the southern end of a large open field, known locally as: Bengo Field. The land levels on the site drop away from west to east, providing an undulating and sloping character to the immediate setting. In the northern-eastern corner of the site there is a high-quality mature sweet chestnut tree, while the eastern and western boundaries are lined with mature trees, hedges and other vegetation. A restricted byway (Hertford 001) runs northwards from Wadesmill Road and through the centre of the site, enabling access to the countryside beyond. Directly to the north of the site there is a Local Green Space, which is designated in the Bengo Neighbourhood Area Plan (LGS1). The site is located within Landscape Character Area (LCA) 69 (Stonyhills), as identified in the Landscape Character Assessment SPD. This LCA extends over a vast area of countryside to the north of Hertford and is generally characterised by gentle undulating arable upland, between the River Rib and River Beane valleys, together with blocks of woodland and several mineral extraction sites.
- 2.3** A garden nursery, and the associated glasshouse building, formerly occupied the land directly to the south. However, this adjacent site has recently been redeveloped for 52 homes, under reference number: 3/19/1826/FUL. This new residential development is known in the locality as: The Stiles. A detached dwelling at Glenholm is also located to the south of the site and to the east of The Stiles. Further to the south, beyond The Stiles and Glenholm, are allotments that are designated as an Open Space. On the opposite side of Sacombe Road, and to the west of the site, there is a recreation ground, as well as residential properties at The Wick and The Orchard.
- 2.4** In the wider Bengo area there are several local amenities, including a co-op supermarket on Bengo Street, a parade of shops on The Avenue, a convenience store on Barley Croft and other community buildings. In addition, Bengo Primary School is a short distance to the south of the site and Duncombe School, a private primary school, is further to the south on Bengo Street. Bus stops are available along

Bengeo Street and to the south-west on Cowper Crescent, which provide access to services running into the Hertford Town Centre.

- 2.5** The site is not within a Conservation Area and there are no listed buildings in the vicinity. However, the Hertford Conservation Area (CA) is situated to the south, beyond The Stiles and Glenholm. The western half of the site is also within an Area of Archaeological Significance (AAS).
- 2.6** A small area of the site along the northern boundary remains within the Metropolitan Green Belt and the Local Green Space. However, the remainder of the land (which contains all of the development) within the application site was released from the Green Belt, through adoption of the East Herts District Plan (2018). Removing this land from the Green Belt enabled the whole site to be allocated for housing development, under District Plan Policy HERT4. This policy designated land within the application site, together with the site to the south, for the delivery of around 150 homes. As previously explained, 52 homes have already been constructed on the southern part of the site allocation (The Stiles) (Phase 1), with this current application forming the second part of the allocation (Phase 2).
- 2.7** The large area of land to the north of site, which comprises part of Ware Park and Rickney's Quarry, is designated in the adopted Minerals Local Plan Review (2007) as Preferred Area 2 for the extraction of sand and gravel. However, planning permission for mineral extraction on this site was previously refused (reference numbers: PL\0776\16 and PL\0870\17), with the first of these proposals also dismissed at appeal by the Secretary of State. The emerging Minerals and Waste Local Plan has, since 2017, excluded Preferred Area 2 as a site allocation for mineral extraction. A Scoping Request for extraction of sand and gravel on Land at Rickneys Quarry has recently been submitted to HCC for consideration (reference number: PL/0401/24). However, this application relates to land approximately 900 metres to the north and excludes the southern field, which neighbours the site. While this southern field did originally form part of the planned mineral extraction site, this land

is now not anticipated to come forward for extraction in the short to medium term.

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 for Phase 2 of the HERT4 site allocation was progressed through pre-application discussions, following grant of planning permission for Phase 1 (reference number: 3/19/1826/FUL). The applicant and the Council entered into the masterplanning process in 2022. Throughout this process the applicant engaged with officers, including various discussions with urban design, landscape and planning policy advisors. In addition, two meetings were undertaken with the Shaping Hertford Steering Group, which included previous council members, officers and community representatives. A Statement of Community Involvement has been submitted with this current application and this explains how the applicant has engaged with the local community and other stakeholders.

3.3 A Hertfordshire Design Review Panel (DRP) was held on 12 September 2022 to consider the draft masterplan. The draft masterplan was generally positively received by the DRP, however the panel put

forward constructive comments and suggested various improvements including:

- Engagement with landscape, ecology, historic environment and surface water management expertise is required to ensure that the proposals deliver environmental objectives and a truly landscape-led approach is achieved.
- A Movement Strategy is required to provide a clearer understanding of how pedestrians and cyclists move between key destinations within the site and beyond.
- Phase 2 should not necessarily be a seamless extension of Phase 1, due to the differing topography, views and edge of settlement context. A softer semi-rural approach is required. A freer more sinuous layout may be more appropriate within the undulating slopes.
- How built form responds to the topography and articulation of the roofscape in views requires careful thought. The exploration of semi-detached or larger forms could result in a more sympathetic and interesting rural typologies, such as rural long barns.
- Thought should be given to the character and quality of the arrival sequence, along the primary access route and arriving at the heart of the scheme.
- Sensitive views towards the site from the wider valley to the east and from along the byway to the north require careful assessment to inform the delivery of effective mitigation measures.
- There needs to be greater certainty with regard to the treatment of the landscape buffer.
- Existing trees should be retained.
- The approach to SUDs is not clear.

3.4 Officers consider that the final Masterplan for Phase 2 of HERT4 site allocation appropriately responded to the views of the DRP. The Masterplan was considered to adopt a more landscape-led approach, with a green northern fringe included that incorporates soft landscape areas, play spaces and SUDs features. Within the 'heart' of the layout a 'pocket park' is shown, alongside the byway, while tree planting and informal green spaces are identified throughout the layout. Furthermore, a Movement Strategy was outlined in the Masterplan, which focused on the byway as the main pedestrian and cycle route.

However, connections to the Stiles and across Sacombe Road were also illustrated.

3.5 The Masterplan emphasises the importance of points of arrival within the layout, as locations for key buildings were identified. In addition, the document sets out an intention for the eastern part of the development to follow the existing contours of the site. The Masterplan encourages the development to form a semi-rural character, which transitions towards the countryside through positioning lower density housing on the fringes. Moreover, an illustrative landscape buffer is depicted on the northern side of the site, in order to create recognisable boundary to the Green Belt.

3.6 It is considered that the scheme has positively evolved since conception and this culminated in the submission of the final Masterplan for Phase 2 of the HERT4 site allocation. The Masterplanning Framework was endorsed at Executive Committee on 22 November 2022 and was then approved by Full Council on 14 December 2022. Therefore, the Council endorsed Masterplan is a material consideration for the assessment of this current application. A key image from the final Masterplan is provided below.



3.7 Through the lifetime of the current planning application, the proposed scheme has also evolved further, in response to consultee and consultation feedback received. Officers have secured various amendments and improvements to the scheme, which have further

elevated the design quality of the proposed development, secured appropriate on-site and off-site social and environmental infrastructure (through the planning process) and delivered other tangible benefits for the wider community, including improvements to the affordable housing provision and HCC endorsed highways/sustainable transport improvements. These improvements are listed below:

Topic Area	Improvement Secured
Affordable Housing	Officers have secured an improved affordable housing mix, as the scheme has been amended to include a greater number of family-sized units within the affordable rent tenure.
Design and Layout	Officers have secured amendments to the design and layout of the scheme, including: elevational improvements to the house types, alterations to apartment blocks, inclusion of a barn-style apartment block, inclusion of a row of terraced affordable housing units (to replace the flatted block), improved linkages to existing walking and cycling routes and re-positioning of parking areas. These changes have elevated the design quality of the scheme, through providing a higher standard of architecture, achieving an enhanced semi-rural character and delivering a development that can meet secure by design standards.
Transport	EHDC and HCC Officers have secured amendments relating to sustainable transport and highways matters. The applicant has committed to installing a new toucan crossing, together with a cycleway/footway, on Wadesmill Road. This will improve highways safety and provide greater opportunities for sustainable travel. Additional pedestrian links onto Sacombe Road have also been secured. Furthermore, speed limit reductions have been agreed along Wadesmill Road, in the interests of enhanced highways safety.

Drainage	Officers have secured an amended Drainage Strategy, with all surface water drainage proposed to be discharged on-site via infiltration, rather than relying on an off-site watercourse.
S106 Obligations	EHDC and HCC Officers have secured a comprehensive range of East Herts and HCC Section 106 provisions to ensure a policy compliant level of social, environmental and health/leisure/community infrastructure is provided as part of any planning permission to mitigate the impact of the development and enhance local infrastructure capacity and quality.

3.8 Given the design evolution of the proposed development, 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 Planning History

4.1 The following planning history on the application site is of relevance to this proposed scheme:

Application Number	Proposal	Decision	Date
3/23/1643/FUL	Proposed vehicular access to Land West of Wadesmill Road to serve the residential development at HERT4.	Pending Consideration	N/A

4.2 The following planning history on the first phase of the HERT4 allocation is of relevance to this proposed scheme:

Application Number	Proposal	Decision	Date
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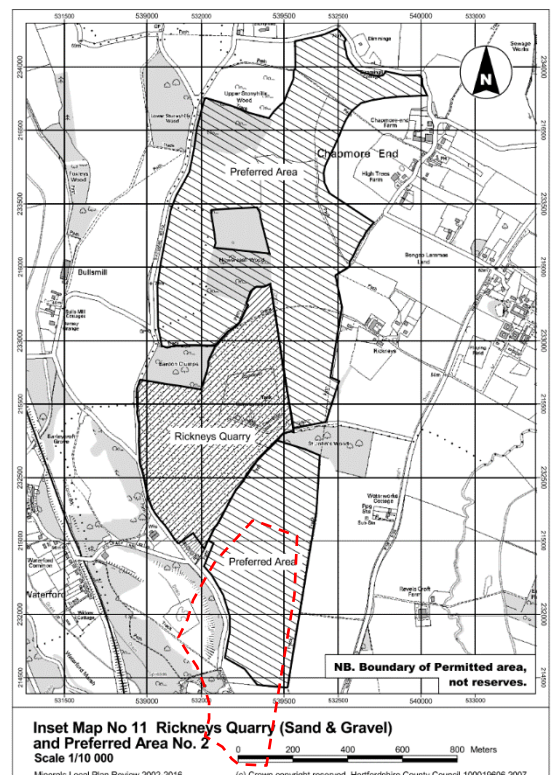
3/19/1826/FUL (Former Bengeo Nursery)	Demolition of garden nursery and the erection of 52 dwellings including access, parking, amenity, public open space and tree protection measures.	Granted planning permission, subject to conditions and S106.	17 July 2020
3/12/2138/FP (Former Bengeo Nursery)	Erection of 58no. dwellings with associated access, open space and landscaping.	Refused.	20 March 2013

4.3 The following minerals planning history on land to the north of the site is of relevance to this proposed scheme:

Application Number	Proposal	Decision	Date
PL/0401/24 (Land adjacent to Rickney's Quarry)	Scoping request for a proposal to extraction of 1.24 million tonnes of sand and gravel (This site excludes the southern field adjacent to the HERT4 Phase 2 development)	Pending Consideration	
PL\0870\17 (Land at Ware Park, including the southern field)	Application for the phased extraction of 1.25 million tonnes of sand and gravel, mobile dry screening plant, weighbridge, wheel cleaning facilities, ancillary site offices, construction of a new access onto	Refused.	26 April 2018

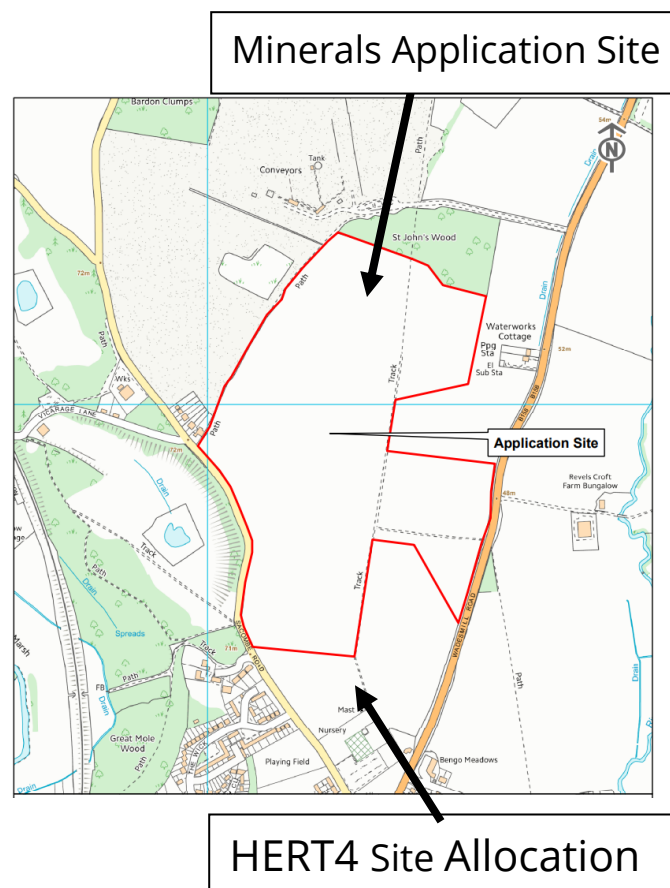
	Wadesmill Road with phased restoration to landscaped farmland at a lower level.		
PL\0776\16 (Land at Ware Park, including the southern field)	Application for the phased extraction of sand and gravel, use of mobile dry screening plant, stockpile area, weighbridge, wheel cleaning facilities, ancillary site offices, together with construction of a new access onto Wadesmill Road and phased restoration of landscaped farmland at a lower level.	Refused and Appeal Dismissed.	24 March 2017 4 April 2019

4.4 The mineral extraction planning history on land to the north of the site at Rickney's Quarry and Ware Park is of relevance to this proposed scheme, as DP Policy HERT4 refers to Phase 2 of the site allocation being 'subject to the satisfactory previous phased extraction of mineral deposits on the neighbouring site'. At the time when this policy was formulated, a large area of 'neighbouring' land to the north of the HERT4 site allocation was designated in the adopted Minerals Local Plan Review (2007) for mineral extraction. It should be noted that no part of the HERT4 site was included in the allocation in the Minerals Local Plan. Furthermore, the eastern part



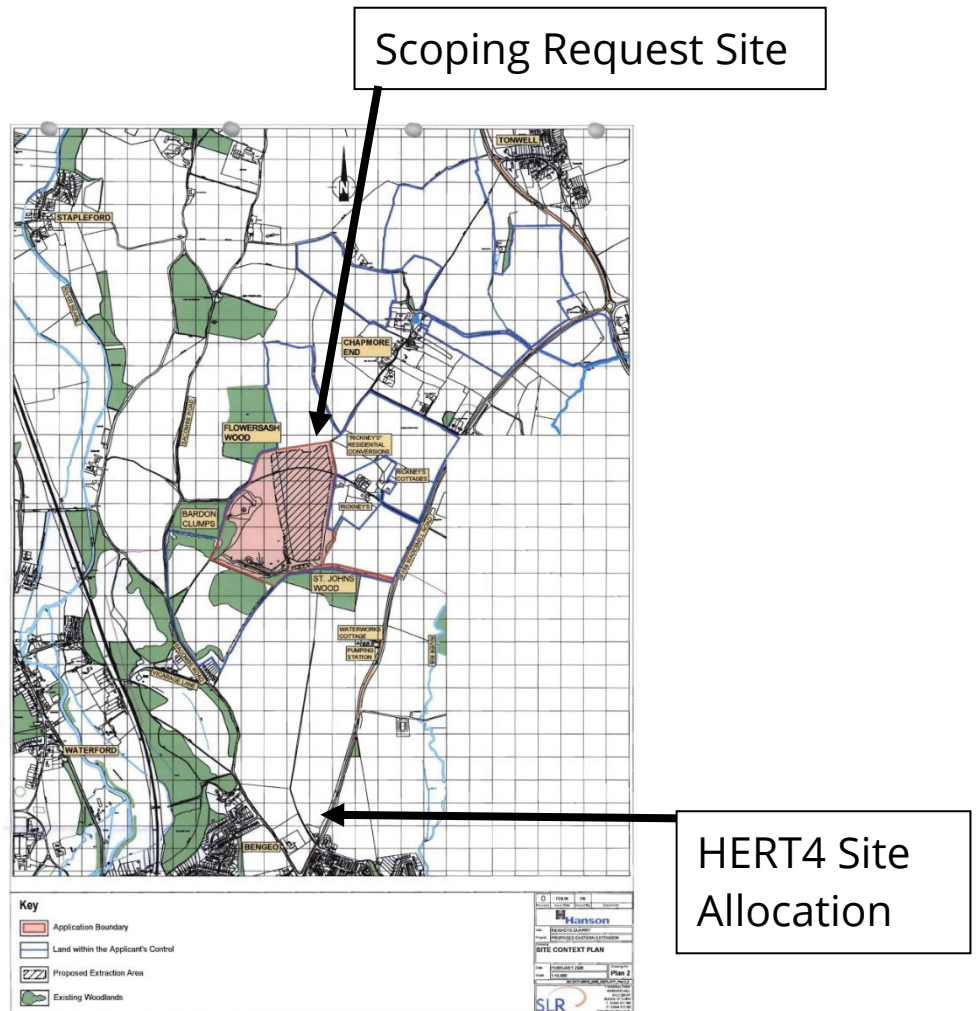
of Bengo Field (directly to the north of the site) was also excluded from the minerals site allocation. The minerals site allocation was known as: Preferred Area 2 with the whole allocated land shown in the adjacent image. It was expected that mineral extraction at Preferred Area 2 would occur prior to 2022. Following the anticipated mineral extraction and associated remediation, it was envisaged that Phase 2 of the HERT4 site allocation could then progress. The southern part of the Preferred Area (cross hatched) is no longer subject to extraction proposals.

- 4.5** Whilst the principle of minerals extraction was supported through the Minerals Local Plan, a planning application for the extraction of sand and gravel on the southern part of Preferred Area 2 was refused by HCC in 2017 (reference number: PL\0776\16). This proposal was subsequently appealed, with the Secretary of State dismissing that appeal in 2019. The Location Plan from that application is shown in this plan. A second application for the extraction of sand and gravel was also refused by HCC in 2018 (reference number: PL\0870\17) but was not appealed.



- 4.6** Entirely separate from the planning applications, HCC begun the process of reviewing the Minerals Local Plan, with a public consultation commencing in 2017. At that time, it was proposed to remove Preferred Area 2 from the Draft Minerals Local Plan. This stance was carried forward to 2019, however because of a change of approach, due to the cessation of the standalone Minerals Local Plan process, no further progress was made, and the Draft Minerals Local Plan was withdrawn.
- 4.7** HCC have begun to prepare a Joint Minerals and Waste Local Plan, which replaces the previous Draft Minerals Local Plan. A public consultation on the Draft Joint Minerals and Waste Local Plan commenced in 2022. This consultation version of the plan did not include Preferred Area 2 as a site allocation for mineral extraction. During this consultation, responses were received from parties with interest in the northern section of Preferred Area 2 and these comments seek to retain this area as part of the emerging plan's strategy for mineral extraction. However, the owners of the southern section of Preferred Area 2 (land directly to the north of application site) made representations confirming support for the deallocation of this part of the Preferred Area. This representation outlined that land within the southern section of Preferred Area 2 was not available for mineral extraction.
- 4.8** HCC is currently considering the comments received through consultation on the Draft Joint Minerals and Waste Local Plan. Until publication of the Submission Minerals and Waste Local Plan, the longer-term proposals for extraction adjacent to or near to Rickney's Quarry are uncertain. The recent refusals from HCC and the Secretary of State for extraction of minerals on the neighbouring land indicate that extraction on this land is not feasible currently. Furthermore, the representations from the owners of the southern section of Preferred Area 2 made during the most recent public consultation indicate that it is very unlikely that mineral extraction will come forward on the neighbouring land to HERT4, in the short to medium-term.
- 4.9** A scoping request has recently been submitted to HCC for sand and gravel extraction on part of Preferred Area 2 (reference number:

PL/0401/24). However, this scoping request relates to a northern part of Preferred Area 2, which is over 900 metres from the HERT4 application site. The significant distance between the site being considered under this scoping request and the HERT4 application site is shown as follows.



5.0 Main Policy Issues

5.1 These relate to the relevant policies in the National Planning Policy Framework (NPPF), the adopted East Herts District Plan 2018 (DP) and the Bengeo Neighbourhood Area Plan (2021) (NP).

Main Issue	NPPF	DP Policy	NP Policy
Principle of Development	Chapters 5 and 11	INT1, DPS1, DPS2, DPS3, DPS4, HERT1, HERT4, DES1	HBN1

Delivery of Housing	Chapter 5	DPS3, HERT4, HOU1, HOU3	HBH1
Scale and Design Quality	Chapters 8, 11 and 12	HERT4, HOU2, HOU7, DES1, DES2, DES3, DES4, DES5, HA1, HA4	HBN2, HBH2, HBH3
Transport	Chapter 9	HERT4, TRA1, TRA2, TRA3, CFLR3	HBN4, HBT1, HBT2, HBT3, HBT4, HBT5, HBH3
Heritage Assets	Chapter 16	HA1, HA2, HA3, HA4	HBC2
Sustainability and Climate Change	Chapters 2 and 14	CC1, CC2, WAT4, EQ4	HBN4
Trees, Ecology and Biodiversity	Chapter 15	DES2, DES3, NE1, NE2, NE3, NE4	HBN3, HBH3
Flood Risk and Drainage	Chapter 14	NE4, WAT1, WAT2, WAT3, WAT5, WAT6	HBH3
Land Contamination	Chapter 15	EQ1	
Neighbour Amenity	Chapter 12	DES4, EQ2, EQ3	
Viability and Delivery of Infrastructure	Chapters 2, 4 and 9	TRA1, CFLR1, CFLR7, CFLR9, CFLR10, DEL1, DEL2	HBN4, HBC1, HBT2, HBT3, HBT4, HBT5

5.2 The adopted Minerals Local Plan (Review 2002 – 2016) and emerging Minerals and Waste Local Plan 2040 also have some relevance to this current application. The most relevant policies within these documents are those associated with the strategic supply of minerals and are listed below.

Main Issue	Adopted Minerals Local Plan	Emerging Minerals and Waste Local Plan
Strategic Supply of Minerals	Policy 1 Policy 3 Policy 5	Policy 2 Policy 4 Policy 5

5.3 The recent Written Ministerial Statement (WMS) accompanying the consultation version of the Draft NPPF comprises a material consideration, which officers consider needs to be taken into account in the assessment of this planning application. The WMS outlines an aim of building 1.5 million homes over the next five years. To deliver this target the Ministerial Statement sets objectives such as ‘restoring and raising housing targets’ and ‘delivering more affordable homes’. A revised NPPF is currently at public consultation, which includes a new standard method for assessing housing needs. This standard method would increase the overall housing need for the District. Officers acknowledge that the revised NPPF has only recently been published for consultation, and therefore it is not national policy at present. This means that only very limited weight can be given to this consultation document. However, nonetheless, members should be aware of the direction of travel suggested in the consultation version of the NPPF, which seeks to support increased housing delivery and supports economic growth.

6.0 Statement of Community Involvement

6.1 The applicant has submitted a Statement of Community Involvement with this application, dated December 2022. This Statement of Community Involvement sets out how the applicant has engaged with key stakeholders and local residents. This engagement is summarised below:

- Meetings with Shaping Hertford Steering Group
- Meetings with Bengo Neighbourhood Area Plan Group
- Meetings with EHDC Officers
- Meetings with HCC Officers

- Public Consultation Event – 31 August 2022
- Public Consultation Event – 19 October 2022
- Letters/Emails to Stakeholders (Members, Bengo Parish Rural Council and Hertford Town Council)
- Postcard Distribution to Local Residents – August 2022
- Postcard Distribution to Local Residents – October 2022
- Advert in Local Newspaper
- Consultation Website
- Feedback Forms for Local Residents

7.0 Summary of Consultee Responses

EHDC Planning Policy

- 7.1** The Planning Policy Officer provides extensive background information on the site allocation, including commentary on the relevant planning policies, the principle of development, the Minerals Plan, the previous mineral applications, the phased approach to the allocation and the masterplan. The Policy Officer also explains some of the changing circumstances that have arisen since adoption of the East Herts District Plan.
- 7.2** The Planning Policy Officer concludes that the headline principle of development of this strategic allocation is established through the adoption of the District Plan, with Phase 1 having already been developed and Phase 2 having been removed from the Green Belt.
- 7.3** It is noted that the landowners of the southern parcel of Preferred Area No.2 (adjacent land allocated in the adopted Minerals Local Plan Review 2002 – 2016) have indicated that they are not willing to make the land available for mineral extraction. Unless a change of position were to occur, which currently appears unlikely, it will not be possible to secure extraction of minerals in the short-medium term.
- 7.4** This Officer advises that another change in circumstance since the adoption of the District Plan involves the ‘making’ of the Bengo Area

Neighbourhood Plan. Policy HBN1 of this Neighbourhood Plan allocates the neighbouring Bengo Field as local green space meaning that development in that area should only be allowed in 'exceptional circumstances'. Therefore, consideration of peripheral landscaping included on an element of that land as part of the application comes into play in this respect.

- 7.5** The Planning Policy Officers notes that these changes in circumstances bring additional policy considerations, which will now also need to be balanced alongside the application of Policy HERT4, while bearing in mind that the site allocation has already been removed from the Green Belt and is shown as developable land within the settlement boundaries on the policies map.
- 7.6** It is advised that there is uncertainty over mineral extraction policy going forward, and associated land availability issues for such purposes in the southern element of Preferred Area No.2. The Planning Policy Officer notes that the weighting given to the phased aspect of the allocation policy will need to be carefully considered. Further consideration should also be given to the landscape mitigations proposed through the submitted scheme and whether these would be sufficient to overcome any harm that the impact of the proposed development would have on the adjoining landscape character of the area and the setting of the Green Belt.

HCC Highway Authority

- 7.7** The Highway Authority advises the proposals are acceptable in a highways context, subject to further assessment of some detailed design matters and additional discussions to reach agreement on a suitable sustainable transport contribution. The advice provided by the Highways Authority is referenced in detail as part of the assessment in this report.

Lead Local Flood Authority (LLFA)

- 7.8** The LLFA advises that it has no objections, subject to the imposition conditions, securing further details of the surface water drainage system and requiring implementation of the drainage scheme.
- 7.9** This consultee outlines that the applicant has taken into account the LLFA's previous comments and has removed the proposed surface water runoff connection to the ditch on the eastern boundary of the site. It is now proposed for all surface water drainage to be discharged via infiltration only. The applicant is required to ensure that the access road to the development is not at risk from flooding. This is due to the access road being the only route for emergency services to provide aid.

Environment Agency (EA)

- 7.10** The EA advises that it has no objections, subject to the imposition of conditions, relating to: details of sewage pipes, previously unidentified contamination, piling/intrusive groundworks and decommission of boreholes.
- 7.11** This consultee outlines that the proposed development involves drainage elements that present a risk to groundwater, which is particularly sensitive in this location, as the site is within Source Protection Zone 1 and within a principal aquifer. The EA considers that the submitted information provides confidence that it will be possible to suitably manage risks to groundwater.

Affinity Water

- 7.12** Affinity Water has not raised an objection.
- 7.13** This consultee advises that the site is located within a Source Protection Zone, which is a public water supply. Several measures are recommended, which should reduce risks to groundwater pollution, avoid any contamination and limit carbon emissions associated with treating water. There are also expectations that the development will include water efficient fixtures and fittings.

Thames Water

- 7.14** Thames Water has not raised an objection, with regard to foul sewerage network infrastructure capacity or surface water drainage.
- 7.15** This consultee outlines that groundwater discharges to a public sewer should be minimised. An informative is recommended advising that a Groundwater Risk Management Permit will be required for discharging groundwater to a public sewer. There could be public sewers crossing or close to the development. The development is located within 15 metres of underground assets, and therefore an informative is recommended advising the applicant to review Thames Water's guidance on working near assets.

Historic England

- 7.16** Historic England offers no advice.

EHDC Housing Development Officer

- 7.17** The Housing Officer advises that scheme would deliver 40% affordable housing, which is policy compliant. However, concerns are raised regarding the tenure split, affordable housing property types, pepper potting and the design of the affordable dwellings.
- 7.18** This consultee explains that the Housing Team normally require 75% rented and 25% affordable home ownership. Through this development, this equates to 35 homes for affordable rent and 12 homes for low-cost home ownership. The applicant is proposing 33 homes (70%) for affordable rent and 14 (30%) for shared ownership. The Housing Officer is not supportive of the tenure split due to the slight deviation from the recommended policy mix.
- 7.19** The Housing Officer initially objected to the development, as their view was that too many one-bedroom flats were proposed in the affordable rent tenure. The Housing Officer considered that there was a clear need for two-bedroom houses, three-bedroom houses and family-sized dwellings. It was also noted that there was an under-

provision of four-bedroom houses in the affordable rent tenure. Since these initial comments, the scheme has been amended, with the number of three-bedroom houses increased. The Housing Officer welcomes this increase in family-sized dwellings. However, notes that it is disappointing that the number of two-bedroom flats has been increased.

- 7.20** In terms of the design and layout of the affordable homes, it is advised that the floor plans for house type D should be updated to show space for two single beds in the double bedroom. The Housing Officer notes that they are unable to judge whether the dwellings would meet the Nationally Described Space Standards. The layout of the two-bedroom flats and three-bedroom houses are inadequate. These dwellings do not have separate kitchen and living rooms, while the living areas are not of sufficient size for the household. There is nowhere within these dwellings for children to play safely and no outside spaces for the flats. In the three-bedroom houses the children's bedrooms are on a different floor to those to be occupied by the parents.
- 7.21** The evidence is for 15% of affordable homes to meet M4(3) 'Wheelchair User Dwellings'. Through this development, this equates to seven homes. The application proposes six wheelchair adaptable homes.
- 7.22** The Housing Officer notes that the integration of the affordable housing is inadequate. There is a cluster of 25 units, which constitutes 53% of the affordable dwellings. Furthermore, the 12 affordable flats are segregated.
- 7.23** This consultee advises that that the new homes should be owned and managed by a registered provider. The registered provider will be required to enter into a nomination agreement with the Council and this should be secured in the legal agreement.

Officer Comment: The planning assessment of the affordable housing provisions is set out in the report in Part 9. Officers note the comments of the Housing Officer and the concerns raised. It is considered that the

overall affordable housing provision is broadly in accordance with the policy requirements despite the marginal shortfall in tenure split. The comments made with regards to the pepper-potting of affordable dwellings and avoidance of large clusters is duly noted. However, the applicant has submitted various iterations of the layout and has sought to address the major concerns about delivering greater numbers of larger affordable houses (opposed to flats). It is considered through the amendments, it has inevitably led to reasonable sized clusters of affordable homes. However, overall, the design of the accommodation is sufficiently tenure blind to avoid the clustering of affordable home together detracting from the quality of development. Such clustering would not in the officer's view give rise to a reason for refusal, noting the application of the tilted balance applies.

EHDC Conservation and Urban Design Officer

- 7.24** The Conservation and Urban Design Officer advises that they have no objections, subject to conditions securing details of boundary walls/fences, materials of construction, hard surfacing materials and soft landscaping proposals.
- 7.25** Concerns were initially raised on several grounds. Firstly, the Conservation and Urban Design Officer considered there was a lack of information regarding the land levels adjacent to the site access. In addition, there were concerns regarding the architectural expression of the apartment blocks, the detailing of numerous house types, the absence of surveillance over driveways and the lack of planting in car parking areas. Following the submission of revised drawings, the Conservation and Urban Design Officer notes that the concerns raised have been addressed.

HCC Historic Environment Unit

- 7.26** HCC Historic Environment Unit recommends the inclusion of a condition securing a programme of archaeological work and a written scheme of investigation.

7.27 This consultee advises that approximately half of the proposed development site is within an Area of Archaeological Significance, which defines an area known to contain prehistoric and Roman activity. Investigations from 2015 identified three undated pits, one of which contained a sherd of prehistoric pottery and a ditch. The site is close to Buckwells Field, where significant archaeological remains were excavated in 2011. This included 13 deep late Bronze Age pits and ditches that may be part of a field system, with a possible round house and a shallow later Saxon pit. It is considered that the development should be regarded as likely to impact on heritage assets of archaeological interest.

EHDC Landscape Officer

7.28 The Landscape Officer notes that further information is required, as no planting plan has been provided and the street frontages do not appear to allow for enough planting. Details of sensitive hard landscape detailing and high-quality materials should be sought. Contours are also missing from the sustainable urban drainage locations. Details of each of the individual sustainable urban drainage systems should be provided.

7.29 This consultee advises that the native and shrub buffer planting is satisfactory. Furthermore, the green infrastructure and public amenity provision are appropriate. The Landscape Officer also considers that the byway has been successfully integrated into the development. The Landscape and Visual Impact Assessment is acceptable.

Herts Ecology

7.30 Herts Ecology advises that they have no objections, subject to a condition securing a Biodiversity Gain Plan.

7.31 This consultee notes that the site is of little or negligible ecological interest, other than boundary hedgerows, some trees and a prominent sweet chestnut tree. None of the hedgerows are considered to be important under the Hedgerow Regulations, but are

a priority habitat. These will be retained, other than for access, for which there will be compensation. The site is of limited value to protected species, such as: bats, mammals, reptiles, amphibians and invertebrates. Habitats used by nesting birds are likely to be lost, however other enhancements will be provided, where possible. Herts Ecology recommends an informative, which advises a precautionary approach to any clearing, in the interests of avoiding impacts on birds. Mitigation measures are proposed to address any impacts on the nearby Mole Wood Local Wildlife Site and the Waterford Heath Nature Reserve.

- 7.32** This consultee notes the biodiversity net gains outlined in the Ecological Appraisal, including: tree planting, shrub planting, wildflower grassland, wetlands and various wildlife features. Whilst the gains are supported, the claims that species rich grassland will genuinely contribute to a lowland meadow resource are excessive, given that no meadow will be created. However, measurable biodiversity net gain has been demonstrated within the submitted metric, which outlines a 11.12% net gain in habitat units and an 84.19% gain in hedgerow units.

Herts and Middlesex Wildlife Trust

- 7.33** The Trust recommends a condition securing bat boxes and swift boxes, as part of the development.
- 7.34** This body advises that a full biodiversity metric should be supplied before a decision can be made. Species lists are also required to justify the habitats selected.

HCC Minerals and Waste

- 7.35** The Minerals and Waste Officer raises no objection to the proposals and recommends a condition securing a Site Waste Management Plan.
- 7.36** This consultee notes the submission of a Minerals Resource Assessment and broadly agrees with its conclusions. Having

considered the findings of the Minerals Resource Assessment, together with the situation regarding adopted Preferred Area 2 and the presence of phase 1 of HERT4, prior extraction of mineral on this site is not viable. However, the best use should be made of opportunistic extraction.

HCC Public Health

7.37 HCC Public Health agrees with the approach taken in the Health Impact Assessment. The updated Health Impact Assessment provides a proportional assessment of the health impacts of the proposed development.

Active Travel England

7.38 Active Travel England advises that their Standing Advice should be considered.

Sport England

7.39 Sport England advises that this proposal does not fall within their statutory remit. However, it will generate additional demand for sports. New or improved sports facilities should be secured and delivered in accordance with local policy for social infrastructure.

EHDC Environmental Health Officer (Contamination and Air Quality)

7.40 The Environmental Health Officer recommends conditions relating to: boilers, electric vehicle charging points and a Construction Environmental Management Plan.

EHDC Environmental Health Officer (Noise and Nuisance)

7.41 The Environmental Health Officer recommends conditions relating to: adherence to the Noise Assessment, hours of working, notification of neighbours, management of waste, lighting and control of dust.

EHDC Waste and Recycling

7.42 The Waste and Recycling Team provides advice on the design of bin stores, on best practice for refuse storage, on refuse collection arrangements and on the process for ordering bins.

Herts Police Crime Prevention Advisor

7.43 Herts Police are able to support the application. The applicant should contact Hertfordshire's Constabulary's Crime Prevention Design Service with a view to achieving Secured by Design.

NHS Hertfordshire and West Essex

7.44 The NHS outlines that a financial contribution should be secured through a Section 106 planning obligation.

7.45 The NHS estimates that this development would give rise to 382.3 new patient registrations. It is advised that this development will have an impact on primary health care provision in the area, and its implications, if unmitigated, would be unsustainable for the NHS. On this basis, a financial contribution of £205,792 is requested. The NHS intends to use this contribution on the relocation of Wallace House Surgery and the extension, reconfiguration and refurbishment of Hanscombe House.

HCC Growth and Infrastructure

7.46 The Growth and Infrastructure Officer outlines that the below financial contributions should be secured through a Section 106 planning obligation.

- Primary Education: £1,273,520 (towards the expansion of Simon Balle Primary School, including nursery provision and/or provision serving the development).
- Secondary Education: £1,492,588 (towards delivery of new secondary school at WARE2 and/or provision serving the development).

- Childcare 0 – 2 years: £9,853 (towards increasing capacity of 0 – 2 year childcare facilities at Bengo playgroup and/or provision serving the development).
- Childcare Contribution 5 – 11 years: £1,651 (towards increasing capacity of 5 – 11 years old childcare facilities at Bengo Primary School and/or provision serving the development).
- Special Education Needs and Disabilities (SEND): £145,262 (towards new severe learning difficulty special school places and/or provision serving the development).
- Library Service: £40,960 (towards the reprovision of Ware Library and/or provision serving the development).
- Youth Service: £32,993 (towards increasing the capacity of Ware Young People’s Centre and/or provision serving the development).
- Waste Service Recycling Centres: £28,648 (towards the new Ware Recycling Centre and/or provision serving the development).
- Waste Service Transfer Station Contribution: £12,440 (towards the new Eastern Transfer Station and/or provision serving the development).
- Fire and Rescue Service: £44,910 (towards the new fire station at Hertford and/or provision serving the development).
- Monitoring Fees: £340 per trigger point within legal agreement.

EHDC Section 106 Officer

7.47 The Section 106 Officer outlines that the below financial contributions should be secured through a Section 106 planning obligation.

- Monitoring Fee: £3600 (towards the Council's costs of monitoring the development over the lifetime of the obligations).
- Recycling: £8496 (towards the provision of refuse and recycling containers for the new dwellings).
- Allotments: £20,869 (towards the cost of improvements to the allotment site at Bengoe and/or other allotments and community growing spaces in Hertford).
- Bowls: £28,421 (towards maintenance and improvements to the clubhouse and/or upgrading and maintenance of the green at Sele Bowls Club and/or other bowls clubs).
- Community Centres: £81,758 (towards the cost of Hertford Theatre Growth and Legal Project to support the provision of a destination community facility and/or support any other community centre provision).
- Outdoor Tennis: £19,470 (towards improvements, including relining and new nets at Hartham Common).
- Sports Hall: £67,544 (towards improvements to the sports halls at Wodson Park).
- Swimming Pools: £69,071 (towards capital refurbishment programme for the provision of new and/or improvements to the existing swimming pool at Hartham Leisure Centre).
- Fitness Gyms: £30,018 (towards capital refurbishment programme to include the provision of new fitness gym equipment and/or improvements to existing fitness gym area and equipment at Hartham Leisure Centre).
- Studio Space: £12,400 (towards capital refurbishment to include the provision of new studio equipment and/or improvements to the existing studio equipment and space at Hartham Leisure Centre).

- Children’s Play and Provision for Young People: £253,365 – if on-site provision is not sufficient (towards provision, improvement and maintenance of children’s play and young people’s facilities at The Ridgeway Local Park and/or Hartham Common Play Area and/or other local play areas).
- Parks and Gardens and Amenity Green Space: £116,321 – if on-site provision is not sufficient (towards improvements works at Hartham Common).
- Natural Green Space Contribution: £48,970 - if on-site provision is not sufficient (towards improvements works at Hartham Common).

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

8.0 Town/Parish Council Representations

- 8.1** Hertford Town Council objected to the application in September 2023 and also in May 2024.
- 8.2** In September 2023, the Town Council objected on the basis of concerns regarding: non-compliance with Policy HERT4, lack of affordable housing, unsustainable location, local service provision and potential risk to drinking water aquifer. The May 2024 comments are summarised below.
- 8.3** The Town Council consider that this application contravenes Policy HERT4, as this states that the proposed development is ‘subject to satisfactory previous phased extraction of mineral deposits on the neighbouring site’. That mineral extraction has not taken place and both the developer and the Council continue to underestimate the negative impact on the landscape, if the development were to proceed.

- 8.4** There is no justification given as to why the Council should be positively considering that the site can accommodate an 18% increase in the number of homes, without the provision of the proposed mineral extraction.
- 8.5** The Town Council does not agree with the Planning Policy Officer's comments. The change in circumstances post adoption of the District Plan is not a reason to now be considering the development of Phase 2, without the opportunity to achieve landscape mitigation on the adjoining site following mineral extraction. The wording in the Inspector's Report is only a consideration in as much as the landscape mitigation the mineral extraction would have afforded is proposed to be achieved within the red line boundary of the development site. This has not been achieved in the Landscape Masterplan.
- 8.6** The Landscape Officer advice only considers the development site itself and not the impact on the wider landscape. The Town Council would welcome a wider consideration of the visual landscape impact of developing the site.
- 8.7** The Landscape and Visual Impact Assessment starts from the premise that the baseline used for the assessment is a 'suburban fringe/marginal agricultural context'. It refers to the context of the site being industrial and commercial buildings. As no such buildings exist, the baseline of the assessment is seriously flawed. It admits that key landscape elements will be lost, but outlines that after 15 years, with a successful mitigation strategy, the magnitude of the impact on the landscape will be reduced. Such a mitigation strategy is not evident in the Landscape and Visual Impact Assessment. The assessment concludes that the proposal is acceptable on landscape and visual grounds, but puts forward no mitigation strategy. The Town Council questions this conclusion, based on the inaccuracies and inadequacies in the report.
- 8.8** The applicant, in their covering letter submitted with recent amendments, confirms that the Landscape Masterplan has been updated only to reflect changes in internal layout and that no further landscape details have been provided, despite such details being

requested. The current landscaping proposals are not sufficient to overcome the likelihood that the policy requirement for extraction on the adjoining site and integral re-profiling of the adjacent land are highly unlikely to occur.

- 8.9** The Town Council notes that the designation of Bengo Field immediately adjacent to HERT4 Phase 2 as a Local Green Space would impact on any further consideration of the area for mineral extraction. If the Council decide to grant this application, then the Town Council asks that they include the remainder of Bengo Field as a strategic Hertford Green Finger in the updated District Plan. This provision would be beneficial to protecting the two important views across Bengo Field identified in the Neighbourhood Plan.
- 8.10** The Town Council continues to object to the non-compliance with East Herts Council's affordable housing requirements. The Housing Officer has provided flexibility to the applicant, reducing a requirement for 84% rented accommodation to 75%. This would equate to 35, rather than the offered 33 affordable homes.
- 8.11** The Town Council emphasises the leisure value of Bengo Field and outlines the community's opinion on 'special' and 'very special' views across the field. The impact of this proposal on leisure users will be to urbanise the countryside experience. East Herts Council is asked to seriously consider how it can best serve the interests of the local community, when making its decision on this application.
- 8.12** In terms of other matters, no attempt has been made to correct the underestimated walking times from homes within the site to bus stops. There is also concern regarding adequate places at primary schools and other school provision.

9.0 Summary of Other Representations

- 9.1** The application has been advertised by neighbour consultation with 355 letters sent to residents and businesses. Press notices and site notices were also posted.

- 9.2** During the first round of consultation 1,148 responses were received, broadly objecting to the proposal on grounds summarised below:
- Phased extraction of minerals has not occurred, and therefore the development would be contrary to Policy HERT4 of the DP.
 - Phased extraction of minerals has not occurred, and therefore re-profiling of the land to the north is not possible.
 - Pressure on healthcare, doctors and dentists.
 - Pressure on education at nursery, primary and secondary level.
 - Lack of infrastructure and utilities.
 - Lack of affordable housing.
 - Loss of Green Belt land.
 - The site should be returned to Green Belt.
 - Loss of agricultural land and impact on food security.
 - Adverse landscape and visual impacts on the countryside setting.
 - The Landscape and Visual Impact Assessment is flawed.
 - Inspector considered this land to be of substantial landscape value.
 - Loss of countryside views.
 - Loss of open space and green space, which is used for recreation purposes.
 - Loss of public footpaths and bridleways.
 - Excessively high density of development.
 - Overcrowding in Bengo.
 - Erosion of the sense of place and character in Bengo.
 - Poor quality design of housing.
 - Sustainable design not adopted (e.g. solar panels, air source heat pumps) and lack of carbon offsetting.
 - Transport Statement and Travel Plan are inadequate.
 - Lack of access to sustainable modes of transport and over-reliance on car travel.
 - Increased traffic.
 - Increased carbon emissions and air pollution.
 - Highway safety concerns on Sacombe Road.
 - Highway safety concerns with new access onto Wadesmill Road.
 - Damage to roads.
 - Lack of pavements does not prioritise pedestrian safety.
 - Lack of cycleways/footways.
 - Lack of parking.
 - Loss of trees.

- Lack of clarity regarding tree and vegetation removal.
- Lack of new tree planting.
- Reduction in biodiversity.
- Adverse impacts on wildlife and protected species.
- Adverse impacts on Local Wildlife Sites.
- Ecology Report is out of date.
- To meet Habitat Regulations an 'appropriate assessment' is required.
- Flood Risk Assessment and Drainage Strategy are inadequate.
- Increased flood risk.
- Lack of drainage.
- Risk of pollution to chalk aquifer and public water supply.
- Lack of geophysical and geological surveys.
- Insufficient water supply.
- Insufficient and out-dated foul drainage in the area.
- Risk of contamination.
- Presence of archaeological remains.
- Increased noise pollution.
- Increased light pollution. A lighting scheme is required.
- Adverse impacts on neighbour amenity.
- Adverse impacts during construction phase (e.g. traffic, parking, air quality, disruption and noise).
- Insufficient capacity for waste collections.
- Increased crime.
- Lack of Section 106 contributions.
- Section 106 contributions do not benefit local residents.
- Residents should be able to rely on previous commitments made by the Council in policy, in the masterplan and in public meetings.
- Housing numbers have increased from 100 to 118.
- Dwellings will be unaffordable for first-time buyers.
- The remainder of Bengo Field will eventually be lost.
- Brownfield land should be used instead of greenfield sites.
- Bengo, Hertford and East Herts has delivered its housing requirement, and therefore new homes are not needed.
- Adverse impact on quality of life and mental health.
- Reduced property values in the area.
- Lack of engagement with community.

9.3 During the second round of consultation 134 responses were received. A number of the matters identified above were raised again during this second consultation. In addition to these, further objections were received on the grounds summarised below:

- Lack of play space.
- The Road Safety Audit is flawed.
- Speed limit should be further reduced.
- Toucan crossing and footway/cycleway would be unsafe for pedestrians and cyclists.
- Footway/cycleway would not connect to other routes and would not be used by residents.
- Toucan crossing and footway/cycleway would not allow trees to be cutback.
- Trees adjacent to toucan crossing and footway/cycleway could be impacted and should not be removed.
- Toucan crossing and footway/cycleway would create noise disturbance.
- Section 106 contributions for education have been changed.
- Section 106 contribution for nurseries has been removed.
- Lack of Section 106 contribution for secondary schools.
- Section 106 contributions will go towards new schools in Ware and not in Hertford.
- Tonwell Primary School is being closed.
- Lack of Section 106 contributions towards the NHS.
- Other doctors surgeries require funding from Section 106 contributions.
- Issues of social cohesion between existing residents and new residents.
- Lack of a Steering Group for the Health Impact Assessment.

9.4 Responses are broadly made by residents from the following addresses. Residents living further afield have also provided responses. However, these addresses are not included in the below table.

Archers Close	Nelson Street
The Avenue	New Road
Balfour Street	North Road

Barley Croft	Nursery Way
Bartletts Mead	Oldhall Street
Bengeo Street	The Orchard
Beetham Court	Owens View
Bengeo Mews	Palmer Road
Boundary Drive	Palmer Close
Buckwells Field	Parker Avenue
Butterfield Drive	Parkhurst Road
Byde Street	Peel Crescent
Chapmore End	Port Hill
Church Road	Port Vale
Courtyard Mews	Redwoods
Cowbridge	Revels Close
Cowper Crescent	Revels Road
Crouchfield	Rib Vale
Crouchfield Lane	River Court
Cumberland Close	Riverside
Danesbury Park	Russell Street
Desborough Close	Sacombe Road
The Drive	Shepherds Court
Duncombe Close	St Leonards Close
Duncombe Road	St Leonards Road
Eleanor Road	Sturla Close
Elton Road	Temple Court
Fanshawe Street	Temple Fields
Farquhar Street	Thornton Street
Garratts Close	Trinity Court
George Street	Trinity Grove
Glebe Close	Wadesmill Road
Glebe Road	Ware Park Road
Gosselin Road	Warren Park Road
Grange Close	Warren Terrace
High Road, Stapleford	Waterford Common, Waterford
High Road, Waterford	Watermill Lane
Hornbeam Close	Watermill Lane North
Ives Road	Wellington Street
Lodge Close	Westfield Road

Lys Hill Gardens	The Wick
Manor Close	Woodhall Close
Mansfield Gardens	Woodhouse Lane
Millmead Way	Woodland Grove
Molewood Road	Vicarage Lane, Waterford

9.5 Comments have been received from other individuals and groups, as summarised below.

9.6 Councillor Alexandra Daar objects to the application on the grounds summarised below:

First Consultation Response:

- The field is very special to local residents and its not the right place for housing.
- The basis on which this land was allocated no longer exists, as the beautiful landscape still exists, following refusal of the mineral extraction.
- The loss of views is most regrettable. Due to the contour of the land, it will not be possible to disguise the houses behind planting.
- There is concern about the risk to drinking water.
- There have been contradictory statements from the Council.
- The roads cannot cope with additional traffic.
- There would be increased air pollution.
- There is a lack of services and facilities available within walking distance.
- The bus stop is too far away from the site.
- Pavements need repairing and roads are too congested meaning walking or cycling would not be encouraged.
- There is concern that the housing mix does not meet local need.
- There are no solar panels.

Second Consultation Response:

- The risk of flooding has not been addressed.
- Issues with the foul water sewage system have not been addressed.
- The cycleways and footpaths are not linked to other cycle paths, so are unlikely to encourage active travel.

- It is questioned what obligations have been given up to create the cycle path.
- Sufficient consideration has not been given to the slowing of vehicles around the site access.
- There are concerns about parking and impacts on roads during construction.

9.7 Councillor Vicky Smith objects to the application on the grounds summarised below:

- There is a risk of pollution to groundwater.
- The negative health impacts of removing this green space are numerous.
- The proposal would not comply with Policy HERT4 of the DP. Given that the appeal for mineral extraction has been dismissed, the proposal would be contrary to the DP.

9.8 Hertford Civic Society comments on the application raising the matters summarised below:

First and Second Consultation Response:

- It is queried whether there is a need for this development, given the number of houses built or approved in the District to date.
- The foul water pumping station should be located outside Source Protection Zone 1.
- Detailed design recommendations are suggested for the foul water pumping station and SUDs.
- The number of affordable rent units should be increased to 75% of the total of affordable homes.
- The affordable homes should be more widely spread across the development.
- The need for flats in this development is questioned.
- Pedestrian and cycle access to the town should be improved by provision of a shared use path on the western side of Wadesmill Road.
- The developer should consult with the local bus operator regarding provision of necessary access to the site.
- A TRO to reduce speed along Wadesmill Road is required.
- Flooding on Sacombe Road needs to be addressed.

9.9 CPRE Hertfordshire: comments on the application raising the matters summarised below:

- An opportunity has been lost to provide an exemplar development. The loss of Green Belt should be mitigated by the expectation of more than a repetition of standard units.
- Many of the proposed houses would not be affordable for average income households.

9.10 The Bengeo Neighbourhood Area Plan Group objects to the application on the grounds summarised below:

First Consultation Response:

- Gravel extraction, which would have allowed for reprofiling of land, has not occurred. The proposal is not in line with the development plan, as phased extraction of gravel has not taken place.
- Views mentioned in the Neighbourhood Plan would not be available or would be negatively impacted.
- The Neighbourhood Plan suggests that the land may be included as Local Green Space, as the lower field is more used by local people due to its proximity to housing and ease of access.
- There would be a negative impact on health and wellbeing of the community, as the land is much used for recreation by local people, as demonstrated in surveys.
- The risk to groundwater is a significant threat.
- The Landscape and Visual Impact Assessment is flawed.
- Blocks of flats greater than the two storey in height would be difficult to mask with trees and would be incongruous to the local built form.
- The development would add pressure to local roads. Without improvements to pavements, it is unlikely residents would walk or cycle.
- There would be increased pressure on local infrastructure, including: schools, GP services, sewage system and power supply.
- The developer is urged to include solar panels on houses.
- The design should be amended so that the road does not cross the byway.

- A path should be included linking byway 001 to footpath 024 and restricted byway 009.
- Skylarks nest in the field. A study is required to assess the risk to this species.
- The developer should take measures to deliver the appropriate balance of affordable housing and these should be peppered throughout the site.
- Byway 001 should be useable throughout the build.

Second Consultation Response:

- The Health Impact Assessment is disappointing, as it is very minimalistic. The assessment does not explain how stakeholder engagement has taken place. There has been no attempt to scope health impacts on the local community.
- The developer should show how impacts on local infrastructure and poor parking during construction would be avoided.
- Health walks through the field will be disrupted. The developer should explain how this would be avoided.
- There would be health impacts resulting from residents being further away from accessible open green space.
- The developer should show how risks to the foul drain network would be mitigated.
- A lighting scheme is required.

9.11 Save Bengo Field objects to the application on the grounds summarised below:

First Consultation Response:

- Bengo Field is very special to residents because of its unique views, easy access for leisure, its openness and its rolling nature.
- The current application is effectively an addition of 20% more homes than the developer previously consulted on.
- The Landscape and Visual Impact Assessment is flawed. Once the houses are built, it will be impossible to hide them despite the promised mitigation and views would be lost forever. The landscape value is very high and would be destroyed by the development.

- Loss of views would be further impacted by the building of blocks of flats of above two storeys. This does not match the style of housing in Bengoe and would change the appearance of Bengoe when viewed from a distance.
- Views identified in the Neighbourhood Plan would no longer be available or would be negatively impacted.
- The development would have a negative impact on the health and wellbeing of the community, with the loss and disturbance of an important local resource (the byway) used for recreation.
- Use of the byway would be disrupted during construction.
- The developer has not proved that they can feasibility avoid contaminating the public water supply.
- Residents expect that because the quarry has been rejected the housing development would not go ahead. To go against this would undermine democracy.
- There would be an impact on the overburdened and out-dated foul water sewage system.
- There is concern about surface water drainage arrangements.
- The access off Wadesmill Road would have highways safety implications.
- Concerns regarding additional strain on overstretched traffic/highway system.
- There is little evidence of active travel. There are not a range of local amenities, services and shops within walking distances.
- There are no new doctors, dentists or other amenities planned.
- The development would have a detrimental effect on school places for local families.
- There has been a lack of transparency and genuine engagement with local residents.
- The site should be returned to the Green Belt.
- The developer should take measures to provide the correct balance of affordable housing and this should be peppered throughout the site.
- It is disappointing not to see solar panels on the houses.

Second Consultation Response:

- The proposed development contravenes Policy HERT4 of the DP, as the mineral extraction has not taken place.

- The Health Impact Assessment does not address the objections about the impact on resident's health and wellbeing.
- Increased traffic would cause air pollution.
- There are risks of flooding on Sacombe Road.
- Concern that Section 106 Contributions would go towards the planned schools in Ware.

9.12 Watermill Estate Residents Association objects to the application on the grounds summarised below:

First and Second Consultation Responses:

- Bengo Field is of amenity and landscape value.
- The site was only considered suitable for development after gravel extraction. Gravel extraction was rejected, which means that the land should not be built on.
- There are insufficient school places.
- There are insufficient health services.
- The highway system would struggle to cope with the volume of traffic.
- The idea of encouraging buses is commendable, but there are not enough services to make this convenient.
- The flood and drainage systems are inadequate.

9.13 Kingsmead Residents Association objects to the application on the grounds summarised below:

- The field is of high amenity value to the community.
- The field is no longer likely to be used for mineral extraction, and therefore should be returned to Green Belt.
- Further strain would be placed on schools.
- Further strain would be placed on health services.
- There is concern regarding possibly contamination of drinking water.
- The sewage system is at capacity and there could be further environmental damage.
- Increased traffic and highway safety concerns.

9.14 North East Herts Swift Group comments on the application raising the matters summarised below:

- Swift bricks and bat bricks should be secured via condition.

9.15 Hertford Swift Group comments on the application raising the matters summarised below:

- Swift bricks should be secured via condition.

10.0 Consideration of Issues

Principle of Development

Development Strategy

10.1 The overall development strategy in the East Herts District Plan 2018 is summarised in DP 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. DP Policy DPS2 sets out the Council’s approach to delivering the development strategy across the District. Sites that are considered urban extensions form part of the development hierarchy for delivering the needs of the District.

10.2 In order to achieve the housing targets, referenced at DP Policy DPS1. The District Plan removed a number of strategic sites from the Green Belt, so to enable them to be allocated for residential development. Included as one of these strategic sites is Land North of Hertford, which is



allocated, under DP Policy HERT4, to accommodate a minimum of 150 homes. The full site allocation is show in the hatching on below. The site allocation is split into two (Phase 1 and Phase 2).

10.3 Phase 1 relates to the southern part of the site allocation and DP Policy HERT4 required around 50 homes to be provided on this site.

This part of the site allocation has already been granted planning permission for 52 units, under reference number: 3/19/1826/FUL. This development has been completed and the homes are understood to be occupied. Phase 2 concerns the northern part of the site allocation, with DP Policy HERT4 outlining that around 100 homes should be provided on this land.

- 10.4** Land within this current application site forms Phase 2 of the site allocation. The allocation of this land for residential development, as set out in the DP, means that the principle of housing development has been established on the site. Therefore, the proposed development of the site for 118 dwellings would be acceptable in-principle and would align with the Council's overarching strategy for meeting identified housing needs, in accordance with DP Policies DPS1, DPS2 and HERT4.
- 10.5** Significant responses have been received from the public, local stakeholders, Ward Councillors and local amenity groups raising concern about the principle of the development and suitability of the site to provide housing citing concerns about loss of part of the field (alongside other matters). These concerns were comprehensively addressed at the allocation phase in determining the suitability of the site (to establish the principle of development) which formed a part of the adoption of the District Plan. The site now forms a part of the Spatial Strategy for development in the District. As such, the principle of development of the site to deliver housing has been established in the policy and the current application under assessment is being considered on the basis of whether it complies with the site specific DP Policy HERT4 and other detailed policies in the District Plan, Neighbourhood Plan and supplementary planning guidance, including the NPPF.
- 10.6** Whilst the principle of development is established through the site allocation and District Plan process, the proposals subject to this planning application are still required to comply with the criteria set out in DP Policy HERT4, alongside a raft of other relevant policies and planning guidance set out in this report. Assessment against these

criteria will be undertaken throughout this report. The full wording of DP Policy HERT4 is provided below:

- I. Land to the north of Hertford is allocated as a residential development site to accommodate a minimum of 150 homes, with around 50 dwellings being provided to the north of Sacombe Road by 2022; and, subject to the satisfactory previous phased extraction of mineral deposits on the neighbouring site, around 100 homes to the west of B158 Wadesmill Road between 2022 and 2027.
- 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 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) 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;
 - (d) necessary new utilities, including, inter alia: integrated communications infrastructure to facilitate home working;

- (e) 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 and enhanced passenger transport services;
- (i) protection of all public rights of way (including, inter alia, the protection of the restricted byway) 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 and provides 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;
- (m) measures to ensure that any impact on wildlife within the site and at the nearby Waterford Heath nature reserve is successfully mitigated;

(n)the delivery of all other necessary on-site and appropriate off-site infrastructure; and

(o)other policy provisions of the District Plan and relevant matters, as appropriate.

Masterplan Framework

10.7 DP Policy DES1 requires all ‘significant’ development proposals to be underpinned by a Masterplan, which sets out: the quantum and distribution of land uses, access, sustainable high-quality design and layout principles, necessary infrastructure, the relationship between the site and other adjacent/nearby land uses, landscape, heritage considerations and other relevant matters. DP Policy HERT4 reflects this requirement outlining that a Masterplan will be collaboratively prepared for the site, involving site promoters, landowners, East Herts Council, Hertfordshire County Council, Hertford Town Council and other key stakeholders. This policy also notes that the Masterplan will be informed by public participation.

10.8 In accordance with DP Policies DES1 and HERT4, a Masterplan was prepared for the site and this was endorsed by the Council as a material consideration for development management purposes in 2022. In order to produce the Masterplan, the site promoters engaged with EHDC officers in numerous meetings, which helped shape the high-level proposals for the site. In addition, meetings were undertaken with the Shaping Hertford Steering Group, which included District, County and Town Council members and officers, alongside representatives from the Hertford Civic Society and residents group. The Shaping Hertford Steering Group meetings allowed for open debate of issues, which informed the emerging Masterplan.

10.9 The site promoter also undertook a private public consultation on the Masterplan running between 30 August and 14 September 2022. This consultation exercise included an in-person event and a dedicated website was created to enable communication with the site promoter. This consultation was advertised by the site promoter

through a postcard drop and by advertisement in the local press, as well as on social media.

10.10 Officers consider that the Masterplan has been produced for the site in line with the requirements of DP Policy DES1 which was informed by discussions with officers and meetings with the Shaping Hertford Steering Group. The creation of the Masterplan also involved public participation. As such, the requirements of DP Policies DES1 and HERT4, relating to Masterplanning, have been fully satisfied.

10.11 Below is a key image from the endorsed Masterplan. DP Policy DES1 sets out that any application on this site should be assessed against its contribution to the Masterplan. Throughout this report, officers will consider this current full application against the requirements of the Masterplan.



Housing Delivery

10.12 As already noted, DP Policy DPS1 outlines that the Council will provide a minimum of 18,458 new homes in the District, over the plan period (2011 – 2033). DP Policy DPS3 lists the housing sites across the District that will be delivered to achieve this target. In addition to this, Section 5 of the NPPF emphasises that the government maintains the objective of ‘significantly boosting the supply of homes’.

- 10.13** The provision of 118 homes on this site will assist the Council in reaching the housing target for the plan period. Furthermore, the importance of delivering this site allocation is clear, given that it is identified in DP Policy DPS3 as a site that will contribute towards achieving the supply of 18,458 new homes in the plan period. Therefore, the housing development on this allocated site will make an important contribution to support delivery of the overall development strategy across the District. This would align with the government's aim of boosting housing supply, as set out in the NPPF. This housing provision (including the affordable housing) is a material consideration of significant public benefit.
- 10.14** It has recently been concluded through an appeal decision (appeal reference number: APP/J1915/W/24/3340497) published 22 August 2024 that the Council cannot currently demonstrate a five-year housing land supply (5YHLS). This appeal decision states that the Council can only evidence between 4.20 and 4.49 years housing land supply (4,671 dwellings). If the allowed appeal scheme is included, this would increase the housing land supply to between 4.42 and 4.72 years. The Planning Inspector acknowledged that this was a snapshot in time and the Council is reviewing its position on housing land supply. Nonetheless, the current position is that the Council is not able to demonstrate the delivery of enough homes over the five-year period to establish a 5YHLS, and the supply policies including the Development Strategy set out in DPS2 and GBR2 are out-of-date.
- 10.15.** It is important to note that the Planning Inspector included Phase 2 of the HERT4 site allocation within the total of 4,671 dwellings to be deliverable over the 5-year period. Consequently, if the application was to be refused or delayed, the Council's 5YHLS would be further reduced, which would result in the tilted balance being applied across the District for potentially a longer period. The further consequence of not having a five-year supply of housing sites is that it generally enables the potential for submission (and approval) of speculative development schemes, which sit outside of the Council's Spatial Strategy (ie: outside settlement boundaries, or on unallocated land) and would otherwise not be supported, in accordance with the Development Plan. Officers consider that it is important to maintain

and facilitate the delivery of the Development Strategy, as set out in the District Plan by supporting applications for development on allocated sites, where they meet the relevant policy requirements. Phase 2 of the HERT4 site allocation will make an important contribution to the Council's supply of housing at a time when it has been found that the housing supply is less than 5 years. This factor is a significant material consideration.

- 10.16** As outlined above, the consequence of not having a 5YHLS, with regards to considering planning applications, is that paragraph 11(d) of the NPPF is engaged. Paragraph 11(d) outlines that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. This means that the 'tilted balance' and 'presumption in favour of sustainable development' are applicable to the consideration of this application.
- 10.17** A number of local residents have outlined that Phase 2 of the HERT4 site allocation is not required, as East Herts, Hertford and the Bengoe Area have delivered their housing quota in recent years. These comments are noted, however the current lack of a 5YHLS is a clear indication that housing targets over the five-year period are not currently expected to be fully met across the District. Notwithstanding this, Phase 2 of HERT4 has been identified in the District Plan for a number of years as a development to come forward, as part of delivering the overall housing needs and development strategy for the District.
- 10.18** Some local residents have also suggested that brownfield land should be used for housing growth, instead of greenfield sites. These comments are acknowledged, however there are very few brownfield sites across the District that are capable of delivering a significant number of housing units. Due to this, land was released from the Green Belt through the District Plan process, so to enable it to be allocated for housing development. HERT4 is one of these sites that was released from the Green Belt, when the District Plan was adopted in 2018.

10.19 Officers note that several local residents have questioned why this scheme proposes to deliver 118 homes, rather than the 100 dwellings, referenced in the DP. Whilst these comments are noted, DP Policy HERT4 is clear that the overall site allocation (Phase 1 and Phase 2) should accommodate a 'minimum' of 150 homes. Furthermore, this policy outlined that Phase 2 should supply 'around' 100 homes. The wording of this policy was specifically set to allow some flexibility on the number of dwellings proposed. Given this, officers have no in-principle objection to the delivery of 118 homes on the site, subject to other considerations. The uplift in the housing numbers can be viewed as a significant positive material consideration, which would align with the government's objective of boosting housing supply.

10.20 Overall, the provision of 118 homes on this allocated site would assist the Council in meeting housing needs across the District and would support the implementation of the development strategy, as set out in the DP. The lack of a 5YHLS further emphasises the need to deliver housing. The housing supply on this site is a material consideration of significant positive weight in the overall planning balance. The provision of 47 x affordable homes is also afforded significant positive weight.

Phased Policy Approach

10.21 DP Policy HERT4 sets out the envisaged phased approach to the delivery of this site allocation. The wording of the policy is provided below:

- Land to the north of Hertford is allocated as a residential development site to accommodate a minimum of 150 homes, with around 50 dwellings being provided to the north of Sacombe Road by 2022; and, ***subject to the satisfactory previous phased extraction of mineral deposits on the neighbouring site***, around 100 homes to the west of B158 Wadesmill Road between 2022 and 2027.

10.22 Officers have consulted the Planning Policy Team for further comments on the background to the site allocation and the District

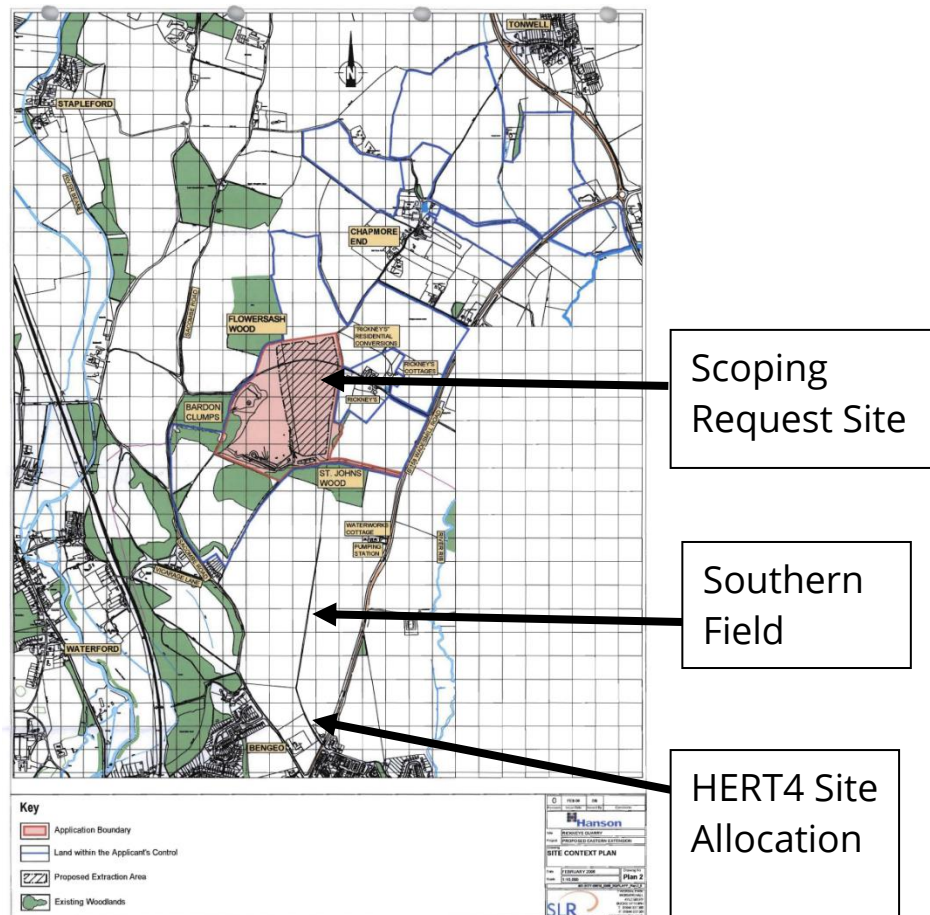
Plan adoption process. The Policy Team have provided a comprehensive summary of the context, which is further summarised in the consultation section of this report. Officers have considered the policy representations carefully in forming a judgement on the weight to be given to the phased nature of the policy at the time of considering the planning application.

- 10.23** In broad policy terms, this phased approach enabled Phase 1 of the site allocation to progress shortly after adoption of the District Plan in 2018. Whereas, at the time of adopting the District Plan and the lead-in, it was anticipated that mineral extraction would occur on the neighbouring land to the north of the site allocation (Preferred Area 2) in the early years of the District Plan post adoption. The Policy was worded to enable Phase 2 of HERT4 to come forward after the extent of gravel and sand had been extracted from the land to the north. This mineral extraction within Preferred Area 2 was allocated in the adopted Minerals Local Plan (Review 2002 – 2016) for sand and gravel extraction and so the District Plan made an allowance for this to occur in advance of Phase 2 of HERT4.
- 10.24** It is recognised that the phasing of the site delivery would have enabled the optimum amount of mineral deposits to be extracted from Preferred Area 2 and were there no phasing in the policy, conflicts were possible between the extraction works and housing development. This is because a buffer is required between mineral extraction activities and residential uses. If Phase 2 were to have been developed, prior to mineral extraction, then the buffer between housing and extraction activities would have extended further to the north into Preferred Area 2, limiting the level of extraction that could occur. Whereas, the delaying of Phase 2 would have enabled the buffer to the housing to have been further to the south, facilitating mineral extraction on additional land to the south. As such, the phased approach enabled extraction to take place over a greater area of land, maximising the extraction of mineral deposits.
- 10.25** In addition to the above, Officers acknowledge that following the extraction of minerals from the southern land as planned at the time, this would have provided an opportunity and requirement to

reprofile the neighbouring land, in order to restore the landscape and to form an appropriate landscape setting to facilitate the development of Phase 2 of the HERT4 allocation. It is understood that the phased approach would have also enabled re-profiling works of land to the north, following extraction, to have been planned and implemented in conjunction with Phase 2 of HERT4. In this scenario, it was envisaged that re-profiling works would have been used to assist in reducing the landscape impacts of the development, which would have been apparent given the immediate proximity and relationship of the housing with the extracted land. Notwithstanding the impacts on the landscape from potential extraction on the neighbouring site, there is no policy requirement within DP Policy HERT4 for re-profiling of land to occur. The wording to the HERT4 policy (j) requires landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate and provides a defined, recognisable boundary to the Green Belt. Any reprofiling (of the minerals site) following extraction would have been subject to the minerals and waste submission, which would have needed to consider the impact of the housing development.

10.26 The above paragraphs provide the background to the phased nature of DP Policy HERT4. Whilst this context is noted, the phasing, as envisaged in the policy, is no longer deliverable or feasible, due to circumstances that have arisen in recent years. Firstly, although officers acknowledge that Preferred Area 2 remains as a site allocation in the adopted Minerals Local Plan (for the period 2002-2016), the emerging draft versions of this plan have, since 2017, not identified Preferred Area 2 for mineral extraction. This indicates that the strategy to plan for mineral extraction across all or part of Preferred Area 2 may not be advanced by HCC going forward. This in part is likely to have been strongly influenced by the two refused applications for mineral extraction on Preferred Area 2 (reference numbers: PL\0776\16 and PL\0870\17) refused by the Minerals and Waste Planning Authority (at HCC). The first of these applications was also subsequently dismissed at appeal and was referred to the Secretary of State for decision.

10.27 Officers consider it is a significant factor that the owners of the southern section of Preferred Area 2 (which comprises the neighbouring land to the north of the current application site) have indicated in a consultation response to the Draft Minerals and Waste Local Plan ***that this area of land is not available for mineral extraction***. Consequently, the current submission by the owners of the northern field (adjacent to Rickney's Quarry) to secure an EIA Scoping Opinion omits the entire southern field within the Preferred Area 2. This is shown in the image below. This would suggest that it is no longer the intention to extract minerals from land neighbouring/adjacent to HERT4 Phase 2.



10.28 When regard is had to the refused applications, the representations from landowners and the emerging mineral strategy, officers consider it unlikely that mineral extraction will occur in the area neighbouring the application site directly to the north, in the near future. Extraction will not occur within the timeline envisaged by the DP Policy HERT4 or the Development Strategy, which planned for Phase 2 to be delivered between 2022 and 2027. Therefore, the

phased nature of the site allocation, as set out in DP Policy HERT4, is no longer considered to be deliverable or necessary.

- 10.29** Noting that minerals extraction will not take place in accordance with the timeline of the DP Policy HERT4 policy, and there remains significant doubt whether any extraction will occur in the neighbouring land. The policy does not implicitly state that housing will not be permitted in the scenario that exists today, which is the scenario outlined in this report. The policy also does not include a restriction on developing phase 2, if no extraction occurs on the neighbouring land. It is understood this restriction may not have been accepted by the Inspector under examination of the District Plan, as the allocation may have been undeliverable in this scenario (where extraction never occurred on the neighbouring land).
- 10.30** In light of the uncertainty of the extraction proposals to the north of the HERT4 site, officers have given careful consideration to the weight given to the phased approach to the policy and whether this aspect of the policy is justified, necessary or relevant anymore. As already advised, the phased approach to the policy was devised, in order to allow the optimisation of mineral extraction at Preferred Area 2. Given that extraction on the neighbouring land is now unlikely to be undertaken, officers consider there is no need to consider the position or allowance for the buffer between housing and mineral extraction activities. In addition, the absence of permission to permit mineral extraction means that the requirement to facilitate the maximisation extraction of mineral deposits is no longer relevant. Given this position, officers consider that the phased approach to the site allocation is no longer required, necessary or justified. This assessment is further backed up by the comments from HCC Minerals and Waste Team, who have not objected to the proposals and have not insisted on mineral extraction being undertaken at Preferred Area 2, prior to the housing development.
- 10.31** Concerns have been raised in the consultation responses citing the lack of reprofiling of land before Phase 2 is constructed. This is referred to in the Planning Policy Officer's representations and in the paragraphs above in the background context to the formulation of

the policy and was subject to examination as part of the District Plan adoption. The phased approach to the site allocation could have enabled reprofiling of the land to the north of the application site following mineral extraction, as proposed in the refused Minerals and Waste submissions. It is understood that re-profiling was recommended to restore the land subject to minerals extraction, reduce the landscape impacts of the development and improve the Green Belt boundary/settlement edge. Whilst these intentions are acknowledged, the policy criterion within DP Policy HERT4 does not require re-profiling of neighbouring land to mitigate the impact of development (of Phase 2) or to perform a specified landscape intervention to the Green Belt boundary regarding land levels. It is also considered that reprofiling is no longer a requirement on the southern parcel as this land will not be subject to extraction works. The requirement in the DP Policy HERT4 (j) requires landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate and provides a defined, recognisable boundary to the Green Belt. As such, subject to the requirement in DP Policy HERT4(j) being met, there is no policy basis to impose a further requirement to re-profile the neighbouring land adjacent to the application site, as a precursor to the housing scheme.

- 10.32** It is noted that local residents and local groups have referred to a Statement of Common Ground from 2017 and a report from 2019 relating to the Masterplan for Phase 1 of the HERT4 site allocation. Both of these documents outline that Phase 2 of the HERT4 site allocation should not progress, if mineral extraction is not undertaken. Officers recognise that the statements set out in these documents will not be followed through, if Phase 2 is constructed even if minerals extraction was not to occur. This remains a significant concern for residents. However, the status of these documents is such that they formed part of the evidence and justification to the policy. The statements are not legally binding and the commitments therein constituted the current position of the Council at that time. Officers consider that, in light of the subsequent changes in circumstances comprising the refused minerals and waste submissions, the deallocation of the minerals site in the Draft M&W

Local Plan and subsequent confirmation from the owners of the southern field noting that this site will not be promoted for extraction that the statements contained in the SoCG and the content in the Phase 1 Masterplan have been overtaken by events and no longer apply to the proposed development of Phase 2. The documents themselves do not comprise material considerations that hold sufficient weight in the determination of a planning application. As required by Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act (1990), this decision should be made in accordance with the development plan, unless material considerations indicate otherwise. In this instance, the most relevant development plan policy is DP Policy HERT4, which does not require re-profiling of land to be undertaken, prior to housing development.

- 10.33** In summary, officers consider that the phased approach to the site allocation, as set out in DP Policy HERT4, is no longer necessary, required or justified. Mineral extraction is not likely to occur on neighbouring land in the near future, and as such the requirement to maximise extraction of mineral deposits is not relevant. Furthermore, there is no policy requirement for re-profiling of neighbouring land, prior to housing development. Therefore, there is no policy basis or reason to require mineral extraction, in the advance of this residential scheme. Officers consider that the weight given to the phased nature of the policy should be significantly tempered/reduced, as the minerals and extraction proposals have been overtaken by events, which means they should not determine the phasing of the site any longer. Notwithstanding this position, the primacy of DP Policies DPS1, DPS2, DPS3 and HERT4 is to deliver sufficient homes to meet identified housing needs in the District. Officers consider that this priority should be attributed significant weight in the overall planning balance. This is given further weight at the current time as the Local Planning Authority cannot demonstrate a five-year supply of housing.

Green Belt and Local Green Space

- 10.34** The majority of the application site was removed from the Green Belt, through adoption of the DP. However, a strip of land along the

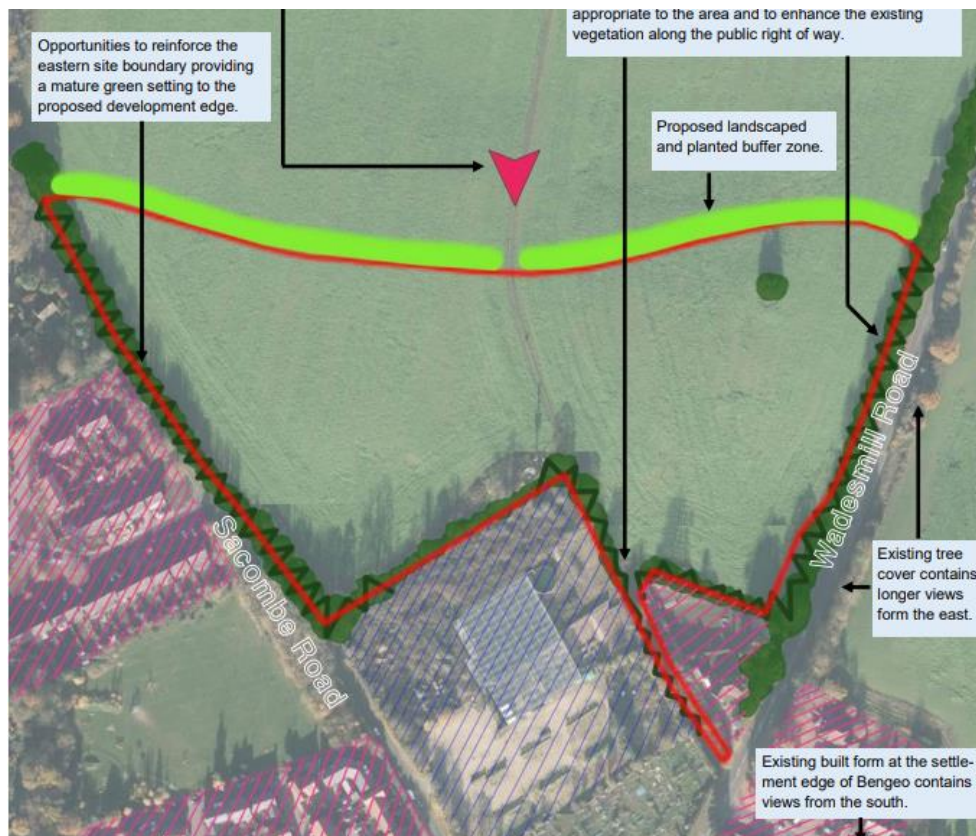
northern site boundary remains in the Green Belt, as shown in the image below. The eastern side of this strip of land is also within a Local Green Space (LGS), as identified in the NP. Paragraph 154 of the NPPF outlines that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, this paragraph, together with paragraph 155 of the NPPF, do identify some exceptions to this. NP Policy HBN1 also states that development within LGS 'will only be permitted where exceptional circumstances can be demonstrated'. DP Policy CFLR2 outlines that development in LGS will only be permitted if it is consistent with the function, character and use of the LGS.



10.35 It is clear from the image above that the housing development would be undertaken outside of the Green Belt and LGS. As such, no buildings would be constructed in the Green Belt or LGS. Whilst this is acknowledged, it is evident that the native tree and shrub buffer would be planted beyond the site allocation and within the Green Belt and LGS. This is noted. However, the planting of trees and shrubs does not constitute 'development', meaning that it does not require planning permission. On this basis, the planting would not constitute inappropriate development in the Green Belt or LGS. As such, there

would be no conflict with Section 13 of the NPPF, DP Policies GBR1 or CFLR2, nor NP Policy HBN1.

10.36 Notwithstanding this position, the endorsed Masterplan and DP Policy HERT4 both allow for planting within the site and 'periphery'. An image from the Masterplan is provided below to illustrate this. Therefore, the principle of a native tree and shrub buffer beyond the site allocation boundary accords with the Masterplan and DP Policy HERT4. Furthermore, the native tree and shrub buffer would deliver other benefits, in terms of creating a defensible boundary to the urban area of Hertford and providing screening of the development. These benefits will be discussed further in a latter part of this report.



10.37 Officers do note that a small part of the path in the north-western corner of the site would extend into the Green Belt. Therefore, this element of the proposal must be considered under paragraphs 154 and 155 of the NPPF. Paragraph 155 at (b) does allow for 'engineering operations' in the Green Belt. It is well established that the laying of hardstanding equates to 'engineering operations' for the purposes of Green Belt considerations. As such, the installation of this small stretch of path would fall within the scope of paragraph 155(b) of the NPPF. While this is acknowledged, paragraph 155 is clear in that

'engineering operations' must preserve openness and should not conflict with the purposes of the Green Belt.

10.38 The laying of this path would not involve the addition of any above ground structures. Due to this, officers do not consider that the openness of the Green Belt would be compromised. In terms of the purposes of the Green Belt, these are identified at paragraph 143 of the NPPF. The majority of these purposes are not entirely relevant to this element of the proposal, however officers acknowledge that (c) states that the Green Belt should 'assist in safeguarding the countryside from encroachment'. In this instance, the path would be to the south of the tree buffer, and consequently would be viewed as part of the housing development. Noting this, and given the only marginal protrusion into the Green Belt, officers do not consider that this minor stretch of path would result in encroachment into the countryside. Overall, this path would equate to an 'engineering operation', which would preserve openness and would not conflict with the purposes of the Green Belt. As such, the installation of this path would not represent inappropriate development in the Green Belt and would not be contrary to DP Policy GBR1 or Section 13 of the NPPF.

10.39 A number of local residents have referred to paragraph 4.68 of the NP, which states that:

- 'if development of approximately 100 homes within HERT4, which is subject to the satisfactory previous phased extraction of mineral deposits has not received planning permission and is removed from the District Plan as a Strategic Site Allocation, the Neighbourhood Plan would seek to extend LGS1 (Land at Bengoe Field) by a further 2.7Ha through a review of the Neighbourhood Plan. This would include land to the east of restricted Byway 1, north of Glenholm and west of Wadesmill Road i.e. land currently forming part of HERT4'

10.40 Whilst this extract from the NP is acknowledged, the Planning Policy Officer has explained that 'it is beyond the scope of the Neighbourhood Plan to take any policy decisions relating to the East Herts District Plan going forward, particularly in relation to any

removal of a strategic site allocation'. Officers agree with this statement. Phase 2 of HERT4 remains a site allocation in the District Plan and is identified at DP Policy DPS3, as part of the housing supply to meet housing targets. Therefore, this application must be considered against currently adopted policy, which includes Phase 2 as a strategic site allocation. This means that the recommendation set out in paragraph 4.68 of the NP holds no weight in the assessment of this current application.

Affordable Housing and Housing Mix

Affordable Housing

- 10.41** The District Plan acknowledges that affordability of housing is a key issue across the District. To address this, DP Policy HOU3 seeks to secure up to 40% affordable housing on sites proposing 15 or more gross additional dwellings. This policy notes that a mix of tenures will be expected, taking into account up-to-date evidence on housing need. Affordable housing should also be of similar design quality to private housing and integrated evenly throughout the site.
- 10.42** This scheme would supply 47 affordable homes, which equates to 40% of the overall proposed housing provision. Therefore, the proposed development would provide a sufficient number of affordable units to satisfy the requirements of DP Policy HOU3. The delivery of a policy compliant quantity of affordable homes is a material consideration of significant benefit, which weighs in favour of the overall scheme. The provision of 47 affordable homes is afforded significant weight at this time, given that there has been an under-delivery of affordable housing in the District.
- 10.43** The District Plan and the Strategic Housing Market Assessment (SHMA) suggest that within the overall affordable housing provision the tenure split should be 84% affordable rent and 16% intermediate housing (shared ownership). Whilst this is noted, the Council's Affordable Housing SPD acknowledges that paragraph 66 of the NPPF requires major schemes to make at least 10% of the total number of homes across the site available for affordable home ownership (shared ownership). Given that this 10% figure relates to the total

number of proposed dwellings on the site, not just the affordable proportion, the expectation to provide affordable home ownership is greater than as set out in the SHMA and DP. Noting this, the Affordable Housing SPD explains that the Council has now updated the position and will require an affordable housing tenure split of 75% affordable rent and 25% shared ownership.

10.44 This proposed scheme would deliver 33 units for affordable rent and 14 shared ownership units. This represents a 70% - 30% tenure split. The EHDC Housing Officer does not deem this split to be acceptable, as it would not fully accord with the updated requirements of the Affordable Housing SPD. This marginal shortfall against the recommended tenure split is acknowledged. However, officers consider the development will provide wider benefits as a result of the overall housing mix, which will deliver a policy compliant 40% affordable housing provision and will also deliver a good proportion of family-sized affordable units in houses (rather than entirely flatted units). These benefits are significant as they provide affordable housing at a time when there has been an under delivery of affordable housing when measured against the housing trajectory, and are considered to outweigh the marginal non-compliance with the preferred tenure split in the Affordable Housing SPD. Therefore, overall, officers consider that the tenure split would, on balance, be acceptable.

10.45 In terms of the type and size of affordable units proposed, the original scheme included a significant number of affordable flats and an insufficient number of affordable family-sized homes. The EHDC Housing Officer raised strong objections to this initial mix, explaining that there has been an over-provision of affordable flats throughout the District, when the greatest need is for three-bedroom houses. Noting these comments, officers have negotiated an improved affordable housing mix, which comprises a greater number of three-bedroom affordable homes (including as houses rather than flats) and a reduced quantity of affordable flats. The EHDC Housing Officer, in their latest comments, has welcomed the increase in affordable family-sized units. The amendments to the affordable housing mix are shown in the tables below. Officers now consider that the altered

affordable housing mix is acceptable, as the scheme would deliver a good variety of affordable unit sizes, whilst prioritising the provision of three-bedroom affordable units, which are in high demand in the District.

- 10.46** It is noted that the EHDC Housing Officer is disappointed to see the increase in two-bedroom flats. However, when regard is had to the overall affordable housing mix, officers do not consider that an excessive number of two-bedroom affordable flats is proposed. Therefore, the provision of a modest number of two-bedroom affordable flats would be acceptable and would contribute to the provision of an appropriately varied affordable housing mix.

Originally Proposed Affordable Housing Mix

Dwelling Type	Affordable Rent	Shared Ownership	Total
1-Bedroom Flats	16	0	16
2-Bedroom Flats	4	0	4
2-Bedroom Houses	2	4	6
3-Bedroom Houses	9	10	19
4-Bedroom Houses	2	0	2

Amended Affordable Housing Mix

Dwelling Type	Affordable Rent	Shared Ownership	Total
1-Bedroom Flats	4	0	4
2-Bedroom Flats	8	0	8
2-Bedroom Houses	2	4	6
3-Bedroom Houses	17	10	27

4-Bedroom Houses	2	0	2
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- 10.47** The affordable rent houses would be provided as house types B, C, D and Q, while the affordable rent flats would be delivered in the apartment blocks on the eastern side of the site. The shared ownership units would be provided as house types A and C. Officers consider that the proposed eastern apartment block would incorporate similar design features and materiality to other dwellings on the site. In addition, the proposed house types for the affordable houses would be of comparable design and appearance to the house types intended for the market housing. Therefore, it is considered that the development would be 'tenure-blind', as required by District Plan Policy HOU3.
- 10.48** The EHDC Housing Officer has questioned the integration of the affordable units into the development. The site plan below shows that affordable units would be provided on both the eastern and western parcels. Therefore, officers consider that there would be some spreading of affordable units across the site. Notwithstanding this, it is accepted that the affordable units would, to some degree, be supplied in clusters. This is acknowledged, however the overall delivery of a substantial number of affordable homes on the site means that there would inevitably be some clustering of affordable units. Furthermore, officers are aware that registered providers generally prefer affordable units to be grouped, as this assists with management arrangements. Noting these observations, and given that there has been some spreading of affordable units across the site, it is considered that an appropriate balance has been struck between 'pepper-potting' the affordable units and delivering affordable homes that meet the requirements of registered providers. Consequently, the integration of affordable units into the development is considered acceptable.



10.49 In summary, while the EHDC Housing Officer has some reservations regarding the affordable housing offer, officers consider that the provision of 40% affordable housing and the delivery of a varied affordable housing mix, including a significant number of three-bedroom houses, are material considerations of significant benefit. The marginal conflict with the tenure split guidance in the SPD and clustering arrangement are minor factors and these do not weigh heavily against the overall benefits to be attributed to the provision of affordable housing, which are significant overall. It was recognised in the recent Appeal decision (appeal reference number: APP/J1915/W/24/3340497) published 22 August 2024 that there had been an under-provision of affordable housing in the District and that the appeal scheme would provide a substantial contribution towards the deficit. The application scheme will further contribute towards the delivery of affordable housing at a time where there is a shortfall adding to the significance of this benefit within the planning balance. Therefore, overall, the affordable housing provision would be acceptable and would broadly comply with DP Policies HERT4 and HOU3. This affordable housing delivery attracts significant positive weight in the overall planning balance. The affordable housing provisions can be secured through the Section 106 legal agreement.

Housing Mix

10.50 DP 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’.

- 10.51** The proposal seeks to deliver a variety of dwelling sizes/types, ranging from one-bedroom flats up to five-bedroom houses. Within this mix, the scheme proposes a significant number of three-bedroom and four-bedroom houses. Provision of these family-sized units is supported by officers, as these are the dwelling types in highest demand across the District, as set out in the SHMA. Therefore, the proposed housing mix would directly address the identified housing needs in the District. In addition to the family-sized units, the scheme would still deliver a good level of smaller units, meaning that, overall, an appropriate range of dwelling types would be supplied. Consequently, the proposed housing mix would be acceptable, with a suitably mixed and balanced community created, in line with DP Policies HERT4 and HOU1.
- 10.52** DP Policy HOU7 requires major sites to provide units which meet the changing needs of residents and society over their lifetime. This policy notes that all new residential development should meet the Building Regulations Requirement M4(2): Accessible and Adaptable Dwellings. While on sites proposing 11 or more dwellings, a proportion of the dwellings will be expected to meet Building Regulations Requirement M4(3): Wheelchair User Dwellings.
- 10.53** The applicant has, in their Planning Statement, confirmed that the majority of the proposed dwellings would meet M4(2) standards. However, the lower ground floor flats in apartment block 1 – 12 would not meet M4(2) standards, as level access cannot practicably be provided. Furthermore, the upper floor flats cannot fully comply with this Building Regulation Requirement, without lifts being installed. Officers consider that it would be unreasonable to require the provision of lifts to serve only a minimal number of upper floor flats. In addition, the land levels adjacent to apartment block 1 – 12 means that there are practical reasons why M4(2) compliance cannot be achieved for the lower ground floor flats. Noting these observations, and given that the subject flats would, in all other respects, meet M4(2) standards, it is not considered that a reason for refusal based

on the minor under provision M4(2) units could be substantiated. Overall, officers consider that the proposed scheme has taken all reasonable steps to maximise the provision of M4(2) dwellings. The delivery of accessible and adaptable dwellings can be secured via condition.

10.54 In terms of M4(3) units, the applicant has confirmed that 6 of the proposed dwellings would meet this Building Regulations Requirement which equates to 5% of the total. Therefore, in line with DP Policy HOU7, a 'proportion' of proposed dwellings would be wheelchair user dwellings. The supply of wheelchair user dwellings can again be secured via condition.

10.55 In summary, the proposed provision of 118 homes will contribute towards the housing supply in the District, in accordance with the relevant DP policies relating to supply (DPS1, DPS2 and DPS3), housing mix (HOU1 and HOU7) and affordable housing provisions (HOU3). The provision of market housing and affordable housing are both significant positive benefits.

Design Quality and Landscape Character

10.56 DP 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 improve 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'. DP Policy HOU2 explains that proposals should demonstrate 'how the density of new development has been informed by the character of the local area'. NP Policy HBH2 encourages developments to follow the principles of 'Building for Life 12' and seeks to avoid unnecessary uniformity in external design.

10.57 The adopted Masterplan covering Phase 2 of the HERT4 site allocation sets design principles for the development, relating to: points of arrival, coherent movement strategies, internal routes, landscaping, layout, building heights and frontages. In addition, the Masterplan

specifies that the development should have three separate character areas (the western side of the development, the centre/heart of the development and the eastern side of the development). Each of these character areas should be based on the distinct design features and characteristics, outlined in the Masterplan. These characteristics are summarised below.

Character Area	Masterplan Requirements
Western Side of Development	<ul style="list-style-type: none"> • Similar characteristics to the Stiles. • Creation of leafy lane approach. • Housing to northern fringe to adopt materials and boundary treatments to reflect a semi-rural character. • Slightly denser development and more formal in character.
Centre/Heart of Development	<ul style="list-style-type: none"> • Sensitive inclusion of byway. • Buildings designed to accentuate and complement existing route with architectural characteristics to create visual interest. • Framing of an open space at the very centre of the development.
Eastern Side of Development	<ul style="list-style-type: none"> • Accommodate steep slopes. • Housing set in rows following contour lines and will rise towards the centre of the site. • A focal building of status should mark the main point of arrival from Wadesmill Road. • Less dense development.

Density, Layout and Siting

10.58 The layout of the proposed development has been directly informed by the requirements of the Masterplan. The western side of the development would be constructed at a slightly higher density. A formal layout would be adopted, with the proposed houses generally positioned in a linear formation along the main primary and secondary roads. This would be a simple and coherent layout for the western part of the site, which would appropriately mimic characteristics of the adjacent Stiles development. Therefore, officers

consider that the layout and density of the western development parcel would be acceptable and would reflect the requirements of the Masterplan.

10.59 Through the centre of the site, the byway is intended to be incorporated into the layout, which is supported by officers and the Masterplan. The proposed buildings in the central area would be appropriately set-back from the byway, so that this route would not become overly dominated by built development. Green spaces would also be delivered adjacent to the byway, affording some green character to the route. The separation provided between the byway and the proposed buildings, taken together with incorporation of green spaces, would ensure that the development would appropriately frame the byway. In addition, officers consider that the creation of green spaces adjacent to the byway would deliver an attractive 'pocket park' in the central part of the site, as required by the Masterplan.

10.60 The eastern side of the development would be of slightly lower density, when compared with the western side, in accordance with the requirements of the Masterplan. Furthermore, the proposed dwellings would be generally laid out in curved lines, running south from the primary access road. This layout would be a less formal arrangement and would allow the development to follow the contours of the site, which is supported by officers. To the north of the built development on the eastern parcel, an area of public open space would be created, together with a LEAP and SUDs features. The delivery of this public open space would provide some spacing between built development and the agricultural land beyond the site. This is appropriate and would allow a suitable transition between the proposed development and the countryside to the north.

10.61 Overall, in terms of the layout of the scheme, officers consider that the proposed development would appropriately reflect the adopted Masterplan. This is demonstrated in the images below, which clearly show how the layout of the development has been directly influenced by the Masterplan. In addition, the relatively low density proposed across the whole site (22.5 dwellings per hectare) is considered

appropriate for a development in an edge of settlement location. The proposed layout forms an appropriate basis for delivering a high-quality development on the site, in accordance with DP Policies HOU2 and DES4, as well as NP Policy HBH2.



Building Heights and Scale

10.62 The majority of the houses would be of two storey height, with some two and a half storey dwellings also proposed. The apartment block in the central area (Plots 80 – 85) would be of two storey height, whereas the changing land levels on the eastern parcel would enable the

apartment blocks adjacent to Wadesmill Road (Plots 1 – 12) to be delivered in a three storey building.

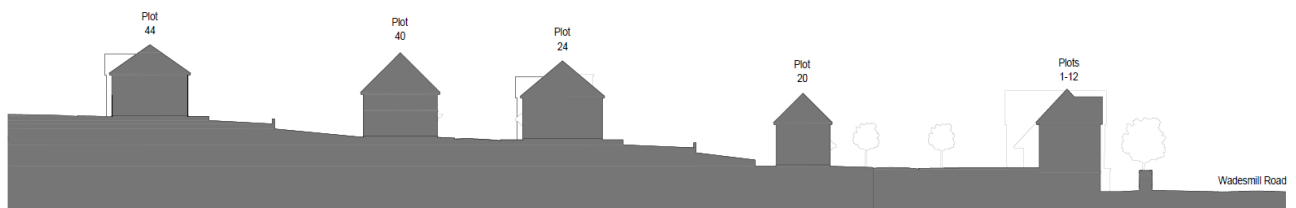
10.63 The proposed two storey buildings, as well as the two and a half storey houses, would be reflective of the buildings heights evident in the wider Bengo Area. As such, this scale of development would not appear out of keeping in the locality. These buildings heights would also be typical of domestic settings, and therefore are deemed appropriate for this residential scheme. The Masterplan allows for the provision of two storey, as well as two and a half storey buildings. Consequently, these proposed buildings heights would comply with the adopted Masterplan.

10.64 Officers note that the apartment blocks on the eastern side of the site (Plots 1 – 12) would be three storey in height. The Masterplan does not preclude the delivery of a three storey building in this location, as it states that there is 'an opportunity to provide a three storey landmark building at the very lowest point of the site along the eastern edge'. Therefore, there is no in-principle objection to the construction of a three storey building, adjacent to Wadesmill Road. The applicant has provided section details, which show that the apartment blocks would sit at a slightly lower land level, than the adjacent carriageway. This reduced land level, taken together with the screening afforded by vegetation along the eastern site boundary, would result in the apartment blocks appearing as two storey buildings in numerous views from Wadesmill Road. In addition, the apartment blocks would be dug into the sloping land levels, so that on the western side the buildings would appear two storey in scale. Noting that the Masterplan does allow for three storey development in this location, and given the perceived two storey scale of the apartment blocks in several views, officers do not consider that these buildings would appear inappropriately bulky on the site or in the street scene.





10.65 On the eastern side of the development the Masterplan outlines that the housing should follow the contours of the land, with the buildings required to rise in tiers towards the centre of the site. The applicant has provided section drawings (as shown below), which demonstrate that this would be appropriately achieved on the site. These section drawings illustrate how the land levels of the proposed buildings would gradually rise further into the site. Therefore, officers consider that the proposed development on the eastern parcel would be suitably incorporated into the existing land levels, meaning that this requirement of the Masterplan would be met.



10.66 Overall, it is considered that the range of two storey to three storey building heights would respect the edge of settlement location of the site, whilst also creating an appropriate domestic setting within the development. All of the building types would be well-proportioned and the development would suitably respect the undulating character of the existing site. Therefore, the size, scale and proportionality of the proposed development would be acceptable, in accordance with the Masterplan, as well as DP Policy DES4 and NP Policy HBH2.

Building Form and Materiality

10.67 The proposed buildings would generally be of pitched roof form, with some hipped roof elements incorporated. These simple and traditional designs would appropriately reflect the building typologies present on the Stiles and in the wider area. Therefore, the form and massing of the proposed buildings would be in-keeping with the setting. Gable-ends, porch detailing and small dormer windows would be incorporated into the design of a number of the house types. The provision of these design features would add some visual interest to the proposed buildings, while also ensuring that unnecessary uniformity in the appearance of the houses is avoided.

10.68 In terms of materiality, the scheme largely proposes to use traditional materials such as red brickwork, buff brickwork and clay tiling. Such materials are found on many buildings within the Bengeo Area. Therefore, the proposed approach to materiality would respect the character of the locality. In addition, cladding is proposed to be used for the apartment blocks and some of the houses. Use of this material would provide a somewhat rural character to several buildings, which would be appropriate, given the position of the site adjacent to the countryside.

10.69 In summary, officers consider that the simple form and design of the proposed buildings would be suitably sensitive to this setting. Furthermore, the traditional approach to materiality would ensure that the development would appropriately relate to its surroundings. However, in order to ensure that high-quality materiality is adopted on site, a condition is recommended securing details of the specifications for the proposed materials. Subject to satisfactory details of materials being provided through condition, the form, design and materiality of the proposed development would be acceptable, in accordance with DP Policy DES4 and NP Policy HBH2.

Important Buildings

10.70 The Masterplan emphasises the importance of ‘points of arrival’ within the site and suggests that these areas should be framed by ‘focal buildings set within an attractive landscape setting’. In order to deliver this, the Masterplan identifies locations within the development for ‘important buildings’, including the areas adjacent to

the byway and the part of the site close to the access from Wadesmill Road.

- 10.71** To the west of the byway the original scheme proposed to deliver two apartment blocks, which the EHDC Design Officer considered to be 'unremarkable' and lacking of 'interest and articulation'. Given this, officers considered that these apartment blocks were not of sufficient architectural quality to occupy positions for 'important buildings' within the site. Therefore, officers have negotiated different building designs for these locations.
- 10.72** Close to the southern boundary and adjacent to the byway it is now proposed to deliver a row of terraced houses (Plots 49 – 56) of traditional design and appearance, as shown below. These dwellings would be well-proportioned and an appropriate degree of articulation would be incorporated through the addition of porches, small dormer windows and bay windows. Consequently, officers consider that this row of terraced dwellings would be of high architectural quality, meaning that these houses would create a suitable aesthetic for this 'important building' location.
- 10.73** To the north of this, the scheme now proposes to provide an apartment block of a barn-style character (Plots 80 – 85), as illustrated below. The rural character of this building would be appropriate on the northern side of the site, as it would assist with the transition to the countryside beyond. In addition, officers consider that the placement of fenestration on this apartment block would provide a good level of visual interest to the building. Officers consider that the barn-style character of this building has been successfully achieved through the secured amendments to the scheme. Therefore, the barn-style apartment block would be of suitably high-quality to occupy an 'important building' position within the wider development.
- 10.74** Both Plots 49 – 56 and Plots 80 – 85 would be appropriately set-back from the byway, with grassed areas and hedging also provided to the front of these buildings. This separation, taken together with the provision of soft landscaping, would ensure that the 'landscape

setting' for the byway, as required by the Masterplan would be delivered.



Plots 49-52

Plots 53-56



Plots 80-85

10.75 The area adjacent to the site access from Wadesmill Road was also identified as a 'key point of arrival' and position for an 'important building' in the Masterplan. As already discussed, it is proposed to deliver a three storey apartment blocks in this location (Plots 1 - 12). The form of these buildings has changed throughout the course of this application, following comments from the EHDC Design Officer. The apartment blocks now incorporate multiple gable-ends on the front elevation, with a gable feature also created on the southern elevation of Plots 1 - 6, which faces onto the site access. A mix of cladding and brickwork would be used as the external materials. Officers consider that the altered designs for these buildings have sufficient articulation to ensure that they would suitably address both Wadesmill Road and the site access. In addition, the variety in materials and fenestration detailing would assist in breaking-up the mass of these buildings. Given these observations, officers consider that the revised designs for the apartment blocks are of appropriate quality for this 'important building' location.

Design Conclusions

10.76 In summary, officers consider that this scheme would deliver a development of high-quality design. The layout of the scheme has been directly informed by the Masterplan, with three distinct character areas created on the site. The density of the proposed development would appropriately relate to the edge of town location and would assist with the transition to the countryside beyond. Furthermore, the scale, heights and proportionality of the proposed dwellings would respect the building typologies found in the locality. The existing land levels of the site have been suitably integrated into the development, with the proposed buildings on the eastern parcel rising in tiers towards the central areas, as required by the Masterplan. Traditional forms and materiality have been adopted for the buildings, which is acceptable, as it would reflect the character of the surrounding area. Buildings of good architectural quality would be provided in the 'important building' locations, as set out in the Masterplan, ensuring that attractive points of arrival would be created within the development. Therefore, overall it is considered that scheme would be of a high standard of design, which would respect the character and appearance of the setting and the surrounding area, in accordance with the Masterplan, DP Policies HOU2, DES1 and DES4, as well as NP Policy HBH2.

Standard of Accommodation

10.77 DP Policy DES4 notes that all new residential developments should ensure that internal rooms are of an appropriate size and dimension, so that the intended function of each room can be satisfactorily achieved. In addition, the Technical Housing Standards – Nationally Described Space Standards (NDSS) provides guidance on the minimum internal floor area requirements for new dwellings. Paragraph 135 of the NPPF requires developments to provide a high standard of amenity for existing and future users.

10.78 All of the proposed dwellings would be laid out with appropriately sized rooms, which would comfortably allow the function of the spaces to be carried out, in accordance with DP Policy DES4. The vast majority of the proposed dwellings would have internal floor areas that would exceed the requirements of the NDSS. However, there would be a very limited number of flats within apartment block 80 – 85 that would fall

just below the minimum standards of the NDSS for two-bedroom, four-person flats (2B4P), although they meet the standard for two bedroom, three-person flats (2B3P). While this is acknowledged, it is clear from reviewing the floor plans of these flats that they would be suitably laid out, with adequately sized habitable spaces provided. Therefore, these flats would supply acceptable living conditions for the future occupiers. Overall, officers consider that the proposed development would deliver dwellings of appropriate internal dimensions and layouts. As such, good quality accommodation would be provided for the future occupiers, in line with DP Policy DES4 and Section 12 of the NPPF.

10.79 The EHDC Housing Officer has raised concern regarding the quality of some of the affordable units, commenting on the size of the living areas, the open plan layouts and the provision of bedrooms over multiple floors. These comments are noted, however all of the affordable units would exceed the minimum gross internal floor area requirements of the NDSS. As such, officers consider that the affordable dwellings would all be of appropriate size for the type of accommodation proposed. In terms of the layouts, there is no policy basis to refuse the application on the grounds of the open plan living areas or the provision of bedrooms on different floors. Whilst this is noted, a condition is recommended to secure the final layouts of the affordable units. Through this additional step, officers can require the open plan living areas to be designed out of the layouts, in order to address some of the Housing Officer's concerns.

10.80 The vast majority of the dwellings proposed across the full scheme would be dual-aspect, providing the future occupiers with good levels of light, appropriate outlook and opportunities for cross ventilation. Officers do note that two of the flats within apartment block 1 – 12 would be single-aspect. However, these flats would have several openings across the one elevation and the habitable spaces within the dwellings would all be served by good sized windows. As such, it is considered that these two flats would still receive adequate light, whilst also having suitable outlook and possible options for ventilation.

10.81 All of the houses proposed through the scheme would be served by appropriately sized garden spaces. Therefore, the occupiers of these dwellings would have suitable access to an outdoor space. It is noted that the proposed flats would not be designed with a garden or balcony. While the absence of private outdoor spaces for these flats is regrettable, there is no policy that requires the provision of balconies or gardens. Officers also note that none of the flats are family-sized units, meaning that there is not a necessity for a private outdoor space. Furthermore, these flats would be positioned close to the proposed public open space and LEAP, and therefore the future occupiers would have direct access to a green space and play area. Given these observations, officers do not consider that the lack of private outdoor spaces for the flats would render the living conditions of these dwellings unsuitable. These flats would still provide good quality living conditions for the future occupiers.

Landscape and Visual Impact

10.82 DP Policy DES2 states that 'development proposals must demonstrate how they conserve, enhance or strengthen the character and distinctive features of the district's landscape'. NP Policy HBN2 identifies important views within the Parish and notes that where a Landscape and Visual Impact Assessment (LVIA) 'reveals a harmful impact on those views as a result of the proposal, the development will only be permitted where appropriate mitigation measures can be delivered'.

10.83 As already noted, the site is located within Landscape Character Area (LCA) 69, identified as Stonyhills. This LCA covers a large expanse of countryside to the north of Hertford. The Landscape Character Assessment SPD provides a general description of this LCA, as quoted below:

- Gently undulating light arable upland and valley slopes between the Rib and Beane valleys, widening to the north. Generally large irregular fields and woodland on very light soils, with several blocks of ancient woodland in the south. Very rural, with few settlements but many mineral extraction sites.

10.84 It is considered that the site and the immediate surroundings do exhibit some of the characteristics of the LCA, including: the gently undulating nature of the site, as well as the presence of woodland and tree lines. A Landscape and Visual Impact Assessment (LVIA) has been submitted with this application, which considers both the landscape and visual impacts of the proposed development. This LVIA sets the landscape character baseline for the site and setting, with references to the agricultural use of the field, the presence of trees/hedges along the site boundaries and the existence of a mature tree within the eastern area of the site. In addition, the LVIA baseline acknowledges that the site is adjacent to existing dwellings to the south and west, while transport corridors are also present in the immediate vicinity. The overall landscape character of the site is summarised as 'suburban fringe/marginal agricultural land'.

10.85 Officers consider that the landscape character baseline, as set out in the LVIA, is generally accurate and forms an appropriate basis for considering the landscape impacts. This has been confirmed by EHDC Landscape Officer, who considers the LVIA to be acceptable. It is acknowledged that numerous local residents consider the LVIA baseline to be flawed, as there is a reference to industrial and commercial buildings, when describing the context of the site. The LVIA does state that 'the sites context reduces the sense of tranquillity one may feel if the roads, industrial and commercial buildings and residential dwellings were not so evident'. It is accepted that commercial and industrial buildings are not present in the immediate locality. However, this extract in the LVIA is simply making the point that the tranquillity of the site has been diminished by activity and development in the vicinity, for example traffic on adjacent roads and the existence of dwellings close by. Officers agree with this general position, as it was clear from the site visit that the tranquillity of the setting is compromised, particularly by road traffic. Given this, it is considered that the LVIA constitutes a robust assessment for the purposes of the planning application.

10.86 The baseline of the LVIA has been further questioned by local residents, with many comments making reference to the Secretary of State's assessment of landscape impacts in the mineral extraction

appeal (appeal reference number: APP/M1900/W/17/3178839). Officers note that Secretary of State considered the appeal site to be 'a landscape resource and visual amenity of considerable importance'. While this is acknowledged, the current application site did not form part of the appeal site, which instead covered an extensive area of land to the north. Given this, it is not considered that the Secretary of State's assessment is directly relatable to this current application site. Notwithstanding this, this proposed development would only impact a small part of the fields to the north of Hertford. Therefore, the landscape resource, adjacent to the urban area, as described by the Secretary of State would remain available.

10.87 After establishing the baseline landscape character, the LVIA continues to assess the possible landscape impacts, resulting from the proposed development. The LVIA outlines that the proposals would result in a loss of the agricultural character of the land. In addition, this document accepts that the housing development would be prominent, but notes that it would not be uncharacteristic of the receiving landscape, given the presence of dwellings adjacent to the site. Given these observations, the LVIA concludes that a minor adverse landscape impact would result. Officers agree with this position, as the scheme would result in an erosion of the general rural landscape character of the area. However, when regard is had to the proximity of adjacent dwellings and the lack of tranquillity on the site, the landscape impacts would be minor adverse.

10.88 The visual impact of the proposed development has also been considered in the LVIA, through firstly identifying key visual receptors in the area, and then assessing the impact on views from these receptors. Officers consider that the location and number viewpoints assessed is appropriate, and therefore the LVIA forms a suitable basis for judging the visual impact of the development. The LVIA identifies adverse visual impacts across the viewpoints, ranging between minor adverse and major adverse. Officers accept these conclusions, as it is clear that in several of the viewpoints agricultural land would be replaced by built development.

10.89 It is noted that NP Policy HBN2 identifies important views within the Parish, with these views illustrated at Appendix D of the NP. The majority of these views would be some distance from the site, and therefore would be unaffected by the proposed development. Possible impacts on views 2 and 3 have been referred to in the comments from local residents. However, these views are taken northward and eastward away from the site, meaning that they would not be obstructed. The proposal would be within view 1, however this view is taken at such a distance from the site that it would not be compromised by the development.

10.90 Overall, the LVIA concludes that, without mitigation, minor adverse landscape impacts and moderate/major visual impacts would result from the proposed development. However, the LVIA notes that mitigation in the form of planting along the eastern/western boundaries and the provision of tree/shrub buffer across the northern boundary would over time screen views of the development. Once this planting has matured, the LVIA suggests that the visual impact of the development would be reduced. Officers do not dispute the overall conclusions of the LVIA.

10.91 Whilst the scheme would result in some adverse landscape and visual affects, such impacts are inevitable and were apparent when the site was allocated for housing development. Officers consider that the proposed scheme has sought to mitigate the landscape and visual impacts of the development, as far as possible, through the inclusion of the northern landscape buffer and the provision of other boundary planting. These landscaping works were required by the endorsed Masterplan and the landscape buffer will create a defined recognisable northern boundary, as required by DP Policy HERT4. As such, it is considered that the proposed scheme has appropriately mitigated the landscape and visual impacts of the development. This means that the proposal would not be contrary to DP Policies HERT4 or DES2, nor NP Policy HBN2. Further details of the northern landscape buffer and planting along boundaries can be required via condition, in order to secure appropriate mitigation on site.

Impacts on Heritage Assets

10.92 DP Policy HA1 outlines that proposals should preserve and where appropriate enhance the historic environment of East Herts. Similarly, DP Policy HA4 notes that developments adjacent to CAs will be permitted, provided that they preserve or enhance the special interest, character and appearance of the area, taking into account: building lines, layouts, materials, scale, proportion, form, height, design and overall character. These policies reflect the requirements of the Planning (Listed Buildings and Conservation Areas) Act (1990).

Listed Buildings and Conservation Area

10.93 There are no listed buildings within close proximity of the site and the proposed development would not be of such height to impinge on any wider views of listed buildings. Therefore, officers do not consider that there would be any impacts on the settings of listed buildings.

10.94 Whilst the above is noted, the Hertford CA is located a short distance to the south and the southern end of the byway (which is within the red line site boundary) abuts the boundary of this heritage asset. The proximity of the CA is acknowledged, however the proposed built development within the site would be well-separated from this heritage asset. Due to this separation, the proposed development would not materially impact the character or setting of the CA, nor would any important views into the CA be unduly interrupted. Therefore, officers consider that the setting, significance and special interest of the CA would be preserved, in accordance DP Policies HA1 and HA4.

Archaeology

10.95 DP Policy HA3 notes that where development is permitted on sites that contain archaeological remains, permission will be subject to conditions requiring appropriate excavation and recording.

10.96 Approximately half of the application site is within an Area of Archaeological Significance, which defines an area known to contain Prehistoric and Roman activity. Due to this, HCC Historic Environment Unit were consulted on the application. This consultee notes that

various archaeological remains of Prehistoric, Bronze Age, Roman and Later Saxon origin have been discovered in this locality. Given this, the HCC Historic Environment Unit consider that the proposed development should be viewed as likely to impact upon heritage assets of archaeological interest. On this basis, this consultee recommends a condition requiring a programme of archaeological work. This condition forms part of this recommendation, in accordance with DP Policy HA3, and will ensure that appropriate provision is made to secure any archaeological remains on the site.

Access, Highways and Transport

Trip Generation

- 10.97** DP Policy TRA1 aims to promote developments that are accessible and conducive to travel by sustainable transport modes. DP Policy TRA2 notes that proposals should not result in a severe residual cumulative impact. Similarly, paragraph 115 of the NPPF explains that developments should not be prevented on highways grounds, unless the residual cumulative impacts on the road network would be severe. NP Policy HBT1 outlines that proposals should be supported by Transport Assessments, which consider the predicted levels of generated vehicular traffic and the impact of this on congestion.
- 10.98** The site is located close to the Bengo Area of Hertford. Within this locality there are available shops, including: a co-op supermarket on Bengo Street, a parade of shops on The Avenue and a convenience store on Barley Croft. Furthermore, there are other community facilities in the area such as public houses, churches, sports clubs and recreational grounds. Therefore, the future occupiers of the development would have the option of accessing services and facilities via walking or cycling. In addition, Bengo Primary School is a short distance to the south of the site and there is a further private primary school at Duncombe School along Bengo Street. As such, primary education facilities would be accessible for the future residents by walking or cycling.
- 10.99** There are bus stops to the south of the site on Bengo Street and to the south-west on Cowper Crescent, which provide access to services

that run into the Hertford Town Centre. This scheme proposes a financial contribution of £400,000 towards bus services, which may be used to enhance the frequency of this service. Within the Town Centre there are a range of available services, facilities and amenities. Furthermore, both Hertford East and Hertford North Train Stations could be accessed by the future residents, potentially through walking or cycling, or alternatively through combined bus and walking journeys. Given these overall observations, officers consider that numerous services and facilities would be accessible via sustainable modes of transport, in accordance with DP Policy TRA1.

10.100 While the accessibility of the site to services and facilities is acknowledged, the Transport Assessment (TA) concludes that the majority of journeys associated with the occupation of the development would still be undertaken by the private vehicle. The TA estimates that the development would generate around 81 two-way vehicular journeys at the AM peak and 63 two-way vehicular trips at the PM peak. The distribution of these trips is expected to be split, with 32% of journeys being taken along Wadesmill Road, while 68% of the trips would travel via Bengo Street.

10.101 Highways Officers raise no concerns with the trip generation forecasts in the TA. However, it is important to stress that, in line with DP Policy TRA2 and paragraph 115 of the NPPF, development should not be prevented on highway grounds unless the residual cumulative impacts on the road network would be 'severe'. The TA has assessed the impact of the trip generation on the highway network in the immediate locality and concludes that the relevant junctions would have the capacity to manage the vehicular movements associated with the proposed development. Furthermore, officers are conscious that the capacity of the highway network on a strategic level was considered through the DP process. During this process, the Highway Authority confirmed that they had no in-principle objection to the delivery of up to 150 homes on this site allocation, as set out in the Settlement Appraisal of Hertford (2016), which formed part of the evidence base informing the DP. It is accepted that Phase 1 and Phase 2 of the HERT4 site allocation would provide a combined total of 170 dwellings. However, in officers view, this minor uplift in housing

provision should not alter the position the Highway Authority adopted during preparation of the DP. Given this, it is considered that the strategic highway network is capable of accommodating the development, without 'severe' cumulative impacts arising. The Highway Authority raise no objection to the overall impact on the capacity of the local highways network.

10.102 In addition to the above, officers consider that the vehicular trip generation from this development would be further mitigated by the suite of sustainable transport measures proposed to be delivered. This scheme includes a financial contribution towards sustainable transport initiatives in the locality, such as the local cycling and walking infrastructure plans (LCWIP), as well as other projects listed in HCC's Growth and Transport Plan. As already noted, a financial contribution would also be made to bus services and this may be used to enhance the frequency of such services in the local area. Furthermore, the development would provide other sustainable transport measures, including upgrades to the byway, new footway/cycleway on Wadesmill Road, a travel plan and travel vouchers for the future residents. All these items would be secured by either the Section 106 legal agreement, or by condition, and would encourage sustainable modes of transport from the site, ahead of vehicular travel.

10.103 Overall, officers consider that robust information has been provided in the TA to conclude that the trip generation arising from this proposed scheme would not give rise to a severe impact on the local highways network. The impact of a similar level of development was considered as part of the DP process, where it was concluded that there would be not a severe impact on the local highway network. This established position, taken together with the conclusions of the TA and the delivery of sustainable transport initiatives, means that there would not be a severe impact on the strategic or local highway network. As such, the proposal would not be in conflict with DP Policy TRA2, NP Policy HBT1, nor paragraph 115 of the NPPF.

Vehicular Access Arrangements

- 10.104** DP Policy TRA2 notes that developments should ensure safe and suitable access can be achieved for all users. Proposals should be acceptable in highways safety terms.
- 10.105** As already noted, this scheme proposes to create a new vehicular access into the development from Wadesmill Road. The vehicular access would be sited in a location, where suitable visibility can be provided along Wadesmill Road. On this basis, officers consider that the access into the site would be appropriate and would not compromise highways safety, in accordance with DP Policy TRA2. Furthermore, plans have been submitted with this application, which indicate the intention to reduce speed limits adjacent to the vehicular access to 40mph. This would further assist in ensuring that the vehicular access is acceptable in highways safety terms. The proposed access is also consistent with the indicative access shown in the approved Masterplan.
- 10.106** The applicant has submitted tracking drawings, which demonstrate that cars, vans, refuse vehicles and emergency vehicles could turn into and out of the new vehicular access. From discussions with the Highway Authority, no objections have been raised by the Highways Officers on the tracking drawings, which are viewed as being satisfactory and demonstrate that vehicles could enter and exit the new vehicular access in a safe manner. Furthermore, various turning points have been incorporated into the layout of the scheme, in order to enable refuse vehicles to manoeuvre within the site. Neither the Highway Authority, nor EHDC Waste Services have raised concerns with these turning manoeuvres, and therefore officers consider that refuse vehicles could appropriately access the proposed houses and turn within the site. The proposed scheme has been designed to enable all necessary vehicles to appropriately access the development and manoeuvre within the site, in accordance with DP Policy TRA2.
- 10.107** The consultation responses from local stakeholders and residents raised significant concerns with the resulting highway safety on both Wadesmill Road and Sacombe Road. It is considered that the submitted application plans demonstrate that satisfactory

visibility would be available from the new vehicular access on Wadesmill Road, subject to visibility splays being conditioned. At this stage, the applicant has provided sufficient detail in the plans to demonstrate to the satisfaction of the Highways Authority that vehicles could safely manoeuvre into and out of this access. As such, officers do not consider that adverse highway safety implications would arise on Wadesmill Road. The single access point serving the phase 2 development is considered to be adequate to meet the needs of the development without a further access onto Sacombe Road. The Highways Authority do not require a second access, subject to the conditions and obligations secured under this application. Therefore, it is not considered that the development would compromise highways safety on this route or within the vicinity of the development.

Pedestrian and Cycle Connectivity

10.108 DP Policy TRA1 notes that site layouts should prioritise the movements of modes of transport other than the car. This policy, together with NP Policies HBT2 and HBT3, require developments to deliver improvements to pedestrian routes and cycle paths. DP Policy CFLR3 outlines that developments should not adversely impact any public right of way.

10.109 Negotiations with the Highways Authority have resulted in the proposal to install a toucan crossing, together with a new shared footway/cycleway on Wadesmill Road. This shared footway/cycleway would connect to the existing byway at its southern end. It is proposed for pedestrians and cyclists entering the site from Bengoe Street, Wadesmill Road and Watermill Lane North to utilise the new crossing and footway/cycleway to access the byway, which would then be the main pedestrian and cycle route into the development. The reverse arrangements would be utilised by pedestrians and cyclists leaving the site. The TA also explains that the existing byway is proposed to be upgraded to a consistent 3 metre width and fully finished surface. The Highways Authority has not raised any objection to the use of the byway as the main route into the development. Furthermore, officers consider that the inclusion of the new shared footway/cycleway would encourage residents of the development to

adopt walking or cycling as a mode of travel. The provision of the footway/cycleway and the crossing, as well as the upgraded byway, can be secured via condition and the Section 106 legal agreement.

10.110 Officers note that some local residents have raised concern regarding the safety of the proposed footway/cycleway. These comments are acknowledged. However, the form and geometry of the new footway/cycleway and crossing has been shaped by the discussions with the Highways Authority. The Highways Authority consider the principle of the footway/cycleway is acceptable, subject to detailed design, in addition to safety auditing as part of the detailed design stages to enable compliance with DP Policy TRA2. Residents have also questioned why the cycleway does not connect to another cycle route. While this observation is noted, officers and the Highway Authority consider that provision of a stretch of useable cycleway would create a more overall desirable environment for cycling, therefore encouraging residents to adopt cycling as a mode of transport, in accordance with DP Policy TRA1 and NP Policies HBT3. Officers also consider the scale of the proposed highways interventions are proportionate with the scale of the development (in line with the CIL regulations tests for securing planning obligations) and so extending the linkages beyond the current scheme would be excessive and disproportionate with the development (contrary to the CIL Regulation tests).

10.111 Concerns have also been raised by local residents that the provision of the footway/cycleway could impact upon protected trees that are located in the gardens of properties to the east on Shepherds Court. These comments are acknowledged, however the footway/cycleway would be positioned, so that the grass verge on the eastern side of Wadesmill Road would not be impacted. Due to this, excavation works are not anticipated to be undertaken within the root protection areas of these trees. As such, it is considered that these trees would not be compromised. Comments have also questioned whether these trees would need to be cutback to facilitate the provision of the footway/cycleway. There may need to be some minor trimming back of the trees within the land overhanging the public highway, in order to ensure that branches do

not overhang the footway/cycleway. Such works (within the highway land) are reasonable and would not prevent the delivery of this new walking and cycling infrastructure. Any works to trees would need to adhere to best practice guidance (BS3998) covered under a planning condition. Noise from use of the footway/cycleway has also been raised as a concern by residents. Officers do not consider that the movement of pedestrians or cyclists along this footway/cycleway would generate undue noise disturbance.

10.112 While the main pedestrian and cycle route into the site is supported, the EHDC Design Officer and the Highway Authority initially raised concern with the lack of other pedestrian connections within the development. Acknowledging this, the scheme has been updated to provide additional pedestrian connections into the adjacent Stiles Development, onto the byway and onto Sacombe Road. The delivery of these connections, taken together with the use of the byway as the main pedestrian and cycle route into the site, means that the scheme would be permeable and would encourage pedestrian movements. Therefore, officers consider that a coherent movement strategy would be delivered, which promotes sustainable travel, in accordance with the Masterplan, DP Policies HERT4 and TRA1, as well as NP Policies HBT2 and HBT3.

10.113 Officers acknowledge that pedestrians can often gravitate towards vehicular accesses. Given this, discussions were undertaken with the applicant and the Highway Authority about the potential of providing a footway from the main vehicular access on Wadesmill Road, running south into the Bengo Area. Whilst this was explored, there are a number of issues that mean deliverability of such a footpath is not feasible. As such, an alternative solution is proposed through this scheme. The layout of the development around the area of the vehicular access has been altered through the course of this application to include a footway, which would divert pedestrians away from Wadesmill Road and onto the byway. This footway, coupled with the provision of wayfinding signage, would ensure that pedestrians do not attempt to exit the site via Wadesmill Road. Details of this wayfinding signage can be secured via condition. This

proposed approach would avoid any highway safety concerns with pedestrians on Wadesmill Road.

10.114 Several local residents have questioned whether the provision of shared surfaces within the site would prioritise pedestrian movements. The Highway Authority have reviewed the scheme and have not raised concern regarding shared surfaces, subject to the detailed specifications being conditioned. It is considered likely that vehicular speeds within the development would be low, and therefore shared surfaces would not compromise pedestrian movements. Furthermore, some residents have raised concern regarding vehicles crossing the byway in the centre of the development. Again, the low level of vehicular speeds within the site, together with the good visibility along the byway, would ensure that this is not an undue highways safety risk for users of the byway. The layout is consistent with the Masterplan which included vehicle movement crossing the byway. Given these observations, officers do not consider that the layout of the scheme would inhibit pedestrian movements or cause undue safety risks for pedestrians. As such, there would be no conflict with DP Policies TRA1, TRA2 or CFLR3.

Car Parking and Cycle Parking

10.115 DP Policy TRA3 outlines that vehicle parking should be assessed on a site-specific basis, taking into account the Supplementary Planning Document (SPD) 'Vehicle Parking Provision at New Development'. This SPD contains the Council's parking standards. DP Policy TRA3 also requires the supply of secure, covered and waterproof cycle storage facilities. DP Policy DES4 and NP Policy HBT5 encourage the provision of electric vehicle charging points.

10.116 The overall development would give rise to a need for 296 off-street parking spaces, under the requirements of the SPD. This scheme proposes to deliver 269 allocated parking spaces, together with 11 visitor parking spaces and 1 space serving the substation. Officers also note that some houses would only be served by one allocated off-street parking space. There would be an under-provision of off-street parking, when assessed against the standards

of the SPD. Whilst this is acknowledged, DP Policy TRA3 requires parking provision to be considered on a 'site-specific basis'.

10.117 In this instance, the site is adjacent to the urban area of Hertford, with various amenities and facilities available within walking distance. The scheme proposes good connections to the existing ROW and footpath network, meaning that the future occupiers would be encouraged to undertake routine journeys via walking. Furthermore, each of the proposed dwellings would be supplied with cycle parking, promoting this form of sustainable transport. As already noted, the development would include improvements to the existing cycle network in the locality, which would further encourage residents to cycle on a daily basis. There are bus services within the vicinity of the site, which are also intended to be enhanced through the proposed financial contribution. Therefore, the future residents could use public transport to access amenities and facilities. In addition, a Travel Plan and travel vouchers can be secured through the Section 106 legal agreement to further support uptake of sustainable modes of transport.

10.118 Noting the availability of services and facilities in the locality, and given that the scheme would encourage the use of sustainable modes of transport, officers do not consider that the proposed development would be overly reliant on car ownership. As such, a reduction in the level of off-street parking spaces, when compared against the SPD requirements, is justified. On this basis, officers are content that sufficient car parking would be delivered to serve the development and there would not be undue displacement of parked vehicles onto local roads, in accordance with DP Policy TRA3.

10.119 Some of the car parking would be provided in garages, with a range of single, double and twin garages proposed across the development. The dimensions of all the garages would exceed the standards set within the SPD. Therefore, it is considered that the garages would be of appropriate dimensions for the parking of vehicles. A condition restricting the use of these garages to the parking of vehicles is recommended, in this instance, given that there

would be a slight under provision of off-street parking across the development.

10.120 In terms of cycle parking, the submitted Planning Statement confirms that each of the new dwellings would be provided with cycle storage. The houses with private garages would have cycle parking incorporated into these spaces, whereas the houses without garages would have timber cycle sheds supplied in their garden areas. Communal cycle stores would also be provided for all the apartment blocks. Therefore, the scheme would make appropriate provision for cycle parking, which would promote this sustainable mode of transport, in accordance with DP Policies TRA1 and TRA3. The delivery of the cycle parking can be secured via condition.

10.121 The Planning Statement also outlines that electric vehicle charging points would be supplied for each of the new dwellings. This is supported by officers, as it would encourage the use of electric vehicles, in line with DP Policy DES4 and NP Policies HBT1 and HBT5. Whilst this is noted, limited details of the charging points have been provided. Further information on the type and siting of charging points can be secured via condition.

Construction Phase

10.122 A Construction Traffic Management Plan (CTMP) has been submitted with this application, which outlines how the construction phase of the development would be managed. This CTMP outlines that it is proposed to create the new vehicular access from Wadesmill Road, prior to commencement of construction works. The principle of this is supported by officers, as it would enable construction vehicles to use the new vehicular access, and then park within the application site, rather than parking on local roads. Furthermore, the CTMP includes routing details, which set out that construction vehicles would access and leave the site to/from the north, avoiding vehicular movements along Bengoe Street. This is again supported, as construction traffic would utilise the B158 and A602, instead of routing through the urban areas of Hertford. Whilst this is noted, at this stage, the Highway Authority do not consider that there is sufficient detail within the CTMP, for example there is limited information on

construction vehicle numbers and types. Therefore, a final version of the CTMP should be secured via condition.

10.123 Local residents have questioned whether the byway would remain open during the construction phase of the development. The CTMP outlines the intention for the byway to remain open, as far practicable during construction works. However, the CTMP does note that temporary diversions or stopping up of the byway are likely to be necessary. Officers accept that temporary stopping up or diversions are inevitable, given the proximity of the byway to the development. It will be the responsibility of HCC's Rights of Way Team to oversee any temporary closure or diversion of the byway. Whilst this is noted, officers consider that the byway has been successfully integrated into the development and this will ensure the long-term retention of this public right of way, in accordance with DP Policy CFLR3.

Sustainability and Water Management

Sustainable Design

10.124 DP Policy CC2 outlines that proposals should demonstrate how carbon emissions would be minimised across the development, taking into account the energy hierarchy. The energy hierarchy 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. DP Policy CC2 also encourages developments to achieve carbon emission reduction standards above and beyond the requirements of Building Regulations. DP Policy CC1 sets out that schemes should demonstrate how the design, materials, construction and operation of the development would minimise overheating in the summer and reduce the need for heating in the winter.

10.125 In order to address the requirements of the above policies, the applicant has submitted an Energy Strategy Statement (ESS) and a Sustainability Checklist. The ESS explains that compliance with the Building Regulations, relating to carbon emission reduction, would be achieved by adopting a fabric first approach to the development. The fabric first approach involves minimising energy demand through

design and construction methods, which would deliver improved U-Values, high-levels of insulation, reduced thermal bridging and enhanced air tightness. This means that the proposed dwellings would achieve good levels of thermal performance and would utilise energy efficiently. Therefore, the development would limit carbon emissions through this fabric first approach.

10.126 In addition to the above, the proposed development seeks to go beyond the Building Regulations, associated with carbon emission reduction, by providing renewable technologies on site. It is intended for each of the proposed dwellings to have an air source heat pump for heating and hot water. Use of this renewable technology will ensure that energy is provided to the proposed houses in an efficient and sustainable way. The ESS outlines that provision of this renewable technology, together with the fabric first approach to the development, would ensure that the overall scheme provides a 34.61% carbon reduction over and above carbon reduction standards in Building Regulations. Therefore, it is clear that the proposed development would comply with DP Policy CC2, as carbon emissions would be minimised and carbon reduction levels would go beyond Building Regulations.

10.127 The sustainable design of the proposed scheme is supported by officers, however a condition requiring further details is deemed necessary, so to secure on-site carbon emission reduction on-site. Furthermore, a condition is recommended securing details of the proposed air source heat pumps, in order to ensure that the proposed model delivers the required level of energy efficiency.

10.128 Officers note that various comments from local residents and local groups suggest that solar panels should be provided as part of the development. Whilst solar panels are not intended to be delivered for all the dwellings, the ESS demonstrates that carbon emission reduction above Building Regulations can be secured, though fabric first measures and provision of air source heat pumps. Therefore, compliance with DP Policy CC2 can be achieved, without installation of solar panels on every property. Given this, there is no

policy basis for officers to require the provision of solar panels on every dwelling in the scheme.

10.129 The application has considered the potential for the proposed dwellings to overheat through submission of an Overheating Assessment. This assessment concludes that all the proposed dwellings, which have been tested, would pass the standards in Building Regulations. To achieve this, energy efficient fittings are proposed in the dwellings to reduce internal heat gains. In addition, the building fabric would be insulated to limit heat gains and solar gain would be minimised by installing efficient glazing elements. Officers also note that the majority of the proposed dwellings would be dual-aspect, providing opportunities for cross ventilation, which would further assist in cooling the properties. Given the results of the Overheating Assessment, officers consider that the proposal would be designed to minimising possible instances of overheating, in line with DP Policy CC1.

10.130 DP Policy WAT4 also requires development to minimise the use of mains water. This policy sets a mains water consumption target of 110 litres or less, per head, per day.

10.131 The submitted Sustainability Checklist confirms that all of the proposed dwellings would achieve the water consumption target, referenced at DP Policy WAT4. This target would be achieved through use of water efficient fittings, flow restrictors and low volume cisterns. Therefore, officers consider that the proposed development would comply with DP Policy WAT4. Whilst this is noted, it is deemed necessary to recommend a condition securing adherence to the water consumption target.

Flood Risk and Drainage

10.132 DP Policy WAT1 outlines that development proposals should neither increase the likelihood or intensity of flooding, nor increase the risk to people, property, crops or livestock, both on site, to neighbouring land and further downstream. DP Policy WAT5 sets out that development must utilise the most sustainable forms of drainage systems, in accordance with the SUDs hierarchy. In addition,

this policy notes that development should aim to achieve greenfield run-off rates and ensure that surface water is managed as close to its source as possible.

10.133 The application site is fully within Flood Zone One, and therefore is at low risk from fluvial flooding. As such, officers do not consider that the development would be at undue risk of flooding from watercourses. Whilst this is noted, mapping from the EA shows that a small part of the south-eastern corner of the site is at low/medium risk of surface water flooding. Furthermore, parts of Wadesmill Road and Sacombe Road, adjacent to the site, are identified as being at medium/high risk from surface water flooding. This is reflected in a number of the comments received from local residents, who have raised concern about flooding, particularly on Sacombe Road. Given the risk of surface water flooding in the immediate locality, officers consider that a robust Drainage Strategy is required to ensure that surface water is appropriately managed and instances of flooding both on and off site are minimised.

10.134 This scheme is supported by a Drainage Strategy, which initially proposed to manage surface water through a combination of on-site infiltration techniques and controlled run-off into an existing off-site ditch adjacent to Wadesmill Road. The LLFA initially objected to this arrangement, due to uncertainties over management of the off-site ditch. Noting this, the applicant has updated their Drainage Strategy and it is now proposed for all surface water to be drained on-site. In order to achieve this, several SUDs features are proposed through the development, including two attenuation ponds on the northern boundary, a swale adjacent to the primary internal road, cellular soakaway systems, filter drains and permeable paving. The LLFA have reviewed this revised Drainage Strategy and this consultee is now content that surface water would be suitably dealt with on site. Given this updated position from the LLFA, officers consider that an acceptable Drainage Scheme would be delivered on the site. Therefore, the proposal would not materially increase the risk of surface water flooding on-site or off-site, in accordance with DP Policies HRET4, WAT1 and WAT5.

10.135 Whilst the above conclusions are noted, the LLFA have also recommended several conditions requiring further details of the sustainable drainage components, information on the maintenance proposals and submission of verification report. These conditions would ensure that the Drainage Scheme is implemented and retained in full accordance with the agreed strategy. As such, these conditions form part of this recommendation.

10.136 Officers do note that the access road would have to be installed across the existing ditch that is adjacent to Wadesmill Road. Neither the Environment Agency, nor the LLFA, have raised concern that this arrangement would increase flood risk. However, the LLFA have recommended a condition requiring details of how the road would be bridged across the ditch. This condition is deemed necessary, in the interests of ensuring that any water flow in the ditch is not unduly obstructed by the construction works. Therefore, this condition is again included as part of this recommendation.

Groundwater and Public Water Supply

10.137 DP Policy WAT2 requires development proposals in Source Protection Zones (SPZs) to submit an assessment of potential impacts and any mitigation measures necessary. Paragraphs 189 of the NPPF notes that developments must ensure that a site is suitable for the proposed use, taking into account ground conditions and any risks from contamination. NP Policy HBH3 outlines that proposals at HERT4 should ensure protection of local aquifers and Hertford's water supply.

10.138 The application site is predominantly within SPZ 2, however the north-eastern corner of the site is in SPZ 1. It is understood that these SPZs are associated with a pumping station, which is used for public water supply, comprising of a number of abstraction boreholes. There is also a principal chalk aquifer underlying the site.

10.139 The scheme proposes for foul water to be discharged to a Thames Water foul sewer located on Sacombe Road. It is proposed for foul water from the development to flow under gravity to a new foul water pumping station in the north-eastern corner of the site.

Following this, foul water would be pumped to the connection on Sacombe Road.

10.140 The Environment Agency (EA) initially objected to the scheme, on the basis that it was proposed to install a foul water pumping station in the north-eastern corner of the site and within SPZ 1. The EA did not consider that the risks from this foul water infrastructure to potable water abstraction had been adequately addressed by the applicant. In response to this, the applicant submitted a Controlled Waters Risk Assessment, which explained that the location of the foul water infrastructure was constrained by the topography of the site, which drops from west to east. This topography means that foul water would have to flow by gravity to the foul water pumping station at the lowest land levels, which are in the north-eastern corner of the site, before being pumped to the connection on Sacombe Road. Given this constrained topography, the Controlled Waters Risk Assessment concludes that it would not be possible to locate the foul water infrastructure in an alternative location outside of SPZ 1.

10.141 Noting this position, the Controlled Waters Risk Assessment then explains how the risks from the foul water pumping station within SPZ 1 would be managed. The Controlled Waters Risk Assessment and the other submitted details outline that a reinforced and contained design would be adopted for the foul water infrastructure. Furthermore, the foul water pumping station would not provide large volumes of on-site storage, with continual pumping of foul water to the off-site sewer proposed. Emergency measures would be put in place and a system with capacity for 24 hours of emergency storage would be provided. Given these measures, the Controlled Waters Risk Assessment concludes that the foul water system has been designed to provide protection to underlying groundwater quality.

10.142 The EA have reviewed the updated information and have removed their objection to the proposed development, noting that they are confident that it will be possible to manage risks to groundwater. In addition, neither Affinity Water nor Thames Water have objected to the proposed foul water arrangements. Whilst this is noted, the EA have recommended a condition securing details of

the sewage pipes. Subject to this condition, and the development progressing in line with the submitted details, officers do not consider that the foul water infrastructure would present an undue risk to SPZs, public water supply or the chalk aquifer, in accordance with DP Policy WAT2, NP Policy HBH3 and Section 15 of the NPPF.

10.143 While the above is acknowledged, the EA also initially objected to the scheme, on the basis that an appropriate risk assessment had not been undertaken to consider the risk of infiltration SUDs within SPZ 1. In order to address these comments, the applicant submitted a Hydrogeological Risk Assessment, which details the modelling and investigative work that has been undertaken to assess the risk to groundwater. This Hydrogeological Risk Assessment concludes that the proposed discharge to the ground would not represent an unacceptable contamination risk to groundwater quality or off-site groundwater abstractions. The EA have reviewed this Hydrogeological Risk Assessment and have removed their objection to the proposals. Given this position of the EA, officers do not consider that the SUDs proposals would cause undue risk to groundwater, SPZs, public water supply or the chalk aquifer. Therefore, the proposal would not be contrary to DP Policies WAT2 or WAT5, NP Policy HBH3 or Section 15 of NPPF.

Foul Water Capacity

10.144 DP Policy WAT6 notes that proposals should ensure that adequate wastewater infrastructure capacity is available in advance of the occupation of the development.

10.145 As already advised, it is proposed for the development to connect to a Thames Water foul sewer on Sacombe Road. A number of local residents have raised concern regarding the capacity and functionality of the existing foul sewage system in this locality. These concerns are acknowledged, however Thames Water have commented on the application, noting that they have no objection with regard to foul water sewerage capacity. Given these comments from Thames Water, it is considered that the existing foul sewage network has sufficient capacity to accommodate the proposed

development. Therefore, the proposal would comply with DP Policy WAT6.

Trees, Ecology and Biodiversity

10.146 DP Policy DES3 notes that proposals should demonstrate how they will retain, protect and enhance existing landscape features, which are of amenity and biodiversity value. DP Policy NE3 explains that development, which would result in the loss of, or significant damage to, trees or hedges will be resisted. Where losses are unavoidable and justified by other material considerations, compensatory planting or habitat creation will be sought, in line with DP Policy DES3 and NP Policy HBN3. A net gain in biodiversity should be achieved on site, in accordance with DP Policies NE2 and NE3.

10.147 DP Policy NE1 also outlines that designated Wildlife Sites should not be detrimentally impacted by development. In addition, DP Policy NE3 expects bird and bat boxes to be provided on-site, while this policy sets out that impacts on protected species should be avoided. NP Policy HBH3 specifically requires the provision of wildflower planting, bee bricks and nesting boxes for swifts, as part of the HERT4 development.

10.148 There are very few trees within the application site, however officers note that there is one high quality sweet chestnut tree, close to the north-eastern corner of the land. In addition, there is a row of predominantly English Elm, along the western site boundary, and a mixed broadleaf tree belt across the eastern site boundary. Along the southern site boundary, there is a mix of moderate-quality and low-quality trees and hedges.

10.149 A Tree Survey and Impact Assessment (TS) has been submitted in with this application. It is clear from the TS, Site Layout Plan and Landscape Masterplan that it is proposed to retain the high-quality sweet chestnut and this is supported by officers. In addition, a significant buffer would be provided between this mature tree and the proposed built development. Therefore, officers consider that the sweet chestnut tree has been appropriately integrated into the

proposed scheme and there would be no pressure to remove this high-quality landscape feature. The retention of this tree would comply with DP Policies DES3 and NE3.

10.150 There would be some localised tree/shrub removal along the southern site boundary. However, none of the landscape features identified for removal are high-quality, and therefore officers have no objection to this. The tree line along the western site boundary is proposed to be retained in its entirety, which is supported by officers. Furthermore, sufficient separation would be provided between the built development and the western tree line to enable the long-term retention of these landscape features.

10.151 The eastern broadleaf tree belt is proposed to be largely retained. However, the creation of the vehicular access would result in the requirement for some minor tree/shrub removal. Whilst this is noted, the access point has been strategically placed along the eastern site boundary to avoid impacts on larger trees. This siting is supported by officers, as it would ensure that trees of amenity and biodiversity value would be retained, in accordance with DP Policies DES3 and NE3. There would be a requirement for some trees along the eastern side to be trimmed back, so to allow the provision of suitable visibility splays along Wadesmill Road. While this is acknowledged, the Landscape Masterplan outlines that native tree/shrub planting would be undertaken across the site boundary. This planting would compensate for any trimming back of trees, in line with DP Policies DES3 and NE3, as well as NP Policy HBN3. Further details of these soft landscaping works can be secured via condition.

10.152 From the above observations, it is clear that inappropriate tree removal would not occur. As such, adverse arboricultural impacts would not result from the proposed development. While this is noted, it is deemed necessary to secure the retention of trees via a condition. Furthermore, the applicant has provided a Tree Protection Plan (TPP), as part of this application. This TPP would adequately ensure that trees would be protected during the construction phase of the development. A condition is recommended requiring adherence to the TPP.

- 10.153** The existing site is not considered to be of any significant ecological or habitat value, being largely made up of cropland, together with small areas of grassland, vegetation, mixed scrub, tree lines and hedgerows. While the limited ecological value of the existing site is acknowledged, the proposed development would still result in loss of agricultural land and grassland, as well as localised removal of trees, shrubs and other vegetation. Given this, there could be a reduction in the biodiversity value of the site, if losses are not offset with compensatory habitat creation.
- 10.154** This application is supported by a Habitat Condition Assessment Survey and Biodiversity Net Gain Assessment, which sets out the habitat enhancements proposed across the site. It is evident from this document that the scheme would provide various new habitats, including: a woodland buffer, grasslands, wildflower grasslands, ponds, mixed shrub, street trees and hedgerows. The Habitat Condition Assessment Survey and Biodiversity Net Gain Assessment, as well as the submitted Biodiversity Metric, conclude that these compensatory habitat enhancements would deliver a biodiversity net gain of 11.12%. Hertfordshire Ecology have reviewed this application and have confirmed that the biodiversity values can be accepted. Therefore, a biodiversity net gain would be achieved on the site, in accordance with DP Policies NE2 and NE3, as well as NP Policy HBN3.
- 10.155** This biodiversity net gain can be secured through recommended conditions and the Section 106 legal agreement. Officers do note the comments from EHDC Landscape Officer, who has concerns regarding the deliverability of some of the soft landscaping and has also requested a full Planting Plan. Whilst these comments are noted, officers consider that the Landscape Masterplan adequately demonstrates that sufficient soft landscaping would be incorporated on the site. Furthermore, a full Planting Plan can be secured via the recommended landscaping condition.
- 10.156** The site is not located within an area designated for its wildlife or nature value. However, there is woodland to the west of the site, known as: Great Mole Wood, which is designated as a Local Wildlife

Site (LWS). Officers note that there is no public right of way running directly through the Great Mole Wood LWS. Due to this lack of access, it is not anticipated that the development would result in a material increase in recreational activities in this LWS. On this basis, it is not considered that the integrity of the LWS would be harmed by increased activity in the woodland. Therefore, from this perspective, the proposal would not be contrary to DP Policy NE1. Whilst this is noted, the Ecological Appraisal (PEA) submitted with this application does suggest mitigation measures to avoid impacts on this LWS during the construction phase of the development. Implementation of these mitigation measures can be secured via condition, in the interests of protecting the LWS during construction works.

10.157 The Waterford Heath LWS and Local Nature Reserve (LNR) is also situated to the north-west of the site. The submitted PEA suggests that the majority of recreational needs associated with the proposed development would be absorbed by existing public rights of way through the area. On this basis, the PEA concludes that interest features within this LWS and LNR would not be impacted. Hertfordshire Ecology agree with this position, as this consultee expects the right of way network to deflect significant increases in access to the LWS and LNR. Given these comments, it is not considered that the integrity of this LWS and LNR would be compromised by increased recreational activity. As such, there would be no conflict with DP Policy NE1.

10.158 A comment has been received from a local resident outlining that the Local Planning Authority need to undertake an 'appropriate assessment' of the development to discharge its duties under the Conservation of Habitats and Species Regulations 2017. Whilst this comment is noted, the duty to undertake an 'appropriate assessment' is applicable if a scheme is likely to have a significant effect on a European Protected Site (EPS). There are no EPSs in close proximity of the development, and on this basis officers do not consider that an 'appropriate assessment', under the Conservation of Habitats and Species Regulations 2017 is required.

10.159 Officers note that various local residents have raised concerns that the proposed development would impact upon local wildlife. The submitted PEA has assessed the potential for protected species to occupy the site. This document does outline that commuting, foraging and roosting bats may be present on the site. However, the habitats likely to be used by bats are intended to be retained through this scheme. Therefore, it is not anticipated that this protected species would be harmed by the development. The PEA has also considered the possibility of mammals, badgers, reptiles, great crested newts and invertebrates being present on the site. Hertfordshire Ecology have reviewed the PEA and this consultee considers that limited opportunities exist for these species on the site. As such, these protected species would not be compromised by the development. The PEA does note that nesting birds, including house sparrows and skylarks, may occupy the site. Therefore, habitat utilised by these birds may be lost through the development. While this is noted, there are various habitats in the wider locality that are suitable for use by these birds. Noting this, and given the wildlife enhancements (e.g. birds boxes) proposed through the scheme, officers do not consider that the development would adversely impact birds. This conclusion is backed up by the comments from Hertfordshire Ecology.

10.160 Given the above observations, it is not considered that protected species would be harmed by the development. Therefore, from this perspective, the proposed scheme would comply with DP Policy NE3. Whilst this is noted, the PEA does recommend several precautionary measures to avoid impacts on wildlife, in the unlikely event of protected species being found during construction works. Adherence to these precautionary measures can be secured via condition.

10.161 The PEA recommends several wildlife enhancements to be delivered through the development, including bat boxes, bird boxes, hedgehog nest domes and bee bricks. Provision of these wildlife enhancements is supported by officers and would ensure compliance with DP Policy NE3, as well as NP Policy HBH3. Whilst this is noted, specific details of these wildlife enhancements have not been provided with the application. This information can be secured

via condition to ensure that appropriate wildlife enhancements are delivered on site.

Amenity and Pollution

Residential Amenity and Noise

10.162 DP Policy DES4 outlines that developments should avoid significant detrimental impacts on the amenity of occupiers of neighbouring properties and land, and ensure that their environments are not harmed by noise and disturbance, or by inadequate daylight, privacy or overshadowing. DP Policy EQ2 notes that development should be designed and operated in a way that minimises the direct and cumulative impact of noise.

10.163 To the south of the proposed development are residential properties at The Stiles. Sufficient separation distance would be provided between the proposed dwellings and these neighbouring residential properties to ensure that undue: overbearing impacts, losses of light, overshadowing, restriction of outlook or overlooking would not occur. There are no other residential properties in such close proximity to the site that their living conditions would be materially impacted by the proposed development. Therefore, the proposal would comply with DP Policy DES4.

10.164 The scheme does not involve any noise generating uses, and as such, from this perspective, adverse noise impacts would not arise for nearby residential properties. Officers do note that air source heat pumps would be installed for each of the proposed dwellings and this renewable technology can at times generate noise. However, in this instance, the proposed dwellings would be such a distance from neighbours that noise from air source heat pumps would not materially impact the living conditions of nearby residential properties. Therefore, the proposed scheme would accord with DP Policies DES4 and EQ2. Whilst this is noted, a condition is still recommended securing further details of the air source heat pumps, so to ensure that this renewable technology is suitably sited and an appropriate model is used.

10.165 A number of local residents have raised concerns regarding possible disruption during the construction phase of the proposed development. As already noted, this application is supported by a Construction Traffic Management Plan (CTMP). This CTMP notes that it is proposed to create the new vehicular access from Wadesmill Road, prior to commencement of construction works. This would enable construction vehicles to use the new vehicular access and then park within the application site, rather than parking on local roads. Furthermore, this CTMP includes routing details, which set out that construction vehicles would access and leave the site to/from the north, avoiding vehicular movements along Bengo Street. These overall access arrangements would ensure disruption from construction traffic would be minimised for local residents. Highways Officers and Environmental Health Officers raise no objections to the proposals on the basis of construction impact (from traffic or the construction itself), subject to conditions.

10.166 In addition to the above, the CTMP includes measures for mitigating noise impacts, whilst it also sets appropriate hours of operation. There is a commitment within the CTMP to liaise with businesses, schools and local residents, in order to address issues that may arise. A Liaison Officer would be provided by the developer, who would act as the point of contact for the local community. Officers consider that the steps within the CTMP would limit the levels of disruption to local residents. Furthermore, an Air Quality Assessment (AQA) has been submitted with this application, which outlines suitable measures for reducing dust generation during the construction phase. Compliance with the measures within the CTMP and AQA can be secured via condition. Subject to this, it is not considered that the construction phase would result in undue disturbance for existing residents.

Land Contamination

10.167 DP Policy EQ1 notes that the Council will require evidence to show that unacceptable risks from contamination will be successfully addressed through remediation.

10.168 The applicant has submitted a Phase 1 and Phase 2 Site Investigation Report, which considers possible contamination on the site. EHDC Environmental Health Officer has reviewed this report and does not dispute the findings. Therefore, this consultee has no objection to the development and does not recommend any land contamination conditions. On this basis, no land contamination conditions are deemed necessary.

Air Quality

10.169 DP Policy EQ4 notes that developments should include measures to minimise air quality impacts at the design stage and should incorporate best practice in design, construction and operation.

10.170 An Air Quality Assessment (AQA) has been submitted with this application, in order to address the requirements of DP Policy EQ4. As already advised, this AQA sets out various mitigation measures to avoid adverse air quality impacts during the construction phase. These mitigation measures can be secured via condition. The AQA has also considered the operational stage of the development and concludes that the proposal is not expected to exceed air quality objectives at the site. The Environmental Health Officer has reviewed the AQA and has not disputed the findings. Given this, officers consider that the proposal would not result in unacceptable air quality impacts. Notwithstanding this, the AQA has recommended several transport related mitigation measures, which would assist in reducing further air quality impacts. These measures are secured either by condition or the Section 106 legal agreement.

Minerals and Waste

10.171 DP Policy HERT4 expects development at the site to include:

- (c) 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;

10.172 In order to address this criterion of DP Policy HERT4, the application is supported by a Mineral Resource Assessment (MRA). This MRA has assessed the extent of mineral present at the site and then considered the feasibility of prior extraction. The conclusion of this MRA is that prior mineral extraction is not viable on the site. HCC Minerals and Waste Team have reviewed the MRA and agree that prior extraction is not viable. In reaching this conclusion, HCC Minerals and Waste refer to the lack of mineral extraction at Preferred Area 2 and the presence of residential development to the south, which would reduce the workable area. Given these comments from HCC, officers consider that prior mineral extraction would not be appropriate on this site.

10.173 HCC Minerals and Waste Team have recommended a condition requiring submission of a Site Waste Management Plan (SWMP). This consultee deems this condition necessary, in order to ensure that the development suitably minimises waste generation, encourages re-use of waste materials and promotes recycling of materials. This aim is supported by officers, and therefore a condition is recommended to secure a SWMP.

Healthy and Safe Communities

Secured by Design

10.174 DP Policy DES5 notes that developments should be designed to reduce the opportunity for crime by encouraging natural surveillance and creation of areas of defensible space.

10.175 Officers consider that the scheme has been designed, taking into account secured by design principles. Both public and private spaces are suitably overlooked, ensuring that the appropriate levels of natural surveillance are available across the whole development. In addition, defensible spaces would be created, with clearly defined boundaries. The Hertfordshire Constabulary Crime Prevention Design Advisor has reviewed the scheme and has not objected to the

proposals. As such, it is considered that the proposed development would be designed to reduce opportunities for crime, in accordance with DP Policy DES5.

Open Space and Play Spaces

10.176 DP Policy CFLR1 outlines that residential development will be expected to deliver open spaces, sport facilities and recreation facilities to provide for the needs arising from the development. The Open Space, Sport and Recreation SPD explains that major developments will be required to make either on-site or off-site contributions towards open space, sport and recreation. This SPD sets the formulas for calculating off-site contributions.

10.177 The SPD requires major developments to make contributions towards children's play. This scheme proposes to provide a locally equipped area for play (LEAP) close to the northern boundary of the site and a local area of play (LAP) along the southern boundary. These play spaces would be capable of being provided, in line with the size requirements of the Open Space, Sport and Recreation SPD. Therefore, the demand for child's play arising from the development would be addressed on-site, in accordance with DP Policies HERT4 and CFLR1. While this is noted, it is deemed necessary to secure further details of the play spaces via condition, in order to ensure that the LEAP and LAP provided are of adequate size and quality.

10.178 It is outlined in the SPD that developments should also contribute towards three different types of open spaces (parks and gardens, amenity green space and natural green space). This scheme would provide green spaces across the northern part of the site, as well as a grassed area in the central part of the development and tree lines across the boundaries. Officers consider that these green spaces would be of sufficient size to meet the demand arising from the development for parks and gardens and amenity green space. However, there would not be sufficient areas of natural green spaces provided on-site. Therefore, a financial contribution towards natural green space provision is justified and can be secured through the Section 106 legal agreement.

10.179 This SPD, as well as the Planning Obligations SPD, note that contributions will also be required towards sport facilities, recreation facilities and other community facilities. These types of facilities cannot reasonably be provided on-site, and therefore off-site financial contributions can be secured through the Section 106 legal agreement.

Other Matters

10.180 Section 149 of the Equality Act (2010) requires the Council to consider the equality impacts on all protected groups when exercising its functions. 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.

10.181 Officers note that comments from local residents and groups have raised various other matters for consideration. There have been numerous objections questioning the capacity of infrastructure in this locality (e.g. schools, health services, utilities). Whilst these comments are acknowledged, all the statutory bodies responsible for these services have been consulted on the application and none have raised concern with the proposals. Furthermore, officers have secured significant financial contributions towards education, health services and community facilities, as set out in a later section of this report. These contributions will be used to improve services and facilities, so that they are able to accommodate the new residents occupying the proposed development.

10.182 Various residents have suggested that the Section 106 contributions are insufficient. These comments are noted, however the financial contributions have been calculated based on adopted policy and guidance, as explained in a following section of this report. Residents have also queried why the Section 106 totals have changed throughout the course of the application. The financial contributions from HCC have been adjusted, due to the altered housing mix and changes to identified projects. Members should be aware that the overall contribution sought by HCC has increased during the lifetime

of this application. Some residents have questioned why financial contributions are earmarked for projects in Ware, particularly the secondary education contribution. Hertford and Ware are within the same secondary education planning area. Therefore, the proposed new secondary school in Ware will also serve Hertford residents, as set out in Chapter 7 of the DP. On this basis, it is appropriate to secure a contribution towards a new secondary school in Ware through this development.

10.183 There have been a significant number of comments received that emphasise the recreational value of the byway and Bengo Field, with some of these objections supported by surveys of local residents. These comments raise concern that the recreational use of the byway and Bengo Field would be eroded. It is acknowledged that some countryside land would be lost through this scheme and that the byway would route through the development. However, the byway extends a significant distance to the north of the application site, meaning that residents would still have access to countryside land to the north of Hertford. Given this, it is considered that the recreational value and use of the byway and Bengo Field would still be available for the local community. Some residents have raised concern that this proposal could lead to further development of Bengo Field. While these comments are noted, the remainder of Bengo Field to the north of the application site remains in the Green Belt, and as such is protected from inappropriate development.

10.184 The loss of agricultural land and associated impacts on food security have been raised in several comments. These concerns are acknowledged, however the acceptance of agricultural land being lost was set through the District Plan process, when the site was allocated for residential development. Notwithstanding this, the remainder of Bengo Field to the north of the site would remain in agricultural use, and therefore could continue to be used for the production of crops.

10.185 Comments have suggested that none of the dwellings provided through this scheme would be affordable for first-time buyers. These comments are acknowledged, however the Council does not exert

any control over the property market or house prices. Whilst this is noted, this scheme would deliver 40% affordable housing, and therefore would make a significant contribution to the housing needs of the local area. As already noted, this is a material consideration that can be attributed significant positive weight in the overall planning balance. Some local residents have raised concern that this development would de-value their properties. Possible impacts on property values are not a material consideration for a planning application. Consequently, this is not a matter that can be taken into account through the assessment of this application.

10.186 Some local residents have raised concern with the submitted Health Impact Assessment. This Health Impact Assessment concludes that health and wellbeing has been taken into account and that the development would contribute towards the creation of a healthy and sustainable community. HCC Public Health Team have reviewed the Health Impact Assessment and confirmed that this document has provided a proportionate assessment of the health impacts of the proposals. On this basis, the HCC Public Health Team do not object to the development. Given the comments from this consultee, officers consider that the Health Impact Assessment is acceptable.

10.187 Issues of social cohesion between existing residents and new residents has been raised in some comments. Whilst these comments are acknowledged, officers see no reason why the occupiers of the new development would not integrate appropriately into the existing community. Therefore, issues of social cohesion would not arise from this scheme.

10.188 A comment from a local resident has questioned whether light pollution would result from the development. Officers acknowledge that limited details of the lighting scheme have been provided with this application, and therefore a condition is recommended securing details of the lighting proposals for the site.

10.189 Officers do note that NP Policy HBH3 outlines that the HERT4 development should be encouraged to provide opportunities for new

residents to grow food. It is accepted that no allotments or food production initiatives would be provided within the application site. However, such provision would not be reasonable, given the close proximity of the site to existing allotments. Instead, the scheme would make a financial contribution towards allotments, which could be utilised to enhance the existing allotments adjacent to the site. This is considered appropriate, as through improving existing allotments residents will be encouraged to utilise this community facility to grow food.

11.0 Planning Obligations

11.1 DP Policy DEL2 notes that the Council will seek a range of planning obligations. In line with this policy, paragraph 57 of the NPPF and the tests at CIL Regulation 122, planning obligations will only be sought where they are:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

11.2 A range of contributions have been requested by HCC Growth and Infrastructure Unit and EHDC Section 106 Officer. In addition, the NHS has requested a financial contribution. These contributions are deemed necessary to enhance local infrastructure, so that it is capable of supporting the additional residents arising from the proposed development. The contributions have been calculated, in accordance with the Planning Obligations SPD 2008, the Open Space, Sport and Recreation SPD 2020 and HCC's Guide to Developer Infrastructure Contributions 2021, meaning that they are considered to be reasonably related in scale and kind to the development. Therefore, the contributions are considered to pass the tests, referenced at DP Policy DEL2, paragraph 57 of the NPPF and CIL Regulation 122.

11.3 The triggers for payment of contributions are subject to negotiation between parties and are not for the resolution of the Committee.

11.4 Subject to resolution by the Committee, the contributions listed in the Heads of Terms in a following section of this report will be secured through the Section 106 legal agreement.

12.0 Planning Balance and Conclusion

12.1 This report provides a comprehensive consideration of the full 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 effects of the proposals.

12.2 In the planning balance, the most important policy is compliance with the criteria set out in DP Policy HERT4, which allocates the site for around 100 dwellings. The below table indicates the extent to which this full application is able to demonstrate compliance with this criteria:

HERT4 PROVISIONS	CRITERIA MET?
(a) a range of dwelling type and mix, in accordance with the provisions of Policy HOU1 (Type and Mix of Housing);	Yes - the scheme would deliver a range of units, including flats and houses, ranging from one-bedroom homes up to five-bedroom homes.
(b) Affordable Housing in accordance with Policy HOU3 (Affordable Housing);	Yes - the scheme would deliver 40% affordable housing, which would be secured via Section 106 legal agreement.
(c) 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	Yes - The scheme is supported by a Minerals Resource Assessment, which identifies the extent of mineral present and considers the potential for

<p>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;</p>	<p>prior extraction. This document concludes that prior extraction is not viable.</p>
<p>(d) necessary new utilities, including, inter alia: integrated communications infrastructure to facilitate home working;</p>	<p>Yes - new utilities are proposed to serve the development and integrated communications infrastructure can be secured via condition.</p>
<p>(e) necessary upgrades to the sewerage system;</p>	<p>Yes - the scheme proposes to connect to the existing sewerage system. This has been confirmed as acceptable by Thames Water.</p>
<p>(f) sustainable drainage and provision for flood mitigation;</p>	<p>Yes - the site is located in Flood Zone One, and therefore is at low risk from fluvial flooding. A detailed Drainage Strategy has been provided to manage surface water and this includes several SUDs features.</p>
<p>(g) access arrangements and appropriate local (with contributions towards wider, strategic) highways mitigation measures;</p>	<p>Yes - the scheme proposes a new vehicular access from Wadesmill Road, while pedestrian and cycle access are achieved through use of the existing byway. A speed reduction is proposed along Wadesmill Road to enhance highways safety. Financial</p>

	contributions are secured towards sustainable transport improvements within the area.
(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 and enhanced passenger transport services;	Yes - the scheme proposes to encourage sustainable transport through upgrade works to the existing byway and by providing new pedestrian connections. In addition, a new footway/cycleway is proposed to be created on Wadesmill Road. Financial contributions are secured towards sustainable transport initiatives in the wider area.
(i) protection of all public rights of way (including, inter alia, the protection of the restricted byway) and other public access routes running through or on the boundaries of the site;	Yes - the scheme proposes to retain and upgrade the existing restricted byway. No other public routes would be impacted by the development.
(j) landscaping and planting, both within the site and peripheral, which responds to the existing landscape and complements development, as appropriate and provides a defined, recognisable boundary to the Green Belt;	Yes - the scheme includes generous soft landscaping and planting within the site. Further supplementary planting is proposed along the site boundary to enhance existing tree lines. A landscape buffer is proposed across the northern site boundary to provide a 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;	Yes - the scheme proposes to provide a large public open space across the northern part of the site. Two play spaces would be delivered and there would be sufficient areas for outdoor recreation. The landscape buffer along the northern site boundary, together with new planting, would create opportunities 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;	Yes - the scheme proposes to provide a large area of green space across the northern part of the site. The landscape buffer would connect to existing tree lines, providing continual green infrastructure along site boundaries. The scheme would deliver a biodiversity net gain of 11.12%.
(m) measures to ensure that any impact on wildlife within the site and at the nearby Waterford Heath nature reserve is successfully mitigated;	Yes - No protected species would be harmed by the proposed development. The scheme proposes to create opportunities for wildlife through new planting and other wildlife enhancements.

(n) the delivery of all other necessary on-site and appropriate off-site infrastructure; and	Yes - the scheme includes improvements to the highway and right of way network. In addition, contributions towards off-site infrastructure (education, health services and community facilities) would be secured through the Section 106 legal agreement.
(o) other policy provisions of the District Plan and relevant matters, as appropriate.	Yes - the scheme the scheme has been assessed against the development plan read as a whole.

12.3 Given the above assessment, it is considered that the proposed scheme complies with DP Policy HERT4 when read as a whole. In addition, this full application would deliver a significant level of new housing on an allocated site and would assist in meeting the identified housing needs across the District. This housing provision would also support the Council in restoring a five-year housing land supply. Delivery of these 118 homes is a material consideration of significant positive weight in the planning balance. Furthermore, this development would supply 47 affordable homes, which equates to 40% affordable housing. Included within this affordable housing offer are a considerable number of family-sized dwellings and this is the type of affordable unit in most demand throughout the District. As such, the proposed scheme would make a valuable contribution towards affordable housing needs in the District. This affordable housing provision also attracts significant positive weight in the planning balance.

12.4 The proposed scheme would make considerable financial contributions towards local infrastructure, including education, health services and community facilities. These contributions would enable local facilities and services to accommodate the new residents of the

development, but would also benefit the wider community. Therefore, these contributions towards social infrastructure can be assigned positive weight (limited benefit). A financial contribution is also secured towards sustainable transport initiatives and enhanced bus services. Again, this contribution would be of wider public benefit and should attract positive weight (moderate benefit). Off-site highways works are proposed to be delivered by the applicant, comprising of a new footway/cycleway on Wadesmill Road and upgrades to the existing byway. This new and enhanced sustainable transport infrastructure would be used by the occupiers of the development and the residents of the local area. Therefore, within the planning balance, these sustainable transport upgrades should be assigned moderate positive weight.

- 12.5** In addition to the above, wider economic benefits of limited benefit would arise from the proposed scheme, including the provision of a significant number of construction jobs and the contribution to the local economy from additional household expenditure in the area.
- 12.6** Coupled with the above tangible benefits of the scheme, the proposed development would be of a high-quality design, which would respect the character of the area and comply with the requirements of the Masterplan. The landscape impacts of the development would be mitigated by the provision of the northern landscape buffer and other boundary planting. The proposals would not result in a material adverse impact on the local highway network and would not compromise highways safety. In addition, the scheme would suitably promote sustainable travel, as required by the Masterplan. Sustainable design credentials have been adopted for the development, with carbon emission reduction above Building Regulations achieved. Furthermore, a suitable drainage scheme would be delivered, while risks to groundwater and public water supply would be appropriately managed. The development would provide a biodiversity net gain and would not harm protected species, high-quality trees or designated wildlife sites subject to conditions.
- 12.7** In terms of adverse impacts, officers have identified that the development would result in some negative landscape impact on the

character of the site, given the change from agricultural/suburban fringe to built-up urban character. This harm is assigned moderate harm in the balance, which is reduced to limited following the landscape buffer maturing and assimilating into the landscape over time.

12.8 In light of the above, officers consider that the proposed scheme would be in accordance with the relevant development plan policies within the District Plan, the Neighbourhood Plan and the Minerals Local Plan thereby complying with the Development Plan as a whole.

12.9 The above conclusions reflect the officer's assessment of the scheme and the recommendation on the application. Officers have concluded that the phased approach to the site allocation, as set out in DP Policy HERT4 is no longer necessary, deliverable or feasible. If the decision maker is minded to view the requirement in the policy to phase the development, as a defining material consideration in the assessment of this proposal against the development plan policy and was to find non-compliance with this aspect of the policy, officers advice that particular regard needs to be given to the 'titled balance' and 'the presumption in favour of sustainable development', which is currently engaged in the decision making process, as the Council are currently unable to demonstrate a five-year housing land supply. Paragraph 11(d) of the NPPF states that for decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

12.10 The NPPF explains that, due to the lack of a five-year housing land supply, the policies relating to the provision of housing should be viewed as out-of-date. Therefore, (even if it is found that the proposals

do not comply fully with the requirements set out in the HERT4 policy), the application still needs to be assessed under paragraph 11(d) of NPPF regardless, meaning that permission should be granted, unless the circumstances in paragraph 11(d) (i) or (ii) exist.

12.11 In terms of paragraph 11(d)(i), the NPPF defines 'areas or assets of particular importance' as: habitat sites, Sites of Special Scientific Interest, Green Belt, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change. None of these listed areas or assets would be adversely impacted by the development. The requirement to phase the development to follow minerals extraction is not defined as conflicting with any national planning designations. Therefore, as there are no conflicts with these provisions, there is not a clear reason for refusing the application, under paragraph 11(d)(i). The non-compliance with the phased element of the HERT4 policy in the officer's opinion, does not give sufficient grounds to refuse the application in absence of any other significant harm or conflict with national or local policy.

12.12 Paragraph 11(d)(ii) requires a balancing exercise to be undertaken to determine whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

12.13 As already advised, the proposed scheme would give rise to several benefits, which when taken cumulatively, would attract significant positive weight in favour of the proposal. These benefits are listed below:

- The delivery of 118 new homes, which would assist in meeting the identified housing needs across the District. This material consideration should be assigned significant positive weight.
- The provision of 47 affordable homes, equating to 40% affordable housing. This affordable housing offer includes numerous family-sized units, which are the most in demand across the District. This material consideration should be assigned significant positive weight.
- The provision of financial contributions towards education, health services and community facilities. These contributions

would fund the upgrade of local facilities and services, so that they are able to accommodate the new residents of the development. However, these enhanced local facilities and services would also be used by the wider community. This is a public benefit that should be attributed limited positive weight.

- The provision of a financial contribution towards sustainable transport initiatives and enhanced bus services. This improved sustainable transport infrastructure would be available for the occupiers of the development, as well as the wider community. Therefore, there would be a wider public benefit that attracts moderate positive weight.
- The delivery of new and improved off-site highway infrastructure, which would be used by the occupiers of the development, as well as the wider community. This is a wider public benefit that can be attributed moderate positive weight.
- The proposed scheme would deliver a biodiversity net gain of 11.12%. This is a material consideration, which can be assigned limited positive weight.
- The proposed development would create jobs and employment during the construction phase. Additional household expenditure in the local area would also be generated. These economic benefits of the scheme attracts limited positive weight.

12.14 In regard to any adverse impacts, it is clear from the conclusions of this report that officers consider the scheme to be in compliance with the development plan, read as a whole. On this basis, and in the context of the development plan, the only adverse impacts are to landscape character, which reduce to limited harm over time.

12.15 Notwithstanding this, if the decision taker was to afford greater (negative) weight to the failure to comply with the phased approach to the site allocation, and therefore find a conflict with DP Policy HERT4, officers consider that any element of non-compliance would not be sufficient to demonstrably or significantly outweigh the significant benefits to arise out of the development, at a time when the Local Planning Authority has been found not to have a 5-year supply of housing land. In the officer's view, the non-delivery of the phasing of

the site allocation would not be a material consideration of such weight that it would outweigh the significant benefits arising from the proposed development. Therefore, in the context of the 'tilted balance' and 'presumption in favour of sustainable development', the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the scheme. As such, in line with paragraph 11(d) of the NPPF, officers consider that planning permission should be granted, subject to conditions and a Section 106 legal agreement.

13.0 RECOMMENDATION

13.1 That planning permission be **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

- **Sustainable Transport – £155,306 (index linked by SPONS from July 2024)** to go towards East Herts Local Cycling and Walking Infrastructure Plan (LCWIP) development in the area, the HERT project, Right of Way upgrades, and schemes within packages 1, 2, 4 and 5 of HCC's South East Growth & Transport Plan.
- **Bus Service Contribution – £400,000** (index linked by CPT from the date planning permission is granted) to go towards enhanced bus services in the local area.
- **Travel Plan – £6,000** (index linked by RPI from March 2014), together with enhanced travel vouchers of £150 per dwelling (index linked by RPI from March 2014).
- **Primary Education – £1,273,520** (index linked to BCIS 1Q2022) towards the expansion of Simon Balle Primary School, including nursery provision, and/or provision serving the development.
- **Secondary Education – £1,492,588** (index linked to BCIS 1Q2022) towards the delivery of the new secondary school

within the WARE2 development and/or provision serving the development.

- **Childcare Contribution (0 – 2 years) – £9,853** (index linked to BCIS 1Q2022) towards increasing the capacity of 0-2 year old childcare facilities at Bengo Playgroup and/or provision serving the development.
- **Childcare Contribution (5 – 11 years) – £1,651** (index linked to BCIS 1Q2022) towards s increasing the capacity of 5-11 year old childcare facilities at Bengo Primary School and/or provision serving the development.
- **Special Educational Needs and Disabilities (SEND) – £145,262** (index linked to BCIS 1Q2022) towards new Severe Learning Difficulty (SLD) special school places (EAST) and/or provision serving the development.
- **Library Service – £40,960** (index linked to BCIS 1Q2022) towards the reprovision of Ware Library and/or provision serving the development.
- **Youth Service – £32,993** (index linked to BCIS 1Q2022) towards increasing the capacity of Ware Young People's Centre and/or provision serving the development.
- **Waste Service Recycling Centre – £28,648** (index linked to BCIS 1Q2022) towards the new Ware Recycling Centre and/or provision serving the development.
- **Waste Service Transfer Station – £12,440** (index linked to BCIS 1Q2022) towards the new Eastern Transfer Station and/or provision serving the development.
- **Fire and Rescue Service – £44,910** (index linked to BCIS 1Q2022) towards new fire station at Hertford and/or provision serving the development.
- **Monitoring Fees** – These will be based on the number of triggers within each legal agreement with each distinct trigger point attracting a charge of £340.

EHDC Contributions

- **Affordable Housing** – 40% of total housing units equating to 47 dwellings, with a tenure split of 70% affordable rent and 30% intermediate ownership.

- **Recycling – £8,496** towards the provision of refuse and recycling containers to the new dwellings in the development.
- **Allotments – £20,869** towards the cost of improvements to the allotment site at Bengo and/or other allotments and community growing spaces in Hertford as used by the residents of the development, including the installation of additional water provision, site security improvements and site maintenance works.
- **Bowls – £28,421** towards maintenance and improvements to the clubhouse and/or upgrading and ongoing maintenance of the green at Sele Bowls Club in Hartham Common (as the nearest club to the development) and/or other Bowls Clubs in Hertford as used by the residents of the development.
- **Community Centres – £81,758** towards the cost of the East Herts Council Hertford Theatre Growth & Legacy Project (capital refurbishment programme for Hertford Theatre in Hertford) to support the provision of a destination community facility and/or to support any other community centre provision in the vicinity of the development as used by the residents of the development.
- **Outdoor Tennis – £19,470** towards improvements, including relining and new nets, at the hard surface public tennis court within the multi-use games area at Hartham Common (the nearest public tennis court to the development).
- **Sports Hall – £67,544** towards improvements to the sports halls at Wodson Park Sports & Leisure Centre.
- **Swimming Pools – £69,071** towards the cost of the East Herts Council capital refurbishment programme for the provision of new and/or improvements to the existing swimming pool space at Hartham Leisure Centre (the nearest public pool which can be used by the residents of the development).
- **Fitness Gyms – £30,018** towards the cost of the East Herts Council capital refurbishment programme to include the provision of new fitness gym equipment and/or improvements to the existing fitness gym area and equipment at Hartham Leisure Centre (the nearest public gym which can be used by the residents of the development).

- **Studio Space - £12,400** towards the cost of the East Herts Council capital refurbishment programme to include the provision of new studio equipment and/or improvements to the existing studio equipment and space at Hartham Leisure Centre (the nearest public gym which can be used by the residents of the development).
- **Natural Green Space - £10,283.70** towards the cost of improvement works at Hartham Common including footpath, bridge and access works, and/or other works identified in the Hartham Common Management Plan.
- **Monitoring Fee - £3,900** for the Council's costs of monitoring the development over the lifetime of the planning obligations.

NHS Contribution

- **NHS Health GMS Contribution - £205,792** towards relocation of Wallace House Surgery and the extension, reconfiguring and refurbishing of Hanscombe House to provide sufficient space to increase resources and clinical services and thus keep the patient lists open.

Section 278 Works

- A shared footway/cycleway, together with a toucan crossing, on Wadesmill Road, which will connect to restricted byway HERTFORD 001.
- Upgrades to existing restricted byway HERTFORD 001 to enable a 3 metre width for the full length through the application site.
- Implementation of a 40mph speed limit buffer on Wadesmill Road and associated infrastructure.
- Construction of new dropped kerbs and tactile paving points at the junctions of: The Avenue/Bengeo Street, Tower Street/Bengeo Street and Cross Road/Bengeo Street.

PLANNING CONDITIONS

Time Limit

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

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

- 21/001/010 REV PL02
- 21/001/011 REV PL13
- 21/001/012 REV PL11
- 21/001/080 REV PL06
- 21/001/014 REV PL03
- 21/001/015 REV PL05
- 21/001/016 REV PL05
- 21/001/091 REV PL03
- 21-001 V001
- 21_001_V004
- 21/001/020 REV PL05
- 21/001/021 REV PL04
- 21/001/022 REV PL06
- 21/001/023 REV PL06
- 21/001/024 REV PL05
- 21/001/025 REV PL04
- 21/001/026 REV PL05
- 21/001/027 REV PL04
- 21/001/028 REV PL05
- 21/001/029 REV PL05
- 21/001/032 REV PL03
- 21/001/033 REV PL03
- 21/001/036 REV PL06
- 21/001/037 REV PL04
- 21/001/038 REV PL06
- 21/001/039 REV PL06
- 21/001/040 REV PL05

- 21/001/041 REV PL04
- 21/001/042 REV PL05
- 21/001/043 REV PL04
- 21/001/044 REV PL03
- 21/001/045 REV PL05
- 21/001/046 REV PL03
- 21/001/047 REV PL02
- 21/001/048 REV PL01
- 21/001/049 REV PL04
- 21/001/050 REV PL05
- 21/001/051 REV PL02
- 21/001/052 REV PL01
- 21/001/053 REV PL01
- 21/001/060 REV PL05
- 21/001/061 REV PL05
- 21/001/063 REV PL04
- 21/001/070 REV PL02
- 21/001/071 REV PL02
- 21/001/072 REV PL02
- 21/001/073 REV PL01
- 21/001/074 REV PL03
- DUR1280-10 Rev C
- DUR1280-21
- 1870-KC-XX-YTREE-TPP01Rev H
- 1870-KC-XX-YTREE-TCP01Rev A
- 1126-05-101 Rev P08
- 1126-07-102 Rev P10
- 1126-07-104 Rev P08
- 1126-07-105 Rev P02
- 1126-07-106 Rev P05
- 1126-07-107 Rev P3
- 2023-16339-001
- 2023-16339-002

- 2023-16339-003
- 2023-16339-004
- 2023-16339-005
- 2023-16339-006
- 7083-MJA-SW-XX-DR-S-1000 Rev P2
- 7083-MJA-SW-XX-DR-S-1001 Rev P2
- 7083-MJA-SW-XX-DR-S-1002 Rev P1
- 7083-MJA-SW-XX-DR-S-1005 Rev P1
- SK02 Revision H
- SK09.1 Revision E
- 21-0458 SK18 Revision A
- 21-0458 SK19 Revision A

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

Construction Traffic Management Plan

- 3) Prior to the commencement of any development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall set out:
- the phasing of construction and proposed construction programme;
 - the methods for accessing the site, including wider construction vehicle routing;
 - the numbers of daily construction vehicles including details of their sizes, at each phase of the development;
 - the hours of operation and construction vehicle movements;
 - details of any highway works necessary to enable construction to take place;
 - details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway;
 - details of any hoardings;
 - details of how the safety of existing public highway users and existing public right of way users will be maintained;
 - management of traffic to reduce congestion;

- control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels;
- the provision for addressing any abnormal wear and tear to the highway;
- the details of consultation with local businesses or neighbours;
- the details of any other construction sites in the local area; and
- waste management proposals.

Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

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

Archaeology

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

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

Surface Water Drainage Network

- 5) Prior to the commencement of any development hereby approved, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall then be constructed as per the agreed drawings, and method statement, based on the Drainage Strategy Report Revision P03 (Prepared by: iD LTD, Reference: IDL/1126/DS/001, Dated: 25 April 2024) and the Drawings at

Appendix E of the Drainage Strategy Report (Overall Levels Plan, Drainage Plan, Drainage Area Plan, Infiltration Pond Details, Headwall and Swale Details and Drainage Details) and the scheme shall remain in perpetuity for the lifetime of the development. No alteration to the agreed drainage scheme shall occur without prior written approval of the Local Planning Authority.

Reason: To ensure that the development achieves the highest standards of sustainable drainage, in accordance with Policy WAT5 of the East Herts District Plan 2018.

Bridging of Existing Ditch

- 6) Prior to the commencement of any development hereby approved, full detailed drawings and supporting calculations shall be submitted to and approved in writing by the Local Planning Authority, which demonstrate how the road will be bridged across the existing ditch (at the access to the site) and will not increase flood risk elsewhere. All development shall be constructed in accordance with the submitted Flood Risk Assessment Rev A (Prepared by: Amazi, Reference: AMA893 Rev A, Dated: July 2023), this includes all new residential dwellings to have a finished floor level raised a minimum of 300mm above any flood level and 150mm above the surrounding proposed ground level.

Reason: To ensure flood risk is adequately addressed, in accordance with Policy WAT1 of the East Herts District Plan 2018.

Temporary Drainage Measures

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

Reason: To ensure flooding and risks of pollution are avoided during construction, in accordance with Policies WAT1, WAT2 and WAT3.

Sewage Pipes

- 8) Prior to the commencement of any development hereby approved, a scheme to agree sewage pipe work specifications in Source Protection Zone 1 shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the sewage pipework has been provided in full accordance with the approved details.

Reason: To ensure that the proposed foul water sewage system does not harm groundwater resources, in accordance with Policies WAT2 and WAT3 of the East Herts District Plan 2018.

Decommissioning of Boreholes

- 9) Prior to the commencement of any development hereby approved, 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. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the first occupation of any part of the development.

Reason: To ensure that the development does not contribute towards water pollution from mobilised contaminants, in accordance with Policies WAT2 and WAT3 of the East Herts District Plan 2018.

Levels

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

Reason: To ensure that the development makes appropriate use of existing land levels, as required by the Masterplan, in accordance with Policies HERT4 and DES4 of the East Herts District Plan 2018.

Broadband Connectivity

- 11) Prior to the commencement of any development hereby approved, 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 Policies ED3 and DES4 of the East Herts District Plan 2018 and the NPPF.

Site Waste Management Plan

- 12) Prior to the commencement of any development hereby approved, a Site Waste Management Plan (SWMP) for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste Planning Authority. The SWMP should aim to reduce the amount of waste being produced on site and should contain information including estimated and actual types and amounts of waste removed from the site and where that waste is being taken to. The development shall be carried out in full accordance with the approved SWMP. Reason: To ensure that measures are in place to minimise waste generation and maximise the on-site and off-site reuse and recycling of waste materials, in accordance with Policy 12 of the Hertfordshire Waste Core Strategy and Development Management Policies Development Plan Document 2012.

Construction Environmental Management Plan

- 13) Prior to the commencement of any development hereby approved, a Construction Environmental Management Plan (CEMP),

detailing how emissions with the potential to adversely impact the local air quality are to be mitigated throughout construction works, shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the CEMP shall include the recommendations contained within Table 5.5 of the submitted Air Quality Assessment Revision C (Prepared by: Create Consulting Engineers LTD, Reference: TR/VL/P23-2811/01 Rev C, Dated: February 2023). Works shall be carried out in accordance with the approved CEMP for the duration of the construction process.

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

Access Arrangements

- 14) Prior to the commencement of any development hereby approved, additional plans shall 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 Wadesmill Road access and associated highway works, as shown on approved drawing number: 21-0458 SK19 REVISION A. These works shall be constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction, and completed prior to commencement of the development on the application site.

Reason: To ensure safe vehicular access arrangements, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Visibility Splays

- 15) Prior to the commencement of any development on the application site hereby approved, visibility splays from the new vehicular access on Wadesmill Road measuring 2.4 metres X 124.8 metres to the south, and 2.4 metres X 180.4 metres to the north, shall be provided, as shown on approved drawing number: 21-0458 SK05. Thereafter, these visibility splays shall be maintained at all times free from any obstruction between 600 millimetres and 2 metres above the level of the adjacent highway carriageway.

Reason: To ensure safe vehicular access arrangements, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Materials

- 16) Prior to the commencement of any above ground construction works, details and specifications of all the external materials of construction and finishes for the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented, in accordance with the approved details.

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

Affordable Housing Layout

- 17) Prior to the commencement of any above ground construction works, details of the final internal layouts for the proposed affordable units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the affordable units shall be constructed, in full accordance with these approved details.

Reason: In the interests of providing high-quality affordable housing, in accordance with Policy HOU3 of the East Herts District Plan 2018.

Sustainable Design

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

- Energy efficient construction techniques;
- Energy efficient lighting and fittings;
- Services and controls;
- Efficient energy supply (including details of air source heat pumps);
- Water efficiency measures, which demonstrate compliance with the water consumption target of 110 litres, or less, per head, per day; and
- Compliance with the Future Homes Standard.

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

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

External Lighting

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

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

Cycleway/Footway/Toucan Crossing

- 20) Prior to the first occupation of the development hereby approved, additional plans shall 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 Wadesmill Road and Watermill Lane North, as shown on approved drawing numbers: 21-0458 SK09.1 REVISION E, 21-0458 SK18 REVISION A and 21-0458 SK19 REVISION A. This shall include, but is not limited to:

- A toucan crossing over Wadesmill Road to the south of the site;
- A new shared footway/cycleway connecting the toucan crossing along the western side of the Wadesmill Road carriageway to Restricted Byway Hertford 001;
- Widening of the existing footway on the eastern side of the Wadesmill Road carriageway and initial section of Watermill Lane North to shared footway/cycleway, connecting to the toucan crossing;
- Tightening the kerb radii of the Watermill Lane North junction onto Wademsill Road; and
- Introduction of central carriageway hatching and central traffic islands along Wadesmill Road to the north of Watermill Lane North.

These works shall be in place and constructed to the specification of the Highway Authority and to the Local Planning Authority's satisfaction prior to first occupation of the development.

Reason: To ensure the delivery of enhanced transport infrastructure that encourages sustainable modes of travel and ensure highways safety, in accordance with Policies TRA1 and TRA2 of the East Herts District 2018.

Internal Site Layout Details

21) Prior to the first occupation of the development hereby approved, additional plans and details of the internal site layout shall be submitted to and approved in writing by the Local Planning Authority which show:

- Copenhagen style crossovers at all side road junctions rather than bellmouths;
- A scheme outlining wayfinding measures within the application site that divert pedestrians away from the Wadesmill Road vehicular access, along with a clear and legible internal footpath running parallel to Wadesmill Road that links the site access to the byway;
- 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 600 millimetre and 2 metres 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; and
- Improvements to the byway upgrading this route to a total minimum width of 3 metres for its full length through the site, made up of a minimum 1.5m wide non-sealed path built using aggregate and a minimum 1.5m wide horse grass strip as an option for horse riders.

All these features shall be provided prior to first occupation of the development to the satisfaction of the Local Planning Authority and maintained in perpetuity.

Reason: To provide adequate visibility, to promote alternative modes of travel, and for the overall free and safe flow of all site users, in accordance with Policy TRA1 & TRA2 of the East Herts District Plan 2018.

Parking Spaces

- 22) Prior to the first occupation of any dwelling hereby approved, the parking spaces for that dwelling, as illustrated on approved drawing number: 21/001/011 REV PL13, shall be provided in full.
Reason: To ensure the provision of an appropriate level of parking spaces, in accordance with Policy TRA3 of the East Herts District Plan 2018.

Hard Surfaced Areas

- 23) Prior to the first occupation of the development hereby approved, all on site hard surfaced vehicular areas and pedestrian routes, including (but not limited to) internal access roads, forecourts, garages, carports, external parking spaces, footways, and footpaths shall be accessible, surfaced, marked out and fully completed, in accordance with approved drawing numbers: 21/001/011 REV PL13 and DUR1280-10 Rev C.
Reason: To ensure provision of hard surfaces within the development, in accordance with Policy TRA2 of the East Herts District Plan 2018.

Electric Vehicle Charging Points

- 24) Prior to the first occupation of the development hereby approved, details of the siting, type and specification of electric vehicle charging points (EVCPs), together with details of the energy sources and a management plan for the supply/maintenance of the EVCPs, shall be submitted to and approved in writing by the Local Planning Authority. All EVCPs shall be installed in accordance with the approved details and permanently maintained and retained thereafter. No dwelling shall be occupied until the EVCP serving that dwelling has been installed.
Reason: In the interests of promoting use of electric vehicles, in accordance with Policies DES4 and TRA1 of the East Herts District Plan 2018.

Cycle Parking

- 25) Prior to the first occupation of any dwelling hereby approved, the cycle parking facilities serving that dwelling, as illustrated on approved drawing numbers: 21/001/012 Rev PL12, 21/001/073 Rev PL01 and 21/001/074 Rev PL03, shall be provided in full. Thereafter, the cycle parking facilities shall be retained.

Reason: In the interests of promoting sustainable transport, in accordance with Policies TRA1 and TRA3 of the East Herts District Plan 2018.

Means of Enclosure

- 26) Prior to the first occupation of any dwelling or apartment blocks hereby approved, details of all means of enclosure, including gates, walls and fences, for the relevant dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development shall be implemented in accordance with the approved details. No dwelling shall be occupied until all the means of enclosure for the relevant dwelling or apartment blocks have been installed.

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

Refuse Stores

- 27) Prior to the first occupation of the relevant part of the development hereby approved, the refuse stores for the apartment blocks, as illustrated on approved drawing numbers: 21/001/011 PL13, 21/001/012 Rev PL12 and 21/007/074 Rev PL03, shall be provided in full. Thereafter, the refuse stores shall be retained.

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

Air Source Heat Pumps

- 28) Prior to the first occupation of the relevant parts of the development hereby approved, details of the specification and siting of the proposed air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the air source heat pumps

serving that dwelling have been installed, in line with the approved details.

Reason: To enable the Local Planning Authority to consider noise impacts from air source heat pumps and to secure the provision of renewable technologies, in accordance with Policies DES4, CC2 and EQ2 of the East Herts District Plan 2018.

Play Spaces

29) Prior to the first occupation of the development hereby approved, details of the proposed Locally Equipped Area for Play (LEAP) and Local Area for Play (LAP), providing a minimum area of 685 square metres, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

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

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

Landscaping

30) Prior to the first occupation of the development hereby approved, full landscaping details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

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

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

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

Native Tree and Shrub Buffer

31) Prior to the first occupation of the development hereby approved, a full detailed specification for the northern native tree and shrub buffer, as illustrated on approved drawing number: DUR1280-10 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Planting plan detailing schedule of plants, species, planting sizes and density of planting;
- An implementation timetable; and
- An ongoing maintenance programme for the buffer.

Thereafter, the northern native tree and shrub buffer shall be planted in accordance with the approved details and implementation timetable. This native tree and shrub buffer shall be retained in perpetuity, in accordance with the approved maintenance programme.

Reason: To ensure that the landscape buffer and the associated screening is provided and retained, in accordance with Policies DES2 and DES3 of the East Herts District Plan 2018.

Landscape Maintenance

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

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

Biodiversity Net Gain Plan and Landscape Environmental Plan

33) Prior to the first occupation of the development hereby approved, a Biodiversity Net Gain Plan and Landscape Environmental Management Plan (LEMP), informed by the Statutory Metric, shall be submitted to and approved in writing by the Local Planning

Authority. This Biodiversity Net Gain Plan and LEMP shall demonstrate that a biodiversity net gain would be achieved on the site and shall also include:

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

The development shall be implemented and retained in full accordance with the approved Biodiversity Net Gain Plan and LEMP. Reason: To ensure that a biodiversity net gain is delivered and habitats are appropriately managed, in accordance with Policies NE2 and NE3 of the East Herts District Plan 2018.

Ecological Enhancements

- 34) Prior to the first occupation of the development hereby approved, details of the ecological enhancements on the site, including bat boxes, bird boxes, swift boxes, bee bricks and hedgehog nest domes, as outlined in Section 6.2 of the Ecological Appraisal (Prepared by: Aspect Ecology, Reference: 6534 EcoAp vf2 /ES/LN/DS, Dated: 22 May 2024), shall be submitted to and approved in writing by the Local Planning Authority. No dwelling hereby approved shall be occupied until the approved details have been implemented in full.

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

Maintenance of Sustainable Drainage Scheme

- 35) Prior to the first occupation of the development hereby approved, details of the maintenance and management of the sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be

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

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

Reason: To ensure that flood risk is adequately addressed and the highest standards of sustainable drainage are achieved, in accordance with Policies WAT1 and WAT5 of East Herts District Plan 2018.

Verification of Surface Water Drainage System

- 36) Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development, a survey and verification report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved under condition 5. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that flood risk is adequately addressed and the highest standards of sustainable drainage are achieved, in

accordance with Policies WAT1 and WAT5 of East Herts District Plan 2018.

Accessible and Adaptable Dwellings

- 37) All the dwellings within the development (except for plot numbers: 1, 2, 5, 6, 7, 8, 11, 12, 80, 84 and 85, and those completed to M4(3) requirements) hereby approved shall be completed in full 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, in accordance with Policy HOU7 of the East Herts District Plan 2018.

Wheelchair User Dwellings

- 38) The dwellings hereby approved at plot numbers: 3, 4, 9, 10, 27 and 28 shall be completed in full 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.

Reason: To ensure that the proposed development is adequately accessible for future occupiers, in accordance with Policy HOU7 of the East Herts District Plan 2018.

Garage Use

- 39) The garages hereby approved shall be used for the housing of private vehicles solely for the benefit of the occupants of the dwelling and shall not be used as additional living accommodation or for any commercial activity.

Reason: To ensure the continued provision of off-street parking, in accordance with Policy TRA3 of the East Herts District Plan 2018.

Landscaping Implementation

- 40) All hard and soft landscape works shall be carried out in accordance with the approved details. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or

defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure the maintenance of landscaping, in accordance with Policy DES3 of the East Herts District Plan 2018.

Tree and Hedge Retention

- 41) All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.
Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Tree Protection Plan

- 42) The construction phase of the development shall be undertaken in full compliance with the Tree Protection Plan (TPP) (Drawing Number: 1870-KC-XX-YTREE-TPP01RevH).
Reason: To ensure adequate protection of trees during construction, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Protected Species and Wildlife Site Mitigation

43) The construction phase of the development shall be undertaken in full compliance with the mitigation measures outlined at paragraph 6.1 of the submitted Ecological Appraisal (Prepared by: Aspect Ecology, Reference: 6534 EcoAp vf1 rev B /ES/LN/DS, Dated: 22 May 2024).

Reason: To mitigate impacts on the nearby Local Wildlife Site and protected species, in accordance with Policies NE1 and NE3 of the East Herts District Plan (2018).

Previously Unidentified Contamination

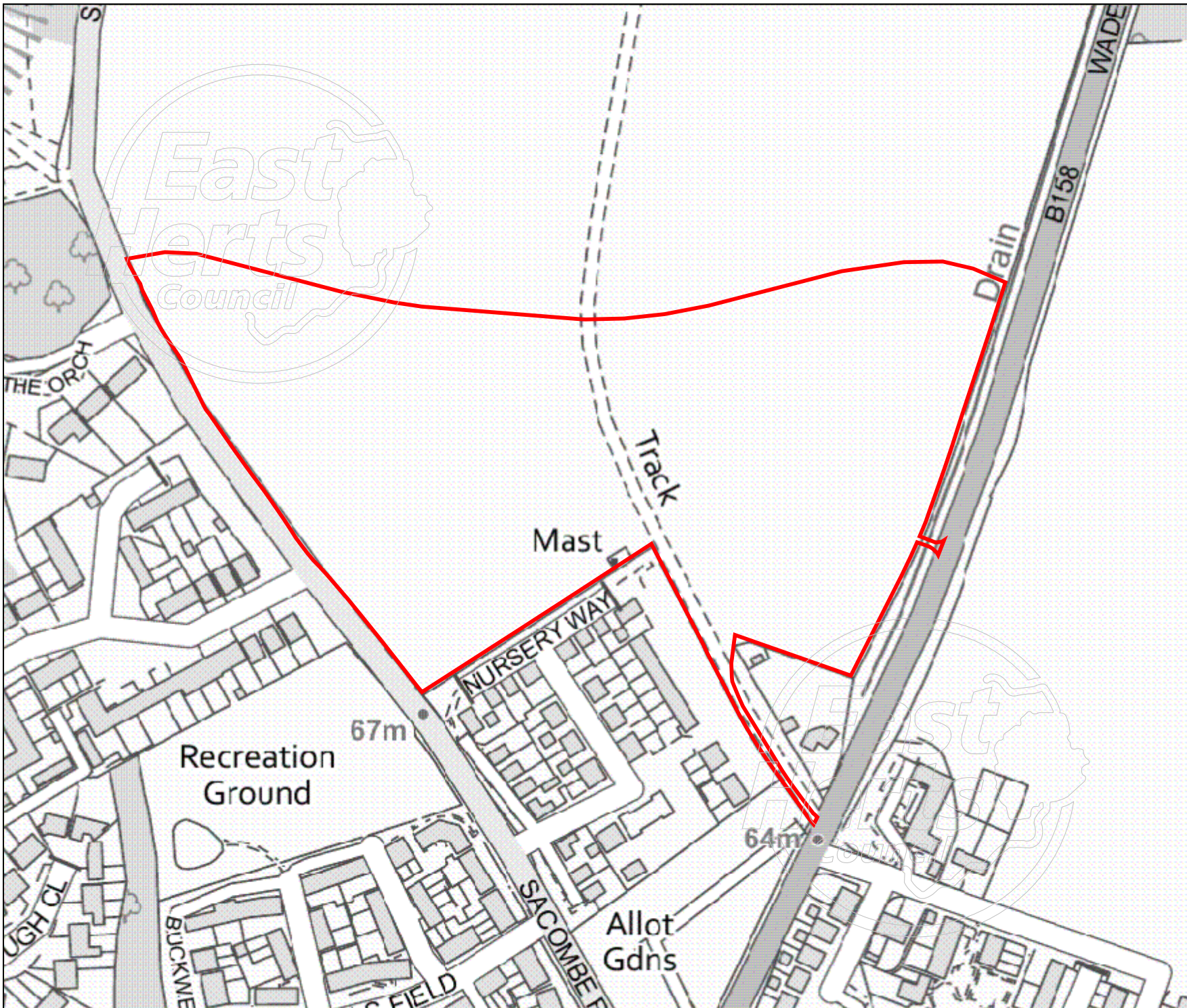
44) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with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

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

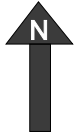
Piling or Intrusive Groundworks

45) Piling, deep foundations or other intrusive groundworks (investigation boreholes/tunnel shafts/ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority.

Reason: To ensure that the development does not harm groundwater resources, in accordance with Policies WAT2 and WAT3 of the East Herts District Plan 2018.




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East Herts Council
 Wallfields
 Pegs Lane
 Hertford SG13 8EQ

Tel: 01279 655261

 Site Boundary

ADDRESS
 Land West of Wadesmill Road
 Bengoe
 Hertford

PLAN TITLE
 Location Plan

SCALE
 1:2500@A4