

East Herts Council: Development Management Committee**Date: 13 November 2024****Summary of additional representations received after completion of reports submitted to the committee, but received by 5pm on the date of the meeting.**

Agenda No	Summary of representations	Officer comments
5a 3/24/0294/OUT – Land north of Hare Street Road, Buntingford	<p>Comment received from CPRE (Hertfordshire) raising objections to the application which are summarised as follows:</p> <ul style="list-style-type: none"> • The Hare Street Road application and its context are very different from the Vistry application, and this appeal decision does not represent a precedent for determination of the current application. • 5-year housing land supply shortfall is relatively small and will be met by other windfall sites. As such this issue would not outweigh adverse impacts of encroachment beyond the settlement boundary. • Encroachment beyond the settlement boundary is clearly a material consideration 	<p>Officers position with regard to the 5YHLS, the relevance of the appeal decision on land east of the A10, Buntingford, and the planning balance with regard the benefits / harms of the proposals are as set out in the committee report.</p> <p>For the reasons outlined in the committee report Officers do not agree with the weighting attributed by CPRE to the planning considerations discussed in their comments.</p> <p>Other concerns raised with regard to the location of the medical centre, loss of agricultural land and concerns over drainage</p>

	<p>as the proposals would be contrary to policy GBR2.</p> <ul style="list-style-type: none"> • Landscape impacts and intrusion upon the Ribb Valley setting are greater at this site in comparison with the Vistry application, resulting in moderate adverse harm in the longer term, which cannot be fully mitigated. • Loss of Best Most Versatile agricultural land. • The medical centre should be located in an alternative location better served by public transport. • Significant concerns with regard to sewerage / drainage 	<p>are also addressed within the committee report.</p>
<p>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>	<p>A Further comment has been received from Sawbridgeworth Swifts Group that condition 40 (biodiversity enhancements) should be amended to require submission of details of swift boxes prior to commencement to ensure they can be integrated into the development.</p>	<p>Government guidance to Local Planning Authorities is that use of pre-commencement conditions should be minimised and only required if necessary. The current wording of condition 40 requires submission of details ‘prior to occupation’ which would allow for a range of construction works to take place before the condition should be discharged but would still allow for detailed to be secured of</p>

		integrated biodiversity features. As such changing the trigger point to 'prior to commencement' is not considered justified.
--	--	--

Table of errata and updates to reports submitted to Committee.

Agenda No	Paragraph No	Updates
5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford	6.7	Paragraph 6.7 amended as follows due to error: <i>"Application can be determined with no Ecology Objections. BNG information is sufficient for determination, showing a 13.02% Hedgerow Net Gain which exceeds requirements and there is no reason to believe that the Biodiversity Net Gain Condition will not be met".</i>
5a	9.36	Paragraph 9.36 amended as follows due to error:

<p>3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>		<p><i>In addition separate legislation requires that water companies such as Thames Water have a duty to accept connections from new developments to the wastewater drainage network, but water companies can require developers to make contributions to increase capacity if required. A condition is proposed requiring liaison between the applicant and Thames Water regarding any mitigation measures if required. As such officers do not consider that the foul drainage strategy is acceptable and that there are no any grounds for refusal of the planning application in relation to this issue.</i></p>
<p>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>	<p>9.39</p>	<p>Paragraph 9.39 amended as follows due to error: <i>"The HCC ecology team initially raised some queries with regard to the submitted information but have now confirmed that the submitted Ecology Report and BNG metric are supported and will be secured by the Standard BNG condition securing a 2013% BNG. A further condition is proposed to secure biodiversity enhancements such as bird and bat boxes to the proposed buildings. As such the proposals would accord with policies NE1, NE2 and N3 of the District Plan. Provision of areas of open / green space alongside a BNG of 2013% are considered to a benefit of limited positive weight within the planning balance".</i></p>
<p>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>	<p>Table following para 10.6</p>	<p>Planning Balance table row on BNG amended as follows due to error: <i>"Provision of new green space with a Biodiversity Net Gain of 2013%".</i></p>

<p>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>	<p>Condition 7</p>	<p>Condition 7 amended to read as follows: 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.</p>
<p>5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford</p>	<p>Condition 17</p>	<p>Condition 17 amended as follows: <i>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 that they are easily maintainable and accessible. The details shall include long sections and cross sections of the</i></p>

		<p><i>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. a detailed maintenance and management plan for all watercourses on site shall be submitted to and approved in writing by the Local Planning Authority and adhered to for the lifetime of the development.</i></p> <p><i>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.</i></p>
	<p>Condition 25</p>	<p>Condition 25 wording amended as follows:</p> <p><i>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.</i></p> <p><i>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. to the written satisfaction of the Local Planning Authority.</i></p>

		<i>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).</i>
	Condition 27	<p>Condition 27 amended as follows: <i>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. Such scheme will need to be submitted to and approved in writing to the satisfaction of the HCC Speed Management Strategy Group.</i></p> <p><i>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).</i></p>
	Condition 41	<p>Condition 41 amended as follows: <i>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 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</i></p>

		<i>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.</i>
5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford	11.1	Additional head of term to S106 agreement: <i>"CAVAT assessment of highways trees to be undertaken with associated tree planting compensation or financial contribution".</i>
5a 3/24/0294/OU T – Land north of Hare Street Road, Buntingford	11.1	Additional head of term to S106 agreement: <i>"Medical centre to be delivered in conjunction with first phase of residential development".</i>