

DEVELOPMENT MANAGEMENT COMMITTEE – 22 JANUARY 2025

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

Date of Registration of Application	27 th February 2024
Target Determination Date	31 st January 2025
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 the report.

1.0 Introduction

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

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

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

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

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

Summary of New Matters

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

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

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

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

2.0 Summary of Proposal and Main Issues

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

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

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

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

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

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

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

3.0 Site Description

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

4.0 Planning History

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

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

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

5.0 Main Policy Issues

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

6.0 Summary of Consultee Responses

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

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

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

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

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

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

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

7.0 Town/Parish Council / Councillor Representations

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

8.0 Summary of Other Representations

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

9.0 Consideration of Issues

Additional response from the NHS HWE ICB

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

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

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

Revised NPPF and WMS

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

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

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

Written Ministerial Statement (WMS)

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

Other relevant appeal decisions

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

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

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

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

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

Additional Transport Note

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

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

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

Other planning considerations

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

10 Updated Planning Balance and Conclusion

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

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

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

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

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

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

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

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

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

11 RECOMMENDATION

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

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

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

HCC Transport

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

EHDC contributions

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

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

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

NHS Healthcare

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

Non Financial obligations

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

Section 106 Monitoring fees

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

HCC Monitoring fee

Conditions

Time Limit (phase 1 medical centre)

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

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

No commencement until reserved matters approved

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

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

Submission of reserved matters

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

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

Commencement within 2 years (reserved matters)

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

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

Approved Plans

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

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

Scope of development

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

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

Delivery of medical centre

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

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

Pre-commencement

Phasing plan

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

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

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

Design Code

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

1. Design

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

2. Reporting of the Design Code Testing process including how the outcomes have informed the final Design Code.

3. Design Code Compliance Checklist.

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

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

Construction Traffic Management Plan

10. Prior to the commencement of all phases of the development hereby approved, a 'Construction Traffic Management Plan' shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The 'Construction Traffic Management Plan' shall set out: the phasing of construction and proposed construction programme; the methods for accessing the site, including wider construction vehicle routing; the numbers of daily construction vehicles including details of their sizes, at each phase of the development; the hours of operation and construction vehicle movements; details of any highway works necessary to enable construction to take place; details of construction vehicle parking, turning and loading/unloading arrangements clear of the public highway; details of any hoardings; details of how the safety of existing public highway users and existing public right of way users will be maintained; management of traffic to reduce congestion; control of dirt and dust on the public highway, including details of the location and methods to wash construction vehicle wheels; the provision for addressing any abnormal wear and tear to the highway; the details of consultation with local businesses or neighbours; the details of any other construction sites in the local area; and waste management proposals. Thereafter, the construction phase of the development shall only be carried out in accordance with the approved Construction Traffic Management Plan.

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

Phase II ground investigation report / remediation scheme

11. No development within in each phase of development shall commence until the following are submitted to and approved by the local planning authority: 1) Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report shall include a detailed quantitative human health and environmental risk assessment. 2) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined. The relevant phase of development shall thereafter be undertaken in accordance with these approved details.

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

Archaeology

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

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

Detailed design of surface water drainage scheme for Medical Centre

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

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

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

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

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

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

or

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

and

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

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

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

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

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

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

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

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

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

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

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

SUDS phase plan

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

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

Interim drainage measures

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

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

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

Details of alteration to watercourses

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

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

Broadband Connectivity

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

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

Reason: In order to ensure the provision of appropriate infrastructure to support the future sustainability of the development, in accordance with Policies ED3 and DES4 of the East Herts District Plan 2018 and the NPPF.

Site Waste Management Plan

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

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

Construction Environmental Management Plan

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

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

Surface water drainage away from the highway

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

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

Materials

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

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

Sustainable Design

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

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

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

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

Off site highway works

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

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

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

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

Rights of Way

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

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

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

On-Site Highway Design

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

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

Prior to Occupation / commencement of the use

Traffic Regulation Order

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

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

Maintenance and management of SUDS

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

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

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

SUDS verification report

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

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

External Lighting

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

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

Ground contamination validation report

31. Prior to first occupation / use of each phase of development the following shall be submitted and approved by the local planning authority: A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to and approved by the Local Planning Authority prior to [first occupation of the development/the development being brought into use]. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

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

Parking Spaces

32. Prior to first occupation use of each phase of the hereby approved development, details of car / cycle parking provision for each phase, which shall have regard to the Councils Vehicle Parking SPD shall be submitted for approval by the local planning authority. The approved vehicle parking shall thereafter be implemented prior to first occupation, retained, and maintained in full accordance with the approved details.

Reason: In order to promote sustainable transport and reduce environmental impacts in the District in accordance with Policy TRA1 Sustainable Transport, EQ4 Air Quality, DES4 Design of Development of the adopted East Herts District Plan 2018 and the East Herts Vehicle Parking Standards SPD 2007.

Electric Vehicle Charging Points

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

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

Refuse Stores

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

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

Foul drainage capacity

35. No development shall be occupied until confirmation has been provided that either:- 1. Foul water Capacity exists off site to serve the development, or 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or 3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

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

Play Spaces

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

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

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

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

Landscaping

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

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

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

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

Landscape Maintenance

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

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

Biodiversity Net Gain Plan and Landscape Environmental Plan

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

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

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

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

Ecological Enhancements

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

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

Footpath connections

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

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

Reserved matters mix of unit sizes

42. Concurrent with the submission of reserved matters for each following phase (excluding phase 1), the housing mix for that phase shall be submitted to and agreed in writing with the local planning authority. This shall include a schedule of the mix of house types and sizes to be provided within the reserved matters, which shall take account of the latest Strategic Housing Market Assessment and any additional up-to-date evidence, unless otherwise agreed. The approved details shall be adhered to in the reserved matters applications submitted for that Phase.

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

Travel Plan Statement

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

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

Fire Hydrants

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

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

BREEAM post construction stage assessment

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

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

Noise mitigation measures

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

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

Medical centre cycle parking

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

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

Compliance Conditions

Active travel route along southern site boundary

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

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

Accessible and Adaptable Dwellings

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

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

Wheelchair User Dwellings

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

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

NDSS

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

Reason: To ensure that reasonable living conditions for future occupiers

Checklist against Buntingford Neighbourhood Plan Design Code

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

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

Landscaping Implementation

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

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

Tree and Hedge Retention

54. All existing trees and hedges shall be retained, unless shown on the approved drawings as being removed. All trees and hedges on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority, in accordance with BS5837: 2012 Trees in relation to design, demolition and construction, or any subsequent relevant British Standard, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the event that trees or hedging become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree or hedging dies or is removed without the prior consent of the Local Planning

Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedges, in accordance with Policies DES3 and NE3 of the East Herts District Plan 2018.

Tree Protection Plan

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

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

Previously Unidentified Contamination

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

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

Hours of construction

57. No plant or machinery shall be operated on the site during the construction phase of the development hereby permitted before 0730hrs on Monday to Saturday, nor after 1800hrs on weekdays and 1300hrs on Saturdays, nor at any time on Sundays or bank holidays.

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

Residential Cycle Parking in accordance with HCC design Guide

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

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

Informatives

Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Waters Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk Application forms should be completed on line via www.thameswater.co.uk Please refer to the Wholesale; Business customers; Groundwater discharges section.

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

AN1) Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made-up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

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

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

AN3) Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

AN4) Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application [access to medical centre and active travel links] as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

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

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

on the County Council's website at:

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

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

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

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

travelplans@hertfordshire.gov.uk